

RESOLUTION NO. 2015-R-36

A RESOLUTION OF THE CITY OF EDGEWATER, FLORIDA, REQUESTING THE VOLUSIA CHARTER REVIEW COMMISSION TO RECOMMEND AN AMENDMENT TO THE VOLUSIA COUNTY CHARTER ELIMINATING THE VOLUSIA GROWTH MANAGEMENT COMMISSION; DIRECTING THE CITY CLERK TO FORWARD TO THE VOLUSIA CHARTER REVIEW COMMISSION, REPEALING RESOLUTIONS IN CONFLICT HERewith AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State Legislature adopted the Growth Management Act (Act) which requires local governmental entities to adopt comprehensive plans to establish policies for the future growth within their jurisdictions; and

WHEREAS, furthermore it is the intent of the Act for counties and municipalities to cooperate and coordinate planning with each other, regional agencies and the State and specifically states:

It is the intent of this act to encourage and ensure cooperation between and among municipalities and counties and to encourage and ensure coordination of planning and development activities of units of local government with the planning activities of regional agencies and state government in accord with applicable provisions of law; and

WHEREAS, in addition to the Act, in 1986 the Volusia County Charter (Charter) was amended to create the Volusia Growth Management Commission (VGMC) and the Charter amendment contained the following language:

There is hereby created the Volusia Growth Management Commission (hereafter commission). The commission shall have the power and the duty to determine the consistency of the municipalities' and the county's comprehensive plans and any amendments thereto with each other; and

WHEREAS, to implement the VGMC, Volusia County adopted rules and regulations for the VGMC, including Section 90-33(5) of the Volusia County Code of Ordinances which reads as follows:

The main purpose of the commission is to provide an effective means for coordinating the plans of municipalities and the county,

in order to provide a forum for the several local governments in the county to cooperate with each other in coordinating the provision of public services to and improvements for the citizens of the county, and create incentives to foster intergovernmental cooperation and coordination; and

WHEREAS, these two provisions clearly indicate that the intended purpose of the VGMC was to provide a forum through which local governmental entities could resolve inconsistencies and/or incompatibilities regarding comprehensive plans; and

WHEREAS, the role of the VGMC is inefficient as it duplicates the requirement of Florida Statutes 163.3177 which requires procedures for local governments to follow where there are inconsistencies and/or incompatibilities with their respective Comprehensive Plan Amendments; and

WHEREAS, the role of VGMC has encroached beyond resolving inconsistencies and/or incompatibilities among local government Comprehensive Plan Amendments; and

WHEREAS, the VGMC has previously granted standing to parties other than local governments, and property owners without reasonable standing that has resulted in lengthy delays that is counter to the legislative growth policies adopted by local governmental entities; and

WHEREAS, the VGMC has independently interpreted its role to intervene in growth management policy decisions even if all local governmental entities are in agreement as to Comprehensive Plan consistency and compatibility and would not require a hearing; and

WHEREAS, the vast majority of the VGMC hearings have not been the result of inconsistencies and/or incompatibilities of Comprehensive Plan Amendments submitted by local governmental entities, but rather objections filed by the VGMC staff or other parties without appropriate standing; and

WHEREAS, the VGMC is a process funded by the taxpayers of Volusia County that requires the VGMC to review every proposed comprehensive plan amendment in Volusia County and allows for hearings to be easily requested and such a process has been used to delay and complicate local government's planning efforts; and

WHEREAS, the VGMC is not required by State law, this additional process puts Volusia County at a disadvantage when competing with other jurisdictions for new development and businesses who do not have such an added layer of bureaucracy; and

WHEREAS, each local governmental entity has the sovereign authority to adopt its own growth management policies, within the provisions of Florida Law, thereby establishing how that community will develop. The VGMC was never intended to be an additional forum to review and/or to hear or create objections to growth management policies adopted by local governmental entities. Such process violates the sovereignty of the local government to establish its own growth management policies; and

WHEREAS, the County Charter should be amended to eliminate the VGMC; and

WHEREAS, eliminating the VGMC will not adversely affect the public's right to participate in the adoption of the growth policies of the local governmental entities and/or to pursue the administrative review provided under State law.

NOW, THEREFORE, be it resolved by the City Council of the City of Edgewater, Florida:

Section 1. The City Council of the City of Edgewater does hereby requests the Volusia Charter Review Commission to recommend an amendment to the Volusia County Charter to eliminate the VGMC.

Section 2. The City Clerk is hereby directed to forward this Resolution to the Volusia Charter Review Commission.

Section 3. All resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

Section 4. This resolution shall take effect immediately upon adoption.

After motion by _____ and Second by _____

_____ the vote on this resolution was as follows:

	<u>AYE</u>	<u>NAY</u>
Mayor Michael Ignasiak	_____	_____
Councilwoman Christine Power	_____	_____
Councilwoman Gigi Bennington	_____	_____
Councilman Dan Blazi	_____	_____
Councilman Gary T. Conroy	_____	_____

PASSED AND DULY ADOPTED this 16th day of November, 2015.

ATTEST:

**CITY COUNCIL OF THE
CITY OF EDGEWATER, FLORIDA**

Robin L. Matusick
Interim City Clerk/Paralegal

By: _____
Mike Ignasiak
Mayor

For the use and reliance only by the City of Edgewater, Florida. Approved as to form and legality by: Aaron R. Wolfe, Esquire
City Attorney
Doran, Sims, Wolfe & Ciochetti

Approved by the City Council of the City of Edgewater at a meeting held on this 16th day of November, 2015 under Agenda Item No 8_____.