

Volusia Growth Management Commission

**MINUTES FOR MEETING HELD
Wednesday, August 28, 2019**

Daytona Beach City Hall
Conference Room #149A
301 S. Ridgewood Avenue
Daytona Beach, FL

MEMBERS PRESENT

Debbie Connors, Chair
Loretta Arthur, Secretary
Doug Gutierrez
Larry Saffer
Sid Vihlen, Jr.
Mary Swiderski
Joseph Hammett
Robert Storke
Harold Briley
Christy Gillis
Daniel Robins
John Samuelson
Jack Surette
Thomas Wright

REPRESENTING

Port Orange
Holly Hill
Daytona Beach
Daytona Beach Shores
DeBary
DeLand
Lake Helen
Orange City
Ormond Beach
South Daytona
Volusia County
Volusia County
Volusia County
Volusia County

MEMBERS NOT PRESENT

Sandy Lou Gallagher
Teresa Pope
Paul Manning

Deltona
Edgewater
Ponce Inlet

NON-VOTING MEMBERS

Saralee Morrissey (not present)
Steven Fitzgibbons (not present)

Volusia County School Board
SJRWMD

OTHERS PRESENT

Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chair Debbie Connors called the meeting to order at 7:03 p.m.

ROLL CALL

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

Chair Connors welcomed two new members, Daniel Robins and John Samuelson, representing Volusia County. She also announced several recent member reappointments: Sid Vihlen, Sandy Lou Gallagher and Christy Gillis. She stated Mark McGee of Oak Hill did not seek reappointment and that seat is currently vacant.

Ms. Connors also recognized Jim Wachtel who recently resigned from the commission after nearly ten years. She spoke of Mr. Wachtel's contributions to the commission and presented him with a plaque for his service. Mr. Wachtel addressed the commission and thanked everyone for the recognition.

CITIZEN COMMENTS

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

APPROVAL OF MINUTES

Mary Swiderski made a motion to approve the minutes of the March 27, 2019 meeting as presented; seconded by Loretta Arthur. Motion carried unanimously.

PUBLIC HEARING

Chair Connors stated there were no items scheduled for public hearing.

She also stated that neither legal or planning staff would be present at the meeting, and therefore, there were no updates from them at this time.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith provided a brief pending case update. She also stated the annual member travel reimbursements would be processed at the conclusion of the fiscal year, and members should expect to receive their check in mid-October.

REPORTS OF COMMITTEES

POP Report: Chair Connors stated there have been recent discussions in the County regarding smart growth and that presentations are scheduled before the County Council and the Elected Officials Roundtable at upcoming meetings. She stated this topic was discussed at the earlier POP Committee meeting and whether the VGMC should offer itself up to participate in the current smart growth efforts since the commission already consists of representatives from each of the local governments.

Ms. Connors discussed the motion made by the POP Committee to recommend the VGMC notify the County that the VGMC is willing to participate in the current smart growth efforts and to present to the County Council. She stated the recommendation comes to the full commission as a motion and second from the POP Committee.

Ms. Connors commented that after thinking further on the motion, she feels it may be too early in the process to try to get on the County Council agenda since it has not been determined what direction this will take. She stated it may be best to monitor it for now, and also try to speak with some of the individuals involved in order to get an idea as to where they see the smart growth discussions will lead.

Commissioner Wright stated he felt the VGMC should notify the County immediately that we would be willing to participate and be the entity for smart growth. He added that the composition of the VGMC is fitting to serve as a smart growth board, as opposed to creating a similar entity for that purpose. Mr. Wright cautioned that if we wait to notify the County that the VGMC is willing to be part of the smart growth process, they will figure something different out.

Commissioner Surette stated it is currently not clear where the smart growth efforts are going, but commented that now would probably be the best time to notify the County that the VGMC looks at these sort of issues now and offer assistance in the smart growth process.

Commissioner Arthur commented that the Volusia Growth Management Commission already exists, and it would make sense for this body to help facilitate the interests of smart growth.

Commissioner Swiderski agreed the VGMC should be the body involved, but also agreed with Chair Connors earlier comments that it may be too early to reach out to the County Council. She spoke relating to past efforts to eliminate the VGMC and commented that the current intent of the commission relating to smart growth may be perceived as a threat to some elected officials. Ms. Swiderski feels that we need to proceed cautiously and suggested Chair Connors reach out to some of the local leaders to determine how they view the current smart growth efforts and what role the VGMC could play.

Discussion ensued relating to prior matters that came before the commission in which the VGMC was not viewed favorably by some of the local economic development leaders and others, as well as the Charter Review Commission review of the VGMC which resulted in changes to the consistency certification rules and regulations. Commissioner Vihlen commented that prior to the charter review, the VGMC was viewed by many local governments as a hindrance and there was much support at the time to eliminate the commission. He added that through the efforts of the many parties who reviewed and revised the rules, he feels that the local governments have a new respect for the VGMC.

Commissioner Vihlen stated he was the one that made the motion relating to smart growth which was approved in the earlier POP Committee meeting. He clarified the intent of the motion was

not for the VGMC to take a leadership role, but rather to send a letter to the County Council informing them that we are willing to participate in the smart growth efforts, and to present that to members of the County Council at an appropriate time.

Following further discussion, the motion was clarified. The motion is to move forward with sending a letter to the County Council informing them the VGMC is willing to participate in the smart growth efforts, and at an appropriate time in the future, present the same at a County Council meeting. The motion comes to the commission as a motion and second from the POP Committee. The motion carried unanimously.

Budget Report: Budget Committee Chair, Loretta Arthur, provided an update relating to the 2019-20 VGMC budget. She reported that the County Council had approved the 2019-20 VGMC budget request with the only changes being the elimination of the \$10,000 litigation contingency, as well as several other minor adjustments to the personal services line items which are established by the County each year. Ms. Arthur stated there is no commission action necessary on this item.

OLD BUSINESS

There was no old business for discussion.

NEW BUSINESS

1) Election of Vice Chair

Chair Connors reported that with the resignation of James Wachtel, the office of Vice Chair is currently vacant. She opened the floor for nominations to fill the office.

Mary Swiderski nominated Sid Vihlen Jr. to serve as Vice Chair of the VGMC. Mr. Vihlen accepted the nomination. There were no further nominations made.

Mary Swiderski made a motion to elect Sid Vihlen Jr. to serve as Vice Chair; motion was seconded by Doug Gutierrez and carried unanimously.

2) Consider renewal of GrayRobinson legal services contract for 2019-20 FY

Chair Connors stated the only change in the proposed GrayRobinson 2019-20 contract is an increase of \$25 in the attorney's hourly rate and \$10 increase in the paralegal rate. She reported the POP Committee reviewed the contract and is recommending the commission approve the renewal contract as presented. The recommendation comes to the commission as a motion and second from the POP Committee.

Commissioner Hammett stated the City Attorney for Lake Helen is paid \$150 per hour and he feels the proposed percentage of increase and the rate are high.

Commissioner Swiderski stated the POP Committee discussed this during their earlier meeting. She stated the last rate increase by GrayRobinson was in 2016. Ms. Swiderski also commented that GrayRobinson is a large firm with an excellent reputation, and stated that the hourly rate would be the same with GrayRobinson for any VGMC attorney needs, including such areas as litigation.

Chair Connors stated the total number of monthly hours billed has been reduced considerably in the past several years, and the rate increase should not affect the budget.

Commissioner Wright stated he believed the County Attorney's office would handle any litigation matters. Ms. Swiderski responded that the VGMC is independent of the County and retains independent legal representation separate from the County. Mr. Wright stated the way the contract is written, the standard hourly attorney rate does not necessarily apply to litigation. Ms. Smith responded that historically when the VGMC was involved in litigation, the GrayRobinson litigation attorney rate has always been the same rate as written in the contract. Additionally, she stated that the County Attorney's office does not represent the VGMC in litigation matters. If the County is a party to the litigation, the County Attorney's office would be involved on behalf of the County's interests, however, VGMC is represented by its own attorneys.

Commissioner Wright reiterated his belief that the contract does not bind litigation representation to \$225 per hour. Ms. Smith stated that over at least the past 15 years, we've always paid the same hourly rate to GrayRobinson, whether it was for day-to-day representation or litigation representation.

There being no further discussion on this matter, Chair Connors called the question and the motion to approve the proposed 2019-20 GrayRobinson contract as written carried unanimously.

3) Consider renewal of S&ME planning services contract for 2019-20 FY

Chair Connors stated there are no changes to the current rates or terms in the proposed 2019-20 S&ME planning contract. She reported the POP Committee reviewed the contract and is recommending the commission approve the renewal contract as presented. The recommendation comes to the commission as a motion and second from the POP Committee.

The motion to approve the proposed 2019-20 S&ME contract as written carried unanimously.

4) Consider renewal of VHB planning services contract for 2019-20 FY

Chair Connors stated VHB serves primarily as a back-up planner to the VGMC, although we do send cases to them for review periodically. She reported the POP Committee reviewed the contract and is recommending the commission approve the renewal contract as presented. The recommendation comes to the commission as a motion and second from the POP Committee.

The motion to approve the proposed 2019-20 VHB contract as written carried unanimously.

Mr. Wachtel explained the purpose for having two planning firms is to avoid any potential conflicts that could arise.

COMMISSIONER REQUESTS OR REMARKS

Mr. Wachtel addressed the commission regarding his resignation from the VGMC and spoke favorably relating to the current leadership and membership of the commission. Commission members thanked him for his service.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 p.m.


Attest: Sid Vihlen, Jr.
Vice Chair


Chair