

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
MINUTES

Holiday Inn Hotel & Suites
Lake City, Florida

February 25, 2010
7:30 p.m.

MEMBERS PRESENT

Adeniyi Aderibigbe, Lafayette County
Stephen Bailey, Columbia County
Louie Davis, City of Waldo
Paula DeLaney, Alachua County
Alphonso Dowdell, City of Perry
Roy Ellis, Madison County
Wesley Eubank, Alachua County
Ken Green, City of Archer
Sandra Haas, Suwannee County
Donnie Hamlin, Lafayette County
Thomas Hawkins, City of Gainesville
John Hersey, Bradford County
Eddie Martin, Alachua County
Charles Maultsby, Taylor County
James Montgomery, Columbia County
Harry Nichols, City of Newberry
Garth Nobles, Jr., City of Live Oak
Lauren Poe, City of Gainesville
Andrew Smith, Union County
Carolyn Spooner, City of Starke
Kenrick Thomas, Gilchrist County
Lorene Thomas, Dixie County
Lewis Vaughn, Hamilton County
Wesley Wainwright, Suwannee County
Charles Williams, Hamilton County
Mike Williams, Madison County
Ronald Williams, Columbia County

GUESTS PRESENT

Jack Brown, Taylor County
Allen Cherry, Madison County
Diana Davis
Rita Dopp
Tuckie Maultsby

MEMBERS ABSENT

David Biddle, Gilchrist County
Mike Byerly, Alachua County
William Coughlin, City of High Springs
Gib Coerper, City of Alachua
David Dodge, Bradford County
Jack Donovan, City of Gainesville
Scherwin Henry, City of Gainesville
Gene Higginbotham, Dixie County
Ann Lessman, City of Jasper
Rodney Long, Alachua County
Jeanna Mastrodicasa, City of Gainesville
James Painter, Alachua County
Rudolph Parker, Taylor County
Lee Pinkoson, Alachua County
Eleanor Randall, City of Hawthorne
James Tallman, Union County
Myra Valentine, City of Madison
Stephen Witt, City of Lake City

EX-OFFICIO MEMBERS PRESENT

Barney Bennette, FL Dept. of Transportation
Jim Poole, Enterprise Florida

COUNCIL ATTORNEY PRESENT

Jon Wershow

STAFF PRESENT

Steve Dopp
Carmelita Franco
Scott Koons
Carol Laine

Board Members names are bolded

I. INVOCATION, PLEDGE OF ALLEGIANCE AND INTRODUCTIONS

In the absence of Chair Myra Valentine, Vice-Chair Davis called the meeting to order at 7:30 p.m. with an invocation given by Mr. Martin, and the pledge of allegiance to the flag. Vice-Chair Davis stated that there was a quorum of the Council and all Council members were able to vote.

Vice-Chair Davis introduced his wife, Diana, Jack Brown, County Administrator for Taylor County, Allen Cherry, County Coordinator for Madison County, Rita Dopp, wife of Steve Dopp and Tuckie Maultsby, wife of Council member Charles Maultsby.

II. APPROVAL OF MINUTES - January 28, 2010

Vice-Chair Davis asked that the minutes of the January 28, 2010 meeting be approved as written.

ACTION: Mr. Smith made the motion, with a second by Mr. Martin, to approve the minutes of the January 28, 2010 meeting as written. The motion carried unanimously.

III. GUEST SPEAKER

Vice-Chair Davis introduced and welcomed Chris Doolin, the primary legislative affairs consultant to the Florida Small County Coalition and also the Small School District Council Consortium. Mr. Doolin stated that the Coalition's agenda was to give small counties a collective voice when dealing with the Legislature. He then spoke about the upcoming 2010 legislative session and gave a fiscal budgetary outlook for the coming year. He stated that local governments should begin to prepare strategies to initiate budget reductions and cost savings at the local level to reduce the anticipated impact of state funding reductions. Vice-Chair Davis thanked Mr. Doolin for his comments.

IV. CONSENT AGENDA

- A. Purchase Order with East Central Florida Regional Planning Council for Homeland Security Exercise Evaluation Program Class
- B. Transportation Disadvantaged Program Planning Grant Application Resolution, Fiscal Year 2010-11

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

ACTION: Mr. Smith 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

Vice-Chair Davis introduced and welcomed gubernatorial appointee Adeniyi Aderibigbe, representing Lafayette County.

B. Employee Certificate of Service- Steven Dopp

Mr. Scott Koons, Executive Director, introduced Mr. Steve Dopp, Senior Planner in the Council's Regional and Local Programs Division. Mr. Dopp joined the Council staff on January 2, 1985 and has been responsible for drafting the Council's Strategic Regional Policy Plan, conducting the housing and public facilities review of developments of regional impact and staffing the Clearinghouse Committee. Vice-Chair Davis presented a 25-year Certificate of Service and 25-year service pin to Mr. Dopp. Mr. Koons and Vice-Chair Davis thanked Mr. Dopp for his many years of dedicated service to the Council.

VI. COMMITTEE REPORTS

A. Executive Committee

1. Restricted Fund Balance - Capital Improvements, Legal and Unemployment Compensation

Mr. Koons stated that during Fiscal Year 2008-09, \$35,670.72 for depreciation of building and equipment was applied to the capital assets of the Council. The Capital Improvements Fund is maintained at an amount approximate to the accumulated depreciation of building and equipment to cover one-time capital expenditures for building improvements/repairs and equipment replacement/upgrades. He stated that in order to maintain the Capital Improvements Fund at this level, the Executive Committee recommended that \$40,000 from the Council's unrestricted fund balance be encumbered as part of the Capital Improvements Fund restricted fund balance to increase the amount for accumulated depreciation of building and equipment costs from \$410,000 to \$450,000.

Mr. Koons reported that in 2007, the Council authorized the expenditure of funds from the restricted fund balance Legal Fund to pay the legal costs associated with defending the Council's interests in the SpringHills Development of Regional Impact Comprehensive Plan Amendment Lawsuit. He stated that during Fiscal Year 2008-09, \$20,799.99 was expended from the Legal Fund to pay attorneys fees associated with the SpringHills lawsuit. Mr. Koons stated that in order to return the Legal Fund to a restricted fund balance of \$100,000, the Executive Committee recommended that the Council encumber \$20,799.99 of the Council's unrestricted fund balance as part of the Legal Fund restricted fund balance.

Mr. Koons further reported that during Fiscal Year 2008-09, \$49.96 was expended from the Unemployment Compensation Fund to pay unemployment compensation benefits for a former Council employee. Mr. Koons stated that in order to return the Unemployment Compensation Fund to a restricted fund balance of \$30,000, the Executive Committee recommended that the Council encumber \$49.96 of the Council's unrestricted fund balance as part of the Unemployment Compensation restricted fund balance.

ACTION: Mr. Maultsby made the motion, with a second by Mr. Smith, to encumber \$40,000 of the Council's unrestricted fund balance as part of the restricted fund balance to increase the Capital Improvements Fund balance for accumulated depreciation of building and equipment costs to \$450,000, encumber \$20,799.99 of the Council's unrestricted fund balance as part of the restricted fund balance to bring the Legal Fund balance to \$100,000 and encumber \$49.96 of the Council's unrestricted fund balance as part of the restricted fund balance to bring the Unemployment Compensation Fund balance to \$30,000. The motion carried unanimously.

2. Proclamation Concerning Census Awareness Month

Mr. Koons stated that the next Decennial Census will be taken this year and will be used to determine political representation to the United States House of Representatives, state legislatures and local governments, as well as the amount of funding that will be provided by the state and federal government for a number of programs in the region including public transportation, programs for the elderly, emergency food and shelter, Head Start programs and Title 1 education reading grants to school districts. He stated that April 1, 2010 marks the official, constitutionally-mandated Census Day and the Executive Committee recommended that the Council join in a public outreach effort by proclaiming the month of March 2010 as Census Awareness Month by adopting the Census Awareness Month Proclamation, which is attached to these minutes and made a part thereof.

ACTION: Ms. Thomas made the motion, with a second by Commissioner Hersey, to proclaim the month of March 2010 as Census Awareness Month by adopting the Census Awareness Month Proclamation, which is attached to these minutes and made a part thereof. The motion carried unanimously.

B. Clearinghouse Committee

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

- #39 - Town of Brooker Comprehensive Plan Adopted Amendment
- #60 - Taylor County Comprehensive Plan Adopted Amendments
- #65 - Alachua County Comprehensive Plan Adopted Amendments

Ms. Haas reported that the Clearinghouse Committee members found the comprehensive plans, as amended remained consistent with the regional plan. Ms. Haas stated that the Clearinghouse Committee members 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 DeLaney, to approve the Clearinghouse Committee recommendations concerning Item #39, Town of Brooker Comprehensive Plan Adopted Amendment, Item #60, Taylor County Comprehensive Plan Adopted Amendments and Item #65, Alachua County Comprehensive Plan Adopted Amendments. The motion carried unanimously.

- #68 - City of Lake Butler Comprehensive Plan Draft Amendment

Ms. Haas reported that the Clearinghouse Committee found that the comprehensive plan, if amended as proposed, would remain consistent with the regional plan.

- #66 - Bradford County Comprehensive Plan Adopted Evaluation and Appraisal Report
- #67 - Union County Comprehensive Plan Adopted Evaluation and Appraisal Report

Ms. Haas further stated that the Clearinghouse Committee found that the comprehensive plans, if amended as recommended by the Evaluation and Appraisal Reports, would remain consistent with the regional plan. Ms. Haas 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 DeLaney, to approve the Clearinghouse Committee recommendations concerning Item #68, City of Lake Butler Comprehensive Plan Draft Amendment, Item #66, Bradford County Comprehensive Plan Adopted Evaluation and Appraisal Report and Item #67, Union County Comprehensive Plan Adopted Evaluation and Appraisal Report. The motion carried unanimously.

VII. EXECUTIVE DIRECTOR'S REPORT

A. Legislative Report

Mr. Koons reported that the Florida Department of Community Affairs budget request for Fiscal Year 2009-10 submitted to Governor Crist included an appropriation request of \$2.5 million for all 11 regional planning councils. He stated that the Council's share of the appropriation would be approximately \$179,000. He further reported that the Governor released his proposed Fiscal Year 2010-11 budget on January 29, 2010. The Governor's budget includes an appropriation request of \$500,000 for all 11 regional planning councils with the Council's estimated share of these funds to be approximately \$35,000.

Mr. Koons reported that the Florida Department of Community Affairs will not be proposing legislation concerning amendments to Chapter 163 and Chapter 186. He stated that the Legislature is scheduled to complete the second year of the two-year agency sunset review of the Department. The sunset process will either reauthorize the Department as presently constituted, reorganize the duties and responsibilities of the Department, or abolish the Department. He further reported that the Joint Legislative Sunset Committee recently issued its report on the sunset review of the Florida Department of Community Affairs. The report recommends the continued existence of the Department.

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.

Mr. Jon Wershow, Council Attorney, reported that no meetings have been held between Council staff and the applicant or Alachua County staff since January 28, 2010. He further reported that a status hearing originally scheduled for February 18, 2010 with Circuit Court Judge Roundtree and the attorneys for all parties has been postponed and will be rescheduled for a future date.

C. Quarterly Financial Report

Mr. Koons reviewed the Financial Report for the period ending December 31, 2009. He noted that the overall expenditure pattern for the operation of the Council for the three months ending on December 31 is generally on target when compared to the budgeted figures. He stated that the fund balance of the Council was \$1,449,555 at the end of the last fiscal year and of that amount, the Council appropriated \$25,000 to be used to support programs during the current fiscal year, with the expectation that a portion of this would be repaid to the Council through sales, interest income and depreciation charges. He reported that the financial condition of the Council is sound and it is not anticipated that any occurrences in this fiscal year will change that situation.

Vice-Chair Davis informed the Council that the next Council meeting will be held on March 25, 2010 at the Holiday Inn Hotel & Suites in Lake City. The meeting was adjourned at 8:32 p.m.



Myra Valentine, Chair

3/25/10
Date

RESOLUTION NO. 2010-02

A RESOLUTION OF THE NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL AUTHORIZING THE FILING OF A 2010-11 TRANSPORTATION DISADVANTAGED TRUST FUND GRANT APPLICATION WITH THE FLORIDA COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

WHEREAS, the North Central Florida Regional Planning Council has the authority to file a Transportation Disadvantaged Trust Fund Grant Application and to undertake a transportation disadvantaged service project as authorized by Rule 41-2, Florida Administrative Code and Section 427.0159, Florida Statutes.

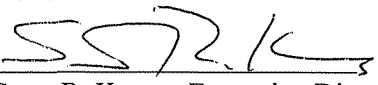
NOW, THEREFORE, BE IT RESOLVED BY THE NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL THAT:

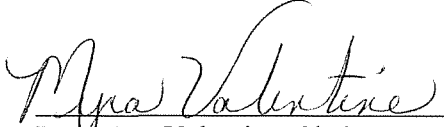
1. The North Central Florida Regional Planning Council has the authority to file this application;
2. The North Central Florida Regional Planning Council authorizes the Chair to file and execute the Transportation Disadvantaged Planning Grant application on behalf of the North Central Florida Regional Planning Council with the Florida Commission for the Transportation Disadvantaged;
3. The North Central Florida Regional Planning Council authorizes the Executive Director to act in connection with the application and to provide such additional information as may be required by the Florida Commission for the Transportation Disadvantaged;
4. The North Central Florida Regional Planning Council authorizes the Chair to sign any and all assurances, agreements or contracts which are required in connection with the application;
5. The North Central Florida Regional Planning Council authorizes its Executive Director to sign any and all reimbursement invoices, warranties, certifications and other documents which may be required in connection with the application or subsequent agreements; and
6. This resolution shall be effective upon adoption.

APPROVED AND ADOPTED by the North Central Florida Regional Planning Council, this 25th day of February, 2010.

NORTH CENTRAL FLORIDA
REGIONAL PLANNING COUNCIL

ATTEST:


By: Scott R. Koons, Executive Director


By: Myra Valentine, Chair

(SEAL REQUIRED)

PROCLAMATION

DECLARING MARCH 2010 AS CENSUS AWARENESS MONTH

WHEREAS, the next Decennial Census will be taken in the year 2010, and will be used to determine political representation to the United States House of Representatives, state legislatures, and local governments, as well as the amount of funding that will be provided by the state and federal government for a number of programs in the region including public transportation, programs for the elderly, emergency food and shelter, Head Start programs and Title 1 grants to school districts; and

WHEREAS, the North Central Florida Regional Planning Council has recognized the equal importance of each and every resident in the 2010 Census count and has agreed to be one of the 39,000 governmental entities in partnership with the United States Census Bureau; and

WHEREAS, the North Central Florida Regional Planning Council agrees to inform residents to participate in and respond to the 2010 Census; and

WHEREAS, April 1, 2010 marks the official, constitutionally-mandated Census Day where every resident is called on to "be counted".


NOW THEREFORE, BE IT PROCLAIMED by the North Central Florida Regional Planning Council that March 2010 is hereby designated as "Census Awareness Month" throughout the north central Florida region.

DULY ADOPTED AND PROCLAIMED this 25th day of February 2010.

ATTEST:

SEAL


Eddie Martin, Secretary-Treasurer


Myra Valentine, Chair