

Volusia Growth Management Commission Meeting

MINUTES FOR
MEETING HELD
Wednesday, August 24, 2016

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

MEMBERS PRESENT

James Wachtel, Chairman
Gerald Brandon, Vice Chairman
Debbie Connors, Secretary
Rich Walton
Larry Saffer
Sid Vihlen, Jr.
Mary Swiderski
Sandy Lou Gallagher
Robert Lott
Loretta Arthur
Roger Sonnenfeld
Robert Lovelace
Mark McGee
Robert Storke
Don Romanik
Christy Gillis
John Meikle
Glyn Slay

REPRESENTING

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

MEMBERS NOT PRESENT

William Pouzar

Volusia County

NON-VOTING MEMBERS

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

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chairman James Wachtel called the meeting to order at 7:05 p.m. and welcomed everyone in attendance.

ROLL CALL

Roll call was taken and it was determined there was a quorum present. Chairman Wachtel introduced and welcomed Mary Swiderski who was recently appointed to the VGMC by the City of DeLand.

CITIZEN COMMENTS

There were no citizens present who wished to speak at this time.

APPROVAL OF MINUTES

Debbie Connors made a motion to approve the minutes of the March 23, 2016 regular meeting of the commission as presented; seconded by Robert Storke. Motion carried unanimously.

Debbie Connors made a motion to approve the minutes of the April 13, 2016 special meeting of the commission as presented; seconded by Loretta Arthur. Motion carried unanimously.

REPORT FROM PLANNING CONSULTANT

No report.

REPORT FROM LEGAL COUNSEL

No report.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith provided an update to the pending case log. She also informed the commission that the September 28th meeting of the VGMC will be held in the County Council Chambers in DeLand and not the 1st floor training room as was originally scheduled. Ms. Smith also stated that the VGMC application process has been working smoothly under the new rules, and that we've started copying VGMC members on applications involving their jurisdiction.

REPORTS OF COMMISSION CHAIRMAN

Chairman Wachtel reported that he, Jim Sellen, Chris Dougherty and Heather Ramos met with Becky Mendez and Dale Arrington, the Planning Director and City Manager respectively for the City of Orange City. He explained that historically the city has utilized a mixed use land use designation within the city, and impacts were not able to be determined at the time of the land use change. As a result, and through VGMC resolution, Mr. Wachtel stated the city is required to submit each planned development (PD) to the VGMC for review and consistency certification. This process is burdensome to the city and it is their desire to eliminate the requirement of submitting every application to the VGMC for review.

Mr. Wachtel stated since approval of the original VGMC resolution establishing the PD review requirement, the city has adopted policies and completed a transportation study which has established impacts. Currently, City staff and VGMC staff are looking at this together to see if the actions taken by the city addresses the VGMC planning concerns, and whether they could bring something back to the commission for consideration which would alleviate the requirement. Mr. Wachtel stated something may come back before the VGMC by the end of the year.

Commissioner Storke commented that the primary concern with the mixed use land use has been the inability to measure transportation impacts. He also stated that a Southwest Volusia Traffic Study has been completed which essentially included the entire southwest corner of Volusia County. Mr. Storke stated the study determined impacts and standards for development within this area, and he believes there is an interlocal agreement amongst several of the jurisdictions in that area relating to the transportation study.

REPORTS OF COMMITTEES

POP Committee Report - POP Committee Chairman Gerald Brandon deferred the POP report for discussion under New Business.

Budget Report

2015-16 Year to Date Expenses: Budget Committee Chair Debbie Connors stated that we are nearing the end of the fiscal year and are currently at 68% of budget. She also stated that we presently have a little more than \$6,000 in pending contract services invoices that are not included in the year-to-date expense worksheet, and overall the committee expects to complete the year well within budget.

2016-17 Proposed Budget Update: Ms. Connors stated after submitting the proposed budget to the County, they made very minor changes to the Personal Services accounts. Additionally, the County eliminated the \$25,000 litigation contingency as they historically do.

OLD BUSINESS

There was no old business for discussion.

NEW BUSINESS

Chairman Wachtel turned it over to Mr. Brandon to discuss the items scheduled.

POP Committee Chairman Gerald Brandon reported that the committee met immediately prior to the regular meeting and discussed renewal of each of the three staff contracts.

- 1) Consider renewal of GrayRobinson legal services contract for the 2016-17 fiscal year:

Mr. Brandon pointed out a proposed increase of \$25/hour for attorney fees raising the hourly rate to \$200/hour, and an increase of \$5/hour for paralegals raising the hourly rate to \$95/hour. He commented that this is only the third rate increase by GrayRobinson in all the years they've provided legal services, adding that these rates are still well below the average costs for legal services, and also below rates proposed by other legal firms when the contract has gone out to bid in the past.

Commissioner Arthur asked when the last time the legal contract was put out to bid. Mr. Brandon responded that each of the three staff contracts are generally put out to bid every three years. He added that when we've bid the legal contract out in the past, the going rate has generally been between \$350-\$375/hour for attorney fees.

Mr. Brandon stated the POP Committee recommends the commission approve the 2016-17 contract with GrayRobinson as proposed. The recommendation serves as a motion and second to the full commission. Following a roll call vote, the motion carried unanimously.

2) Consider renewal of Littlejohn planning services contract for the 2016-17 fiscal year:

Mr. Brandon pointed out a proposed increase of \$10/hour for the project manager raising the hourly rate to \$125/hour. He commented that this is a small increase and a reasonable rate for professional planning services.

Mr. Brandon stated the POP Committee recommends the commission approve the 2016-17 contract with Littlejohn as proposed. The recommendation serves as a motion and second to the full commission. Following a roll call vote, the motion carried unanimously.

3) Consider renewal of VHB planning services contract for the 2016-17 fiscal year:

Mr. Brandon stated that VHB has been providing planning services to the VGMC since the inception of the commission. Additionally, he stated that Jim Sellen from VHB has indicated he will be retiring in the upcoming year, and the POP Committee will be looking at putting this contract out to bid. Commission Sonnenfeld asked when the Request for Statement of Qualifications (RSQ) is due out. Mr. Brandon responded that the POP Committee should be addressing it in approximately six months.

Mr. Brandon stated the POP Committee recommends the commission approve the 2016-17 contract with VHB as proposed. The recommendation serves as a motion and second to the full commission. Following a roll call vote, the motion carried unanimously.

Mr. Brandon thanked the commission for their vote of approval on each of the three contracts and asked Ms. Smith to notify staff accordingly.

4) Discussion relating to proposed amendments to the VGMC Rules of Procedure for Meetings, Membership, and Operations

Mr. Brandon stated the Rules of Procedures are the commission's internal operating rules. He stated that the draft included in the agenda package shows proposed changes to the rules, noting that anything in blue are proposed additions, and red are proposed deletions. Mr. Brandon stated these are being brought to the commission at tonight's meeting for discussion purposes, and that a recommendation will be brought to the commission for consideration at the September meeting.

In addition to the proposed changes included in the agenda package, Mr. Brandon reported on several additional changes that were discussed by the POP Committee at their meeting held prior to the regular meeting. Specifically:

- a) Article II, Section 11 has been modified to clarify that the Secretary will "insure" that minutes are prepared.
- b) Article V, Section 1(a) has been modified to include language that specifically spells out that commission members should not contact VGMC legal or planning staff directly. Mr. Brandon emphasized that we need to make sure all contact is routed through the VGMC office. Chairman Wachtel added that typically when a request comes in to the VGMC office from a member that would require legal and/or planning consultation, the request is first run by the Chairman of the commission.
- c) Article VII, Section 2 – the reference to "partial" terms for officers has been deleted. Mr. Brandon explained that if a member is elected as an officer of the commission mid-term, they should still be allowed to serve two consecutive full one-year terms if elected to do so by the commission.
- d) Article VII, Section 5 has also been modified to clarify that it is the duty of the Secretary to "insure" those duties that are typically delegated to administrative staff are carried out, such as preparing minutes, as opposed to the rules stating the Secretary will prepare the minutes.
- e) Article VIII – the references to "Executive Director" will be deleted. Mr. Brandon explained that when the VGMC was created, the rules were crafted to include the ability of the commission to hire an Executive Director. He stated the VGMC has never hired an Executive Director and the POP Committee does not foresee the need in the future as the administrative staff has historically been some form of office manager. Mr. Brandon also stated that since these rules are internal to the VGMC, any changes that are made can be revisited by the commission at a later date.

With there being no further questions by the commission, Mr. Brandon stated the proposed changes will come back before the commission for a vote at the next regular meeting. Chairman Wachtel reiterated that the additional changes reviewed by Mr. Brandon were discussed at the POP Committee meeting and will be included in the draft that the commission will consider at the next meeting.

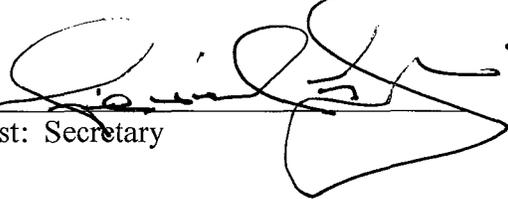
Chairman Wachtel stated the next regular meeting of the VGMC will be held on September 28, 2016 in DeLand. The amendments to the Rules of Procedure will be scheduled along with the Election of Officers.

COMMISSIONER REQUESTS OR REMARKS

Mr. Brandon stated the Charter Review process has been completed and thanked all of the members and outside parties who were involved in resolving the concerns through rules changes without the need for anything to go on the November ballot.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:35 p.m.


Attest: Secretary


Chairman