

Volusia Growth Management Commission Meeting

MINUTES FOR
MEETING HELD
Wednesday, September 28, 2016

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

MEMBERS PRESENT

James Wachtel, Chairman
Gerald Brandon, Vice Chairman
Larry Saffer
Sid Vihlen
Mary Swiderski
Sandy Lou Gallagher
Robert Lott
Roger Sonnenfeld
Robert Lovelace
Mark McGee
Robert Storke
Christy Gillis
John Meikle
Glyn Slay

REPRESENTING

Volusia County
Ormond Beach
Daytona Beach Shores
DeBary
Deland
Deltona
Edgewater
Lake Helen
New Smyrna Beach
Oak Hill
Orange City
South Daytona
Volusia County
Volusia County

MEMBERS NOT PRESENT

Rich Walton
Loretta Arthur
Don Romanik
Debbie Connors
William Pouzar

Daytona Beach
Holly Hill
Ponce Inlet
Port Orange
Volusia County

NON-VOTING MEMBERS

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

Volusia Co. School Board
SJRWMD

OTHERS PRESENT

Heather Ramos, GrayRobinson, General Counsel
Merry Chris Smith, VGMC Operations Manager

CALL TO ORDER

VGMC Chairman James Wachtel called the meeting to order at 7:00 p.m. and welcomed everyone in attendance.

ROLL CALL

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

CITIZEN COMMENTS

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

APPROVAL OF MINUTES

Sid Vihlen made a motion to approve the minutes of the August 24, 2016 regular meeting of the commission as presented; seconded by Mary Swiderski. Motion carried unanimously.

PUBLIC HEARING

Consideration of Resolution #2016-04 proposing amendments to the Volusia Growth Management Commission Rules of Procedure for Meetings, Membership, and Operations

Chairman Wachtel noted that there were no members of the public in attendance for the hearing, and asked Mr. Brandon to present a brief overview of the proposed changes to the commission.

Gerald Brandon, Chairman of the POP Committee, stated the commission reviewed proposed changes to the Rules of Procedure at the last VGMC meeting, and that the POP Committee also met immediately prior to this meeting to formalize their recommendation to the commission.

Mr. Brandon then provided an overview of the proposed changes. (A summary of the changes is attached as Exhibit A to these minutes.) He stated the POP Committee has recommended approval of the proposed amendments to the Rules of Procedures as presented which comes forward to the commission as a motion and a second.

Referring to Page 3, Article II, Section 9, item 3 of the proposed amendments, Ms. Swiderski asked if those being allowed to speak in opposition of an application is limited to those who have standing or if it allows all members of the public to speak in opposition. Ms. Ramos responded that anyone is allowed to speak in opposition at a public hearing. Ms. Swiderski asked if the issue of members of the public being allowed to oppose a proposed land use change was a concern of the Charter Review Commission. Mr. Brandon responded that the concern during the charter review dealt with members of the public being granted standing. He stated that this issue was addressed in the rules amendments and only units of local government are eligible to be granted standing.

Ms. Smith further clarified that one of the primary concerns during the charter review was not so much that members of the public were allowed to speak at a public hearing, but rather that they had the ability to call for/cause a public hearing to occur. She added that this issue was addressed through the rules amendments and members of the public can no longer independently call for a public hearing on an application. Chairman Wachtel commented on the changes made to the consistency certification rules during the charter review process. He reiterated that under the amended rules an individual or public entity cannot request a public hearing, however, they would be allowed to speak at a public hearing if one has been called by another unit of local government.

There being no further discussion on this issue, Chairman Wachtel stated that we have a motion and second from the POP Committee to approve the changes to the Rules of Procedure as presented. Following a roll call vote, the motion carried 13-1 with Commissioner Slay voting in opposition of the motion.

Commissioner Vihlen commented on the amount of time and work that went into the entire charter review process and resulting changes to the rules. He stated that congratulations and appreciation is in order for the leaders who worked so diligently, including the POP Chair, VGMC Chair, VGMC attorney, members and staff.

REPORT FROM PLANNING CONSULTANT

No report at this time.

REPORT FROM LEGAL COUNSEL

Ms. Ramos stated there were no legal reports, however, she thanked the commission for approving the renewal contract with GrayRobinson for the 2016-17 fiscal year.

REPORT FROM COMMISSION OPERATIONS MANAGER

Ms. Smith provided an update to the pending VGMC applications. She stated VGMC #16-049 for the City of Holly Hill has been certified, and that the planning reports for VGMC #16-050 (Oak Hill) & #16-051 (Edgewater) have been issued. Additionally, she stated four new applications were received this week and are under review.

Ms. Smith also reported that the member travel reimbursements will be submitted to the County for processing at the conclusion of the fiscal year, September 30, 2016. She stated members are reimbursed \$35 for each meeting attended in the fiscal year, and the members should expect to receive the check within a few weeks.

REPORTS OF COMMISSION CHAIRMAN

No report at this time.

REPORTS OF COMMITTEES

POP Report: Mr. Brandon stated he had no further POP updates at this time, however, he wished to thank the POP Committee members for all of their hard work over the past year in addressing the charter review process and updates to the VGMC rules.

Budget Report – 2015-16 Year to Date Expenses: Chairman Wachtel stated he chaired the Budget Committee meeting in Ms. Connors' absence which was held immediately prior to the regular meeting. He reported there are invoices pending that are not included in the budget worksheet, however, as of September 6, 2016 we are approximately \$85,000 under budget for the current fiscal year.

2016-17 Budget Update: Mr. Wachtel also reported that the County Council approved the 2016-17 Budget in the amount of \$273,237. Ms. Swiderski asked what the \$25,000 legal expenses proposed by the VGMC in the original budget request was intended for. Mr. Wachtel responded that money is intended for extraordinary litigation expenses and the County typically removes it each year from the VGMC proposed budget.

OLD BUSINESS

There was no old business for discussion.

NEW BUSINESS

Election of Officers: Chairman Wachtel stated both he and Mr. Brandon are at the end of the two year term limitation as Chairman and Vice Chairman respectively. He added that Ms. Connors has served only one year as Secretary and is eligible to serve another one year term in that office.

Mr. Wachtel stated that the new Chair will have the charge of appointing members to serve on the POP and Budget Committees. He also pointed out that there are a total of 7 members on each of the committees so there will be some VGMC members that are not appointed to a committee.

Mr. Wachtel opened the floor for nominations for the office of Chairman. Mary Swiderski nominated Gerald Brandon to serve as Chairman of the commission; Robert Lott seconded the nomination. There being no further nominations, Chairman Wachtel closed the nominations. Gerald Brandon was unanimously elected Chairman of the VGMC.

Mr. Wachtel opened the floor for nominations for the office of Vice Chairman. Gerald Brandon nominated Debbie Connors to serve as Vice Chair of the commission; Mary Swiderski seconded the nomination. There being no further nominations, Chairman Wachtel closed the nominations. Debbie Connors was unanimously elected Vice Chair of the VGMC.

Mr. Wachtel opened the floor for nominations for the office of Secretary. Sandy Gallagher nominated James Wachtel to serve as Secretary of the commission. Mr. Wachtel declined the

nomination. Sandy Gallagher then nominated Roger Sonnenfeld to serve as Secretary of the commission. Mr. Sonnenfeld also declined the nomination.

Gerald Brandon nominated Sid Vihlen to serve as Secretary of the commission; Robert Storke seconded the nomination. There being no further nominations, Chairman Wachtel closed the nominations. Sid Vihlen was unanimously elected Secretary of the VGMC.

COMMISSIONER REQUESTS OR REMARKS

Mr. Brandon thanked Mr. Wachtel for his time and leadership over the past two years in serving as Chairman of the commission. He then presented Mr. Wachtel a plaque on behalf of the commission in recognition of, and appreciation for, his service as Chairman. The members applauded Mr. Wachtel and he thanked them for the recognition.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:30 p.m.



Attest: Secretary



Chairman

Summary of Changes Proposed in Rules of Procedure Dated 9/28/16

#1	Throughout entire document		All references to “Commission Coordinator” have been replaced with “Commission Operations Manager”
#2	Page 3	Article II, Section 9	This has been added which lists the “order of public hearing”
#3	Page 4	Article II, Section 10	This section has been added which lists the order of proceedings in determining party status for a petitioning unit of local government
#4	Pages 4 & 8	Article II, Section 11 & Article VII, Section 5	These sections relating to duties of the Secretary have been clarified to reflect that the Secretary “insures” those tasks that are typically delegated to administrative staff are completed – for example: preparing minutes and agendas, public records compliance, etc.
#5	Page 5	Article V, Section 1	A provision was added to specify that all commission member requests outside of a commission meeting are directed to the VGMC office – members should NOT be contacting legal or planning staff directly
#6	Page 6	Article VI, Section 4	This section was added to codify that a Committee Chair may delegate a member of the committee to chair a committee meeting in his/her absence and if the Commission Chair is unable to do so
#7	Page 7	Article VII, Section 2	The term of office section has been modified to allow officers to serve two consecutive full terms
#8	Pages 8-11	Article VIII, Entire Section	<ul style="list-style-type: none"> - The staffing section has been modified to be consistent with Section 90-54 of the Consistency Rules & Regulations - All references to hiring an “Executive Director” have been deleted - Section 7 has been added to codify that VGMC professional staff (legal & planning) are selected through a competitive bid process
#9	Page 13	Article IX, Section 7	The member reimbursement section has been modified to clarify that members are reimbursed a flat rate travel allowance