

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
MINUTES

Holiday Inn Hotel & Suites
Lake City, Florida

September 24, 2009

MEMBERS PRESENT

Louie Davis, City of Waldo
David Dodge, Bradford County
Sandra Haas, Suwannee County
Donnie Hamlin, Lafayette County
John Hersey, Bradford County
Eddie Martin, Alachua County
Charles Maultsby, Taylor County
Harry Nichols, City of Newberry
James Painter, Alachua County
Lauren Poe, City of Gainesville
Andrew Smith, Union County
Lorene Thomas, Dixie County
Myra Valentine, City of Madison
Lewis Vaughn, Hamilton County
Stephen Witt, City of Lake City

GUESTS PRESENT

Buddy Haas
Diana Davis
Gina Reynolds, Columbia County Industrial
Development Authority
Hon. Charles Van Zant, House of Representatives
District 21
Katherine Van Zant

COUNCIL ATTORNEY PRESENT

Jon Wershow

MEMBERS ABSENT

Stephen Bailey, Columbia County
Cynthia Chestnut, Alachua County
Gib Coerper, City of Alachua
Paula DeLaney, Alachua County
Dixie Donovan, Columbia County
Jack Donovan, City of Gainesville
Roy Ellis, Madison 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
Garth Nobles, Jr., City of Live Oak
Blanch Parker, City of Archer
Rudolph Parker, Taylor County
Lee Pinkoson, Alachua County
Eleanor Randall, City of Hawthorne
Carolyn Spooner, City of Starke
James Tallman, Union County
Kenrick Thomas, Gilchrist County
Wesley Wainwright, Suwannee County
Byran Williams, City of High Springs
Ronald Williams, Columbia County

EX-OFFICIO MEMBERS PRESENT

Jordan Green, 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 7:32 p.m. with an invocation given by Mayor Davis, and the pledge of allegiance to the flag. Chair Valentine stated that there was a quorum of the Board of Directors and all Council members were able to vote.

Chair Valentine introduced Buddy Haas, husband of Sandra Haas, Diana Davis, wife of Mayor Davis, Katherine Van Zant, wife of Representative Van Zant and Gina Reynolds from the Columbia County Industrial Development Authority.

II. Legislative Guest Speaker - Honorable Charles Van Zant, Florida House District 21

Chair Valentine introduced Charles Van Zant, representing District 21, of the Florida House of Representatives, including a portion of Bradford County. Representative Van Zant 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 Van Zant for his remarks.

III. APPROVAL OF MINUTES - August 27, 2009

Chair Valentine asked that the minutes of the August 27, 2009 meeting be approved as written.

ACTION: Mr. Smith made the motion, with a second by Ms. Lorene Thomas, to approve the minutes of the August 27, 2009 meeting as written. The motion carried unanimously.

IV. CONSENT AGENDA

- A. Florida's Transportation Disadvantaged Board Membership Certification - Lafayette County
- B. Purchase Order with Apalachee Regional Planning Council to Update Interoperable Communications Plan
- C. Purchase Order with Northeast Florida Regional Council to Update Interoperable Communications Plan

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

ACTION: Mr. Martin made the motion, with a second by Mr. Maultsby, 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 Appointed to National Association of Development Organizations Research Foundation Advisory Committee

Chair Valentine informed the Council that Scott Koons, Executive Director, has been appointed to the National Association of Development Organizations Research Foundation Advisory Committee. She stated that the Research Foundation was founded in 1988 and is a leader in the field of regional development studies. She stated that the Research Foundation identifies and shares best practices of regional approaches to promoting federal policies that strengthen local governments, communities and economies through regional strategies, cooperation and programs. Chair Valentine stated that the Research Foundation is involved in a wide range of research, training and professional development projects designed to enhance the association's services for regional development professionals and policy officials.

VI. COMMITTEE REPORTS

A. Executive Committee

1. Hometown Democracy Constitutional Amendment No. 4 Resolution

Mr. 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 after discussion by Council members, the agenda item was continued until the September 24, 2009 meeting to have staff 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.

Mr. Koons stated that the resolution has been revised and that the Executive Committee recommended that the Council adopt the Resolution No. 2009-2 in opposition to the proposed Hometown Democracy Constitutional Amendment No.

4 to the Florida Constitution, which is attached hereto and made a part of these minutes and to mail the resolution to member local governments and regional newspapers.

Mr. Jon Wershow, Council Attorney, stated that the Council has an obligation to take a position on community planning initiatives and inform its member local governments of such positions. He further stated that, after reviewing Florida Statutes, the Council is within its legal rights to adopt a resolution expressing its opposition to the Hometown Democracy Constitutional Amendment No. 4.

ACTION: Mr. Maultsby made the motion, with a second by Commissioner Hamlin, to adopt Resolution No. 2009-2 in opposition to the proposed Hometown Democracy Constitutional Amendment No. 4 to the Florida Constitution, which is attached hereto and made a part of these minutes and to mail the resolution to member local governments and regional newspapers. The motion carried unanimously.

2. Community Planning Month Proclamation

Mr. Koons stated that the month of October 2009 has been designated as National Community Planning Month. He added that the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of life in communities and the environment. Mr. Koons stated that the Executive Committee recommended that the Council proclaim October 2009 as Community Planning Month by adopting the Proclamation Declaring October 2009 as Community Planning Month, which has been attached hereto and made a part of these minutes.

ACTION: Commissioner Hamlin made the motion, with a second by Ms. Haas to proclaim October 2009 as Community Planning Month by adopting the Proclamation Declaring October 2009 as Community Planning Month, which has been attached hereto and made a part of these minutes. The motion carried unanimously.

3. Clearinghouse Committee Reports

Mr. Koons stated that in an effort to enhance the environmentally sound practices of the Council by reducing the volume of paper included in the Council packet, the Executive Committee recommended that the Council approve reducing the amount of paper in the Council packet by including only the Clearinghouse Committee Chairman's Report in the meeting packet. He further stated that the staff reports and attachments will continue to be available to Council members and the public prior to each Council meeting on the Council website.

ACTION: Ms. Lorene Thomas made the motion, with a second by Commissioner Poe to reduce the amount of paper in the Council packet by including only the Clearinghouse Committee Chairman's Report in the packet. The motion carried unanimously.

4. Executive Director Annual Performance Evaluation

Chair Valentine stated that the employment contract between the Executive Director and the Council specifies that the Executive Committee shall adopt performance standards to annually review and evaluate the Executive Director and further specifies that the annual review and evaluation of the Executive Director shall be conducted by the Executive Committee. She added that, at its discretion, the Executive Committee is authorized to provide a merit increase to the Executive Director on an annual basis commencing October 1 of each year.

Chair Valentine stated that the Executive Committee has adopted performance standards to review and evaluate the Executive Director and that the performance review was conducted by each Committee member prior to the September 24, 2009 Council meeting. She reported that the review resulted in "above average performance" for all evaluation standards, with an overall average score of 4.6 on a 5.0 scale. Chair Valentine stated that, based upon this review, the Executive Committee awarded the Executive Director a five percent merit pay adjustment. She reported that since funds have not been appropriated for any other Council staff to receive merit increases during Fiscal Year 2010, Mr. Koons requested that his merit pay increase be deferred until Fiscal Year 2011. She further reported that the Executive Committee approved Mr. Koons' request concerning his merit pay increase deferment.

No Council action was required on this item.

B. Clearinghouse Committee

Clearinghouse Committee Chair Sandra Haas gave the Clearinghouse Committee report. She stated that the Clearinghouse Committee met earlier in the evening with a quorum present and reviewed six local government comprehensive plan amendments and three local government comprehensive plan evaluation and appraisal reports. Ms. Haas stated that the items have been grouped for purposes of presentation.

- #192 - City of Gainesville Comprehensive Plan Draft Amendments
- #194 - Gilchrist County Comprehensive Plan Draft Amendment
- #195 - Alachua County Comprehensive Plan Draft Amendments
- #199 - Town of Brooker Comprehensive Plan Draft Amendment

Ms. Haas reported that the Clearinghouse Committee found that the Comprehensive Plans, if amended as proposed, would remain consistent with the regional plan. She stated that the Clearinghouse Committee recommended forwarding these findings to the

respective local governments and the Florida Department of Community Affairs as regional comment.

ACTION: Ms. Haas made the motion, with a second by Mr. Martin, to approve the Clearinghouse Committee recommendations concerning Item #192, City of Gainesville Comprehensive Plan Draft Amendments, Item #194, Gilchrist County Comprehensive Plan Draft Amendment, Item #195, Alachua County Comprehensive Plan Draft Amendments and Item #199, Town of Brooker Comprehensive Plan Draft Amendment. The motion carried unanimously.

#202 - City of Perry Comprehensive Plan Adopted Amendment

#204 - City of Fanning Springs Comprehensive Plan Adopted Amendment

Ms. Haas stated that the Clearinghouse Committee found that the Comprehensive Plans, if amended as proposed, would remain consistent with the regional plan. She stated that the Clearinghouse Committee recommended forwarding these findings to the respective local governments and the Florida Department of Community Affairs as regional comment.

ACTION: Ms. Haas made the motion, with a second by Mr. Smith, to approve the Clearinghouse Committee recommendations concerning Item #202, City of Perry Comprehensive Plan Adopted Amendment and Item #204, City of Fanning Springs Comprehensive Plan Adopted Amendment. The motion carried unanimously.

#196 - Town of Horseshoe Beach Comprehensive Plan Adopted Evaluation and Appraisal Report

#197 - Madison County Comprehensive Plan Adopted Evaluation and Appraisal Report

#203 - City of Perry Comprehensive Plan Adopted Evaluation and Appraisal Report

Ms. Haas stated that the Clearinghouse Committee found the Comprehensive Plans, if amended as recommended by the Evaluation and Appraisal Reports, would remain consistent with the regional plan. She stated that the Clearinghouse Committee recommended forwarding these findings to the respective local governments and the Florida Department of Community Affairs as regional comment.

ACTION: Ms. Haas made the motion, with a second by Commissioner Hamlin, to approve the Clearinghouse Committee recommendations concerning Item #196, Town of Horseshoe Beach Comprehensive Plan Adopted Evaluation and Appraisal Report, Item #197, Madison County Comprehensive Plan Adopted Evaluation and Appraisal Report and Item #203, City of Perry Comprehensive Plan Adopted Evaluation and Appraisal Report. The motion carried unanimously.

C. Comprehensive Economic Development Strategy Committee

Mr. Jim Poole, Comprehensive Economic Development Strategy Committee Vice-Chair, reported that the Council has been designated by the U. S. Economic Development Administration as an Economic Development District since 1978. As such, the Council is responsible for developing and adopting a Comprehensive Economic Development Strategy. He stated that the purpose of the strategy is to analyze the regional economy and serve as a guide for establishing regional goals and objectives, developing and implementing a regional plan of action and identifying investment priorities and funding sources.

Mr. Poole stated that a Comprehensive Economic Development Strategy Committee was appointed by the Council and is made up of private sector representatives, public officials representatives, community leaders, workforce development boards, higher education and minority and labor groups. He stated that based upon the recommendation of the Committee, the Council adopted the current Comprehensive Economic Development Strategy in September 2007.

Mr. Poole added that the Committee met on July 14, 2009 to review activities conducted during the past year to support the goals and objectives of the Comprehensive Economic Development Strategy. He stated that the Committee is currently preparing amendments to the Comprehensive Economic Development Strategy for consideration by the Council later this year.

No Council action was required on this item.

VII. EXECUTIVE DIRECTOR'S REPORT

A. 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 August 27, 2009.

B. Foley Master Development of Regional Impact

Mr. Koons reported that on September 10, 2009, the applicant for the Foley Master Development of Regional Impact met with Taylor County officials and Council staff to provide a general description of their project. He stated that the Foley Timber and Land Company intends to submit an application for Master Development Approval for the Foley Master Development of Regional Impact. The project is located in Taylor County and is anticipated to consist of approximately 28,000 residential dwelling units, 2,156,220 square feet of retail commercial, 956,578 square feet of office, 13,179 acres of industrial/warehousing, 900 hotel rooms, 144 golf holes, a 600-bed hospital and 528 acres of educational/institutional uses. The total combined acreage for the development is anticipated to comprise 153,606 acres.

Mr. Koons stated that a Master Development of Regional Impact is intended for projects consisting of multiple Developments of Regional Impact covering an extended period of time. A Master Development Agreement between the Council, the local government, and the Applicant specifies that increments of the project will be reviewed for regional impacts similar to a traditional development of regional impact, ensures that anticipated regional impacts are adequately addressed and clearly defines specific information requirements for the review of subsequent project increments. He stated that it is anticipated that subsequent to the execution of the Master Development Agreement, a pre-application conference will be scheduled with the applicant and review agencies during the coming months for the master development of regional impact to begin the review process.

C. North Central Florida Regional Hazardous Materials Response Team Hazardous Materials Incident Response

Mr. Koons reported that early on the morning of September 8, 2009, a tractor trailer hauling large quantities of hazardous materials wrecked while northbound on I-75 near the Georgia line and a two-mile radius surrounding the crash site was evacuated and both northbound and southbound lanes of I-75 were closed for eight hours.

He stated that the fire involved both a large quantity and wide variety of toxic and flammable chemicals. Hamilton County Emergency Management requested mutual aid and Gainesville Fire Rescue Hazardous Materials Team was dispatched. Local response agencies included: Hamilton, Columbia and Suwannee Counties as well as the Cities of Jasper, Lake City and Gainesville. He further stated that much of the management of the incident was carried out as preplanned during Regional Hazardous Materials Team meetings.

Mr. Koons reminded the Council that the North Central Florida Regional Hazardous Materials Response Team was created as a project of the Council in 2001 with current members including Alachua, Bradford, Columbia, Dixie and Gilchrist Counties and the Cities of Gainesville, Lake City and Starke. The Regional Hazardous Materials Response Team Policy Board decided at its last meeting to invite Suwannee County to become a formal member of the Team.


D. Alachua County Sheriff's Office Grant Management Workshop

Mr. Koons reported that the Alachua County Sheriff's Office and Grant Writing USA has asked that notification be given of a two-day grant management workshop being presented in Gainesville on October 20-21, 2009. He stated that the workshop applies to any agencies that currently receive federal grant funding.

Mr. Koons stated that Council staff has been preparing for the flu season this year by installing hand sanitizers in public locations in the office and purchasing individual hand sanitizers for each employee's desk.

Mr. Koons informed the Council that Jean Strong, Council Secretary, was celebrating her birthday today.

Chair Valentine informed the Council that the next Council meeting will be held on October 22, 2009 at the Holiday Inn Hotel & Suites in Lake City and that the Legislative Guest Speaker would be the Honorable Janet Adkins, House of Representatives District 12. The meeting was adjourned at 8:30 p.m.


Myra Valentine, Chair

10/22/09
Date

PROCLAMATION

DECLARING OCTOBER 2009 AS COMMUNITY PLANNING MONTH

WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, regions, and other places; and

WHEREAS, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

WHEREAS, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

WHEREAS, the month of October 2009 is designated as National Community Planning Month throughout the United States of America and its territories; and

WHEREAS, the celebration of National Community Planning Month provides an opportunity to publicly recognize the participation and dedication of the members of planning and zoning boards and other citizen planners who have contributed their time and expertise to the improvement of the north central Florida region; and

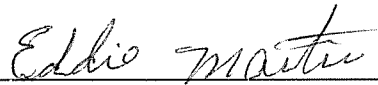
WHEREAS, the celebration of National Community Planning Month provides an opportunity to publicly recognize the many valuable contributions made by professional community and regional planners in the north central Florida region and extend our heartfelt thanks for the continued commitment to public service by these professionals.

NOW, THEREFORE, BE IT RESOLVED by the North Central Florida Regional Planning Council that the month of October 2009 is hereby proclaimed as ***Community Planning Month*** throughout the north central Florida region in conjunction with the celebration of National Community Planning Month.

DULY ADOPTED AND PROCLAIMED this 24th day of September 2009.

ATTEST:

SEAL


Eddie Martin, Secretary-Treasurer


Myra Valentine, Chair

RESOLUTION NO. 2009-2

EXPRESSION OF OPPOSITION TO
HOMETOWN DEMOCRACY CONSTITUTIONAL AMENDMENT NO. 4

WHEREAS, the North Central Florida Regional Planning Council, on April 22, 2004, adopted Resolution 2004-3 expressing its opposition to the Hometown Democracy Constitutional Amendment Petition;

WHEREAS, Amendment No. 4 to the Constitution of the State of Florida, proposed by Florida Hometown Democracy, Inc., has been certified to appear on the November 2, 2010 general election ballot; and

WHEREAS, Hometown Democracy Constitutional Amendment No. 4 would require that before a local government may adopt a new comprehensive land use plan, or amend a comprehensive land use plan, the proposed plan or amendment shall be subject to vote of the electors of the local government by referendum, following preparation by the local planning agency and consideration by the governing body; and

WHEREAS, Hometown Democracy Constitutional Amendment No. 4 will be counterproductive to quality community planning initiatives and will have unintended consequences that will worsen the situation it is intended to cure; and

WHEREAS, local elected officials engage in a long and thorough deliberative process when considering land use plan amendments, while the complexity of such issues cannot be appropriately considered in a referendum process; and

WHEREAS, cities and counties will be financially burdened with the cost of holding additional elections to vote on proposed changes to comprehensive land use plans; and

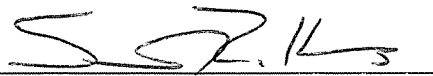
WHEREAS, while the Council supports active citizen participation in the comprehensive planning process, there is a high probability that community planning by referendum will create conflicts with such constitutionally based protections as due process and private property rights.

NOW, THEREFORE, BE IT RESOLVED, that the North Central Florida Regional Planning Council is opposed to Hometown Democracy Constitutional Amendment No. 4, but supports legislative changes in Florida's growth management processes to the extent needed to improve citizen involvement.

DULY ADOPTED by the North Central Florida Regional Planning Council this 24th day of September 2009.

NORTH CENTRAL FLORIDA
REGIONAL PLANNING COUNCIL

Attest:



Scott R. Koons
Executive Director



Myra Valentine
Chair