

# MINUTES OF THE VCOG GOVERNING BOARD

REGULAR MEETING  
MAY 22, 2006

MPO/VCOG/WAV CONFERENCE ROOM  
2570 W. INTERNATIONAL SPEEDWAY BLVD., SUITE 120  
DAYTONA BEACH, FLORIDA

## MEMBERS PRESENT

Mayor Greg Northrup  
Mayor George Coleman  
Mayor Robert F. Apgar  
Mayor Mike Thomas  
Mayor Roland Via  
Commissioner Lewis Long  
Mayor James Vandergriff  
Mayor Albert Erwin  
Mayor Fredrick Costello  
Mayor Nancy Epps  
Mayor Blaine O'Neal  
Council-member Art Giles  
Chairman Judy Andersen

## REPRESENTING

Daytona Beach Shores  
DeBary  
DeLand  
Edgewater  
Holly Hill  
Mayor Shuttleworth, Lake Helen  
New Smyrna Beach  
Orange City  
Ormond Beach  
Ponce Inlet  
South Daytona  
Volusia County  
Volusia County School Board

Members Absent: Commissioner Cassandra Reynolds, Daytona Beach; Mayor Dennis Mulder, Deltona; Mayor Michael Thompson, Oak Hill; Mayor James Sowell, Pierson; Mayor Allen Green, Port Orange

## ASSOCIATE MEMBERS PRESENT

Michael Mellon

## REPRESENTING

Emergency Medical Foundation/EVAC

## OTHERS PRESENT

Pat Kelley, Fire Chief  
Kassandra Blissett, Town Manager  
Lawrence Taft, Fire Chief  
Tracey Barlow, Fire Chief  
Jon Williams, Interim Manager  
James Dinneen, County Manager

## REPRESENTING

DeLand Fire Dept.  
Ponce Inlet  
Vo.Co. Fire Chiefs Assoc/DB Fire Dept.  
Edgewater Fire Dept.  
Edgewater  
Volusia County

## VCOG/WAV STAFF PRESENT

Mary Swiderski, VCOG Executive Director  
Bruce Mowry, WAV Executive Director  
Herbert M. Seely, Chief Financial Officer  
Mary Curran, Recording Secretary

## **CALL TO ORDER/ROLL CALL/DETERMINATION OF A QUORUM**

At 5:05 Chairman Northrup called the May 22, 2006, regular VCOG Governing Board meeting to order.

The Roll was called and a quorum was declared present. Chairman Northrup led the Pledge to the Flag.

**PUBLIC COMMENTS/PARTICIPATION**

No comments were expressed by the public.

**CHAIR'S COMMENTS/RECOGNITION**

The Chair had no special comments to express, nor any recognition(s) to present.

**VCOG EXECUTIVE DIRECTOR'S BRIEFING**

Mary Swiderski referenced her written report and presented highlights on the following:

- Volusia County Charter Review Commission Subcommittees' proposed recommendations that were submitted to the full Commission at its May 10<sup>th</sup> meeting. Mary Swiderski encouraged VCOG Board members to review the information.
- Some myregion.org scheduled meetings are in conflict with local governments' meetings (i.e. the VCOG Board meeting tonight and the Volusia League of Cities General Membership meeting on 5/25/06). Mary Swiderski inquired if members would be interested in having a "master calendar for government agencies" and VCOG putting it together. By Board members' general consensus, VCOG staff will develop a master calendar.
- Record of attendance by jurisdictions at Unified Code Committee (UCC) meetings over the past six months.
- Oak Hill is the only city remaining to provide VCOG with information of associated costs for new hires. Mary Swiderski expressed appreciation to all of the other governments for sending information to her. Mary Swiderski explained that, for the analysis, she is using the mean salary (i.e., taking the low and the high figures and dividing by two) and she asked if that was okay. Following a brief discussion, the Board members' general consensus was for Mary Swiderski to proceed in the manner she mentioned.

Mary Swiderski also mentioned:

- The VCOG brochure, printed on proposed paper stock, as distributed on the tables. Mary Swiderski said, "It is all done in-house."
- A 2006 Legislative end-of-session report for the Volusia Governmental Affairs Coalition; attached to that is a Florida Hotel & Lodging Legislative Coalition wrap-up for the 2006 legislative session.
- VCOG has mailed out members' assessment letters/invoices; although payment is not due until October 1.

## CONSENT AGENDA

**APPROVAL OF THE REGULAR MEETING MINUTES OF APRIL 24, 2006**

Minutes of the April 24, 2006, regular meeting of the VCOG Board had been mailed with Board members' agenda packets.

**APPROVAL OF THE TREASURER'S REPORT FOR MONTH ENDING APRIL 30, 2006**

Treasurer's report covering the period of April 1, 2006 through April 30, 2006, had been mailed with Board members' agenda packets. *Note: Revenues and Expenditures were within the VCOG budget for the month.*

**MOTION** by Mayor Via and **SECOND** by Councilmember Giles for approval of all Consent Agenda items; motion **CARRIED UNANIMOUSLY** on a voice vote.

**OLD BUSINESS**

None

**NOTE: "BOARD MEMBERS' COMMENTS" WERE MOVED FORWARD IN THE ORDER****SCHOOL BOARD CHAIRMAN JUDY ANDERSEN**

She announced that she isn't running for re-election and that she is endorsing Stan Schmidt for the office; Ms. Andersen provided some background on him.

**MAYOR MIKE THOMAS**

He expressed appreciation to all the neighboring jurisdictions for their assistance to extinguish the fire near Edgewater, the previous week.

**MAYOR FRED COSTELLO**

He reminded everyone of the VCARD Smart Growth session on Tuesday, May 23, 2006. Mayor Costello remarked that he will speak on "Will Smart Growth Work in the Cities"; he invited members' comments regarding that.

**MAYOR ROLAND VIA**

He expressed appreciation to the Volusia County School Board for interaction with Holly Hill for a middle school; he commented that every part of the planning and having an interlocal agreement for ballfields, parking, traffic, etc. has been very integrated. Ms. Andersen said, "It's a pleasure. We want to continue that."

**COMMISSIONER LEWIS LONG**

He thanked the County for its help with Pennsylvania Avenue (in Lake Helen).

**COUNTY COUNCIL-MEMBER ART GILES**

He reported that the County Council members have taken Mr. Dinneen all around the County over the past seven weeks. Councilmember Giles gave compliments on things Mr. Dinneen has done; he stated, "The Council is looking forward to more great things from him. The Council is very happy to have him on-board."

**NOTE: FOLLOWING ITEMS UNDER "NEW BUSINESS" WERE MOVED FURTHER BACK IN THE ORDER**

- **NEW COUNTY MANAGER-JAMES DINNEEN**
- **DISCUSSION REGARDING THE VOLUSIA COUNTY CHARTER REVIEW COMMISSION'S RECOMMENDATIONS TO-DATE**

**NEW COUNTY MANAGER – JAMES DINNEEN**

Chairman Northrup introduced the new County Manager, Mr. James Dinneen.

Mr. Dinneen talked about several things, including:

- (1) he thinks Volusia is "a pretty unique place";
- (2) a lot here needs to be protected while jurisdictions develop – he thinks the "leaders" he's met believe that's what they ought to do; that it's in the best interest of the public in the long run;
- (3) he thinks it's unusual that people would build \$250,000 homes where there is no infrastructure (i.e. no roads, water and sewer) as compared to most parts of this country where this doesn't occur;
- (4) many in Volusia seem to think growth and development are related just to in-migration but lots of northern states have growth with no in-migration [this depresses property values and takes vitality out of a community]; i.e., if jurisdictions manage growth and in-migration right, they have infrastructure to handle it and have good quality development;
- (5) people want the autonomy of an individual city;
- (6) a county can effect change by being a platform for change, a conduit for change, and a partner in change rather than trying to dictate change [Mr. Dinneen said, "the biggest single issue is that counties are notorious for having the reputation of making up their mind and then asking for input"];
- (7) it's all about understanding and trust. "If jurisdictions work together on things and they trust, and they build a level of trust, even if something isn't successful with one deal, jurisdictions may be more willing to trust on the next deal and in time start looking for ways to come together; the key to not agreeing is not having that stop you from making the next deal.";

- (8) there are few places in the country where they actually have consolidated;
- (9) what citizens want is collaboration, cooperation and coordination but they also like the idea that jurisdictions would work together and try to cut costs, be efficient, and make sure "rules" apply across borders;
- (10) people in Volusia are really interested in working together and all seven county council members believe in effectuating that type of change.

Chairman Northrup called for questions/comments.

County Councilmember Giles concurred that all seven County Councilmembers are striving to have good relations and he shared some experiences relating to Mr. Dinneen. Mr. Dinneen revealed that he has told County staff he expects their demeanor to reflect the philosophy of this County Council; he emphasized that municipalities' staff and elected officials need to contact him personally if they feel they're not being treated that way because "it has everything to do with what the manager is responsible for." Discussions ensued between VCOG Board members and Mr.

Dinneen, of:

- (1) Mr. Dinneen's assistance in the County Council approving City of Daytona Beach Shores' CRA;
- (2) when jurisdictions do things in cooperation, to acknowledge all the names of people/entities involved;
- (3) issue of building homes in areas with no infrastructure; County put a moratorium on building permits until a survey has been done and offer people different alternatives;
- (4) impact of in-migration [*without in-migration, you don't have value for existing property; without in-migration it's like having developers "steal the equity of everybody else's property"*];
- (5) what can jurisdictions do [e.g., codes, incentives and/or penalties] to handle developers better [*what everyone is doing now is spending time, energy, legal costs, etc. to contend with developers and setting more land aside for public use*];
- (6) how Holly Hill defines in-migration;
- (7) Smart Growth Charter amendments;
- (8) where likely would true urban service provision occur [*you'd have to look at the areas and get affected parties to sit down and talk of what's most practical from utility standpoint to make it work*];
- (9) survey on sales tax issue; and
- (10) citizens not wanting to give up autonomy of an individual city.

Mayor Via mentioned Volusia governments have some major problems facing them; things that local governments need to pay for and have got to figure out how to pay for them:

- (1) some to do with the MPO having strong strategic plans that are under-funded; and
- (2) whether to continue with the 5¢ gas tax or go to a ½¢ sales tax;
- (3) having a fledgling, struggling organization (WAV).

He commented that if this county was viewed regionally - i.e. as four quadrants [all having their own dynamics and their own areas] - how can local governments pull things together and get funding for things like the MPO and WAV. He also mentioned growth issues and beach issues. Mr. Dinneen agreed with Mayor Via's concept of four quadrants. Mr. Dinneen talked about cooperation; that the "best deal" could be when those quadrants can work together; that a lot of times when you want money from federal or state level, the more local governments that come together, the better chance they have of getting funds. He made reference to the survey on the sales tax, saying "People weren't real excited about putting one on even if you did trade off of the gas tax."

Mr. Dinneen commented on the Volusia Days and that he thought it actually worked well and it showed a unified group.

Mayor Via asked Mr. Dinneen if he'd had the chance to look into WAV yet. Mr. Dinneen expressed his opinion that everyone should try to stay at the table and if they can deal with business issues you can usually find a solution but it has to make business sense [it has to be a good business model]; he personally thought it's a great endeavor.

Mayor Costello complimented Mr. Dinneen on "building understanding and trust" and of saying he wanted the demeanor of County staff to reflect the Council's decisions. Mayor Costello mentioned some things relating to growth and development and Smart Growth issues. He asked Mr. Dinneen what he thought his biggest contribution would be.

Mr. Dinneen's reply was two things:

- (1) he thought it makes a big difference to work together, and
- (2) that governments have to watch that they "grow more to revenue than they do to need" and that "you should review what you do all the time."

Mr. Dinneen repeated that if municipalities' officials and staff have issues and they think his staff isn't in conformity with the philosophy of the County Council, that he needed their feedback.

Mayor Epps acknowledged the presence of the Ponce Inlet Town Manager, Cassandra Blissett. Mayor Epps expressed support for WAV and the regional water authority concept; also that she understood it will have to do some metamorphosing. Mr. Dinneen restated that if the organization can find a business model that works for everybody, it will keep evolving into something better.

Mayor Epps mentioned that local governments have seen consolidation of some services that are working well. Mr. Dinneen stated, "One thing I'd like to see us work on, if we could collectively work on health care in the whole region, we could save money."

Members briefly discussed the televising of council or commission meetings. Commissioner Long invited Mr. Dinneen to attend a City of Lake Helen Commission meeting as they're starting some visioning sessions. Mayor O'Neal complimented Mr. Dinneen on being a forward thinking person and he invited Mr. Dinneen to visit South Daytona anytime.

#### **DISCUSSION REGARDING THE VOLUSIA COUNTY CHARTER REVIEW COMMISSION'S RECOMMENDATIONS TO-DATE**

Chairman Northrup called on Mayor Costello to "kick- off the discussion." Mayor Costello stated, "There are three issues – utilities, annexation, and spheres of influence." The Smart Growth Implementation Committee had recommended that there be primary and secondary service areas; primary areas would have a service provider delineated and in a secondary service area you'd have to do some things like clustering, etc. to try and preserve the environment.

**Request** by Mayor Costello to encourage the County Council to bring this forward even if the Charter Review Commission doesn't.

He also recalled the Smart Growth Implementation Committee wanted to separate land use from annexation; i.e. all the land in unincorporated areas that could potentially be annexed will be jointly planned as a specific use so everybody would know what future annexation area they're in [sphere of influence]; the county would need to work with a city if they wanted to change some land use and it would be the same thing if the city annexed land from the county; neither party could arbitrarily change the land use without concurrence of all parties. Mr. Dinneen wanted to clarify if what would be prohibited is any one party changing land use, that all parties would have to do this together and Mayor Costello affirmed that. Mr. Dinneen thought the Charter Review is thinking about doing that; to which Mayor Costello responded, in his understanding, they are talking about it one way – if the city wants to annex land they cannot change it unless the County agrees but they aren't saying if the County wants to change land use in an unincorporated area that the County needs the city's approval also – whereas the Smart Growth Committee said it needs to be both ways. Mayor Costello mentioned the regional concurrency sphere of influence relating to building and impact on roads and he commented, "We need some way to have regional concurrency to make it about land use, not about jurisdiction, where we all work together for appropriate land use." He concluded that the County Council can put these recommendations forward if the Charter Review Commission doesn't. Mr. Dinneen made the assumption that VCOG is going to recommend this to the Charter Review Commission and also put it in writing and recommend it to the County Council; to which Mayor Costello responded that this has already been presented to the Charter Review Commission and he thought VCOG has already endorsed this but for assurance:

**Recommendation** by Mayor Costello for, "VCOG to recommend, to the County Council, any of the keystone recommendations from the Smart Growth Implementation Committee that are not adopted by the Charter Review Commission; and for VCOG to send those to the County Council and ask the County Council to do it."

Chairman Northrup recalled the VCOG Board has endorsed the recommendations from the Smart Growth Committee. He remarked that they needed to assure what the recommendations are to them, as elected officials, aren't undermined; he referred to Mayor Costello's comment regarding Charter Review Commission endorsing one part of the land use and annexation and stated in his

understanding, “that was sort of a staff recommendation.” Chairman Northrup recalled another staff recommendation opposing the make up of the proposed [Smart Growth] board and their efforts to try and change that. Chairman Northrup stated, “These to us are very important to make sure that the major things that we hit on, which is good for the whole county, are followed through and that they are not listening to recommendations of one small group, whether it be County staff, an elected official, etc.”

Mayor Costello mentioned the Smart Growth Implementation Committee recommendation about reconstructing the Volusia Growth Management Commission into the Smart Growth Commission; that the goal was that body would never meet; the make up would have been three officials from the County Council, three from VCOG and one from the School Board and it would be the binding arbitrator of any issues amongst cities, amongst city and the County, etc. but the goal was it would never meet. Discussions ensued concerning legality of that body and an opinion expressed by the County Attorney and that other attorneys gave differing opinions. Chairman Northrup remarked, “What we need is an outside opinion, probably because different attorneys are saying different things.” Mrs. Andersen voiced support that the [Smart Growth] Commission should be elected officials as they are the ones who have been elected by the public to do what’s in the best interest of citizens; she didn’t agree with the County Attorney’s opinion.

Mr. Dinneen offered to take VCOG’s letter to the County Council and stated that he would “make sure Dan [Eckert] understands that they are going to get it”; then it’s up to County Council to take up the issue with Mr. Eckert if they are interested.

Mayor Apgar recalled that Mary Swiderski provided VCOG Board members with the schedule of the Charter Review Commission and its Subcommittees’ meetings; he encouraged members, as elected officials, to try and attend some of those meetings. Mayor Apgar expressed his concern about what goes into the Charter as those things then become mandated; e.g. to solve local problems between “neighbors” there are a set of rules by which you must make decisions and it does take away some of local government’s discretion. Mayor Apgar commented that personally, he’d rather have a lot of things remain more in the nature of the JPA concept than a charter provision that hasn’t been as well tested. Discussions ensued regarding JPA’s. Chairman Northrup brought focus back onto recommendations of the Smart Growth Committee; he pointed out the VCOG Board needed to take a vote because they hadn’t done a formal vote, rather they had agreed as a body by a consensus on the Smart Growth concept. Mayor Northrup clarified that they aren’t saying everything in the Smart Growth concept should be a Charter amendment but there are a few things that have to be in the Charter to be able to work.

**MOTION** by Mayor Costello and **SECOND** by Mayor Epps that VCOG recommend that the County Council implement whatever keystone recommendations from the Smart Growth Implementation Committee that aren’t recommended by the Charter Review Commission. Mayor Vandergriff requested clarification on the motion; to which Mayor Costello explained the Smart Growth Implementation Committee had developed several keystone recommendations which the VCOG Board has reviewed and he’s recommending whichever of those keystone recommendations the Charter Review Commission doesn’t recommend for placement on the ballot, as Charter amendments, that the County Council does. Mayor Apgar stated that he couldn’t support the motion as he wasn’t clear on its intent. Chairman Northrup voiced that he didn’t think the Smart Growth Committee had in mind to have all the keystones as a Charter amendment but just the things that had to be a Charter amendment. Mayor Costello concurred and he withdrew his motion; Mayor Epps withdrew her second. Chairman Northrup gave his viewpoint what VCOG’s recommendation may be.

**MOTION** by Mayor Epps and **SECOND** by Mrs. Andersen that VCOG recommend to the County Council that they accept the recommendations of the Smart Growth Implementation Committee, whether it be in a Charter amendment if that’s the direction the County Council wants to go or to be implemented by the County Council in another form or fashion. Mayor Apgar stated, “The County Council has already accepted and endorsed the Smart Growth Committee report when they passed it onto the Charter Review Commission; he expressed hesitancy because they didn’t know what the Charter Review will be recommending. Chairman Northrup responded that Board members, as elected officials, need to let them know that they endorse Smart Growth; that VCOG cannot put it in writing to the County Council unless they have a vote on it. Mr. Dinneen

summarized that VCOG members are endorsing those concepts with the idea to leave it up to the County Council to decide what needs to be in the Charter or part of their "rules of engagement"; then the County knows where the VCOG members' position is. He suggested VCOG could "kind of" highlight if members think there are some weaknesses and let the County Council respond to that. Chairman Northrup read the Smart Growth Implementation Committee's keystone

recommendations:

- (1) Protect environmental core;
- (2) Direct development to appropriate locations;
- (3) Develop vibrant, livable, and sustainable urban communities;
- (4) Ensure the continued existence of rural lands and agriculture;
- (5) Meet the infrastructure needs of smart growth;
- (6) Integrate education and smart growth; and
- (7) Integrate economic development and smart growth.

He then read some current recommendations of the Charter Review Commission:

- (1) Protect environmental core;
- (2) Land use survives annexation within the environmental core;
- (3) Planning agreements - Require planning agreements for urban service areas, visions, annexation areas, transportation concurrency, public school facilities by January 1, 2008; and
- (4) Smart Growth Commission - Change current Growth Management Commission to Smart Growth Commission to resolve conflicts.

Following additional comments, Chairman Northrup called for a voice vote on the motion. The motion **CARRIED UNANIMOUSLY** on a voice vote.

Mary Swiderski wanted clarity that VCOG was going to do a letter; to which Chairman Northrup replied they will do a letter of endorsement and give it to the County Council, the County Manager, and the Charter Review Commission.

**Suggested** by Mr. Dinneen to put at the end of the letter that as VCOG members follow the Charter Review process if they see any specific weaknesses, they will come back to the County Council with VCOG Board recommendations, either of support or change. He suggested VCOG ought to tell the County Council that is a potential that they anticipate coming forward with some clarification on some things once they understand where the Charter Review is going; so the County Council can be waiting on that.

Mary Swiderski, on behalf of Mayor Via who had to leave the meeting, brought up the issue of the ½ cent sales tax. She mentioned that the [Charter Review] Infrastructure Needs of Smart Growth Subcommittee had discussions of a ½ cent sales tax to replace the 5 cent gas tax; not only for transportation use but also [1/16] for off-beach parking; also the VCOG Executive Committee discussed using a portion of that tax for WAV. She stated, "That was the discussion Mayor Via wanted to bring to the VCOG Board to see if they wanted to endorse how that split up would be for the ½ cent sales tax." Chairman Northrup noted that not enough members were at the table to endorse that recommendation; he also stated why he personally could not endorse it. Mayor Apgar commented, "That can only be a management recommendation, so there is no urgency on that." He explained if it goes on the ballot, it will be something the County Council will decide; it won't be a Charter Review recommendation. Members discussed the sales tax issue; Chairman Northrup repeated that not enough members were present to take any action.

Mary Swiderski reminded everyone of the Volusia League of Cities dinner, hosted by the City of New Smyrna Beach, May 25, 2006.

Mayor Thomas acknowledged the presence of City of Edgewater's Interim City Manager, Jon Williams.

NOTE: THE FOLLOWING ITEM WAS MOVED FORWARD IN THE ORDER  
BOARD MEMBERS' COMMENTS

**ADJOURNMENT**

There being no further business to come before the VCOG Board, the meeting was adjourned at 7:18 P.M.

AS SUBMITTED, THE FOREGOING MINUTES OF A REGULAR MEETING OF THE VCOG GOVERNING BOARD WERE APPROVED IN AN OPEN MEETING HELD ON JUNE 26, 2006, IN THE MPO/VCOG/WAV CONFERENCE ROOM AT 2570 W. INTERNATIONAL SPEEDWAY BOULEVARD, SUITE 120, DAYTONA BEACH, FLORIDA.

**VCOG, INC.**

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Chair

ATTEST:

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Recording Secretary