

MINUTES OF THE VCOG GOVERNING BOARD

REGULAR MEETING

AUGUST 28, 2006

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

MEMBERS PRESENT

Commissioner Cassandra Reynolds
Mayor Greg Northrup
Mayor George Coleman
Mayor Robert F. Apgar
Mayor Dennis Mulder
Mayor Mike Thomas
Mayor Roland Via
Commissioner Lewis Long
Mayor James Vandergriff
Mayor Albert Erwin
Mayor Fredrick Costello
Mayor James Sowell
Mayor Allen Green
Council-member Art Giles
Judy Andersen

REPRESENTING

Daytona Beach
Daytona Beach Shores
DeBary
DeLand
Deltona
Edgewater
Holly Hill
Mayor Shuttleworth, Lake Helen
New Smyrna Beach
Orange City
Ormond Beach
Pierson
Port Orange
Volusia County
Volusia County School Board

Members Absent: Mayor Michael Thompson, Oak Hill; Mayor Nancy Epps, Ponce Inlet; Mayor Blaine O'Neal, South Daytona

NON-VOTING MEMBERS ABSENT: Michael Mellon, Emergency Medical Foundation/EVAC

OTHERS PRESENT

George Johnson
Phil Giorno
Bill Ziebarth
Jon Cheney
Don Scales, Chief
Joni Hunt
Larry Taft, Chief
Jim Cameron
Saralee Morrissey
Lane Mahood
Mark Garrett
Andy Kelly
Dennis Elster
Patricia Drago
Tom Harowski

REPRESENTING

Natural Resources Conservation Service
Vo. Soil & Water Conservation District
Vo. Soil & Water Conservation District
Volusia County Traffic Engineering
Ponce Inlet Fire Department
ERAU
Daytona Beach Fire Department
Daytona Beach/Halifax Area Chamber
Volusia County School District
U.S. Senator Mel Martinez
Kirkland Sod
Vo. Soil & Water Conservation District
Candidate-Soil & Water Conservation Dist.
Volusia County School District
TMH Consulting

VCOG STAFF PRESENT

Mary Swiderski, VCOG Executive Director
Mary Curran, Recording Secretary

CALL TO ORDER/ROLL CALL/DETERMINATION OF A QUORUM

At 5:00 Chairman Northrup called the August 28, 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.

CHAIR'S COMMENTS/RECOGNITION

Chairman Northrup announced he and several Board members would be leaving by 6:30 p.m. There were no special recognitions to present at this meeting.

VCOG EXECUTIVE DIRECTOR'S BRIEFING

Mary Swiderski made brief comments on:

- Her Executive Director report was distributed for members' information;
- Mary Swiderski thanked the VCOG Board for their understanding and patience while she was trying to cope with her Mother's illness and passing away. She also thanked the Board for the floral arrangement; and she thanked all who had sent personal condolences and attended the services;
- Initial work on building the VCOG website is being done and she anticipated it will be operational by next year;
- A database for a Volusia League of Cities directory is being put together;
- Efforts on updating the salary analysis report are continuing with jurisdictions' Human Resource staff.

CONSENT AGENDA

APPROVAL OF THE REGULAR MEETING MINUTES OF JUNE 26, 2006

Minutes of the June 26, 2006, regular meeting of the VCOG Board had been mailed with Board members' agenda packets.

APPROVAL OF THE TREASURER'S REPORT FOR MONTHS ENDING JUNE 30, 2006 AND JULY 31, 2006

The Treasurer's report covering the months ending June 30, 2006, and July 31, 2006, had been mailed with Board members' agenda packets. *Note: Revenues and Expenditures were within the VCOG budget for the two months.*

APPROVAL OF F.E.S.S. TESTING ADMINISTRATOR ANNUAL CONTRACT

The F.E.S.S. Testing Administrator's Contractor Service Agreement had been mailed with Board members' agenda packets. *Note: The agreement included an increase in the total annual contract fee for FY 2006-07.*

MOTION by Mayor Via and **SECOND** by Mayor Apgar for approval of all Consent Agenda items, as presented; motion **CARRIED UNANIMOUSLY** on a voice vote.

NEW BUSINESS

HURRICANE PREPAREDNESS

HOW TO PREPARE AND APPLY FOR HURRICANE FUNDING TO FEMA - GEORGE JOHNSON, DISTRICT CONSERVATIONIST, USDA NATIONAL RESOURCE & CONSERVATION SERVICES

Chairman Northrup provided an introduction of Mr. Johnson, District Conservationist for Volusia and Flagler Counties.

Mr. Johnson played a video of NRCS (Natural Resources Conservation Service) providing recovery

MINUTES OF THE VCOG GOVERNING BOARD

REGULAR MEETING

assistance after 2004 hurricanes. A second video highlighted the background and process of the Emergency Watershed Protection (EPW) program which is designed to go in after a hurricane or other catastrophic event to provide recovery after the storm event:

- (1) the EWP is a congressional act, its authority comes from several laws through Congress;
- (2) three ways activation of the EWP program can be done are presidential declaration, or by declaration of a state conservationist, or letter of request from a sponsor; however, activation doesn't necessarily have to be for a major statewide or nationwide disaster, it can be a local disaster that a jurisdiction could possibly get funds if the funding is available;
- (3) there is no funding for EWP on an annual basis; it's all by congressional supplements when it's requested;
- (4) EWP funds are allocated for financial aid for actual work done and technical assistance relative to the design, implementation, and construction inspections;
- (5) over the last couple of years, \$1.3 million has been spent for projects in Volusia County, just from Hurricane Charley;
- (6) the eligibility criteria:
 - a. it has to be a natural disaster;
 - b. recovery has to be for runoff retardation or soil erosion prevention;
 - c. there needs to be a threat to life or property;
 - d. there needs to be a sudden impairment of the watershed caused by the event;
 - e. there needs to be an imminent threat caused by the event;
 - f. NOTE: for structural repairs; if something has been damaged more than twice in the last 10 years, then EWP won't pay to repair it a third time within 10 years;
 - g. needs to be economically defensible.
- (7) eligible watershed impairments are damage from floods, fires, excessive rainfall, tornados and hurricanes;
- (8) eligible measures are debris removal, streambank stabilization, and livestock and poultry carcass disposal;
- (9) the program:
 - a. doesn't restore agricultural productivity to farmland (there are other programs for that);
 - b. doesn't repair coastal erosion to beaches and shorelines;
 - c. isn't for fighting floods or rescue operations;
 - d. isn't for replacement of infrastructure;
 - e. isn't for road repairing;
 - f. won't correct pre-existing problems;
- (10) eligible sponsors are local units of state government (cities/counties), state government, water management districts, other government entities (e.g. a water control district), and Indian tribes and tribal organizations;
- (11) sponsor's responsibilities:
 - a. have the ability to provide local share of construction costs (sponsor pays 25% of costs and EWP would pay 75%; local share can be cash, "in-kind" goods or services, or combination of both);
 - b. have the ability to administer project agreements, obtain land rights, acquire permits, administer contracts and be responsible for operation and maintenance of these practices once they are in place;
- (12) EWP process includes: time limits (sponsor should request assistance within 60 days of event and work should be completed within 220 days of an event), reimbursement limitations, interagency cooperation (Fish & Wildlife Service, U.S. Forest Service, State Historic Preservation Office, etc.), implementation (design, contract, construction, and operation and maintenance), and accomplishments.

Discussions ensued of Board members' questions regarding the process, time period to receive funding, clarification that it is a "reimbursement" program, and what is the program's source of revenue.

Chairman Northrup expressed appreciation to Mr. Johnson for coming to the VCOG Board meeting and providing information.

VIDEO LOGGING AND GIS ASSET MANAGEMENT DATA COLLECTION EFFORTS THAT WOULD ASSIST GREATLY IN SPEEDING UP PAYMENT FROM FEMA - JON CHENEY, VOLUSIA COUNTY

Chairman Northrup gave an introduction of Mr. Jon Cheney and the topic of why video logging and GIS asset management data collection can speed up FEMA reimbursement and why cities' participation in this County project could save time and money.

Mr. Cheney affirmed the County has a project and that there is an opportunity for cities to piggyback and get some video logging and a database of all their assets; he added that if/when our area has hurricanes, this will enable jurisdictions in seeking some reimbursement from FEMA. Mr. Cheney stated why Volusia County is doing video logging and how it's done ("drive a van down roads in the real world and then convert that into a GIS electronic layer and put it into a database to have exact location of linear and point infrastructure). The County has already begun this project; the County is video logging any linear infrastructure (median, striping, turn lanes, etc.) and point infrastructure (railroad right-of-ways, sidewalks, pedestrian crossings, signal poles, intersections, signs, etc.). Items obtained through video logging can be of benefit for transportation, storm water, pavement, planning and safety issues. Another project the County is doing is called LiDar which is a 3-D modeling – the County is looking at 1' contours countywide and high resolution pictures – in combination with other project because of the floods in 2005 from heavy rains. The model can provide simulation of flooding potentials. Mr. Cheney repeated there is an opportunity for municipalities to partner with the County on the projects; he mentioned that information on how to partner with the County has already been sent to municipal managers and public works directors.

Discussions ensued and members' learned that the County has contracted with a company to do the video logging and the firm will do a conversion from the video imaging into a GIS database; it costs the County between \$90 to \$100 a mile; the process started in August and is estimated to be complete by middle of September; the County is also looking at what would appropriate time period be for having update done; approximate cost to a community that may want to participate (guesstimate of \$100 to \$110 per linear mile); right now County is video logging just County roads they maintain; the state does its own video logging; the County is doing video logging of any County road within a municipality that the County maintains; also the County may be collecting information on beach ramps and the beach; if a city wants to partner with the County, state roads won't be included in cost as FDOT is doing its own video logging; County is collecting information on traffic signals on the state highway system within municipalities.

Chairman Northrup expressed appreciation to Mr. Cheney for his presentation.

FEDERAL GOVERNMENT FEMA RESOLUTION – LANE MAHOOD, CONSTITUTENT SERVICES REPRESENTATIVE, CENTRAL FLORIDA OFFICE OF SENATOR MEL MARTINEZ

Chairman Northrup did an introduction of Ms. Lane Mahood who handles all casework issues involving FEMA and that her role is a liaison dealing with unresolved problems with FEMA.

Ms. Mahood told VCOG members what their office does and that it is available to assist local governments after a hurricane or during a hurricane. Ms. Mahood handles all FEMA casework issues for Senator Martinez and works out of his Orlando office. She offered to remain after the meeting to speak with anyone having questions and to provide her business card to them.

Chairman Northrup wondered what area Ms. Mahood covers as their offices are in Orlando; to which she replied, "I handle FEMA issues for the entire state." Mayor Costello wanted to know what Senator Martinez' position is regarding people that live in a gated community, relative to they getting reimbursement for doing road clearing in their community following a storm's event. Ms. Mahood remarked on having dealt with that issue "quite a bit" and she conveyed that the FEMA policy this year is to evaluate situations on a case by case basis. She mentioned a website called "FLORIDAPA.org" where information relating to FEMA's policy can be found.

Chairman Northrup thanked Ms. Mahood for attending and speaking to the VCOG Board.

OUTLINE OF ACTIVITIES FOR LOCAL GOVERNMENT COMPLIANCE WITH SB 360 AS IT RELATES TO PUBLIC EDUCATION - TOM HAROWSKI, TMH CONSULTING, INC., AND PATRICIA DRAGO, EXECUTIVE DIRECTOR OF FACILITIES, VOLUSIA COUNTY SCHOOLS

Mrs. Drago introduced the two people attending with her – Saralee Morrissey, Volusia School Director of Intergovernmental Coordination and Site Acquisition, and Tom Harowski, TMH Consultants that was jointly hired by the Volusia Schools/cities/County to prepare and assist them in public discussions, as well as document formulation for compliance with SB 360. Mrs. Drago explained that she wanted to make sure they came and spoke to VCOG members regarding SB 360 as it is specific; she mentioned thinking it is complimentary of the County Charter Review Amendment but SB 360 also stands on its own. She stated that Mr. Harowski will be working with the specifics documents and be available to work with governments' elected officials, planning board, etc. Mrs. Drago then provided the commentary on a PowerPoint presentation:

1. SB 360 will require a public school facilities element and it will have an amended capital improvements and intergovernmental coordination element as a part of local jurisdictions' comprehensive plan;
2. the School Board and local jurisdictions will be required to amend the interlocal agreement and it will require implementation of school concurrency;
3. the Senate Bill sets up 4 committees,
 - a. a Technical Committee (the technical staff from each of the municipalities, the County and School District) (members have already been meeting and working on this since the bill's passage);
 - b. an Executive Committee will be comprised of city managers, the County Manager and School Board Superintendent;
 - c. the Legislative Committee is elected officials (VCOG);
 - d. a Stakeholders Committee that the School Board is in the process of appointing will be comprised of 3 members appointed by each School Board member, as well as, members of representative groups of the community including HomeBuilders, VCARD, VTO, VASA, Affordable Low Income Housing and District Advisory Committee.

Mrs. Drago stressed this is all collaborative, this is not dictated by the School Board and that is why she is present at today's meeting and that's why the School Board/cities/County have jointly hired a consultant. She continued with the presentation on:

1. Level of Service for schools is something they (School/cities/County) are going to need to work together to arrive at what's an acceptable level of service; the statute recommends it be required district wide initially and that within 5 years to go to a sub-district service area (Mrs. Drago said, "We think we need to talk about that as a group.")
2. Concurrency Service Areas – a geographic area served by a school (Mrs. Drago said, "That's something you and we have to decide.")
3. Financial Feasibility – in Volusia, with the ½¢ sales tax, the impact fee, and the tax base that they have, the School District has developed a financially feasible building program already;
4. Proportionate Share Mitigation – Mrs. Drago said, "If you get to a point where a developer application comes forward and there is not capacity, then we have responsibility, obligation, and privilege of working at proportionate share mitigation so we can make sure that we maintain that level of service in a financially feasible manner."
5. the approach that School District is taking, that has been worked through very closely with local jurisdictions' technical staff, is:
 - a. they're looking for a model public school facilities element, and model amendments to the capital improvements element, and intergovernmental coordination element for local governments to adopt;
 - b. we would have a uniform proportionate share methodology;
 - c. a uniform concurrency management approach; and
 - d. update the interlocal agreement.

Mrs. Drago said, "We are working on some of these topics now but you, the elected officials, are the ultimate deciders here and the ultimate ones to direct this effort." The School Board is going to be working with local jurisdictions staff and will be asking for five (5) regional meetings,

fall of 2006, with School Board members and elected officials. Dr. Smith's office will be in the process of working with some local jurisdictions to set those dates. Referencing the slide entitled, "Next Steps", Mrs. Drago announced Volusia is required to transmit the public school facilities element by July 2007 and she reviewed that process. She conveyed the concept is that the collaborative development of level of services, of concurrency service areas, and of the mechanism of evaluating and looking at schools, the County's ordinance (that implements the Charter Amendment) would take those into account; that would be the local piece. SB 360 is the State piece that is stipulated very clearly. Mrs. Drago announced that Saralee (Morrissey) is available to answer technical questions and Tom Harowski is available to come to meetings (the contract with his firm does contain a per meeting cost) and he's available to work with officials and their staff on some technical components.

Discussions ensued concerning level of service; concurrency service areas; the scheduling of public meetings with officials; proportionate share mitigation; looking at the school concurrency factor when approving any project; loss of some flexibility because three parties have to come to agreement.

Mayor Via asked why is the County referendum needed when they have SB 360. Mrs. Drago explained why the School District has supported the referendum is because SB 360 sets up concurrency; it's restrictive and it occurs late in the process; and if Volusia jurisdictions and the School District want to plan and take a look at communities as a whole, they need to do it earlier and need to do it locally.

Chairman Northrup excused himself from the meeting and turned the gavel over to Vice Chairman Vandergriff.

Mayor Apgar brought up a point that if no comprehensive plan amendment is being made then jurisdictions are under SB 360 and not the County Charter Amendment; he explained the basis of his point that the County Amendment only applies if there is a comp plan change. He continued that if the County Amendment passes, jurisdictions will have to reach an agreement with the School District so they can work out a comprehensive agreement, meaning the County Amendment is "kind of in limbo" because it was based on the premise that the city's going to annex and do some comp plan changes (Mayor Apgar said, "Those changes are going to come to a slow down while the city's going to work out a comp plan amendment if the County Charter Amendment passes."). Mayor Apgar also noted that some developers aren't going to want to wait for that process; that they would want to do their comp plan change in the County, so a lot of agreements will be between the County and the School District if the County Amendment passes. Mrs. Morrissey concurred and commented that Mayor Apgar had raised a good point.

A brief discussion ensued concerning impact fees.

Mayor Apgar brought forward another point that there could be a benefit to the school amendment, as it may cause all jurisdictions to focus on some things that they don't do until much later; that under the tri-party agreement they would collectively agree that extending utilities from point A to point B makes the most sense, and as it's done early enough (1) the city now knows that developer is going to pay 20% of the cost and the city now knows to budget that its got the other 80% and can do a little planning.

Discussions resumed concerning level of service and proportionate mitigation.

Mr. Harowski made the point that part of what is coming out of this process is an analysis of how many students the School District is expecting, projected out to 2025; geographically where they are going to be, based on anticipated population growth; and where additional schools will be needed beyond the program, where the School Board has in place to 2015; and at what grade levels. Mr. Harowski said, "There's a planning component to this which gives us the opportunity to lay out what our long term need is going to be."

Vice Chairman Vandergriff thanked Mrs. Drago, Mrs. Morrissey and Mr. Harowski for coming to the meeting and speaking with the VCOG Board.

EVALUATION OF MARY SWIDERSKI

Vice Chairman Vandergriff announced that a few evaluation forms have been received and he encouraged Board members, who haven't already, to send the forms in to the VCOG office as soon as possible.

BOARD MEMBERS' COMMENTS

MAYOR FRED COSTELLO

He brought up the subject on the proposed County Charter Amendment concerning the County continuing to have oversight of land after its annexed into a city but that there doesn't seem to be reciprocity for cities to have oversight of land that is immediately outside its boundary. Discussions followed concerning the language of the amendment.

ADJOURNMENT

There being no further business to come before the VCOG Board, the meeting was adjourned at 6:48 P.M.

AS SUBMITTED, THE FOREGOING MINUTES OF A REGULAR MEETING OF THE VCOG GOVERNING BOARD WERE APPROVED IN AN OPEN MEETING HELD ON SEPTEMBER 25, 2006, IN THE MPO/VCOG/WAV CONFERENCE ROOM AT 2570 W. INTERNATIONAL SPEEDWAY BOULEVARD, SUITE 120, DAYTONA BEACH, FLORIDA.

VCOG, Inc.

Chair

ATTEST:

Recording Secretary