

**CITY OF DELTONA, FLORIDA
PLANNING & ZONING BOARD MEETING
WEDNESDAY, NOVEMBER 16, 2011**

A Regular Meeting of the Deltona Planning and Zoning Board was held on Wednesday, November 16, 2011, in the 2nd Floor Conference Room, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman Burbank.

2. ROLL CALL:

Chairman	Tom Burbank	Present
Vice Chairman	Adam Walosik	Present
Secretary	Noble Olasimbo	Absent (Excused)
Member	Victor Ramos	Present
Member	Heather Mulder	Present
Member	David McKnight	Present
Member	Michael Kiepert	Present

Also present: Planning & Development Services Director Chris Bowley; Planning & Development Assistant Director Ron A. Paradise; City Attorney Becky Vose; and Board Secretary Pauline Shattuck.

Chairman Burbank welcomed new Member Michael Kiepert.

3. APPROVAL OF MINUTES:

A. Minutes:

1. Meeting – September 21, 2011.

Motion by Member Mulder, seconded by Member McKnight, to adopt the minutes of the Regular Planning & Zoning Board Meeting of September 21, 2011, as presented.

Motion carried with members voting as follows: Member Walosik, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; Member Kiepert, for; and Chairman Burbank, for.

4. PUBLIC COMMENTS: None

5. OLD BUSINESS: None

Discussion by the City Attorney:

City Attorney Becky Vose asked to change the order of the agenda to discuss the Florida Sunshine

Law and the By-laws before New Business.

Ms. Vose said the Sunshine Law summary involves three things: Meetings must be open to the public, reasonable notice of such meetings must be given, and minutes must be taken. Ms. Vose said a meeting is any time two or more board members talk, whether through e-mail, phone or in person, about something which they would reasonably perceive as coming before the board for a decision at some point. It is her suggestion if members are going to socialize among themselves that board members steer clear of discussing anything having to do with the City. Discussion ensued regarding various examples of speaking with City officials and with members of other boards/committees. Ms. Vose said to err on the side of caution by not talking about City business because violations of the Sunshine Laws are criminal and very severe.

Ms. Vose said there were questions about the P&Z revised By-laws. Chairman Burbank said his question refers to what was the motive behind the first sentence in Article IX, Section 2, "All communications by or on behalf of the Board or any Board member shall be made either in public at a Board meeting, through communications to the Staff Liaison, or through items placed in the minutes of the Board." Ms. Vose said it was City Commission directed. She said "all communications by the board" does not have anything to do with the Sunshine Law. No one member of a board can speak for the board. No one member of the board should speak in such a way that the normal person who would hear it would think that they were speaking as a board member.

Chairman Burbank said this first sentence "troubles him to no end." He said it was very confusing and read the sentence again. He stated that this could be very strictly interpreted to say all communications by any board member--which is pretty all encompassing. Ms. Vose said if you read further it states "this restriction shall not prevent any board member from expressing his or her individual ideas or opinions relating to any matter, so long as such expression of ideas or opinions are expressed as that individuals' idea." Ms. Vose said this sentence needs to be taken into the context of the entire paragraph.

Chairman Burbank said politics is a dirty business and that many people who served on boards go on to higher office. He said this could be used by an existing office-holder to discredit someone who may be serving on a board or committee in order to short circuit any potential competition for that office seat. Further discussion ensued. Member McKnight said he is a member of several other organizations, one of them being a political party organization which meets monthly. They discuss city, county and state business. If there is a City Commissioner or P&Z Board Member within the organization, Ms. Vose said these members cannot speak on matters of P&Z Board business. Mr. Bowley said they could not represent themselves as a City board member. Chairman Burbank and Member McKnight agreed that this item has the potential for abuse. Chairman Burbank said the P&Z Board does not have a choice in this matter, but if members of the board feel strongly enough that there is potential for someone to take advantage of this to further their own political agenda, that maybe word could reach the City Commission to revisit this first sentence.

Ms. Vose said it is her understanding that this is intended to stop people from addressing groups,

among other things, who say they speak for the board. There is no reason for members to have to state that they are a board member, but not speaking as a board member. Chairman Burbank asked for a straw ballot of the P&Z Members whether anyone feels strongly enough to ask the City Commission, through the City Attorney, to revisit this first sentence and wordsmith something that the Board finds more palatable. All the Board Members were in consensus.

6. NEW BUSINESS:

A. Capital Improvements Element - Ordinance No. 28-2011

An Ordinance of the City of Deltona, Florida, amending the Comprehensive Plan of the City of Deltona, by amending the Capital Improvements Element (CIE) providing for the replacement of the Capital Improvement Project sheets; finding conformity with State Statutes; providing for severability; providing for an effective date.

Mr. Paradise said this item is an annual update to the CIE. The purpose and intent is to ensure, in the context of the City budget, that the City is implementing the Level of Service (LOS) standards articulated within the Comprehensive Plan. All the numbers within the CIE are verbatim from the City's adopted budget, which was adopted in September, with the exception of information from the Volusia County School Board and information from Volusia County relating to the Deltona North Service Area located on Wolf Pack Run.

Mr. Paradise said there have been significant changes to the State Growth Management Law, however, the CIE update is still a requirement; there is no longer a deadline to submit the CIE and sanctions no longer apply. The CIE is an effective tool to ensure that the City's budget obligations are being allocated in a manner that implements the LOS standards. The City still uses level of service as a yardstick to measure the provision of public services. Some of the requirements for fiscal feasibility no longer exist; also there is no requirement to bring in the State or the County's roadway program, except in the case of the School District. There is a charter provision within the charter of Volusia County that requires all governments to implement level of service standards for the School District and that is measured as school workspace stations. That is the reason the School District budget information is included in the document. Another exception is the Deltona North Service Area, which is a County Service Area. One concurrency requirement that survived the changes in the Growth Management Act was water supply. Eventually the City will update its Water Supply Plan thus the decision was made that it was best to maintain those water supply and water provision-oriented elements within the CIE so there is a record of tracking it through the years when the City does update the Water Supply Plan. The County did not send some of the Deltona North information requested, and it is not included in the package.

Chairman Burbank noted that many stormwater improvements would be funded by grants. Mr. Paradise said it was mostly CDBG funds.

Chairman Burbank also asked about impact fees. The total impact fees amount seem optimistic especially for transportation. Mr. Bowley said the City's bond has a rating, and the covenant of that bond disallows the city to waive, or put a moratorium on transportation impact fees. Mr.

Paradise said the only waiver was for commercial development; residential development impact fees are still in effect.

Member Walosik commented on the low amount of money set aside for sidewalk improvements.

Motion by Member McKnight, seconded by Member Mulder, to recommend that the City Commission adopt Ordinance No. 28-2011, amending and updating the Capital Improvements Element of the Comprehensive Plan.

Motion carried with members voting as follows: Member Walosik, for; Member Ramos, for; Member Mulder, for; Member McKnight, for; Member Kiepert, for; and Chairman Burbank, for.

7. DISCUSSION:

A. By the Board:

Member McKnight said he wanted to revisit the By-laws Resolution No. 2011-34 for discussion. Since the Board was in agreement regarding asking the City Commission to change the wording, he asked if a letter could be drafted to the City Commission regarding the Board Members' concerns with that particular paragraph [Article IX Minutes, Section 2]. Mr. Bowley recommended that this item be placed on the next P&Z Board agenda (12/21/11) for official discussion and Members could make a motion or vote for the Commission to revisit the Resolution. Members could make their proposed changes to the Resolution in a strikethrough/underline format to take to the Commission.

Chairman Burbank stated he would like a discussion of the Land Development Code. He requested staff to bring an outline of the Land Development Code changes that are being proposed.

B. By the City Attorney: See above.

C. By Planning & Development Staff: None

8. ADJOURNMENT:

There being no further business, the meeting adjourned at 7:40 p.m.

ATTEST:

Tom Burbank, CHAIRMAN

Pauline Shattuck, RECORDING SECRETARY