

Volusia Growth Management Commission

MEETING MINUTES FOR  
REGULAR MEETING HELD  
Wednesday, August 22, 2012

City of Daytona Beach  
Commission Chambers  
301 S. Ridgewood Avenue  
Daytona Beach, FL

MEMBERS PRESENT

Steve Katz, Chairman  
Gerald Brandon, Vice Chairman  
Richard Walton  
Carla Page  
Jack Lenzen  
Sandy Lou Gallagher (Excused)  
Jack Hayman  
John Heaphy  
Roger Sonnenfeld (Excused)  
Kenneth Bohannon  
Robert Storke  
Don Romanik  
Debbie Connors  
Joan Spinney  
James Wachtel  
Kenneth Kuhar  
David Michael Halpin

REPRESENTING

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

NON-VOTING MEMBERS

Sara Lee Morrissey  
Cathy Foerster (not present)

REPRESENTING

Volusia Co. School Board  
SJRWMD

OTHERS PRESENT

Paul Chipok, GrayRobinson, General Counsel  
Merry Chris Smith, VGMC Coordinator

CALL TO ORDER

VGMC Chairman Steven Katz called the meeting to order at 7:00 p.m. Chairman Katz introduced three new members of the Commission: Jack Lenzen, City of DeBary; Jack Hayman, City of Edgewater; and Kenneth Bohannon, City of New Smyrna Beach.

### ROLL CALL

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

### APPROVAL OF REVISED AGENDA

Gerald Brandon made a motion to approve the revised agenda; seconded by Robert Storke. Motion carried unanimously.

### APPROVAL OF MINUTES

Debbie Connors made a motion to approve the minutes of the regular meeting held on March 28, 2012 as presented; seconded by Robert Storke. Commissioner Bohannon noted the minutes reflect that several of the members had met outside the course of a normal meeting. Chairman Katz confirmed the meetings were publicly noticed. Mr. Bohannon suggested the minutes be corrected to reflect that. Debbie Connors amended her motion to approve the minutes with a correction to page 2, under Reports of Commission Chairman, to reflect that the officers had met on two occasions at publicly noticed meetings; seconded by Robert Storke. The motion, as amended, was unanimously approved.

### REMARKS OF INTERESTED CITIZENS

There were no citizens present who wished to speak.

### REPORTS OF COMMISSION COORDINATOR

Ms. Smith reported that four of the cases on the pending case log provided with the agenda package had since been letter certified, and only two applications remain pending at this time. She also reminded the members that travel reimbursements will be submitted for processing at the conclusion of the fiscal year, September 30, 2012.

### REPORTS OF COMMISSION CHAIRMAN

Chairman Katz reported that after receiving notification the annual premium of the Commission's liability insurance was scheduled to increase significantly at renewal, we had discussions with the County who advised that the VGMC would be covered under the County's liability insurance beginning with the start of the new fiscal year. As a result, the VGMC will no longer have to purchase a separate policy for liability coverage. Chairman Katz also stated the annual lease for the VGMC office was recently renewed for the new fiscal year and there was no increase in rent. He also stated all invoices are current.

### REPORTS OF COMMITTEES

Budget Report – Ms. Smith reported the latest budget worksheet provided with the agenda package shows VGMC’s expenses at approximately 25% of the approved budget. Based on anticipated expenses through the balance of the fiscal year, she stated the VGMC should conclude this year well below budget.

#### NEW BUSINESS

##### Consideration of VGMC Resolution #2012-02, Amendments to the Volusia Growth Management Consistency Certification Rules:

POP Committee Chairman Gerald Brandon reported the POP Committee had met on many occasions to arrive at the current recommended changes. He asked if any of the members had questions relating to the proposed changes. With no questions or comments from the Commission, Mr. Brandon stated the POP Committee recommendation to approve Resolution #2012-02 as presented serves as a motion and second for consideration by the full Commission. The motion carried on a 14-1 vote, with Commissioner Spinney voting in opposition.

##### Consideration of VGMC Resolution #2012-03, Amendments to the Volusia Growth Management Rules of Procedure:

Mr. Brandon stated the POP Committee recommendation to approve Resolution #2012-03 as presented serves as a motion and second for consideration by the full Commission, and he asked if the Commission members had any questions. Commissioner Bohannon raised a question regarding the removal of the membership language in Article V. Chairman Katz stated that section has been moved to the Consistency Certification Rules. Mr. Bohannon also raised concern with the wording in Article VI, Section 5, Committee Authority. He stated the way it reads is that you bypass the vote of the full Commission rather than calling the question after a proper motion and second from the committee, and he suggested modifying the language for further clarification. Chairman Katz stated he felt the language proposed by the POP Commission is sufficient. Mr. Chipok, VGMC General Counsel, commented that he did not feel the language proposed by the POP Committee is overly ambiguous.

The motion and second from the POP Committee to approve Resolution #2012-03 as presented carried on a 13-2 vote, with Commissioners Spinney and Bohannon voting in opposition.

##### Election of Commission Secretary:

Chairman Katz stated the former Commission Secretary recently resigned as a member of the VGMC and a new Secretary needs to be elected. He also explained that pursuant to the Rules of Procedure, an officer is limited to serving two consecutive terms in the same office. Since the next regularly scheduled election of officers will occur in September or the first regular meeting thereafter, the member who is elected tonight to serve as the Secretary, will be limited to one additional term as Secretary at the next election.

James Wachtel moved to offer his name in nomination for VGMC Secretary; seconded by Robert Storke.

Jack Hayman moved to close nominations; seconded by Kenneth Bohannon. Motion to close nominations carried unanimously.

The motion to elect James Wachtel as Secretary of the VGMC carried unanimously.

REPORTS FROM STAFF

Mr. Chipok stated there were no legal updates at this time.

OTHER BUSINESS AND REQUESTS OF COMMISSION MEMBERS

Chairman Katz stated the next regular meeting will likely be held in November. He also thanked the POP Committee for all of their efforts relating to the rules review and that he would forward Resolution #2012-02 to the County and ask they schedule it for consideration as quickly as possible.

Commissioner Wachtel pointed out that once the amendments to the Consistency Certification Rules are approved by the County, the Commission no longer recognizes absences as excused and suggested each of the members understand the attendance requirements and the ramifications to missing meetings. Commissioner Hayman stated he had some difficulty with the removal of a member after three calendar year absences. Chairman Katz clarified that the rules do not prohibit a jurisdiction from appointing the same member who has been removed due to absences.

ADJOURNMENT

With there being no further business, Chairman Katz thanked the members for attending and the meeting was adjourned at 7:20 p.m.

  
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Attest: Secretary

  
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Chairman