

Volusia Growth Management Commission

MEETING MINUTES FOR
REGULAR MEETING HELD
Wednesday, August 25, 2010

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

MEMBERS PRESENT

Gerald Brandon, Chairman
Steve Katz, Vice Chairman
Rachel Sieg, Secretary
Richard Walton (Excused)
Terry Griffiths
Danny Allen
Sandy Lou Gallagher
Jason Floyd
John Heaphy
Roger Sonnenfeld (Excused)
Rick Tresher
Robert Storke
Don Romanik
Debbie Connors
Joan Spinney
Sandra Walters (Excused)
James Wachtel (Excused)
Kenneth Kuhar

NON-VOTING MEMBERS

Sara Lee Morrissey
Peter Brown (not present)

OTHERS PRESENT

Paul Chipok, GrayRobinson, P.A.
Barry Wilcox, VHB Miller Sellen
Andre Anderson, Planning Design Group
Merry Chris Smith, VGMC Coordinator

REPRESENTING

Ormond Beach
DeLand
Volusia County
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

REPRESENTING

Volusia Co. School Board
SJRWMD

CALL TO ORDER

VGMC Chairman Gerald Brandon called the meeting to order at 7:00 p.m.

ROLL CALL

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

APPROVAL OF MINUTES

Rachel Sieg made a motion to approve the minutes of the regular meeting held on July 28, 2010 as presented; seconded by Robert Storke. Motion carried unanimously.

PUBLIC HEARING

1) Consideration of VGMC Application 10-015, City of Deltona Large Scale Amendment Request

Paul Chipok, legal counsel to the VGMC, explained that the application before the commission is fairly routine and the Resolution (#2010-07) being considered is recommending approval of the City's request to delete a number of conditions imposed in prior VGMC Resolution 99-07. Mr. Chipok then reviewed the rules of procedure for the scheduled public hearing, and those individuals testifying at the hearing were sworn in by the VGMC Coordinator.

Barry Wilcox, planning consultant to the VGMC, addressed the commission. Mr. Wilcox provided a history of the City of Deltona comprehensive plan, explaining that this is the first EAR based amendment for the City of Deltona since implementation of the plan in 1999.

Commission member Spinney arrived to the meeting.

Mr. Wilcox explained that many of the 22 conditions placed upon the City's initial plan by VGMC in 1999 included very specific language on policies that needed to be adopted, and the City adopted those policies at the time. Currently, the City is requesting that a number of those policies be removed as part of their EAR based amendments. Mr. Wilcox stated there have been no objections raised by adjacent local governments, nor the St. Johns River Water Management District, the School Board or any other third parties.

Mr. Wilcox stated he worked with Ron Paradise from the City of Deltona to review each of the 22 original conditions. He explained that many of the conditions related to public schools which have been addressed with the adoption of the Public Schools Facilities Element, and other conditions related to transportation in the Southwest Activity Center which have been resolved by the City's activity in the Southwest Volusia Regional Transportation Plan. Overall, Mr. Wilcox stated that staff believes the City of Deltona has met the conditions of the previous

resolution and staff recommends the commission issue a finding of consistency on this application.

Ron Paradise, Assistant Director of Planning and Development Services, City of Deltona, addressed the commission. Mr. Paradise stated the City supports the staff recommendation to certify the EAR based amendments without conditions.

Commissioner Katz asked what the plan was for the undeveloped land near the 472 interchange and I-4. Mr. Paradise responded that the plan is articulated in the City's Future Land Use Element which is essentially a local plan appended to the FLUE which deals specifically with the activity center. He added that the plan facilitates commercial, retail, industrial, and office uses. Mr. Paradise stated there is a provision for residential development within the plan, however, the City would mostly prefer non-residential development occur at that location.

Commissioner Allen asked Mr. Paradise if he knew anything about a dog track going in at the 472 area. Mr. Paradise responded that he hasn't heard anything about a dog track for that area.

There being no one else present to speak in favor of or opposed to the application, Chairman Brandon closed the public hearing.

Commissioner Rachel Sieg moved to approve Resolution 2010-07; seconded by Commissioner Steve Katz. Motion carried unanimously.

REMARKS OF INTERESTED CITIZENS

None

REPORTS OF OFFICERS

None

REPORTS FROM CONSULTANTS

Legal Update: In the matter of Burgess v. City of Edgewater, VGMC & Hammock Creek Green, Mr. Chipok reported that a hearing was held on the Motions to Dismiss which were filed by the City of Edgewater, the VGMC, and Hammock Creek Green relating to the Restoration project. He stated the order was received today from the judge granting the Motions to Dismiss. Mr. Chipok indicated that the order states the complaint has been dismissed and the plaintiffs are allowed 20 days to refile if they so choose.

Mr. Chipok also reported the Farnton hearing is scheduled to begin in September and we are moving forward in a monitoring capacity in that matter.

Planning Update: Mr. Wilcox reported that we received a petition for hearing relating to the Town of Ponce Inlet large scale amendment application, VGMC Case #10-022. He stated the petition was filed by the attorney representing a property owner in Ponce Inlet, and the hearing is likely to be scheduled in the next several months.

Commissioner Allen raised a question regarding review requirements for T.O.D.'s (Transit Oriented Development). Mr. Wilcox responded that they are not exempt from schools review and requirements.

REPORTS OF COMMITTEES

POP Committee:

Committee Chairman Steve Katz reported the POP Committee has concluded approximately six months of work relating to our legal services contract. Mr. Katz stated the committee is recommending the commission approve the one year contract with GrayRobinson which was part of the commission agenda. The recommendation from POP serves as a motion and a second.

Commissioner Sieg asked if any other law firms were looked at. Mr. Katz responded affirmatively, advising that a Request for Statement of Qualifications (RSQ) was sent out and proposals were received from three firms. He stated one of the firms withdrew from consideration, and interviews were conducted with the remaining two – GrayRobinson, and Rogers Towers out of Jacksonville. Following the discussions, he stated the POP committee felt it best to negotiate a contract with GrayRobinson for another year and look more closely at what should be included in the legal RSQ in the future.

There being no further discussion, Chairman Brandon called the question. The motion to approve the legal contract with GrayRobinson for the 2010-11 fiscal year was approved unanimously.

Mr. Katz also reported that the committee is looking at modifying the VGMC Rules of Procedure to incorporate various items and provide clarity regarding the interaction of staff and the commission between meetings. Additionally, he stated the recommendation will include a formal process where if a request is made by a commissioner at a scheduled meeting, the full commission will determine if they would like staff to provide a memo back to them on the issue. Mr. Katz stated a draft resolution will come before the commission at a future meeting relating to this matter.

Commissioner Allen asked about the status of the proposed consistency certification rules amendments. Mr. Chipok responded he spoke with the County Attorney's office within the past several weeks and they are still in the process of moving the recommended amendments forward to the County Council. He stated this is not a front burner issue for the County, however, it is in the works. Commissioner Sieg asked if the County had the ability to change or reject the

recommendations sent over by VGMC. Mr. Chipok responded that pursuant to the Charter, the County would have to approve by a two-thirds vote of the Council. In his opinion, he stated they can either approve or deny the changes as recommended by the VGMC, and if they wish to change the recommendations, they would need to deny it and send it back to the VGMC with a recommendation to consider additional changes. Commissioner Morrissey commented on the considerable amount of time, effort and consideration put into the draft recommendations by the VGMC, and the length of time the recommendations have been at the County for consideration.

Budget Committee:

Committee Chair Rachel Sieg reported that the County Council will be considering the proposed 2010-11 VGMC budget in September as part of the County's overall budget.

UNFINISHED BUSINESS

None

NEW BUSINESS

Chairman Brandon reported that the current lease for the VGMC office comes up for renewal on October 1, 2010. He reported that we looked at office space the County had available in Daytona Beach, however, the proposed location was a shared office with another department and the facility was not large enough for both offices. Chairman Brandon stated we have negotiated with the property owner at the current office location in the Kress Building to keep the monthly cost consistent with current rates, and he asked the commission for a motion to renew the lease for an additional year.

Steve Katz made a motion to renew the VGMC office lease at the current location for one year; seconded by Rachel Sieg. Motion carried unanimously.

As mentioned in prior meetings, Chairman Brandon reported that we have been looking at archiving and storage options for the VGMC files which go back over 20 years. He stated there is a storage facility in Daytona Beach that the County utilizes to store their records. Chairman Brandon stated that we estimate it will cost approximately \$300-\$500 to move the records from the VGMC office to the offsite location and that we have money in the budget to cover that. He stated we are also looking at electronic storage options as a second permanent record, but in the meantime he suggested the files be moved to the offsite storage facility.

Rachel Sieg made a motion to move the VGMC records to an offsite storage facility; seconded by Robert Storke.

The VGMC Coordinator added that the estimate mentioned earlier is the initial cost to get the files to storage and that there is also a monthly storage fee. She stated that there is money in the VGMC rent budget to cover the estimated costs. Mr. Chipok commented that there are also

retrieval fees to be considered. Ms. Smith stated that estimates were provided for that as well and if we move forward in having files stored electronically, the need to physically retrieve a file should be reduced.

General discussion ensued relating to the storage facility, scanning and electronic storage options. Commissioner Romanik suggested getting a copy of the contract the storage company has with the County which would provide the specifications.

There being no further discussion, the Chairman called the question and the motion to move the VGMC records to an offsite storage facility carried unanimously.

REPORTS AND REQUESTS OF COMMISSION MEMBERS

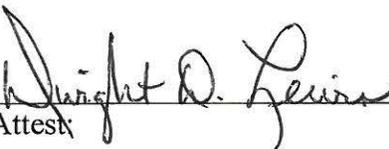
None

REPORTS AND REQUEST OF COMMISSION CHAIR

None

ADJOURNMENT

The meeting was adjourned at 7:45 p.m.



Attest



Chairman