

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
FULL COUNCIL
MINUTES

Holiday Inn Restaurant
Lake City, Florida

October 23, 2003
7:30 p.m.

MEMBERS PRESENT

Rick Bryant, City of Gainesville
John Carlson, Alachua County
Dixie Donovan, Columbia County
John Driggers, Dixie County
Roy Ellis, Madison County
Steve Futch, City of Starke
Gail Garrard, Lafayette County
Sandra Haas, Suwannee County
Matthew Hawkins, City of Jasper
John Hersey, Bradford County
James King, Madison County
Eddie Martin, Hawthorne
Charles Maultsby, Taylor County
James Montgomery, Columbia County
L. B. Nelson, City of Archer
Garth Nobles, Jr., City of Live Oak
Emory Philman, Gilchrist County
Lee Pinkoson, Alachua County
Edd Sadler, Taylor County
Lorene Thomas, Dixie County
Myra Valentine, City of Madison
Penny Wheat, Alachua County

STAFF PRESENT

Steve Dopp
Charles Justice
Scott Koons
Carol Laine

MEMBERS ABSENT

William Alexander, City of Perry
Ed Braddy, City of Gainesville
Cynthia Moore Chestnut, Alachua County
Bill Coughlin, City of High Springs
Minnie Crevasse, Alachua County
Louie Davis, City of Waldo
David Dodge, Bradford County
Mitchell Gentry, Gilchrist County
Alan Hammock, Union County
Grady Hartzog, City of Newberry
Ricky Jenkins, Union County
Ray Kirkland, City of Lake City
Craig Lowe, City of Gainesville
Tamara Robbins, City of Alachua
Paul L. Remzey Samarra, Town of Micanopy
Douglas Udell, Suwannee County
Lewis Vaughn, Hamilton County

EX-OFFICIO MEMBERS PRESENT

Jordan Green representing Dave Byrd, DOT
Russell Simpson representing Marvin Miller, DEP

GUESTS PRESENT

Ralph Bowers, City of Jasper
Dr. John Ross
Jon Wershow

Board Members names are bolded

Vice-Chair Sadler called the meeting to order at 7:40 p.m., noting a quorum of the Council was present.

Mr. Justice asked that Item IV.A.2, Amendments to County Terrorism Annex Plans and County Continuity of Operations Plans, be added to the agenda.

ACTION: Commissioner Montgomery made the motion, with a second by Mr. Philman, to add Item IV.A.2, Amendments to County Terrorism Annex Plans and Continuity of Operations Plans, to the agenda. The motion carried unanimously.

I. APPROVAL OF MINUTES - August 28, 2003

Vice-Chair Sadler asked that the minutes of the August 28, 2003, meeting be approved as written.

ACTION: Mayor Hawkins made the motion, with a second by Commissioner Martin, to approve the minutes of the August 28, 2003, meeting as written. The motion carried unanimously.

II. CONSENT AGENDA

A. Transportation Disadvantaged Program

1. Community Transportation Coordinator Performance Evaluation - Lafayette, Columbia, Madison and Suwannee Counties
2. Coordinating Board Membership Certifications - Hamilton and Madison Counties

B. Removal of Surplus Property from List of Capital Assets

Vice-Chair Sadler asked if there were questions regarding the items listed on the Consent Agenda, and requested that these items be approved.

ACTION: Mayor Hawkins made the motion, with a second by Commissioner Nelson, to approve the items listed on the Consent Agenda. The motion carried unanimously.

III. CHAIRMAN'S REPORT

Vice-Chair Sadler introduced and welcomed a new member from the City of Gainesville, Commissioner Rick Bryant.

Vice-Chair Sadler then introduced Dr. John Ross, a candidate for the Florida House of Representatives seat from District 11 in the upcoming 2004 election. Dr. Ross made some brief comments to the Council concerning his candidacy.

IV. COMMITTEE REPORTS

A. Executive Committee

1. Discussion of Council Position on Inter-Regional Transfer of Water

Mr. Justice reported that The Florida Council of 100 has issued a report that recommends the appointment of a commission to review water supply plans for the state. He stated that as a result of the proposal of The Florida Council of 100, formal action has been taken by a number of entities in our area to oppose any such transfer of water, including the City of Hawthorne and the Withlacoochee Regional Planning Council. He added that a workshop has been scheduled by Alachua County and the City of Gainesville in December and that legislative committees are beginning to have hearings, one of which is scheduled in Lake City or Live Oak on November 17, 2003. Mr. Justice stated that the Executive Committee recommended that the Council direct staff to develop an analysis of the report prepared by The Florida Council of 100, and to prepare a proposed resolution in opposition of the water transfer for consideration by the Council. He further stated that the Executive Committee recommended that Commissioner Montgomery be asked to appear at the Senate Natural Resources Committee Workshop on November 17, 2003 to testify in opposition to the interbasin transfer of water from this region on behalf of the Council.

ACTION: Commissioner Wheat made the motion, with a second by Mr. Philman to direct staff to develop an analysis of the report prepared by The Florida Council of 100, and to prepare a proposed resolution in opposition of the water transfer for consideration by the Council; and further, that Commissioner Montgomery be asked to appear at the Senate Natural Resources Committee Workshop to testify on behalf of the Council its opposition the interbasin transfer of water from this region. The motion carried unanimously.

2. Amendments to County Terrorism Annex Plans (CTAPs) and County Continuity of Operations Plans (CCOPs)

Mr. Justice reported that, using grant monies from the Federal Emergency Management Agency (FEMA), the Department of Community Affairs (DCA) is proposing to provide additional funds to counties to expand the CTAPs and CCOPs that are currently being prepared by the Council. He

stated that these plans are being developed to address the roles and responsibilities of all appropriate agencies in the event of a terrorist incident. He stated that CCOPs are being developed using an all-hazardous approach to ensure the execution of county mission essential functions without interruption in the event of any emergency or event, including localized acts of nature, accidents, technological and/or terrorist related incidents. He stated that six critical services, including fire/rescue, police/sheriffs, emergency management, 911 communications, emergency medical services/ambulance and public works/engineering will be addressed. He added that the proposed additional funds will be used to address other areas such as schools. Mr. Justice stated that the Executive Committee recommended that the Council authorize the Chairman to execute amendments to expand agreements with individual counties to prepare CTAPs and CCOPs; and further, that authorization be given to execute similar amendments to the subcontract with the consulting firm that is doing part of this work for the Council.

ACTION: Commissioner Montgomery made the motion, with a second by Commissioner Futch, to authorize the Chairman to execute amendments to expand agreements with individual counties to prepare CTAPs and CCOPs using an all-hazards approach; and further, that authorization be given to execute similar amendments to the subcontract with the consulting firm that is doing part of this work for the Council. The motion carried unanimously.

B. Clearinghouse Committee

Local Government Comprehensive Plan Amendments

Chairman Philman stated that the Clearinghouse Committee met and reviewed two Committee-level items which require Council action.

#1 - Bradford County Comprehensive Plan Adopted Amendments (DCA No. 03-2)

Chairman Philman stated that, concerning the Bradford County Comprehensive Plan Adopted Amendments, the Clearinghouse Committee concluded that the comprehensive plan, as amended, remains consistent with the regional plan. Chairman Philman recommended forwarding this finding to Bradford County and the Florida Department of Community Affairs as regional comment.

ACTION: Chairman Philman made the motion, with a second by Commissioner Wheat, to approve the Clearinghouse Committee recommendation. The motion carried unanimously.

#2 - City of Gainesville Comprehensive Plan Adopted Amendments (DCA No. 03-1)

Chairman Philman reported that the Committee had reviewed the City of Gainesville Comprehensive Plan Adopted Amendments and had concluded that the comprehensive plan, as amended, remains consistent with the regional plan, however, the Committee recommended forwarding one comment stating that the reclassification of 5 acres from Alachua County Conservation to City of Gainesville Single Family is a significant change in allowable uses and intensities of use. Chairman Philman reported that the Committee recommended forwarding this comment to the City of Gainesville and the Florida Department of Community Affairs as regional comment.

ACTION: Chairman Philman made the motion, with a second by Commissioner Wheat, to approve the Clearinghouse Committee recommendation. The motion carried unanimously.

V. DIRECTOR'S REPORT

A. Alachua West DRI Fee Challenge

1. Negotiated Settlement

Mr. Justice reported that, in reviewing the Alachua West DRI, charges were incurred in the amount of \$155,728, of which the applicant, WACO Properties, Inc., disputed all but \$75,000. He stated that to resolve this issue, the Council has been in litigation since April 2002 and that the dispute would probably not reach a final resolution until the summer of 2005. Mr. Justice added that after an in-depth evaluation of the Council's position and after a meeting with Council attorney, Jon Wershow and his associate, Jack Elliott, an agreement was executed on October 9, 2003 to settle the fee challenge in accordance with authorization given by the Council at the May 22, 2003 meeting. Mr. Justice reported that the settlement requires WACO Properties, Inc. to pay a total of \$112,500, and their attorneys agreed to prepare the settlement documents. This amount is approximately one-half of the disputed amount and that approximately \$43,000 in charges will be written off, reducing the Council's unencumbered fund balance.

2. Recommended Changes in the Development of Regional Impact Review Process

Mr. Justice stated that the Council has always adhered to a process which very thoroughly reviews Developments of Regional Impact (DRI) and to work with DRI applicants to arrive at a proposed development that could justify a positive recommendation. He reported that state regulations allow DRI applicants to challenge any fees which exceed a total of \$75,000, a limit which has been exceeded by the Council in the last two

reviews undertaken, and the respective applicants in those cases have appealed in an effort to avoid paying the additional costs. He presented five recommendations that would help minimize costs for DRI reviews.

Recommendation #1 - While state rules allow the Council to identify and make recommendations on local issues, such information will not be included in the Council's report unless the local governments request such information, and the applicant agrees to pay for the added expense involved.

Recommendation #2 - If at all possible, an application will be declared sufficient for review when the Council has received the applicant's response to the second sufficiency review. This determination will give notice to the local government to begin the formal review process, and work will begin on the preparation of the final report.

Recommendation #3 - The Council will prepare a third sufficiency review at the request of the applicant. However, such a review will be conducted only if an agreement is approved by the Council, the applicant and the affected local government which states the type of information to be provided, that the hearing process is delayed for an agreed upon time period to a date certain, and that the applicant agrees that the additional work involved will be "reasonable and necessary." It will also be required that the applicant deposit sufficient funds to pay for the additional review activities, even if the total deposited funds is in excess of \$75,000.

Recommendation #4 - Since the clock will have started and the Council will have a limited time to prepare a report, no additional information will be accepted after an application is declared to be sufficient for review.

Recommendation #5 - The agreement that is entered into between the Council and the applicant at the beginning of the DRI review process should be amended to include the following:

That the Council may charge for expenses incurred in the review of the application through the time that a final development order is issued by the local government.

That, in the event the applicant submits changes to the proposed development as originally filed that would be of a magnitude that would meet the criteria for a substantial deviation review as defined in Florida Statutes 380.06(19), as determined solely by the Council, the original application shall be declared to be withdrawn. If the applicant wishes to have the revised development reviewed, a new application will be considered to have been filed, a new

agreement must be entered into with the Council, and the applicant must deposit sufficient funds to meet the review requirements for a new application.

That the Council and the applicant shall agree to settle any fee disputes by binding arbitration, and the prevailing party shall be reimbursed for attorney fees by the other party.

That, if the application is not filed within 365 days of the preapplication meeting, the project shall be declared null and void, and the review process shall be terminated.

That, if a response to a sufficiency review is not submitted within 120 days of notice from the applicant that additional information will be provided, the application shall be declared null and void, and the review process shall be terminated. The applicant may appeal to the full Council for an extension of time to submit the response, and if the extension is granted, then the applicant shall deposit additional funds to cover anticipated Council costs for the review, even if the total deposited will exceed \$75,000. The applicant also shall agree that any additional costs are both reasonable and necessary.

ACTION: Commissioner Wheat made the motion, with a second by Commissioner Montgomery, to direct staff to contact member city and county local governments to inform them of the proposed recommended changes in the development of regional impact review process and to solicit their input; and to bring back for the Council's consideration an amended DRI contract to implement concepts 3, 4 and 5 as listed in the staff memo dated October 16, 2003. The motion carried unanimously.

B. Status of ADCO

Mr. Justice reported that the Small Business Administration (SBA) has taken two actions which have finalized the change in responsibility for making loans in our area. He stated that on October 1, 2003, the voluntary withdrawal of ADCO as a certified development company was accepted and on October 9, 2003 approval was given to transfer ADCO's loan portfolio to Florida First Capital Finance Corporation.

Vice-Chair Sadler stated that the next meeting of the Council is scheduled to be held at the Holiday Inn, Lake City, on December 4, 2003 at 7:30 p.m.

The meeting was adjourned at 9:10 p.m.

Chairman

Date