

Minutes
Volusia County Metropolitan Planning Organization

November 24, 2009

2570 W. International Speedway Boulevard, Suite 120
Daytona Beach, FL 32114-8145

Members Present:

Commissioner Robert Gilliland
Council Member Jack Lenzen
Commissioner Leigh Matusick
Commissioner Janet Deyette
Councilman Ted Cooper
Commissioner Ron Vath
Mayor Buddy Snowden
Commissioner Lynne Plaskett
Commissioner Bill Marcello
Mayor Fred Costello
Council Member Kris Derr
Vice- Mayor Mary Martin
Council Member George Locke
Council Member Joshua Wagner
Council Member Andy Kelly
Council Member Pat Northey
County Chair Frank Bruno
Council Member Joie Alexander
Mary Schoelzel (non-voting)
Diane J. Smith (non-voting)
P.J. Arvidson (non-voting)
Mike Chuyen (non-voting)
Doug Gutierrez (non-voting)

Members Absent:

Commissioner John McDonald(excused)
Mayor Greg Northrup
Commissioner Ron Vath (excused)
Commissioner Liz Towsley (excused)
Vice-Mayor Jeff Allebach
Mayor James Sowell
Council Member Jack Hayman

Others Present:

Pamela Blankenship, Recording Secretary
Karl Welzenbach

Representing:

Daytona Beach
DeBary
DeLand
Deltona
Edgewater
Flagler Beach
Lake Helen
New Smyrna Beach
Oak Hill
Ormond Beach
Ponce Inlet
Port Orange
South Daytona
Volusia County
Volusia County
Volusia County
Volusia County
Volusia County
FDOT District V
Volusia County School Board
CAC Chairperson
BPAC Chairman
TCC Chairman

Representing:

Beverly Beach
Daytona Beach Shores
Flagler Beach
Holly Hill
Orange City
Pierson
Volusia County

Representing:

MPO Staff
MPO Staff

Others Present:

Bob Keeth
Jean Parlow
Stephan Harris
Lois Bollenback
Carole Hinkley
Herb Seely
Paul McKittrick
Jon Cheney
Jessica Bevilacqua
Ric Goss
Gary Huttmann
George Recktenwald
David Castagnacci
Ron A. Paradise
Heather Blanck
Noranne Downs
Gerry Brinton
Steve Olson
Kathleen Roe
Jim Cameron
Big John

Representing:

MPO Staff
MPO Staff
MPO Staff
MPO Staff
MPO Staff
MPO Staff
Daytona Beach
VC Traffic Engineering
UCPECF
Ormond Beach
Burgess & Niple
VC Traffic Engineering
VCARD
Deltona
Votran
FDOT
VC Traffic Engineering
FDOT
Senator Evelyn Lynn
Daytona Regional Chamber
Press

I. Call to Order / Roll Call / Determination of Quorum

The meeting of **Volusia County Metropolitan Planning Organization** (MPO) was called to order at 8:00 a.m. by Chairperson Joie Alexander. The roll was called and it was determined that a quorum was present.

II. Pledge of Allegiance

III. Presentations to Outgoing Members

Chairperson Alexander presented a plaque to former Mayor Joan Duffy, Lake Helen, for her service and dedication to the MPO over the past two years.

Ms. Duffy thanked the MPO Members and introduced Mayor Buddy Snowden as the new Lake Helen representative on the MPO.

Chairperson Alexander welcomed Mayor Snowden to the MPO Board.

IV. Public Comment/Participation

There were no public comments.

V. Consent Agenda

- A. Approval of October 27, 2009 Meeting Minutes
- B. Approval of Treasurer's Report
- C. Executive Committee Report
- D. Technical Coordinating Committee Report
- E. Citizens' Advisory Committee Report
- F. Bicycle/Pedestrian Advisory Committee
- G. Transportation Disadvantaged Local Coordinating Board
- H. Long Range Transportation Plan Meeting Summary
- I. AMPO Conference Report
- J. Review and Approval of Resolution 2009-25 Amending the FY 2009/10 Unified Planning Work Program (UPWP)
- K. Review and Acceptance of Selection Committee's Recommendation of Reynolds, Smith & Hills, Inc. as the Consultant to the undertaking of Votran's "Greening" Study and Authorizing the Executive Director to Negotiate and Execute a Contract
- L. Cancellation of December Executive Committee and MPO Board Meetings

Chairperson Alexander noted that item I of the Consent Agenda, the AMPO Conference Report, would be forwarded to the members at a later date.

MOTION: *Mayor Costello moved to approve the Consent Agenda. The motion was seconded by Vice Mayor Martin and carried unanimously.*

VI. Action Items

- A) **Review and Approval of Resolution 2009-25 Amending the FY 2009/10 – 2013/14 Transportation Improvement Program (TIP)**

Mr. Welzenbach stated that this resolution is to ensure that all action that has been taken by the Board regarding stimulus and ACSA funding over the last two months is included in the Transportation Improvement Program

MOTION: *Vice Mayor Martin moved to approve Resolution 2009-25, amending the FY 2009/10 – 2013/14 Transportation Improvement Program (TIP). The motion was seconded by Commissioner Gilliland.*

Ms. Schoelzel noted that if any additional funds become available after the Brentwood Drive project, FDOT would like the MPOs permission to put any low bid funding on the Dunn Avenue Extension projects. FDOT is requesting this because the funds cannot be obligated in time.

Council Member Northey asked about CR 4139.

Mr. Welzenbach explained that two resurfacing projects came in higher than programmed: CR 4139 in Lake Helen and Brentwood Drive in Daytona Beach. Daytona Beach and Volusia County have committed to cover the additional share. However, if additional stimulus funds become available, he would like direction regarding the programming of these funds.

Mr. Gerry Brinton, Volusia County Traffic Engineering, confirmed that the bid for CR 4139 came in higher than expected. The County has sufficient funds in their sidewalk program to add an additional \$29,000. He explained that it would be a wash either way, if the additional funds went to either project; the US 1 intersections or SR 415.

Mr. McKittrick stated that if funds were put on Dunn Avenue it would be split equally among all partners.

It was concluded that any additional stimulus funds would be put on Dunn Avenue.

A roll call vote was taken and the motion to approve Resolution 2009-25 including the decision to put any excess low bid stimulus funding on the Dunn Avenue Extension to offset the local share. The motion carried unanimously.

B) Review and Approval of Resolution 2009-27 Directing the Florida Department of Transportation, District Five, to Take into Consideration the Distribution of ARRA Funds when Developing the Equitable Allocation of Transportation Funding

Chairperson Alexander explained that there has been a growing concern that Volusia County has not received as much stimulus funding as the other counties in District Five. She stated that what it seems to come down to is SR 415.

Mr. Welzenbach stated that there has been a lot of frustration over SR 415. FDOT is developing their Work Program and needs to lock it down. By law and policy, FDOT cannot program a phase of a project if it is not fully funded. Within the SR 415 funding package is a County Incentive Grant Program (CIGP) grant which requires a 50% match of local funds. There have been three resolutions drawn up for the MPO Board to review and consider. The first was developed at the request of Council Member Northey asking FDOT fully fund the SR 415 project. It is not known yet how much money Volusia County will be receiving from FDOT and will not be known until after the Work Program has already been closed. The second resolution is an effort to secure the funds from Volusia County and place it on the US 1 intersections. If this is done, there is no guarantee that FDOT will keep that money in Volusia County and there is a possibility it could be placed on a project in another county. This leaves the third resolution which provides an alternative to secure the money. He reminded the Board members that the County stands to lose a total of \$100 million dollars if SR 415 is lost. This resolution proposes that the MPO use its XU funding to replace the local matches for SR 415. The MPO receives approximately \$5.2 million dollars per year in XU funding: 30% is for Votran, 30% is for Bike/Ped and the remaining 40% is for

ITS/Traffic Operations and Safety projects. He noted that in this proposal, the 30% allocated to Votran would remain untouched. The remaining \$3.5 million per year would be used over the next three years to fund SR 415. The Revenue Estimating Committee is also looking at possible additional revenue and FDOT District Five has verbally promised that they will strive to use their district dedicated revenue (DDR) source over the next three years to draw down the XU funding so the MPO is not at risk of losing SR 415 or the money being used to fund it. He added that the MPO has a very active Bicycle/Pedestrian program and due to the sudden influx of stimulus enhancement dollars and unobligated funds, the MPO has programmed almost every XU project on the list. There is only one project left on the Traffic Ops/Safety List which is the Pioneer Trail Curve redesign. He has been assured by Volusia County that Pioneer Trail is not their number one priority.

Chairperson Alexander asked if it would be every year through 2013 that XU finds would be affected.

Mr. Welzenbach replied that it would require all of the XU funding for the first two years, and a portion of the third year. (70% of \$5.2 million per year)

Council Member Northey asked what will happen to the CIGP grant if it is not used.

Mr. Welzenbach replied that the grant would be given to someone else and Volusia County would lose it.

Ms. Schoelzel stated that as far as the match for the local funds, she doesn't believe the State has said that XU funds cannot be used to match the grant. She was told they were going to look into it.

Mr. Welzenbach stated that he was aware of that and had been told it was a policy decision that had not been made and it would not happen before Christmas.

Ms. Schoelzel explained that there was still next year and if the State decides the XU can be used then it can be changed.

Mr. Welzenbach noted that he did not want the State to get the idea that the MPO wanted to use their XU funds to match the grant. The MPO wants the State to pay for SR 415.

Ms. Schoelzel noted that the State is aware that SR 415 is the MPOs number one priority and, as they get money in, they will use the fair share formula. She added that she will be giving a presentation in January on what the fair share formula is. In addition, any DDR funding the State gets will go to SR 415.

Council Member Kelly asked if Volusia County will still pay their local share?

Mr. Welzenbach stated that per FDOT policy and State law, FDOT cannot program any phase of a project that is not fully funded. There is no full match to the CIGP grant, therefore, that phase is not fully funded and all the funds must come out.

Mayor Costello recommended going ahead and approving the \$2 million and next year redo it; keep the CIGP grant and use \$2 million XU funds to match it.

Mr. Welzenbach asked for a definitive answer from FDOT as to whether XU funds could or could not be used to match the CIGP grant.

Ms. Schoelzel replied that it is not a yes or no question. She explained that another possibility is to go ahead and say this is what we want to do. Changes can be made to the Work Program until December 10th. If it is later decided that this cannot be done then the money can still be put on the MPOs number two priority, the US 1 intersections.

Mr. Welzenbach asked for clarification on the XU funds – are they to match the CIGP grant or the full \$8.4 million?

Ms. Schoelzel replied that the XU would be used to match the CIGP grant.

Mr. Welzenbach stated that this is exactly the opposite of what she told him Friday, yesterday, and what he was told last night.

Ms. Schoelzel stated that FDOT wants the MPO to be able to use their XU funds and are doing everything they can to make that happen. They just need to wait on the approvals.

Secretary Downs stated that she has a meeting right after the MPO meeting and she will try to get an answer today. She requested the phone number to the person she should speak to in Tallahassee and said she would call them today.

Mr. Welzenbach asked what action they should take today; should the decision be contingent on FDOT's answer on the XU funding?

County Chair Bruno stated that originally Deltona backed out, the County is still matching their share of the \$2.4 million – does it make sense to lose this project for \$2.4 million? Is there a way to take from another County project? We cannot lose the full \$100 million. He added that there is always the possibility of Deltona being able to come up with the money later to reimburse us.

Mr. Gerald Brinton stated that the County keeps a balanced road program; it is never over-programmed. All of the County's anticipated funds are programmed. The next project in line is Howland Boulevard. Rather than taking money from another project, the MPO can use its XU funds (\$2.4 million) over the next three years to match the

CIGP (assuming this can be done). Another option is to do the entire \$8.8 with XU funds, assuming that FDOT will work to bring parity into the Work Program.

Mr. Welzenbach stated that he did not feel it was fair to penalize the County because Deltona did not pay their match.

Council Member Northey stated that the resolution in the MPO agenda that requests FDOT fully fund SR 415 is critical. This project is regional, not local, and it should have been on the SIS map.

Secretary Downs stated that FDOT wants to make this right; every year fair share is looked at. She suggested the MPO hold off on a decision until she receives an answer about the XU funds being used for a match.

Commissioner Matusick stated that she realized that SR 415 is critical and everyone should not have to suffer because of Deltona's decision. This sets a bad precedent.

Ms. Schoelzel stated that in regards to Stimulus funding, one of the criteria was that the project had to be construction ready. Volusia County did not have any that were construction ready. Secretary Downs is saying that every county is getting their fair share.

Mayor Costello recommended that the MPO come up with a policy regarding local matches adding that when do we come up with one, it addresses what will be done if the people that are most impacted are unable to come up with the match.

Council Member Kelly commented that he would like to see something in writing today. SR 415 is an evacuation route and other projects may need to be sacrificed.

Commissioner Deyette noted that Deltona has supported SR 415 all along. Unfortunately, another problem came up which made it impossible for Deltona to come up with the funding.

Councilman Cooper stated that he is concerned that there are no guarantees. The MPO is going to tie up \$8.8 million over the next three years. There seems to be a disparity. He asked if a decision could be tabled until there is something in writing.

Mr. Welzenbach stated that this is the last MPO meeting of the year. December 10th is the lock down date on the Work Program. A contingent motion could be made. He asked if the County was saying that they were still willing to come up with the \$2.4 million that they had originally committed to, as well as the \$2.4 million for Deltona.

County Chair Bruno stated that if the State didn't come through, then yes, that is what he was saying.

Councilman Cooper asked if Deltona could reimburse the match at a later time.

Council Member Wagner asked for the history of the providing commitments for a local match.

Mr. Welzenbach explained the history behind the matches.

Council Member Wagner stated that he would not support this adding that this is why there is an east-west divide. For a city to say they cannot find the money to make it happen after a year of making everyone believe that it would, is not right; based on principal he would vote against it. It is not right for everyone to give up their projects for three years because of one city. They need to step up.

Mr. Welzenbach stated that he did not disagree with anything Council Member Wagner said based on principal.

Commissioner Gilliland asked if the TIGER grant was contingent on this.

Mr. Welzenbach replied that it was – the TIGER grant application stated that SR 415 was fully funded.

Commissioner Gilliland noted that Deltona's gas tax was slightly higher than Daytona Beach's. He added that the fairest thing to do would be to delay the Howland Boulevard project; let Deltona have one of their projects delayed in order to move SR 415 forward. It is a way that Deltona can still contribute to the project. He stated that this was setting a dangerous precedent. Hopefully the County will put their match back in and if a special meeting is needed, then he would be available.

Council Member Lenzen agreed that this does set a bad precedent. He added that he agreed with County Chair Bruno, adding that there are other counties involved. He asked how Deltona could enter into a JPA with the County and then back out? If Deltona is not going to contribute any of the money then they should not make any of the decisions. Volusia County should decide on the status of the Howland Boulevard project.

Discussion continued.

Chairperson Alexander stated that her first thought is that this project is too important to lose. She added that they cannot be shortsighted even if the principal of the matter is hard to overlook. The MPO needs to look at the common good of the citizens of Volusia County. SR 415 is far more important than a sidewalk or trail. Everyone will benefit from this project, even if Deltona benefits the most. She noted that she has struggled with this and she is hopeful that somehow this will be fully funded by FDOT.

Secretary Downs stated that she is still waiting for a final answer. She added that her recommendation is to approve a resolution to use XU funding as the local match so FDOT can hold its 50% of the CIGP grant. If that cannot happen, she would let the MPO know. She stated that she thinks the XU funds will be alright to use but she is still waiting on the final answer.

Discussion continued.

Mr. Brinton explained that Howland Boulevard is a large project with a very large budget and will not be ready for bids until the end of 2010. Many bids are currently coming in lower than anticipated. If the County Council wants to use funding from Howland Boulevard, then staff would support it. It may come in lower than programmed.

Mr. Welzenbach suggested that the MPO lock down the money. If any solution comes up in the mean time, changes can be made. He offered a resolution with a stipulation added to dedicate the XU funds to match the CIGP grant, and should FDOT determine that XU funds cannot be used to match the grant, the MPO can dedicate all the XU funds to cover the remaining balance.

County Chair Bruno stated that he agreed with Council Member Wagner that this was very upsetting to everyone, but this is a road that is significant countywide. If anyone needs to suffer, it should be Deltona in giving up some of the Howland Boulevard project.

Commissioner Marcello noted that he was very concerned about the situation. This is a county issue, and stated that even Oak Hill requires the use of SR 415 for its livelihood. Oak Hill wants to see this road completed and he will support the resolution Mr. Welzenbach recommended.

MOTION: *Mayor Costello moved to support SR 415 and the funding of the road in one of three ways: If the County continues with their match, add the other \$2.2 million from the Howland Boulevard project; or have the County put their match in and use the XU funding for the remaining match; or use all XU finding to match the grant.*

Mr. Welzenbach agreed with the motion but noted that FDOT could not program that. XU funding is guaranteed and that should be stated first, then the next step is if the County can provide the match and finally, fully fund with XU funds.

Commissioner Gilliland seconded the motion.

Commissioner Matusick stated that this should be worked out with Deltona and the County first. She suggested that perhaps Deltona could come up with less than the \$2.4 million.

Mr. Welzenbach reminded the members that FDOT needed to know what to do by December 10th.

Ms. Schoelzel stated that FDOT would give the MPO until 5:00 p.m. on December 10th to make their decision.

Council Member Wagner stated that none of these suggestions may work, but he would support this motion.

Mayor Costello withdrew his motion.

MOTION: Vice Mayor Martin moved to approve Resolution 2009-27 alternative 2. Commissioner Gilliland seconded the motion.

Mr. Welzenbach recommended that the stipulation be added to the motion that if XU funds are not allowed to be used as a match to the CIGP grant, the entire amount of XU funding will be used.

Vice Mayor Martin accepted the recommendation to add the stipulation to the motion. Council Member Northey seconded the amendment to the motion. A roll call weighted vote was taken and the motion passed.

(Approved Resolution 2009-27 – Amended Alternative 2 directing FDOT District V to program XU funds out of the Bike/ped and ITS/Traffic Ops/Safety categories in such amounts that over the course of the next three years the full required amount of local match for the CIGP grant is met; Should FDOT determine that XU funds cannot be used to match CIGP grant funds, FDOT District V will program such XU funds as is necessary to cover the total funding required equal to the CIGP grant and local match; should additional DDR or Federal (non-XU) funds become available, FDOT District V will utilize these additional funds to draw down the amount of the CIGP grant and/or XU funds)

C) Review and Approval of the Transportation Impact Analysis (TIA) Guidelines Methodology Document

Commissioner Matusick thanked the MPO staff for adding the list of acronyms to the TIA Guidelines.

MOTION: Commissioner Gilliland moved to approve the Transportation Impact Analysis Guidelines Methodology document. The motion was seconded by County Chair Bruno and carried unanimously.

VII. Presentations, Status Reports, and Discussion Items

A) Presentation on the FY 2010/11 – 2015/16 FDOT Tentative Work Program

Ms. Schoelzel gave a presentation on FDOT's tentative Work Program for FY 2010/11 – 2015/16.

Mr. Welzenbach asked if the funds for the Beville Road resurfacing project could be used to fund SR 415.

Ms. Schoelzel replied that resurfacing projects must be completed and cannot be changed.

Secretary Downs explained that FDOT programs projects in a specific way: first are safety projects, then maintenance and finally, if there are any funds remaining, capacity projects. She added that she has not received the allocations for the coming years.

Mr. Welzenbach stated that on page 6 of the handout, the \$191,555 in XU funds for Clyde Morris Boulevard was supposed to have been pulled from the Work Program. The MPO Board had approved \$3.8 million to do the PD&E on Clyde Morris Boulevard. He noted that it was also incorrectly programmed for a construction code.

Ms. Schoelzel replied that it was an environmental mitigation and it was agreed it would be removed, she is unsure why it is still there.

Mr. Welzenbach commented that the Board has heard repeatedly that FDOT is aware that SR 415 is the MPOs number one priority, however, on page four, SR 40 to SR 15 has \$6 million programmed and SR 40 from SR 11 to Cone Road, there is \$12.6 million programmed. He asked why there was \$12 million dollars on SR 40?

Ms. Schoelzel replied that they are safety projects.

Secretary Downs noted that those projects were also in a different fiscal year.

Mr. Welzenbach asked why the SR 40 projects couldn't be moved out one year and use the those funds to complete SR 415.

Secretary Downs reiterated that FDOT was aware that SR 415 is the number one priority. They cannot take money from one fiscal year and move it to another until they have all the numbers because it may not balance. However, she added that the MPO Board can do what they wish.

Chairperson Alexander asked for clarification on what Secretary Downs was saying: Can the MPO Board move money from a project programmed in FY 09 to FY 10?

Mayor Costello stated that it was ludicrous that a safety project in Ormond Beach would be delayed because Deltona did not want to participate. He could not agree to that.

Ms. Schoelzel stated that the report the Board was provided was as of today and subject to change. The public hearing is scheduled for December 16th at the FDOT office in DeLand. She added that she would give a report in January on any changes that occur. She requested the elected officials attend the hearing.

Discussion continued.

B) FDOT Reports

This item was addressed in the above report.

C) BPAC Achievement Map

Mr. Welzenbach stated that the BPAC achievement map would be available on the MPOs website and he would also email it. It shows all the BPAC projects that have been done since 2001. He noted that in the first two years only two sidewalk projects were completed and all of the remaining projects were completed once the XU program was started.

D) Review and Discussion of Vision and Goals for the 2035 Long Range Transportation Plan (LRTP)

Ms. Bollenback stated that the draft that had been handed out was an updated version. There were two changes to the vision and goals explained the changes which were made.

Council Member Kelly asked if the inclusion of the statement about energy efficiency would require everything to become energy efficient.

Ms. Bollenback stated that there are planning requirements that have to be addressed. How they are measured and the objectives that are put in the LRTP are up to the MPO Board. She added that this did not bind us to anything, but it is a broad vision to guide us in the direction we want to go. If the Board wants to pull that statement out, it has the authority to do so. She stated that under each of the goals there will be measurable objectives. She commended the technical staff and representatives for their participation. Public outreach will include all of the subcommittees and is being called Make Your Mark in 2035. This will be used to develop the first technical alternative.

Mr. Welzenbach noted that he realized that the financial forecast for this plan is half of what was forecasted for the last one adding that it would be unprofessional if

alternative sources of funding were not considered. This will be explored during the Make Your Mark in 2035 events; the participants will have the opportunity to tax themselves. This will allow us to identify whether there is recognition that we are short of money, a willingness to think about taxing ourselves, and a list of projects that we would tax for.

Commissioner Matusick asked how the community was going to be reached. She added that people were confused with the Strings & Ribbons event last time, and many didn't feel that much came out of it. It needs to be clear to the public what we are trying to accomplish or it may not be received well.

Mr. Welzenbach clarified that when the Strings & Ribbons outreach occurred five years ago, there was no confusion and a lot of valuable information was gathered. Since that time, there have been a number of vocal individuals who have claimed they believed it was just a game. However, it is on record that he explained at that time, the event was to seek direct input for the citizens' alternative of the LRTP. In addition, this time there is also a survey available on the MPOs website which cannot be taken by an individual more than once.

Mr. Chuyen stated that he believed Strings & Ribbons had been very successful.

Ms. Bollenback noted that the survey would also be distributed in print as well as online. In addition, there will be some form of follow up so more specific questions can be asked.

Discussion continued.

VIII. Executive Director's Report

There were no comments.

IX. MPO Member Comments

Council Member Kelly requested a discussion be scheduled for the status of rail.

Commissioner Matusick announced that there would be a Communications Subcommittee meeting following the MPO meeting.

Vice Mayor Martin noted that there would be an MPOAC Institute coming up and recommended the members attend.

Mr. Welzenbach added that if any members were interested in attending they should let staff know.

X. Information Items

XI. Adjournment

There being no further business, the meeting adjourned at 10:25 a.m.

**Volusia County
Metropolitan Planning Organization**

**County Council Vice Chair Joie Alexander
Chairperson, Volusia County MPO**

CERTIFICATE

The undersigned duly qualified and acting Recording Secretary of the Volusia County MPO, certified that the foregoing is a true and correct copy of the minutes of the November 24, 2009 regular meeting of the Volusia County Metropolitan Planning Organization (VCMPO), approved and duly signed this 26th day of January, 2010.

Pamela Blankenship, Recording Secretary