

Volusia Growth Management Commission Meeting

MINUTES FOR MEETING HELD Wednesday, July 23, 2014

Thomas C. Kelly Administration Center
Frank T. Bruno Jr. County Council Chambers
123 W. Indiana Avenue
DeLand, FL

MEMBERS PRESENT

Gerald Brandon, Chairman
James Wachtel, Vice Chairman
Roger Sonnenfeld, Secretary
Sandy Lou Gallagher
Robert Lovelace
Robert Storke
Don Romanik
Debbie Connors
Douglas deLeon
Kenneth Kuhar
Glyn Slay

REPRESENTING

Ormond Beach
Volusia County
Lake Helen
Deltona
New Smyrna Beach
Orange City
Ponce Inlet
Port Orange
Volusia County
Volusia County
Volusia County

MEMBERS NOT PRESENT

Richard Walton
Loretta Arthur
Richard Kane
Sandra Walters

Daytona Beach
Holly Hill
South Daytona
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
Barry Wilcox, Miller Legg, Planning Consultant
Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chairman Gerald Brandon called the meeting to order at 7:05 p.m.

ROLL CALL

Roll call was taken and it was determined there was a quorum present.

Chairman Brandon announced the resignation of City of Deland member Timothy Bustos who is relocating, as well as City of DeBary member Jack Lenzen who is currently running for a political office.

Chairman Brandon also announced that VGMC's planning consultant Barry Wilcox has resigned from his position with Miller Legg to accept a position with the City of Tallahassee and this would likely be his last meeting with the VGMC. Mr. Brandon commented that Mr. Wilcox will certainly be missed.

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 May 28, 2014 regular meeting of the commission as presented; seconded by Glyn Slay. Motion carried unanimously.

PUBLIC HEARING

There were no items scheduled for public hearing.

REPORT FROM PLANNING CONSULTANT

Barry Wilcox, VGMC Planning Consultant, addressed the commission relating to VGMC #14-024, City of Orange City large scale amendment application. Mr. Wilcox explained the application contained two items, the first was a series of map amendments that encompassed 27 properties totaling approximately 75 acres, and the second part related to text amendments. He stated the City requested the amendment package be split so the map amendments were considered separate from the text amendments. With no concerns identified with respect to the map amendments, Mr. Wilcox stated his recommendation was to approve the map amendments by letter certification which has been issued and signed by the VGMC Chairman.

With respect to the text amendments, Mr. Wilcox explained it deals with properties that are being annexed into to the City. He stated that when a property is annexed into the City, the land use designation has to be changed from a County land use designation to a City land use designation. This requires map amendments which can sometimes be a lengthy and costly process. Mr. Wilcox explained the City is seeking to create a policy so that when a property is annexed, the City will assign it a land use designation that most closely resembles the current County land use designation. This type of proposed policy would allow the City to assign the land use designation without going through the map amendment process.

Mr. Wilcox stated that would be fine if the City were able to reach an agreement with the County, however even then, State Statutes do not allow for that. He explained the State Statutes require if you amend the future land use map, you must go through the map amendment process. Since submitting the amendment package to the State, the City has received correspondence from them indicating that they would be in violation of State Statutes.

Mr. Wilcox reported the County did comment on the text amendments and the VGMC adopted those comments in their Request for Additional Information (RAI). He stated the City responded to the RAI and the County's position with respect to their response is unknown at this time. He added that may be a moot point based upon the State's position at this time. Currently, the City of Orange City is trying to work out the details with the Department of Economic Opportunity (DEO) and we are awaiting further information. We presently have through the end of August for the VGMC to take final action on the application. If it does not appear that the City will be ready to move forward by then, they will request a waiver of the 90 day rule so that they continue their discussions with DEO.

Mr. Chipok added that if the City requests a waiver of the 90 day rule, our rules permit the first extension to be issued administratively by the Chairman upon request by the City. Any further requests for extension must come before the full commission. Mr. Sonnenfeld asked how long the time would be extended if the City were to ask for a waiver. Ms. Smith responded that it would be for an additional 90 days.

REPORT FROM LEGAL COUNSEL

Paul Chipok, VGMC General Counsel, provided an update on the County's Farmton application, VGMC #14-020. Mr. Chipok explained that the original Farmton comprehensive plan amendment application was conditionally approved by VGMC Resolution #2010-04. The conditions require that the project would have to be developed as a Master Development of Regional Impact (MDRI) Development Order, with subsequent interim DRI Development Orders which would bring forward the details of the individual development pods.

Mr. Chipok stated under the current application, VGMC #14-020, the County has brought forward the Master DRI. He explained this MDRI does not allow them to begin developing the property, but rather sets the stage for how the subsequent DRI's will come forward and the criteria they will have to meet. Mr. Chipok stated the application was reviewed by VGMC's planning consultant Jim Sellen and a Request for Additional Information (RAI) was issued. He stated VGMC staff got together with the County and the County responded sufficiently to the questions raised in the RAI. Mr. Chipok stated the project was also subject to review by the East Central Florida Regional Planning Council (ECFRPC). The ECFRPC prepared a staff report which addressed the issues VGMC staff had concerns with. In addition, there was a public hearing held by the ECFRPC on the overall Development Order for the DRI, including the issues VGMC staff was concerned with, and everything was approved at the public hearing.

Based upon that information, Mr. Sellen's recommendation was to approve the County's Farmton application, VGMC #14-020, by letter certification which has been issued and signed by the VGMC Chairman.

Chairman Brandon commended Mr. Chipok and Mr. Sellen for the work they've done on this project. Mr. Chipok stated the next step is for the MDRI to go back to the County Council for adoption of the Development Order.

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 the City of New Smyrna Beach small scale amendment application is nearly ready for certification, and the City of Deland application remains under review.

REPORTS OF COMMISSION CHAIRMAN

No report at this time.

REPORTS OF COMMITTEES

POP Committee Report: James Wachtel, Chairman of the POP Committee, reported the committee met immediately prior to the regular meeting to primarily discuss the Miller Legg contract as a result of the resignation of Mr. Wilcox. He stated that Miller Legg has proposed Wesley Hoaglund to replace Mr. Wilcox as the project manager. Mr. Hoaglund was invited to attend the POP Committee meeting, however, he was out of town attending a funeral and unable to attend our meeting.

With the pending Orange City application and the expectation that a planning report from Miller Legg will be necessary for a public hearing at the August meeting, Mr. Wachtel stated the POP Committee is recommending the VGMC accept Mr. Hoaglund, based upon his resume, as the project manager under the Miller Legg contract. He also stated the committee is attempting to schedule an interview with Mr. Hoaglund within the next couple of weeks.

The recommendation from the POP Committee to accept Mr. Hoaglund as the project manager under the Miller Legg contract comes to the VGMC in the form of a motion and second. The motion carried unanimously.

Mr. Wachtel discussed the procedure review process the commission undertook several years ago relating to the consistency rules and regulations. He reported that some of the original recommended changes were adopted by the County Council and others were not. He stated the POP Committee will be revisiting the rules to determine if additional amendments are needed.

Mr. Wachtel provided an update on the pending RSQ #14-01 for contract planning services. He reported the committee has gone through the interview/selection process and VHB was ranked first. He stated the committee will begin contract negotiations with VHB and will bring their recommendation to the commission at the August meeting.

Budget Report: Roger Sonnenfeld, Chairman of the Budget Committee, provided an update on the 2013-14 YTD budget expenses. He explained additional money has been moved from the

contract services budget to cover expenses in personal services relating to the change in status of the Operations Manager position as a County employee. The majority of the expenses are attributed to retirement and the retroactive contributions required. In total, Mr. Sonnenfeld reported \$29,691 has been moved from contract services, where we currently have a vast surplus of funds, to the personal services accounts to cover the unbudgeted expenses. He stated no additional transfers are anticipated.

Mr. Sonnenfeld also reported that legal ad expenses are currently at approximately 84% of budget, however, there is available money in other line items within the operating budget to cover any overage. Overall, Mr. Sonnenfeld reported the VGMC is in good shape with respect to the 2013-14 budget.

There were no questions from the commission members.

OLD BUSINESS

None

NEW BUSINESS

Mr. Lovelace asked for clarification with respect to the marked up versions of the VGMC rules that were distributed to POP Committee members at their earlier meeting. It was stated that the items shown in blue represent added text and those in red are deletions. Mr. Chipok also clarified that the draft dated 10/1/09 was approved by the VGMC but rejected by the County. The procedures were then revised to address some of the original administrative issues, and those changes are reflected in the version which shows the changes as adopted by the County Council on October 4, 2012.

COMMISSIONER REQUESTS OR REMARKS

Ms. Smith thanked Mr. Wilcox for the work he has done over the past seven years and wished him and his family well in their move to Tallahassee.

Chairman Brandon invited all those in attendance to enjoy cake in the conference room in honor of Mr. Wilcox's service to the VGMC.

ADJOURNMENT

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



Attest: Secretary



Chairman