

**MINUTES OF THE VCOG GOVERNING BOARD**

**REGULAR MEETING**

**AUGUST 23, 2010**

**MPO & VCOG CONFERENCE ROOM  
2570 W. INTERNATIONAL SPEEDWAY BLVD., SUITE 100  
DAYTONA BEACH, FLORIDA**

MEMBERS PRESENT

Commissioner Cassandra Reynolds  
Mayor Greg Northrup  
Mayor Bob Garcia  
Mayor Robert F. Apgar  
Mayor Mike Thomas  
Mayor Buddy Snowden  
Mayor Adam Barringer  
Mayor Harley Strickland  
Mayor Fredrick Costello  
Mayor James Sowell  
Mayor Tony Goudie  
Vice Mayor Locke

Members Absent:

Mayor Dennis Mulder  
Mayor Roland Via  
Mayor Darla Lauer  
Mayor Harley Strickland  
Mayor Allen Green  
County Chair Frank Bruno  
School Board Chair Candace Lankford

NON-VOTING MEMBERS PRESENT

NON-VOTING MEMBERS ABSENT:

Michael Mellon

OTHERS PRESENT

Cheryl Robel  
Joni Hunt  
Ann Benedetti  
Dale Arrington  
Jennifer Coolidge

VCOG STAFF PRESENT

Mary Swiderski, VCOG Executive Director  
Patricia Knabe, Recording Secretary

REPRESENTING

Daytona Beach  
Daytona Beach Shores  
DeBary  
DeLand  
Edgewater  
Lake Helen  
New Smyrna Beach  
Orange City  
Ormond Beach  
Pierson  
Ponce Inlet  
South Daytona

Deltona  
Holly Hill  
Oak Hill  
Orange City  
Port Orange  
Volusia County  
Volusia County School Board

REPRESENTING

Emergency Medical Foundation/EVAC

REPRESENTING

CCFAW  
Embry-Riddle Aeronautical University  
St. John's River Water Mgmt. District  
City of Deland  
Volusia County Cultural Alliance

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

At 5:02 p.m., Chairman Apgar called to order the August 23, 2010, regular meeting of the VCOG Governing Board.

The roll was called and a quorum was not declared present. Therefore, no action would be taken on any items.

### **PLEDGE OF ALLEGIANCE**

Chairman Apgar led everyone in the Pledge to the Flag.

### **PUBLIC COMMENTS/PARTICIPATION**

No public comments/participation

- Chairman Apgar recognized Ann Benedetti with the water management district.
- Mary Swiderski introduced her new administrative assistant, Pat Knabe.
- Chairman Apgar welcomed Mayor Elect Locke, City of South Daytona, to the VCOG Governing Board.

### **PRESENTATIONS**

TRAP, NEUTER AND RECOVERY ORDINANCE – Dale Arrington, Assistant Manager, City of Deland.

- Dale Arrington stated the following: Deland is not close to having an ordinance on Trap, Neuter and Recovery.
- Deland's problem for the past three years relates primarily to cats and the large amount of money being spent on euthanasia at the Halifax Humane Society. Efforts to lower this cost was not attainable resulting in non-renewal of the contract with the Humane Society.
- A new program called Second Chance was developed. A warehouse was rented and cages were brought in for the cats and, on occasions some, dogs. No direct adoptions are allowed from this kennel and animals are returned to their owners with matching up the animals' tags or ownership papers. Over 50 private rescue groups are available to find permanent homes for the animals and no euthanasia is performed resulting in a great savings of money.
- In 2009 the County of Volusia provided people the free use of their pet vet cruiser if a mandatory spay neuter ordinance was adopted. The ordinance was adopted by Deland which enabled the City to utilize the cruiser during the trial period. This proved to be a very controversial issue which found the City being criticized by agencies organized to defeat such an ordinance. After the interpretation was changed to address the objections, the ordinance was passed and the pet vet cruiser was utilized the following fiscal year but was not re-funded.
- An attempt was made to write and adopt a cat colony program based on the Ormond Beach experience. There was great opposition to adopting this ordinance to allow cat colonies to be kept within the City of Deland. The spay neuter program was then re-funded through the pet vet cruiser and another \$5,000.00 was provided to the opposing feline cat group to neuter their cats.
- There are 17 ways in Volusia County to deal with cats and dogs and there needs to be just one way. Each City has its own rules. Orange County's model is being considered for implementation in Deland.

### **BOARD MEMBER QUESTIONS/COMMENTS**

- Mayor Thomas indicated the City of Edgewater built a shelter, staffed mainly by animal organization volunteers with some part-time employees. He suggested if anyone is interested in information and suggestions that they contact Jack Corder who is the shelter leader.
- Mary Swiderski stated, and Mayor Apgar concurred, that the concerned citizens for animal welfare presented all the cities with a letter of their desire for them to implement the trap spay neuter ordinance as animals do not know boundaries of jurisdictions.
- Mayor Costello inquired if the city managers have talked about this type of ordinance. The managers looked at this in 2008 but could not find a solution. The Volusia Animal Control has been given a charge to look into this entire issue and make recommendations.

UPDATE ON ECHO (VOLUSIA COUNTY CULTURAL ALLIANCE) STUDY – Jennifer Coolidge, Executive Director Museum of Florida Arts.

- The Volusia County Council has authorized County Staff to conduct a study covering the impact of past funding and the criteria which should guide future funding. The Volusia County Cultural Alliance has made recommendations for ECHO's participation in the study and handed out an outline of these recommendations.
- The nine points which were recommended by the ECHO Advisory Board for inclusion in the study are:
  - A cost benefit of ECHO
  - Sustainability of existing and future ECHO projects
  - Economic benefit of borrowing against funds (bonding)
  - Future project criteria – project has been based as a quality of life program since inception
  - Economic impact of ECHO
  - Best Practices
  - Evaluation of past projects
  - Needs Assessment
  - Define projects of paramount importance with possibility of direct allocations or planning for these projects
- The County staff will be presenting their overall detailed plan for the study. There was some discussion about a consulting firm out of Jacksonville, about allocating significant resources to the study and whether or not universities should be involved. After the overall plan is presented the ECHO Board will then have the opportunity for their input. Jennifer suggested maybe VCOG would like to have representative attend the meeting and have them provide feedback .
- One item which was not discussed was regarding how the projects that are already in incubation would be affected. Some cities many have comp plans that have ECHO noted as seed fund for a project in the future. VCOG might want to share with the ECHO Advisory Board or the County Council that this should be considered in the study.
- ECHO is concerned that not all ECHO priorities and geographic disbursement of funds will be considered which would hinder seeding small projects in small communities and large projects in other communities. Ms. Coolidge stated that The Volusia County Cultural Alliance supports ECHO and feedback from VCOG will be greatly appreciated.

**BOARD MEMBER QUESTIONS/COMMENTS**

- Mayor Apgar stated this issue has been viewed from the perspective of individuals on west side as decisive and understands that a former chair from the ECHO committee resigned over the fact that the County staff felt the objectivity of the study may be biased. This is an issue which VCOG needs to look at over time.
- Mayor Apgar agreed that city comp plans projected through ECHO funds or other grant programs needs to be addressed.
- Mayor Costello stated he wanted to go on record “as supporting everything here, I know Jennifer knows and I think you all know Ormond Beach was just looking for a partner and the county found a funding source and I have supported ECHO projects, I will write a letter if that would be of any benefit to support the process for whether it be beach parking, purchase of land for beach parking, whether it be trails, whatever is going to happen through ECHO that it should go through the process. The dilemma, just to make sure that everybody knows, that we had in Ormond Beach was that we were told by some previous ECHO chairs, which doesn't speak for the ECHO Board, but we were told that you can't proactively set aside money, you can't come to us and say if we want to do this can you set aside money for this so there will be money there. So we couldn't do that, we were told that we would have to wait for a project. So we waited for a project and went to the County and the County decided that one of the ways they were going to get some of the money was ECHO, which created kind of the hullabaloo. So we did try and proactively say that we are going to be looking for some property and we are going to be looking for a partner and how can we do this and it's kind of a catch 22. So I apologize for the way that happened, it kind of threw the monkey wrenches in everything and what I am saying now is that I hope the County will come up with a plan—I hope it's not ECHO—but whatever the plan is that if any of the beachfront

communities are willing to partner with somebody, I don't know about anybody else, but Ormond Beach can't afford to buy land ourselves. We've got to have a partner, and I am of the opinion that whether it be political, which I don't think the cars will come off the beach because of political reasons, but I think in Ormond Beach cars are coming off a lot of the beach because of the soft sand. So, for whatever reason we are going to need more facilities for off-beach parking. All I'm saying is we need to come up with a way that we beachside communities know that that's available if we do our part through a program to get a willing partner. That's my goal—is to have something that we all know what's out there so we don't have to do it again”.

- Mayor Barringer expressed concern that not all taxpayers will benefit from the off-beach parking funding. He suggested that the VCOG Board decide what direction they would like County Chair Bruno to present to the County Council.
- Mayor Apgar stated when we have a quorum we will go through with the executive board process for further discussion.
- Mayor Apgar realizes that there is a unique opportunity in the current economic climate to acquire some properties that might not otherwise be available tomorrow at today's prices. He also recommended there is a need for balance against the needs of the whole ECHO program and not necessarily unduly weight fund distribution for one project.
- Mayor Goudie thanked Jennifer for her presentation and commended the VCCA for taking a proactive position in regard to the ECHO Advisory Board position. It is important that the process remains transparent and no programs are weighted on an unbiased way so there is an equitable distribution of a fund on which people voluntarily agreed to be taxed.
- Mayor Apgar recommended that this issue will be discussed at the Executive Committee Board Meeting and decided how VCOG will follow up with it.

#### **CHAIR'S COMMENTS/RECOGNITIONS**

##### **A. Sustainable Communities Regional Planning Grant**

- Mayor Apgar informed that today was the deadline for a grant application process that was announced the end of July. The Executive Committee met with Analytical Consultant Group which had done some work for the city of Deland and was willing on the behalf of VCOG to make a grant application for Volusia County. During the process it was discovered that the East Central Florida Regional Planning Council was going to submit a similar grant application for a larger region.
- Due to the short time frame and availability of information, Mary Swiderski contacted HUD and was told that only one of these grant applications from a region can be submitted and Volusia County is part of that region. The Regional Planning Council (RPC) did submit their application today. There was also a community grant program for which cities in West Volusia did submit an application.
- The possibility of the grant application offered VCOG an opportunity to be a “clearinghouse” for all of Volusia County, allowing Mary Swiderski to shepherd a planning process which some of the grants could have afforded.
- Under the RPC grant application Mayor Apgar believes VCOG is identified as a sub-grant recipient and should RPC receive the grant VCOG may have a role of coordinating the planning function under that grant. At the recent County Council meeting it was suggested that the Council oversee VCOG's involvement.
- Mayor Apgar stated that if RPC is successful in being awarded the grant he would like the Board to consider looking at those type of opportunities in which VCOG could play a role to help all our communities.
- Mayor Apgar stated that the application was due before the next Governing Board meeting. The Executive Committee was willing to move forward with the application until the information from HUD was received. Mayor Apgar thanked Mary Swiderski for her help with the process and for bringing that kind of opportunity to the Governing Board and the Executive Committee. Mayor Apgar requested the Board to give thought as to whether they have concerns regarding VCOG taking greater roles like that in the coordination of future grants.

- Mayor Apgar mentioned that one important thing about this grant is that it would not have been a disqualifier for future grants if the application was successful and would have opened doors for future grant opportunities.
  - Commissioner Reynolds requested clarification regarding the role VCOG would have in being the overseers of the planning or develop the planning for grant.
    - Mayor Apgar explained that these type of grant applications required regional coordination and that VCOG would be a great organization for this as it has all the cities, the School Board and County under one nice umbrella to spread over everything rather than having multiple jurisdictions trying to compete for the same money. He stated that he did not envision this would usurp any individual city's right of the self planning process. If the grant required large demographic data or planning data from all the cities VCOG could provide that information. If there is a need a planning consultant would be hired which would work with each city on the goals that were attained and each city have a representative to go back and make recommendations and operate under some kind of memorandum of agreement.
  - Mayor Apgar stated again this is the question to the Governing Board as to whether they think that these kinds of things to which VCOG should avail themselves.
  - Vice Mayor Locke questioned if cities with their own planning staffs were awarded a grant how would VCOG be involved.
    - Mayor Apgar stated that the grants available were principally of a regional nature and VCOG would be the "clearinghouse" for coordination among the entities involved for the grant application process and implementation of the grant.
  - Mayor Costello recommended that a mechanism be in place for VCOG to be prepared to be the coordinator of a regional or multi jurisdictional grant process. The storm water issue in East Volusia regarding turning that water west and the TPO Regional Planning Council grant looking at another sun rail station and the ISB corridor transit oriented development would be things VCOG could coordinate. Mayor Apgar stated this suggestion will be discussed at the next Executive Board Meeting.
- Mayor Apgar stated that Second Harvest Food Bank requested he host at table of mayors at their annual breakfast on Sept. 15 and asked that those present attend as his guest.

#### B. Executive Director Evaluation

- Mary Swiderski passed out the evaluation.
- Mayor Apgar stated the report does not require any action. The evaluation is a precursor to Ms. Swiderski's contract renewal. The overall evaluation was high 3's and averages.
- Ms. Swiderski stated some individuals did not respond to the evaluation.

#### **VCOG EXECUTIVE DIRECTOR'S BRIEFING**

- Ms. Swiderski brought back information from the Florida League of Cities convention regarding the interpretation of Section 106 of a state statute that clarifies what can be used or discussed regarding ballot questions, i.e. local government can use copiers, telephones, etc. as long as they do not request a yes/no vote.
- Ms. Swiderski received a certificate of thank you today from the Director of the U.S. Census Bureau for VCPG's involvement in working on the census.
- New conference room procedures
  - Food and cold drinks are now located in the kitchen and please feel free to help yourself.
  - We have been allowed a space for a sign however it is not presently in the budget. It will be the Boards' decision if funds will be budgeted for a sign.
- Mayor Green requested it be put into the record that "we should never have a VCOG meeting the day before an election".

## CONSENT AGENDA

- Mayor Apgar stated that since we do not have a quorum the consent agenda will be acted on at the next Governing Board Meeting. He requested that any comments regarding the minutes, reports or VCOG handbook be submitted to Mary and they will be incorporated in the next meeting agenda.

## OLD BUSINESS

- Mary Swiderski stated that information regarding the pain clinics is included with the agenda packets. At a meeting held on July 27, 2010, the Health Department, Stewart- Marchman and Chair Bruno discussed a moratorium on pain clinics. It was determined that, since a law is coming into place October 1, 2010 and a database which will tie into all the different pharmacies on December 1, 2010, it is too late for a moratorium.
- An enormous taskforce has been formed consisting of every possible entity, i.e. the morgue, MRI clinics, county jail, pharmacies, etc.
- Prescription drug abuse has become an enormous epidemic in our area. Twenty-five percent of all deaths in the State of Florida have been caused by prescription drug overdose.
- Forty thousand calls were made to Stewart- Marchman last year related to substance abuse.
- All this is taking place on the Central Florida belt.
- The taskforce is putting together educational material to send out to the community.
- A new law is coming into place October 1, 2010 allowing police/sheriff to go in without a search warrant to look at records, especially for those who pay cash for their doctors' appointments.
- Florida is one of 11 states which do not presently have laws in place for prescription drugs resulting in the large problem we have. Delaware calls patients periodically for a pill count for those taking drugs that could cause drug addiction. Canada has the most strict laws.
- Mayor Apgar questioned what further action does VCOG need to take. Ms. Swiderski will report back to VCOG with an update and requested action.
- Mayor Costello stated that with the new law coming in October he has already received calls from various pharmacies informing him that customers are going from one pharmacy to another obtaining medications and they are being tracked regarding the medications that they are receiving.
- Vice Mayor Locke stated they have placed a moratorium on one clinic but another one is trying to come in. He asked if the State is going to declare these pain clinics illegal and that one can only go to a registered pharmacy?
- Mary Swiderski stated that some of the physicians are handing out the pills at the clinics which might not necessarily be legitimate. JACO accredited clinics are complying with maximum guidelines.
- Mayor Costello stated that after the October date the dispensing physicians or pharmacists will be required to keep a list of prescribed medications.

## NEW BUSINESS

## VCOG WATER ADVISORY – Dave Denny, Chair of WAC

- Mr. Denny stated that the Advisory Board has been following several projects.
  - The Coquina coast desalination plant has dropped membership due to a billion dollar plus cost associated with that project.
  - Looking at alternative water issues
  - MFL's being set by the district on lakes and other bodies of water.
  - Conservation initiatives to enable a reduction of the amount of potable water for lawns and green spaces not requiring quality water will offset the amount of alternative water needed if they get the right projects to move toward and not have to go to the river or desal.
- The numeric nutrient criteria is presently a large concern due to the large amount of money for any entity operating a storm water waste water treatment plant which discharges water to a surface body of water. The Florida Water Environment Association did a study on wastewater systems. About 50% discharge to a surface body of water. The cost of additional treatment facilities to remove the total nitrogen and phosphorus is between \$25 and \$50 billion dollars of capital cost and between \$400

million and a \$1 million dollars of annual operating cost. FWEA and other organizations have written to the Governor which has somewhat slowed down this issue. WAC will provide updates when available.

- The Water Management District is facing budget cuts. The District '07-'08 budget was \$400 million. The proposed budget for 2011 is \$247 million which is \$32 million less than this current year. Volusia County was allocated in '07-'08 \$16.6 million and the current year is proposed at \$10.6 million.
- There will be a need to delay projects and seek those with less funding opportunity. The District has vowed they will continue with the highest priority projects and have stated there is no excess capacity for emerging issues, any new local fund requests or new legislative mandates.
- WAC is seeking direction from the Board regarding what projects, or anything else, it would recommend this committee to address and provide feedback.
- The committee has found that monthly meetings are not necessary as they are talking on an on-going basis so bi-monthly or quarterly meetings would be sufficient, unless direction was given requiring monthly meetings.
- Mayor Apgar explained that when WAV disbanded there was discussion regarding the need to continue on-going dialogue with water issues in Volusia County. It was determined that VCOG would coordinate this until some other separate authorities like WAV materialized. The original intent was to ask water experts to meet once a month to discuss ideas and suggestions presented to them and report to VCOG quarterly. Caution regarding giving the committee direction was required as it could infringe upon some Sunshine related issues. The committee would discuss water issues and allow for collective coordinated efforts to protect the future Volusia County water supply.
- Mayor Apgar encouraged suggestions and ideas. He mentioned that Mayor Stirckland is looking for ways to convert storm water into potable water and for possible reservoirs for storage.
- Mayor Barringer stated that New Smyrna Beach has its own utility and they have different companies come before city commissioners to present ideas regarding the different technologies which are available and how they are working and that this information could be provided to VCOG.
- Mayor Costello made reference to the new Farmton and Miami Corp. property which will not begin development until 25 years from now. He does not know the cost for piping but suggested maybe the water down there could be utilized in West Volusia in the interim, if it is less costly than the Coquina desal or taking water from the St. John's River. By that time he hopes there will be less expensive technologies. He informed that DeLand is being charged more money for less water.
- Mr. Denny stated he cannot say if West Volusia has been approached by Farmton to use that water until they are ready for it. WAC has been discussing the feasibility of directing water to Deltona, as it is the closest system to it, and interconnect it with the other Westside cities, making it beneficial for everyone.
- Mayor Apgar stated that utilizing Farmton water for the West side makes sense and that at some point a decision needs to be made.
- Mayor Apgar suggested that Mary Swiderski contact those who are not present this evening and encourage them to speak with their technical people for suggestions and ideas for VCOG to present to the WAC Committee. He also requested that WAC let VCOG know if there are any issues they should be discussing.
- Mr. Denny said that the Committee is also looking closely at the details of capturing as much storm water as possible and putting it in a reservoir at strategic locations on west side near the 472 Martin Luther King intersection. They have found that for every gallon put into the reservoir about a half a gallon of that shows up in increased flow in Blue Springs and will have it to use when it is dry for a less quality of water for irrigation purposes.
- Mayor Thomas recommended that we stay on track and encouraged continued conversation as there is no doubt water is going to be a problem in the future and cannot wait to be addressed at the last minute. He has been researching all different technologies but they are very costly. He stated the need to harness the energy during heavy rainfalls and store the water in reservoirs. He informed that Lake Commack in Debary stores a lot of water.
- Mr. Denny stated that Port Orange has a 75 acre reservoir and will be adding 100 acres to it.
- Mayor Elect Locke informed that SR 17 canal drains to the airport and goes into Nova Road canal and then out to the river. He suggested that the water going to the airport be redirected into the east side

aquifer. He also mentioned that Brevard County was wanting to tap into South Daytona's aquifer. He cautioned this could be happening in other areas of the county.

- Mayor Thomas informed that he is aware of this happening in Farmton. The City of Titusville has been given permission to build a pipeline along the railroad and is going in to build a series of wells 100 feet on their side from Volusia and Brevard Counties.

## **BOARD MEMBERS' COMMENTS**

### **MAYOR MIKE THOMAS**

- The VCOG Board meetings are very important, a lot is learned and he appreciates the dialogue at the meetings.

### **MAYOR BUDDY SNOWDEN**

- He really enjoyed the Florida League of Cities (FLC) conference. He questioned if this board does anything with the youth council? There were several youths at the conference learning about the government. He suggested that VCOG consider doing the same thing as these young people are the future leaders of tomorrow.

### **VICE MAYOR GEORGE LOCKE**

- Stated he is looking forward to working with VCOG.

### **MAYOR TONY GOUDIE**

- Informed that he also enjoyed the FLC conference and encouraged everyone to try to attend in the future. He welcomed Vice Mayor Locke to VCOG.

### **MAYOR ROBERT APGAR**

- Stated he believes FLC will have cd's available containing all the sessions for those who wish to acquire a copy. Ms. Swiderski indicated they were already ordered.
- Mayor Apgar attended one session at the FLC conference sponsored by the Collins Center which is affiliated with FSU and discussed studies which have been done on the impact of other employee pension benefits plan projections, which frightening in the long term for cities and they have a series of recommendations. Mayor Apgar encouraged everyone to visit their website to learn more about this issue. Lee Feldman, City Manager of Palm Bay, also had a very interesting presentation about the new times tomorrow and tough times ahead for cities and some of his views on, what everyone in municipal government realizes, the rough road ahead.

### **MAYOR ADAM BARRINGER**

- Welcomed Vice Mayor Locke to VCOG. He wished Mayor Costello good luck tomorrow in the elections and offered his personal help with anything he might need. He also enjoyed the FLC conference and learned how well Mayor Apgar is respected and congratulated him on being nominated to the Executive Board.

### **MAYOR FRED COSTELLO**

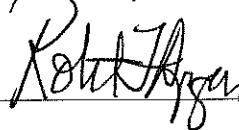
- Informed that a Triple X Bookstore is coming into Ormond Beach County and would like to know if anyone has any information on any regulations that could help prevent the store to come into the county. He heard that Dean Cannon is not going to support TABOR.
  - Mayor Apgar stated that Dean Cannon promised, on the House side, that the cities will have a seat at the table for anything that is going to be done. Senator Haridopolos stated they are going to do certain things and will let the cities express their views.
- Mayor Costello stated that he personally spoke with Bill McCollum regarding Ormond Beach having , for the third time, been able keep their millage the same. He expressed concern regarding Mr. McCollum's two year cap which he has been speaking about which would basically reward those who did not keep the same millage rate and penalize those worked very hard to keep the rate the same and encouraged that he make sure there is some provision for those who have kept the same rate for years. Mr. McCollum agreed with Mayor Costello. This is an issue which Mayor Costello will support.

- o Mayor Apgar wished Mayor Costello well in tomorrow's elections and that it will be a successful day for him.
- o The Attorney General requested Mayor Apgar to look at his two year cap from perspective of economic development. Mayor Apgar stated that we would be unable to put our communities in a position to be competitive with everyone else if we are frozen for two years. Attorney General McCollum stated he would take this into consideration. Mayor Apgar also made sure that the Attorney General understood the impact of the minimum flows and levels on West Volusia communities which is a large issue to that part of the county.

**ADJOURNMENT**

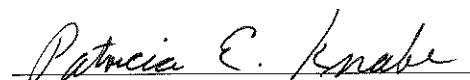
There being no further business to come before the VCOG Board, the meeting was adjourned at 6:35 p.m.

AS SUBMITTED, THE FOREGOING MINUTES OF A REGULAR MEETING OF THE VCOG GOVERNING BOARD WERE APPROVED IN AN OPEN MEETING HELD ON AUGUST 23, 2010, IN THE MPO/VCOG/WAV CONFERENCE ROOM AT 2570 W. INTERNATIONAL SPEEDWAY BOULEVARD, SUITE 100, DAYTONA BEACH, FLORIDA.

**VCOG, INC.**

Chair

ATTEST:

  
Recording Secretary