

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
MINUTES

Holiday Inn Hotel & Suites
Lake City, Florida

August 27, 2009

MEMBERS PRESENT

Stephen Bailey, Columbia County
Louie Davis, City of Waldo
David Dodge, Bradford County
Roy Ellis, Madison County
Donnie Hamlin, Lafayette County
John Hersey, Bradford County
Eddie Martin, Alachua County
Charles Maultsby, Taylor County
Harry Nichols, City of Newberry
Garth Nobles, Jr., City of Live Oak
James Painter, Alachua County
Blanch Parker, City of Archer
Rudolph Parker, Taylor County
Lee Pinkoson, Alachua County
Lauren Poe, City of Gainesville
Eleanor Randall, City of Hawthorne
Andrew Smith, Union County
Carolyn Spooner, City of Starke
James Tallman, Union County
Kenrick Thomas, Gilchrist County
Lorene Thomas, Dixie County
Myra Valentine, City of Madison
Stephen Witt, City of Lake City

GUESTS PRESENT

Hon. Leonard Bembry, House of Representatives,
District 10
Allen Cherry, Madison County
Peggy Hersey
Murphy McClean, Suwannee County
Debbie Nichols

COUNCIL ATTORNEY PRESENT

Jon Wershow

MEMBERS ABSENT

Cynthia Chestnut, Alachua County
Gib Coerper, City of Alachua
Paula DeLaney, Alachua County
Dixie Donovan, Columbia County
Jack Donovan, City of Gainesville
Sandra Haas, Suwannee County
Thomas Hawkins, City of Gainesville
Scherwin Henry, City of Gainesville
Emily Weed Ketring, City of Perry
Ann Lessman, City of Jasper
Rodney Long, Alachua County
Jeanna Mastrodicasa, City of Gainesville
Lewis Vaughn, Hamilton County
Wesley Wainwright, Suwannee County
Byran Williams, City of High Springs
Ronald Williams, Columbia County

EX-OFFICIO MEMBERS PRESENT

Bill Henderson, representing Charles Baldwin,
FL Dept. of Transportation
Jim Poole, Enterprise Florida

STAFF PRESENT

Steve Dopp
Scott Koons
Carol Laine
Jean Strong

Board Members names are bolded

I. INVOCATION, PLEDGE OF ALLEGIANCE AND INTRODUCTIONS

Chair Myra Valentine called the meeting to order at 7:35 p.m. with an invocation given by Charles Maultsby, and the pledge of allegiance to the flag. Chair Valentine stated that there was a quorum of the Council and all Council members were able to vote.

Chair Valentine introduced Allen Cherry, County Coordinator for Madison County, Murphy McLean, County Coordinator for Suwannee County, Peggy Hersey, wife of Commissioner John Hersey and Debbie Nichols, wife of Mayor Harry Nichols.

II. Legislative Guest Speaker - Honorable Leonard Bembry, Florida House District 10

Chair Valentine introduced Leonard Bembry, representing District 10, of the Florida House of Representatives, including Dixie, Hamilton, Madison and Taylor Counties and portions of Alachua and Columbia Counties. Representative Bembry discussed programs he has supported and has been involved with during the past legislative session. He informed the Council that the next legislative session will see more budget cuts and then spoke about challenges facing state government and cities and counties in north central Florida during the coming year. Chair Valentine thanked Representative Bembry for his remarks.

III. APPROVAL OF MINUTES - July 23, 2009

Chair Valentine asked that the minutes of the July 23, 2009 meeting be approved as written.

ACTION: Mr. Dodge made the motion, with a second by Ms. Lorene Thomas, to approve the minutes of the July 23, 2009 meeting as written. The motion carried unanimously.

IV. CONSENT AGENDA

- A. Engagement Letter for Fiscal Year 2008-09 Audit
- B. Local Government Comprehensive Planning Assistance Services Agreements - Fiscal Year 2009-10
- C. Agreements with Counties to Conduct Hazardous Waste Monitoring Verification and Notification Activities - Fiscal Year 2009-10
- D. Agreement with Florida Division of Emergency Management to Update Hazards Analyses - Fiscal Year 2009-10
- E. Agreement with Florida Division of Emergency Management for Hazardous Materials Emergency Preparedness - Fiscal Year 2009-10
- F. Amendment to Agreement with Florida Division of Emergency Management for Hazardous Materials Emergency Preparedness - Fiscal Year 2008-09

Chair Valentine asked if there were any questions regarding the items on the Consent Agenda and requested that these items be approved.

ACTION: Commissioner Hamlin made the motion, with a second by Commissioner Pinkoson, to approve the items on the Consent Agenda. The motion carried unanimously.

V. CHAIR'S REPORT

A. Introduction of New Members

Chair Valentine stated that there were no new members to introduce.

B. Executive Director Elected Chairman of Florida Regional Councils Association
Executive Directors Advisory Committee

Chair Valentine informed the Council that the executive directors of the 11 regional planning councils in Florida recently elected Scott Koons, Executive Director, as Chairman of the Florida Regional Councils Association Executive Directors Advisory Committee. She stated that Mr. Koons will serve a one-year term in this position. Chair Valentine stated that the executive directors meet on a regular basis throughout the year to coordinate statewide initiatives, exchange information on best practices for regional planning councils, meet with senior officials of state agencies and develop recommendations for consideration by the Policy Board of the Association.

VI. COMMITTEE REPORTS

A. Executive Committee

1. Hometown Democracy Constitutional Amendment No. 4 Resolution

Mr. Scott Koons reported that at its April 22, 2004 meeting, the Council adopted Resolution No. 2004-3 in opposition to the Hometown Democracy Constitutional Amendment Petition. He stated that the amendment would require a referendum of voters before any land use plan or land use plan amendment could be finally approved within a local government jurisdiction. He stated that Hometown Democracy backers have finally collected enough signatures to have the initiative placed on the ballot in November 2010.

Mr. Koons further reported that at its July 23, 2009 meeting, staff was instructed to prepare a resolution for consideration which would express the Council's opposition to Hometown Democracy Constitutional Amendment No. 4 to the Florida Constitution which is scheduled to be on the November 2, 2010 ballot. He stated that the Executive Committee recommended adopting Resolution No. 2009-2 in opposition to the proposed Hometown Democracy Constitutional Amendment No. 4 to the Florida Constitution.

After discussion by Council members, a recommendation was made to continue this agenda item until next month to allow staff to add a clause to Resolution No. 2009-2 that the Hometown Democracy Constitutional Amendment No. 4 would financially burden local governments with the cost of holding additional elections to vote on proposed changes to comprehensive land use plans.

ACTION: Commissioner Poe made the motion, with a second by Commissioner Pinkoson, to continue agenda item VI.A.1. until next month to allow staff to add a clause to Resolution No. 2009-2 that the Hometown Democracy Constitutional Amendment No. 4 would financially burden local governments with the cost of holding additional elections to vote on proposed changes to comprehensive land use plans. The motion carried unanimously.

2. SouthEast Crescent Regional Commission

Mr. Koons reported that the SouthEast Crescent Commission was authorized in the 2008 Farm Bill and has received \$500,000 in the Fiscal Year 2010 Energy and Water Development Appropriations bill recently approved by the U. S. House of Representatives. He stated that the region impacted by the SouthEast Crescent Commission encompasses millions of people in 429 counties across seven states: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Virginia and that the governors of each of the seven states serve on a board of directors with a federal co-chairman appointed by the President. He stated that the governors select one of their members to serve as the co-chairman.

Mr. Koons further reported that in order for the Commission to move ahead, it is necessary that President Obama appoint, and the Senate confirm, a federal co-chair. In addition, it is important that the federal government join with the member states to jointly fund a core staff to begin the planning and development of projects that can provide jobs and economic opportunity in these counties and states. Mr. Koons stated that the Executive Committee recommended that the Council authorize the Chair to send letters to Congressman Allen Boyd, Congresswoman Corrine Brown, Congressman Ander Crenshaw and Congressman Cliff Stearns asking them to send a letter to President Obama requesting the nomination of a Federal Co-chair to the SouthEast Crescent Regional Commission.

ACTION: Commissioner Pinkoson made the motion, with a second by Commissioner Hamlin, to authorize the Chair to send letters to Congressman Allen Boyd, Congresswoman Corrine Brown, Congressman Ander Crenshaw and Congressman Cliff Stearns asking them to send a letter to President Obama requesting the nomination of a Federal Co-chair to the SouthEast Crescent Regional Commission. The motion carried unanimously.

B. Clearinghouse Committee

In the absence of the Clearinghouse Committee Chair and Vice-Chair, Committee member Jim Painter gave the Clearinghouse Committee report. He stated that members of the Clearinghouse Committee met earlier in the evening without a quorum present and reviewed four local government comprehensive plan amendments and one local government comprehensive plan evaluation and appraisal report. He stated that these items would be grouped for purposes of presentation.

- #179 - City of High Springs Comprehensive Plan Adopted Amendment
- #182 - Suwannee County Comprehensive Plan Adopted Amendments
- #183 - City of Trenton Comprehensive Plan Adopted Amendments

Mr. Painter reported that the Committee members present found that the Comprehensive Plans, as amended, remain consistent with the regional plan. Nevertheless, he reported that the Committee members present recommended forwarding an Objection and Recommendation on the Suwannee County and City of Trenton items regarding potential adverse impacts to segments of the Regional Road Network. He stated that the Committee members present recommended forwarding these findings to the respective local governments and the Florida Department of Community Affairs as regional comment.

ACTION: Mr. Painter made the motion, with a second by Ms. Lorene Thomas, to approve the Clearinghouse Committee members recommendations concerning Item #179, City of High Springs Comprehensive Plan Adopted Amendment, Item #182, Suwannee County Comprehensive Plan Adopted Amendments and Item #183 - City of Trenton Comprehensive Plan Adopted Amendments. The motion carried unanimously.

- #188 - City of High Springs Comprehensive Plan Draft Amendment

Mr. Painter stated that the Committee members present found that the Comprehensive Plan, if amended as proposed, would remain consistent with the regional plan. Nevertheless, the Committee members present recommended forwarding an Objection and Recommendation, as well as a request for the preparation of an Objections, Recommendations and Comments report due to potential adverse impacts to segments of the Regional Road Network. Mr. Painter stated that the Committee members present recommended forwarding the findings contained in the staff reports to the City and the Florida Department of Community Affairs as regional comment.

ACTION: Mr. Painter made the motion, with a second by Commissioner Hamlin, to approve the Clearinghouse Committee members recommendations concerning Item #188, City of High Springs Comprehensive Plan Draft Amendment. The motion carried unanimously.

- #189 - Alachua County Comprehensive Plan Adopted Evaluation and Appraisal Report

Mr. Painter stated that the Committee members present found the County Comprehensive Plan, if amended as recommended by the County Evaluation and Appraisal Report, would remain consistent with the regional plan. Nevertheless, he stated that the Committee members present recommended forwarding a Comment regarding potential adverse impacts to segments of the Regional Road Network within the Urban Cluster should the County Comprehensive Plan be amended to implement a multimodal approach to transportation concurrency as recommended by the County Evaluation and Appraisal Report. Mr. Painter stated that the Committee members

present recommended forwarding the findings contained in the staff report to the County and the Florida Department of Community Affairs as regional comment.

ACTION: Mr. Painter made the motion, with a second by Commissioner Parker, to approve the Clearinghouse Committee members recommendations concerning Item #189, Alachua County Comprehensive Plan Adopted Evaluation and Appraisal Report. The motion carried unanimously.

C. Finance Committee - Budget Amendment for Fiscal Year 2008-09

Chairman of the Finance Committee, Mr. Eddie Martin, reported that the Finance Committee met on August 18, 2009 and agreed upon a budget amendment for Fiscal Year 2008-09. He stated that this budget amendment takes into account action taken by the Council during the past year to accept work under contracts and additional grants which were not anticipated when the original budget was prepared as well as reductions in anticipated revenues. He reviewed the proposed budget amendment and noted that it contained an overall decrease of \$221,100, which represents a 10.2% overall change. Mr. Martin stated that the Finance Committee recommended that the Council approve the proposed amended Fiscal Year 2008-09 budget.

ACTION: Mr. Martin made the motion, with a second by Commissioner Hamlin, to approve the amendment to the Fiscal Year 2008-09 budget as recommended by the Finance Committee. The motion carried unanimously.

VII. EXECUTIVE DIRECTOR'S REPORT

A. Quarterly Report for Period Ending June 30, 2009

Mr. Koons reviewed the Financial Report for the period ending June 30, 2009. He noted that the financial condition of the Council is sound and that, when taking into account all of the decisions made during the year with respect to additional contracts and programs, the expenditure pattern for the past nine months is within budget, with 75.0% expended at the end of 75.0% of the year. He added that it is expected the year should end with expenditures being equal to budgeted revenue.

ACTION: Mr. Dodge made the motion, with a second by Commissioner Pinkoson, to accept the financial report for the period ending June 30, 2009. The motion carried unanimously.

B. SpringHills Comprehensive Plan Amendments for the Development of Regional Impact Lawsuit Status Report

Mr. Koons reported that following the denial by Alachua County Board of County Commissioners of a comprehensive plan amendment and development order for the SpringHills Development of Regional Impact Substantial Deviation, the Council was named as a co-defendant along with Alachua County in a lawsuit filed by the developer of the project.

Mr. Koons stated that on December 6, 2007 Circuit Court Judge Roundtree dismissed the case filed by the plaintiff against the County and the Council and gave the plaintiff an opportunity to refile their motion. However, the written order dismissing the case was not filed until March 27, 2008. On February 29, 2008, the Plaintiff prematurely filed a first amended Complaint for Declaratory and Injunctive Relief. The Council attorney, in conjunction with the Alachua County attorney, filed a Motion to Dismiss the amended lawsuit on April 18, 2008.

Mr. Koons further stated that on November 5, 2008, Judge Roundtree issued an order dismissing the Council from Counts I, III and IV of the lawsuit and vacating protective orders and that the Council remains a defendant to Count II of the lawsuit. He stated that Council staff and the Council attorney have responded to the plaintiff's request for production of documents and interrogatories and that these documents and interrogatories have been submitted to the plaintiff.

Mr. Koons reported that on March 4, 2009, the plaintiff's attorney sent a letter to the County's attorney stating that the plaintiff has requested a suspension of all discovery concerning the lawsuit until April 13, 2009. The letter further stated that the plaintiff has engaged additional legal counsel to meet with the County attorney and Council attorney to discuss a possible settlement of the lawsuit. Mr. Koons stated that on March 6, 2009, the attorneys for all parties signed a statement agreeing to suspend all action concerning the lawsuit until the next status hearing with Circuit Court Judge Roundtree on April 16, 2009.

Mr. Koons further stated that on March 12, 2009, the attorneys for all parties met for an initial meeting to discuss a possible settlement. On April 10, 2009, the attorneys and representatives for the parties met to continue their discussion concerning a possible settlement. The plaintiff presented the attorneys and representatives for the Council and County a revised conceptual development plan for the project. The attorneys and representatives for the Council and County requested that the plaintiff suspend their lawsuit for six months and continue to work with Council and County staff to review and refine the revised development plan. The plaintiff's attorney and representatives agreed to suspend the lawsuit for a six-month period with a three-month opt out provision.

Mr. Koons stated that on May 12, 2009, the Alachua County Board of County Commissioners voted to authorize their staff to work with the plaintiff to review and refine the revised development plan. He added that at its May 28, 2009 meeting, the Council agreed to suspend the SpringHills Comprehensive Plan Amendments for the Development of Regional Impact lawsuit and authorized staff to work with representatives of Pennsylvania Real Estate Investment Trust to review and refine the revised development plan for the SpringHills development. Mr. Koons further stated that Council staff and Alachua County staff met with the applicant on June 11, 2009 and July 10, 2009 to discuss the revised development plan and that on July 15, 2009, the attorneys for all parties held a status hearing with Circuit Court Judge Roundtree and agreed to continue the lawsuit suspension for an additional 90 days. He added that no meetings have been held between Council staff and the applicant since July 23, 2009.

C. Butler Plaza North Development of Regional Impact

Mr. Koons stated that the Butler Plaza North Development of Regional Impact is located near the interchange of I-75 and State Road 24 (Archer Road) in Alachua County. He stated that the existing Butler Plaza development consists of 1,000,408 square feet of retail use and that the proposed expansion would build over a ten-year period an additional 1,250,000 square feet of retail use and add 200,000 square feet of office space and 400 hotel rooms.

Mr. Koons stated that the applicant is required to respond to its first sufficiency report within 120 days after receiving review agency requests for additional information. Based upon the enactment of Senate Bill 360 by the Legislature during the 2009 legislative session, the applicant for Butler Plaza North Development of Regional Impact requested additional time to respond to the first sufficiency request. Mr. Koons stated that at its meeting of July 23, 2009, the Council approved the request for a 60-day time extension for the applicant to determine the effect of the legislative changes contained in Senate Bill 360 on their project and to provide their response to the first sufficiency request. Mr. Koons advised that on August 6, 2009, a letter was received by the Council stating that the applicant has withdrawn its Application for Development Approval for the Butler Plaza North Development of Regional Impact, based on Chapter 2009-96 recently enacted by the Florida Legislature.

D. Amtrak Sunset Limited Service

Mr. Koons stated that due to damage from Hurricane Katrina, the Sunset Limited service from New Orleans to Florida ended in 2005. He added that on December 5, 2008, the Council sent letters to U. S. Senators Martinez and Nelson and our Congressional delegation supporting the re-establishment of the Sunset Limited service. He stated that pursuant to the Passenger Rail Investment and Improvement Act of 2008 that reauthorized Amtrak, on July 16, 2009, Amtrak released a document titled the "Gulf Coast Service Plan Report." The report outlined plans for restoring passenger rail services to areas east of New Orleans.

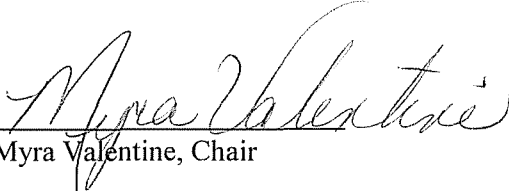
He stated that Amtrak initially evaluated 12 alternatives for restoring service between New Orleans and Florida and of the 12 alternatives, three were selected as preferred options for evaluation in the study based upon projected ridership, revenue, operating costs and operating loss. He stated that each of the three proposed options would restore service between New Orleans and Orlando and that all of the 19 stations between New Orleans and Orlando would be served by the restored service, including Lake City and Madison. He added that Congress is currently reviewing the report.

E. Strategic Intermodal System Update Workshops

Mr. Koons reported the purpose of the Strategic Intermodal System is to ensure the economic vitality of the state by providing for the efficient movement of goods and services between metropolitan areas. Within the north central Florida region, I-10, I-75, U.S. 19, U.S. 301, State Road 20, State Road 26, State Road 100, State Road 222 and State Road 331 are Strategic Intermodal System facilities. He added that at its April 23, 2009 Council meeting, Barney Bennette, Strategic Intermodal System Coordinator for District 2, Florida Department of Transportation gave a presentation on the 2010 Strategic Intermodal System Update.

Mr. Koons stated that workshops on the Strategic Intermodal System Update have been scheduled in Gainesville on September 17, 2009 from 2:00 p.m. to 5:00 p.m. at the State Materials Office and on September 22, 2009 from 2:00 p.m. to 5:00 p.m. at the Florida Department of Transportation Urban Office training facility in Jacksonville at the I-10 and I-95 interchange.

Chair Valentine informed the Council that the next Council meeting will be held on September 24, 2009 at the Holiday Inn Hotel & Suites in Lake City and that the Legislative Guest Speaker would be the Honorable Charles Van Zant, House of Representatives District 21. The meeting was adjourned at 8:50 p.m.



Myra Valentine, Chair

9/24/09

Date