

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
FULL COUNCIL
MINUTES

Quality Inn and Conference Center
Lake City, Florida

August 26, 2004
7:30 p.m.

MEMBERS PRESENT

Ed Braddy, City of Gainesville
John Carlson, Alachua County
Louie Davis, City of Waldo
David Dodge, Bradford County
John Driggers, Dixie County
Gail Garrard, Lafayette County
Mitchell Gentry, Gilchrist County
Sandra Haas, Suwannee County
Jimmy King, Madison County
Roselyn Mattingly, Alachua County
Charles Maultsby, Taylor County
James Montgomery, Columbia County
L. B. Nelson, City of Archer
Garth Nobles, Jr., City of Live Oak
Gerald O'Neil, Alachua County
James Painter, Alachua County
Edd Sadler, Taylor County
Andrew Smith, Union County

STAFF PRESENT

Steve Dopp
Charles Justice
Scott Koons
Carol Laine

EX-OFFICIO MEMBERS PRESENT

Bill Henderson, DOT
Jim Poole, Enterprise Florida
Russell Simpson, representing Mario Taylor, DEP

MEMBERS ABSENT

Rick Bryant, City of Gainesville
Chuck Chestnut, City of Gainesville
Melaine "Red" Clyatt, Union County
Gordon Dasher, Gilchrist County
Dixie Donovan, Columbia County
Roy Ellis, Madison County
Kirk Eppenstein, City of High Springs
Steve Futch, City of Starke
Grady Hartzog, City of Newberry
Randy Hatch, Suwannee County
Matthew Hawkins, City of Jasper
John Hersey, Bradford County
Ray Kirkland, City of Lake City
Rodney Long, Alachua County
Eddie Martin, City of Hawthorne
Lee Pinkoson, Alachua County
Paul L. Remzey Samarra, Town of Micanopy
Lorene Thomas, Dixie County
Myra Valentine, City of Madison
Lewis Vaughn, Hamilton County
Penny Wheat, Alachua County

GUESTS PRESENT

Diana Davis
Leah Myrick
Edith Roberson
Jon Wershow

Board Members names are bolded

Chairman Sadler called the meeting to order at 7:36 p.m. noting that there was not a quorum of the Council or the Board of Directors. Chairman Sadler stated that there was a quorum of the Executive Committee and he announced that, due to the changes made to the organization policy, all Council members were able to vote.

I. APPROVAL OF MINUTES - July 22, 2004

Chairman Sadler asked that the minutes of the July 22, 2004, meeting be approved as written.

ACTION: Mr. Maulsby made the motion, with a second by Dr. O'Neil, to approve the minutes of the July 22, 2004, meeting as written. The motion carried unanimously.

II. CONSENT AGENDA - None

III. CHAIRMAN'S REPORT

A. Introduction of New Member

Chairman Sadler introduced and welcomed a new ex-officio member, Jim Poole, representing Enterprise Florida.

B. Resolutions of Appreciation

Chairman Sadler asked that Resolutions of Appreciation for past services as members of the Planning Council be approved for Commissioner Craig Lowe from the City of Gainesville and Commissioner Douglas Udell from Suwannee County.

ACTION: Mayor Davis made the motion, with a second by Commissioner Montgomery, to approve Resolutions of Appreciation for Craig Lowe and Douglas Udell. The motion carried unanimously.

Chairman Sadler also asked that Resolutions of Appreciation be approved for Bill Brideson, Meveree Polk and Constance Archer who recently resigned as representatives on their respective Transportation Disadvantaged Coordinating Boards.

ACTION: Commissioner Gentry made the motion, with a second by Ms. Mattingly, to approve Resolutions of Appreciation for Bill Brideson, Meveree Polk and Constance Archer. The motion carried unanimously.

IV. COMMITTEE REPORTS

A. Executive Committee

1. Selection of Auditor for FY 2003-2004 Audit

Mr. Justice reported that at the May meeting the Council authorized the Executive Committee to conduct a search for an auditing firm to recommend to the Council for engagement for a three year period unless the Council determines that the service being rendered are unsatisfactory. He added that for the purpose of developing this recommendation, a member of the Metropolitan Transportation Planning Organization (MTPO) joined the Committee since that organization has traditionally engaged the same firm to conduct its audit. Mr. Justice stated that the Executive Committee and MTPO member accepted and reviewed expressions of interest from eight firms and ranked three of them as follows:

1. Powell and Jones, CPAs
2. Davis Monk and Company
3. Waters CPA Group

Mr. Justice reported that the Executive Committee and MTPO member met with Mr. Richard Powell of Powell and Jones on August 9, 2004 and discussed the methodology to be employed, the staff capability and experience of the firm and the fee that would be charged. Mr. Justice stated that the Executive Committee and MTPO member requested that the Council engage the auditing firm of Powell and Jones, CPAs for a three year period and to conduct the FY 2003-2004 audit of the Council's accounts for a lump sum fee of \$12,500, with the understanding that this engagement includes the auditor reviewing the Council's Employee Pension Plan for the same fiscal year.

ACTION: Mayor Davis made the motion, with a second by Commissioner Montgomery, to select the auditing firm of Powell and Jones, CPAs for a three year period, and to execute an engagement letter to conduct the FY 2003-2004 audit of the Council's accounts for a lump sum fee of \$12,500, including the review of the Council's Employee Pension Plan for the same fiscal year. The motion carried unanimously.

2. Local Government Comprehensive Planning Assistance Service Agreements

Mr. Justice stated that the Council has been assisting counties and cities with implementing comprehensive plans and land development regulations and that the Council proposes to enter into technical assistance service agreements on a fixed fee basis to provide this technical assistance. Mr. Justice stated that the Executive Committee recommended that authorization be given to the Chairman to enter into technical assistance service agreements with eight counties and twelve cities in our region.

ACTION: Commissioner Gentry made the motion, with a second by Commissioner Montgomery, to authorize the Chairman to enter into the technical assistance service agreements with eight counties and twelve cities in our region to provide technical assistance on a fixed fee basis. The motion carried unanimously.

3. Administrative Law Judge Services Agreement

Mr. Justice reported that the Florida Statutes were amended during the past legislative session to require regional planning councils to reimburse the administrative law judge services and expenses for hearings held on behalf of the Council. He added that the Division of Administrative Hearings (DOAH) has determined that their current hourly rate is \$129 per hour for the current year and \$131 per hour for the year beginning October 1, 2004, plus travel expenses and video conferencing expenses.

Mr. Wershow, Council Attorney, further explained that when the Council is required to use the services of the administrative law judge, as in the case of DRI disputes, full cost reimbursement must be paid by the Council. He suggested that at the next Council meeting the DRI agreement be amended to include the payment of the services of the administrative law judge by the DRI applicant who is requesting the services of the administrative law judge.

After further discussion, a recommendation was made that the Council agree to enter into a contract with the DOAH at the rate of \$129 per hour, plus travel expenses and video conferencing, for any hearings that are held on behalf of the Council and to direct staff to contact other regional planning councils to determine if they oppose being required to reimburse

the state for costs associated with the utilization of the services of the administrative law judge for hearings held on behalf of the Council.

ACTION: Commissioner Braddy made the motion, with a second by Commissioner Montgomery, to authorize the Council to enter into a contract with the DOAH at the rate of \$129 per hour for the current year and \$131 for the year beginning October 1, 2004, plus travel expenses and video teleconferencing, for any hearings that are held on behalf of the Council and to direct staff to contact other regional planning councils to determine if they oppose being required to reimburse the state for costs associated with the utilization of the services of the administrative law judge for hearings held on behalf of the Council. The motion carried unanimously.

ACTION: Mr. Dodge made the motion, with a second by Mr. Maultsby, to authorize staff and the Council attorney to revise the existing DRI agreement to add language stating that the developer is responsible for any fees associated with utilizing the services of an administrative law judge.

B. Clearinghouse Committee

Local Government Comprehensive Plan Amendments

Chairman Sandra Haas reported that the Clearinghouse Committee met without a quorum and reviewed one Committee-level item which requires Council action. She stated that the recommendation being put forth is an unofficial Committee recommendation.

#96 - City of Lake Butler Comprehensive Plan Adopted Amendment (DCA No. 04-PSI)

Chairman Haas stated that, with regards to Item #96, City of Lake Butler Comprehensive Plan Adopted Amendment, the plan, as amended, remains consistent with the regional plan and the Clearinghouse Committee members present recommend forwarding this finding to the City and to the Florida Department of Community Affairs as regional comment.

ACTION: Mayor Davis made the motion, with a second by Mr. Painter, to approve the Clearinghouse Committee members unofficial recommendation concerning the City of Lake Butler Comprehensive Plan Adopted Amendment. The motion carried unanimously.

C. Finance Committee

1. Proposed Amendment to FY 2003-2004 Budget

Mr. Justice reported that the Finance Committee recommended changes in the FY 2003-2004 budget. He reviewed the proposed budget amendment and noted an overall increase in Council activities in the amount of \$417,102, or a 22.7% increase. Mr. Justice asked that the proposed amendment to the Fiscal Year 2003-2004 budget be approved.

ACTION: Dr. O'Neil made the motion, with a second by Mr. Maulsby to approve the amendment to the FY 2003-2004 budget as recommended by the Finance Committee. The motion carried unanimously.

3. Financial Report for Period Ending June 30, 2004

Mr. Justice reviewed the Financial Report for the period ending June 30, 2004. He answered questions and noted that the financial condition of the Council is sound and that, when taking into account all of the additional contracts and programs the Council has accepted during the year, the expenditure pattern for the past nine months is at 71.4%. He added that, provided that depreciation charges and interest income continue to accumulate at the same rate and expenditure rates continue as anticipated, it is expected that the fund balance at the end of the year will be increased somewhat.

V. DIRECTOR'S REPORT

1. Status of Rural Area of Critical Economic Concern

Mr. Justice stated that the Governor was authorized to create three areas in the state recognized as Rural Areas of Critical Economic Concern and that one of the areas included the Council's ten rural counties. He added that a meeting was held in Lake City on August 25th and that an ad hoc committee has been appointed to determine how to organize to implement the program and report their recommendations at the statewide October 2004 meeting in Sebring.

B. Legislative Report

Mr. Justice reported Senator Mike Bennett met with the Florida Regional Councils Association last week concerning growth management legislation.

Mr. Justice also reported that the regional planning council executive directors will meet next month to discuss the Development of Regional Impact (DRI) process.

Chairman Sadler announced that the next meeting of the Council will be held on September 23, 2004. The meeting was adjourned at 8:46 p.m.

Chairman

Date