

Volusia Growth Management Commission Meeting

MINUTES FOR MEETING HELD Wednesday, August 27, 2014

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

MEMBERS PRESENT

Gerald Brandon, Chairman
James Wachtel, Vice Chairman
Roger Sonnenfeld, Secretary
Richard Walton
Sandy Lou Gallagher
Loretta Aurther
Robert Lovelace
Robert Storke
Debbie Connors
Richard Kane
Douglas deLeon
Glyn Slay
Sandra Walters

REPRESENTING

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

MEMBERS NOT PRESENT

Don Romanik
Kenneth Kuhar

Ponce Inlet
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
Wesley Hoaglund, Miller Legg, Planning Consultant
Merry Chris Smith, VGMC Operations Manager

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.

Chairman Brandon announced the City of Edgewater recently appointed Robert Lott to represent the City on the commission. Ms. Smith added that we received notice of Mr. Lott's appointment on Monday and due to the short notice, he was unable to attend tonight's meeting.

CITIZEN COMMENTS

There were no citizens present who wished to speak.

APPROVAL OF MINUTES

James Wachtel made a motion to approve the minutes of the July 23, 2014 regular meeting of the commission as presented; seconded by Roger Sonnenfeld. Motion carried unanimously.

PUBLIC HEARING

Since the commission had not had a public hearing on an application in quite some time, Chairman Brandon reviewed the order of the public hearing. He stated we would first hear from VGMC staff with their report and recommendation, followed by the applicant jurisdiction, any others who wished to speak in support of the application, and then anyone who wished to speak in opposition. A brief rebuttal period would follow, and then questions could be asked by commission members. The public hearing would then be closed and the matter would come back to the members for discussion and action by the commission.

Consideration of Resolution #2014-02 relating to VGMC Case No. 14-024B, City of Orange City large scale amendment application

Chairman Brandon asked VGMC legal counsel, Paul Chipok, to first address the commission.

Mr. Chipok read a statement of procedure into the record and also discussed the commission's scope of authority and the review criteria by which the commission will determine consistency. He also stated pursuant to our rules, the City of Orange City, as the applicant to the VGMC, automatically has standing in this matter.

Witnesses planning to speak were sworn in by the VGMC Operations Manager.

Wesley Hoagland, VGMC planning consultant with Miller Legg, addressed the commission. He provided an overview, stating the application contained both map and text amendments. Since there were no issues or objections with the map amendments, the application was split to allow the map amendments to be certified by letter.

Mr. Hoaglund stated the text amendments before the commission tonight are intended to create a land use matrix consistent with Volusia County land uses. He stated there were issues originally

raised by Volusia County as well as the Florida Department of Economic Opportunity (FDEO). Mr. Hoaglund reported that City staff worked with County staff and DEO and they have reached an agreement on the changes. He stated he has reviewed the text amendments as modified and finds them to be consistent with the comprehensive plan of adjacent and other affected jurisdictions.

Commissioner Walters asked why a public hearing is necessary if there are no further objections to the application. Mr. Chipok explained that the original application prompted comments from both the DEO and Volusia County and an RAI was issued by VGMC staff. The City subsequently met with the parties and agreed upon modifications to the text amendments. He stated the VGMC is incorporating the changes as conditions of approval in the VGMC resolution which is the enforcement mechanism to ensure the changes are adopted by the City.

Tina Demostene with the City of Orange City addressed the commission, stating the City concurs with the VGMC staff recommendation and expressed appreciation to VGMC staff for their time and assistance on this matter. Mr. Walton asked if the letter issued by DEO was an objection letter. Ms. Demostene responded that they did not call it an objection letter, but rather a technical information letter.

Ms. Walters asked Ms. Demostene what a Designated Planning Area is. Ms. Demostene responded that several cities have established an agreement with Volusia County designating a mapping area of what could become the ultimate city limits.

With there being no others present who wished to speak either in favor of or opposed to the application, the Chairman closed the public hearing.

Robert Storke made a motion to approve Resolution #2014-02 as presented; motion seconded by Glyn Slay. Motion carried unanimously.

REPORT FROM PLANNING CONSULTANT

There were no additional planning reports at this time.

REPORT FROM LEGAL COUNSEL

There were no legal updates at this time.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith stated the members should have received an invitation to the VCARD Icebreaker scheduled for Thursday, September 25, 2014. Several members commented that they had not seen the invitation. Ms. Smith stated she would email a copy to each of the members and if they planned to attend and would like her to RSVP on their behalf, to please let her know.

REPORTS OF COMMISSION CHAIRMAN

No report at this time.

REPORTS OF COMMITTEES

POP Committee Report: James Wachtel, Chairman of the POP Committee, stated there are several POP items scheduled for consideration by the commission under New Business and would like to defer the update to later in the meeting.

Budget Report: Roger Sonnenfeld, Chairman of the Budget Committee, stated the committee had met immediately prior to the regular meeting. He provided an update on the 2013-14 YTD budget expenses, stating that monies have been transferred from the contract services budget to cover the Operations Manager unbudgeted expenses and no additional transfers are expected. He also stated even after the transfers, the contract services year-to-date budget expenses are only 34% of the approved budget. Overall, Mr. Sonnenfeld reported the VGMC is in good shape with respect to 2013-14 budget expense. There were no questions from the commission members.

Mr. Sonnenfeld stated at the May 28th regular meeting of the VGMC, the commission approved a recommendation from Volusia County staff to eliminate the \$25,000 litigation contingency from the 2014-15 proposed budget. County staff had also recommended a reduction of \$16,300 from the contract services proposed 2014-15 budget, however, the commission did not approve the reduction. This was communicated to County staff and they accepted the VGMC's position. He also noted that the \$7,000 reduction in contract services reflected on the budget worksheet represent funds for member travel reimbursements and that those monies have been moved to the travel expense line item.

Mr. Sonnenfeld reported the County Council budget hearings are scheduled for September 4th and 18th. There were no questions from the commission members. Chairman Brandon thanked Mr. Sonnenfeld and the members of the Budget Committee for their time and efforts.

OLD BUSINESS

None

NEW BUSINESS

- 1) Consider award of contract to VHB for contract planning services 2014-15 FY

James Wachtel, Chairman of the POP Committee, reported that the VGMC had issued a Request for Statement of Qualifications (RSQ) for contract planning services earlier in the year. This RSQ was for the contract that is presently held by VHB.

In response to the RSQ, Mr. Wachtel reported that four responses were received, including a proposal from VHB. He stated the POP Committee held interviews and VHB was ranked #1. As a result, a contract has been negotiated with VHB to provide contract planning services for the

2014-15 fiscal year, and the POP Committee is recommending approval of the contract. The recommendation from POP serves as a motion and second for consideration by the commission.

Commissioner Kane pointed out that the local address of the VHB firm is not in the contract and suggested it be modified to include their local address. The commission concurred and directed Ms. Smith to contact VHB to include the address in the contract.

The question was called and the motion to approve the 2014-15 planning services contract with VHB was unanimously approved.

2) Consider renewal of GrayRobinson legal services contract for 2014-15 FY

Mr. Wachtel stated the POP Committee reviewed the renewal contract with GrayRobinson to provide legal services for the 2014-15 fiscal year and are recommending the commission approve the contract. The recommendation from POP serves as a motion and second for consideration by the commission.

Mr. Kane suggested amending the regular meeting attendance requirements on page 1 of the contract to allow flexibility for the Chairman to determine if legal representation is necessary at all meetings. Mr. Wachtel stated the paragraph in question relates to regular commission meetings and the intent is to have legal representation at the full commission meetings. He also pointed out that on page 2 of the contract, legal representation at committee meetings is at the discretion of the committee chair, and that attendance at other special meetings or projects requires chairman or commission approval as well. Chairman Brandon added that this question has come up in the past and the commission has felt that legal counsel should attend all regular meetings in case a legal question or issue should arise, but not necessarily other committee or special meetings without prior authorization.

The question was called and the motion to approve renewal of the 2014-15 legal services contract with GrayRobinson was unanimously approved.

3) Consider recommendation regarding Miller Legg planning services contract

Mr. Wachtel stated the VGMC's other planning contract is with Miller Legg who was selected last year through the RSQ process. At that time, the Planning Manager with Miller Legg was Barry Wilcox who had substantial expertise and experience working with the VGMC which played heavily in the selection process. Mr. Wachtel stated Mr. Wilcox left the firm of Miller Legg earlier this year to accept a position in Tallahassee. He stated that each of our planning contracts identifies the designated project manager, and allows the firm an opportunity to present another designated project manager subject to VGMC approval. Miller Legg presented Wesley Hoaglund to replace Mr. Wilcox as the project manager, and the POP Committee also met with Mr. Hoaglund. Mr. Hoaglund was accepted as the new designated project manager for the remainder of the term under the current contract, September 30, 2014.

Mr. Wachtel explained that all of our staff contracts are for a period of one year, with the option to renew or extend for additional one year terms. Currently, the POP Committee has chosen to

recommend not extending the Miller Legg contract beyond September 30, 2014. At the same time, the committee is recommending issuing an additional RSQ for planning services to identify and evaluate all interested firms. He added that Miller Legg is encouraged to submit a proposal in response to the RSQ.

The first recommendation from POP Committee is to not extend the Miller Legg contract beyond the current contract term which concludes September 30, 2014. The recommendation serves as a motion and second for consideration by the commission. There was no commission discussion and the motion carried unanimously.

The second recommendation from POP Committee is to issue another RSQ for contract planning services which would be released on September 2, 2014 and will close on October 2, 2014. The recommendation serves as a motion and second for consideration by the commission.

Mr. Wachtel stated the POP Committee intends to fast track the process and would hope to bring a recommendation of contract award before the commission at the October meeting. Chairman Brandon added that under the terms of the new RSQ, firms who responded to the earlier RSQ in May would have the option to submit a letter of continued interest, or they could submit a new or amended proposal.

There being no further discussion, the question was called and the motion to issue another RSQ for contract planning services carried unanimously. Chairman Brandon thanked Mr. Wachtel and the POP Committee members for their time and effort put forth on these matters.

COMMISSIONER REQUESTS OR REMARKS

None

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:34 p.m.



Attest: Secretary



Chairman