

Volusia Growth Management Commission

**MEETING MINUTES FOR
REGULAR MEETING HELD
Wednesday, May 28, 2014**

County Council Chambers Conference Room
Thomas C. Kelly Administration Center
123 W. Indiana Avenue
DeLand, FL

MEMBERS PRESENT

Gerald Brandon, Chairman
James Wachtel, Vice Chairman
Roger Sonnenfeld, Secretary
Richard Walton
Jack Lenzen
Timothy Bustos
Sandy Lou Gallagher
Loretta Arthur
Robert Lovelace
Robert Storke
Debbie Connors
Richard Kane
Glyn Slay
Sandra Walters

REPRESENTING

Ormond Beach
Volusia County
Lake Helen
Daytona Beach
DeBary
DeLand
Deltona
Holly Hill
New Smyrna Beach
Orange City
Port Orange
South Daytona
Volusia County
Volusia County

MEMBERS NOT PRESENT

Don Romanik
Kenneth Kuhar
Douglas deLeon

Ponce Inlet
Volusia County
Volusia County

NON-VOTING MEMBERS

Sara Lee Morrissey (not present)
Steven Fitzgibbons (not present)

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

Paul Chipok, GrayRobinson, General Counsel
Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chairman Gerald Brandon called the meeting to order at 7:08 p.m.

ROLL CALL

Roll call was taken and it was determined there was a quorum present. Chairman Brandon introduced newly appointed member Loretta Arthur representing Holly Hill. He also announced three recent member reappointments: Roger Sonnefeld, Lake Helen; Bob Storke, Orange City; and Debbie Connors, Port Orange. In addition, St. Johns River Water Management District representative Cathy Foerster has been replaced by Steve Fitzgibbons.

CITIZEN COMMENTS

There were no citizens present who wished to speak.

APPROVAL OF MINUTES

Debbie Connors made a motion to approve the minutes of the regular meeting held on March 26, 2014 as presented; seconded by Sandy Gallagher. The motion carried unanimously.

PUBLIC HEARING

There were no items scheduled for public hearing.

REPORT FROM PLANNING CONSULTANT

Chairman Brandon presented a brief update on the status of the Farmton application as provided by VGMC planner, Jim Sellen. Mr. Brandon stated there were several preliminary submittals to the various reviewing agencies prior to the Master DRI and Development Order being submitted to the VGMC for consistency certification by the County. Jim Sellen has been involved in each step of the review process and he recently met with VGMC legal counsel Paul Chipok to go over his findings and recommendations. As a result of their discussion, they agreed there were still areas of question and as a result, a Request for Additional Information (RAI) was issued and sent to the County on May 27, 2014. Depending upon the response to the RAI, a public hearing may be scheduled at the July 23rd regular meeting of the VGMC. If a public hearing is necessary, Mr. Sellen suggested possibly scheduling a workshop to discuss the project in advance at the June 25th regular meeting.

Mr. Brandon also reported that the application is still presently under review and Monday, June 2, 2014 is the last day for adjacent jurisdictions or other affected parties to file a petition for hearing. To date, we have received correspondence from the cities of Edgewater and Deltona with no objections to the application.

Mr. Brandon asked Mr. Chipok if there was anything he wished to add. Mr. Chipok confirmed he had met with Mr. Sellen and there were a couple of questions concerning the application. He stated he spoke with the Assistant County Attorney and our comments were consistent with other comments the County had received. Mr. Chipok and Mr. Sellen will be meeting with the County to further discuss the comments. Mr. Brandon asked Mr. Chipok if there are no objections from adjacent jurisdictions or other affected parties, and if the County responds sufficiently to the RAI, then there would be no need for a public hearing. Mr. Chipok responded affirmatively, stating if that were the case the application could be certified by letter.

Mr. Walton asked who the applicant was. Mr. Chipok responded the County is the applicant to the VGMC, and Farmton/Miami Corporation is the applicant to the County. Mr. Chipok further explained the Master DRI that is currently under review sets the stage for what is required for the incremental DRI's which will come in. The incremental DRI's are the mechanisms which will put the conditions and parameters in place when it moves forward.

REPORT FROM LEGAL COUNSEL

No legal report at this time.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith provided a brief update to the pending case log since its distribution with the agenda package. She reported that VGMC Case Nos. 14-016 & 14-017 have been letter certified; 14-018 & 14-019 are ready for certification; 14-021 is still under review; and that four new applications have been received.

REPORTS OF COMMISSION CHAIRMAN

No report at this time.

REPORTS OF COMMITTEES

POP Committee Report: James Wachtel, Chairman of the POP Committee, reported that we received four proposals in response to the Request for Statement of Qualifications (RSQ) for contract planning services. The proposals were open by Mr. Wachtel & Ms. Smith and copies have been distributed to the committee members. He stated all of the proposals appeared to be compliant with the submittal requirements and a committee meeting is being scheduled to review the proposals.

Budget Report: Roger Sonnenfeld, Chairman of the Budget Committee, reported the committee met immediately prior to the regular meeting. Mr. Sonnenfeld stated the committee reviewed the current fiscal YTD budget expenses, noting the negative budget balance in retirement which is attributed to nearly \$9,000 billed by the State for penalties and late fees associated with the required retroactive retirement contributions. He stated the County Budget office has recommended we leave it as a negative number until budget year end and make the necessary

adjustments at that time. Mr. Sonnenfeld also stated there was mention made that when we originally spoke to the County concerning the change in status of the staff position becoming a County employee, the County inferred the costs would come out of the County's general fund. The committee felt it would not be worth pursuing action in terms of trying to get those funds from the general fund, particularly since we expect a considerable surplus in the contract services budget. He stated the remainder of the budget appears to be in line.

There were no questions from the commission members.

OLD BUSINESS

None

NEW BUSINESS

Consider Recommendation from Budget Committee Relating to the 2014-15 Proposed Budget

Mr. Sonnenfeld stated the committee reviewed a request from the County Budget office that the VGMC budget, along with all County government budgets, remain flat with regards to the prior year budget. In that request, they suggested VGMC consider eliminating the \$25,000 litigation contingency and reduce our contract services budget by \$16,300, which would achieve the goal of keeping the operating budget flat. Mr. Sonnenfeld stated the committee felt the commission has foundation, in the form of estimates from staff, to justify the original requested contract services budget. He stated the committee is recommending, in the form of a motion and second, that the commission approve deleting the \$25,000 litigation contingency from the 2014-15 proposed budget, and keep the remaining budget as originally approved by the VGMC. Mr. Sonnenfeld stated this would maintain the \$16,300 in contract services which the commission originally allocated based upon the estimates provided by our contract staff.

Mr. Walton stated in past years, the County just went ahead and cut the \$25,000 litigation. He asked how the request came to us. Mr. Sonnenfeld responded that the County hadn't gotten to the point of cutting it out yet, and in order to achieve a flat budget, they requested the elimination of the \$25,000 along with the \$16,300 reduction in contract services.

Chairman Brandon called the question on the motion to approve deleting the \$25,000 litigation contingency from the 2014-15 proposed budget, and keep the remaining budget as originally approved by the VGMC. The motion carried unanimously.

COMMISSIONER REQUESTS OR REMARKS

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:30 p.m.



Attest: Secretary



Chairman