

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
MINUTES

Holiday Inn Hotel & Suites
Lake City, Florida

May 28, 2015
7:30 p.m.

MEMBERS PRESENT

Ed Braddy, City of Gainesville
LaBarfield Bryant, City of Jasper
Jim Catron, City of Madison
Charles Chestnut IV, Alachua County
Ken Cornell, Alachua County
Louie Davis, City of Waldo
Rick Davis, Madison County
Scarlet Frisina, Columbia County
Sandra Haas, Suwannee County
Donnie Hamlin, Lafayette County
Robert Hutchinson, Alachua County
Doug Jones, City of Archer
James Montgomery, Columbia County
Garth Nobles, Jr., City of Live Oak
Patricia Patterson, Taylor County
Everett Phillips, Columbia County
Larry Sessions, Suwannee County
Carolyn Spooner, City of Starke
Kenrick Thomas, Gilchrist County
Helen Warren, City of Gainesville
Stephen Witt, City of Lake City

NON-VOTING DELEGATE PRESENT

None

EX-OFFICIO MEMBER REPRESENTATIVES
PRESENT

Carlos Herd, Suwannee River Water
Management District
Russell Simpson, Florida Department of
Environmental Protection

MEMBERS ABSENT

Harvey Budd, City of Gainesville
Beth Burnam, Hamilton County
Craig Carter, City of Gainesville
Jason Evans, High Springs
Jason Holifield, Dixie County
William Hunter, Hamilton County
Timothy Marden, City of Newberry
Lee Pinkoson, Alachua County
DeLoris Roberts, City of Hawthorne
Daniel Riddick, Bradford County
David Sullivan, City of Perry
James Tallman, Union County
Lorene Thomas, Dixie County
Daniel Webb, Union County
Randy Wells, City of Gainesville
Robert Wilford, City of Alachua
Mike Williams, Madison County

OTHERS PRESENT

Tim Bennett
Sandra Buck-Camp
David Cobb
Buddy Haas

COUNCIL ATTORNEY PRESENT

None

STAFF PRESENT

Steven Dopp
Carmelita Franco
Scott Koons
Jean Strong

Board Members names are bolded
Gubernatorial Members names are italicized

I. INVOCATION, PLEDGE OF ALLEGIANCE AND INTRODUCTIONS

Chair Spooner called the meeting to order at 7:30 p.m. with an invocation given by her and a pledge of allegiance to the flag. Chair Spooner stated that there was a quorum of the Council.

Chair Spooner welcomed and introduced Tim Bennett, City Manager from the City of Madison, David Cobb, from Florida Power and Light, and Sandra Buck-Camp, member of the Columbia, Hamilton, Suwannee Transportation Disadvantaged Local Coordinating Board.

II. NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL PRESENTATION
YEAR 2014 REVIEW

Scott Koons, Executive Director, gave a PowerPoint presentation which reviewed Council activities during the past year in the Regional Planning, Public Safety and Regulatory Compliance, Economic Development, Local Government Assistance and Transportation Programs of the Council. In particular, he highlighted the services that the Council provides, which benefit its local governments, including community planning assistance, grant application and administration services, transportation planning assistance, hazardous waste monitoring, emergency response planning assistance, and economic development activities. Chair Spooner thanked Mr. Koons for his presentation.

III. APPROVAL OF MINUTES - April 23, 2015

Chair Spooner asked that the minutes of the April 23, 2015 meeting be approved as written.

ACTION: Councilman Bryant made the motion, with a second by Commissioner Catron, to approve the minutes of the April 23, 2015 meeting as written. The motion carried unanimously.

IV. CONSENT AGENDA

- A. Monthly Financial Report - April 2015
- B. Meeting Schedule Program Year 2015-16
- C. Amendment to Research Agreement - University of Florida
- D. Agreement with Florida Division of Emergency Management for Local Emergency Planning Committee, Fiscal Year 2015-16
- E. Agreement with Florida Division of Emergency Management for Hazard Analyses, Fiscal Year 2015-16
- F. Transportation Disadvantaged Program Designated Official Planning Agency - Levy County
- G. Local Government Community Redevelopment Planning Services Agreement - Fiscal Year 2014-15 City of Live Oak
- H. Local Government Local Mitigation Strategy Update Services Agreement - Fiscal Year 2014-15 Levy County

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

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

V. CHAIR'S REPORT Resolutions of Appreciation - Lauren Poe

Chair Spooner asked that a Resolution of Appreciation for past service be approved for Lauren Poe, who served as a Council member since May 2012.

ACTION: Commissioner Hutchinson made the motion, with a second by Commissioner Patterson, to approve the Resolution of Appreciation for Lauren Poe. The motion carried unanimously.

VI. COMMITTEE REPORTS

A. Executive Committee - Proposed Interlocal Agreement Amendments

Mr. Koons reported that, Senate Bill 1216 (Chapter 2015-30, Laws of Florida) recently enacted by the Legislature eliminated the Withlacoochee Regional Planning Council and transferred Levy County and Marion County to the north central Florida region. He also stated that the North Central Florida Regional Planning Council was created by an interlocal agreement pursuant to Section 163.01, Florida Statutes, entered into by counties and municipalities located in the north central Florida region. Mr. Koons stated that in order to add Levy County and Marion County to the membership of the Council, the existing member local governments will need to amend the interlocal agreement.

Mr. Koons further stated that the Executive Committee is recommending that the Council consider recommending several amendments to the interlocal agreement to the member local governments, these amendments should include the following provisions: geographic area; governance structure; additional representatives; and dues credit. He stated that the first interlocal agreement amendment that the Executive Committee is recommending would add Levy County and Marion County to the list of counties within the geographic area of the north central Florida region.

Mr. Koons reported that the second amendment would change the governance structure of the Council. The current governance structure provides for representation by member local governments on a population basis. He stated that based upon the current structure, Levy County would be entitled to two local elected representatives and Marion County would be entitled to ten local elected official representatives. He stated that along with one additional gubernatorial representative from Levy County and five additional gubernatorial representatives from Marion County, the total number of representatives to the Council would increase from 48 to 66. He stated that the Executive Committee reviewed three options concerning governance structure and is recommending that the population-based representation be deleted from the local agreement, resulting in 39 representatives to the Council.

Mr. Koons stated that the third amendment that the Executive Committee is recommending would delete the additional representatives provision, the current

interlocal agreement provides for a member local government to appoint additional representatives if requested by the Council to ensure representation of minority population and to maintain the required proportion of local elected officials.

Mr. Koons stated that the fourth amendment that the Executive Committee is recommending would delete the dues credit provision. The current interlocal agreement includes a provision for a dues credit to certain local governments of an amount equal to one percent of funds expended on planning activities during the preceding fiscal year. He also stated that, however, the dues credit cannot lower the dues assessment to an amount less than \$20,000. He also stated that currently, only Alachua County and the City of Gainesville are eligible for the dues credit. Mr. Koons reported that for Fiscal Year 2015-16, the dues credit for Alachua County would be (\$10,268) and the City of Gainesville would be (\$15,735). In addition, Marion County would also be eligible for a dues credit of (\$12,953).

Mr. Koons stated that the Executive Committee was not asking for Council action on those amendments at this time. He also stated that specific amendment language would be prepared and presented to the Council for action at the June 25, 2015 Council meeting.

B. Clearinghouse Committee

Chair Sandra Haas, gave the Clearinghouse Committee report. She stated that the Clearinghouse Committee met earlier in the evening and reviewed one local government comprehensive plan amendment.

#49, Dixie County Adopted Comprehensive Plan Amendment

She noted that the Committee finds that the local government comprehensive plan, as amended, is not anticipated to result in significant adverse impact to regional facilities, Natural Resources of Regional Significance or adjoining local governments. Ms. Haas also stated that the Committee recommends forwarding this finding to the respective local government, and the Florida Department of Economic Opportunity

ACTION: Ms. Haas made the motion, with a second by Commissioner Patterson, to approve the Clearinghouse Committee recommendation concerning Item #49, Dixie County Adopted Comprehensive Plan Amendment. The motion carried unanimously.

C. Regional Planning Committee -Evaluation and Appraisal Report of North Central Florida Strategic Regional Policy Plan

Mr. Montgomery, Regional Planning Committee member, reported that, every five years the North Central Florida Regional Planning Council is required by State law to prepare an Evaluation and Appraisal Report of its regional plan. He also stated that the Report is due by the end of 2015.

Mr. Montgomery reported that the purpose of an Evaluation and Appraisal Report is to evaluate the successes and failures of the regional plan and to identify possible future amendments, revisions or updates to the plan. He also stated that the report serves as a basis for future amendments to the regional plan.

Mr. Montgomery stated that the Regional Planning Committee met tonight and continued its review of the regional plan focusing on the Natural Resources of Regional Significance Element of the Regional Plan.

D. Program Committee - Fiscal Year 2015-16 Overall Program Design

Commissioner Patterson, Program Committee member, stated that the Program Committee met on March 26, 2015, to develop an Overall Program Design for the Council's consideration for Program Year 2015-16. She stated that except for editorial revisions, the document is the same as the current year edition.

Commissioner Patterson reported that the Program Committee recommended approval of the Overall Program Design for Program Year 2015-16.

ACTION: Commissioner Patterson made the motion, with a second by Commissioner Chestnut, to approve the Overall Program Design for Program Year 2015-16 as recommended by the Program Committee. The motion carried unanimously.

E. Finance Committee

1. Fiscal Year 2013-14 Audit
2. Authorization to Pay Auditor
3. Fiscal Year 2015-16 Budget

Commissioner Rick Davis, Secretary-Treasurer and Chair of the Finance Committee, reported that the Finance Committee met earlier in the evening with the auditor and reviewed the Fiscal Year 2013-14 Annual Audit as prepared by Powell and Jones, Certified Public Accountants. He stated that the audit conforms with both federal regulations and the rules of the Auditor General of the State of Florida and the Governmental Accounting Standards Board Statement 34 and 54 requirements and that there were no findings or concerns reported by the auditor. Commissioner Davis stated that the Finance Committee recommended acceptance and approval of the Fiscal Year 2013-14 Audit and further recommended that final payment be made to the auditor, Powell and Jones, Certified Public Accountants for the preparation of the Fiscal Year 2013-14 Audit.

ACTION: Commissioner Davis made the motion, with a second by Commissioner Cornell, to accept and approve the Fiscal Year 2013-14 Annual Audit as prepared by Powell and Jones, Certified Public Accountants and to make final payment to the auditor. The motion carried unanimously.

Commissioner Davis, stated that the Finance Committee met on May 13, 2015, to review the proposed budget for Fiscal Year 2015-16. He stated that the anticipated expenditures for next year will be \$1,876,300, which is \$187,700 more than the current year budget. It was reported that members pay dues, which are proposed to remain at \$.30 per capita for the 34th year as recommended by the Finance Committee, producing \$219,000 approximately.

Commissioner Davis reviewed the most significant policy decisions to be made with respect to the budget, which were personnel items. He stated that in the line item descriptions in the budget, there is a provision for a total of 12 full-time staff positions, plus funds for part-time positions, which is two full-time staff positions less than budgeted for the current year. The budget includes a recurring increase across the board for all employees, including the Executive Director, equal to two percent of the salary for each employee, and one percent salary budget for merit increases for all employees, except the Executive Director as recommended by the Finance Committee.

Commissioner Davis stated that this budget provides for significant services to be rendered to member cities and counties. This is to be done by effectively using all available resources, and at the same time, ensuring that the Council remains in a sound financial condition.

ACTION: Commissioner Davis made the motion, with a second by Commissioner Warren, to approve the Fiscal Year 2015-16 budget as recommended by the Finance Committee. The motion carried unanimously.

E. Nominating Committee - Program Year 2015-16
Election of Officers and Board of Directors

Nominating Committee Chair Garth Nobles, Jr., gave the Nominating Committee report. He stated that the Nominating Committee met on May 13, 2015 to make, for the Council's consideration, recommendations regarding all officer positions, including the additional Executive Committee member, and other members of the Board of Directors to a one-year term for Program Year 2015-16.

He stated that the Nominating Committee recommendations for the officer positions are, as follows.

Chair - Daniel Riddick
Vice-Chair - Rick Davis
Secretary-Treasurer - Lorene Thomas
Member - Louie Davis
Immediate Past Chair - Carolyn Spooner

He stated that the Nominating Committee recommendations for the Board of Directors are, as follows.

City Representatives
LaBarfield Bryant, City of Jasper
Garth Nobles, Jr., City of Live Oak
Robert Wilford, City of Alachua

County Representatives
Charles Chestnut, IV, Alachua County
Donnie Hamlin, Lafayette County
Kenrick Thomas, Gilchrist County

Gubernatorial Representatives

Sandra Haas, Suwannee County
James Montgomery, Columbia County
Daniel Webb, Union County
Mike Williams, Madison County

ACTION: Mayor Nobles made the motion, with a second by Commissioner Patterson, to elect the slate of nominees to the Executive Committee and Board of Directors to a one-year term for Program Year 2015-16 as recommended by the Nominating Committee. The motion carried unanimously.

VII. EX-OFFICIO MEMBER REPORTS

Carlos Herd, Water Supply Division Director and Interim Executive Director, Suwannee River Water Management District, reported that Water Management District continues to monitor the water resources bill, Senate Bill 918. He also reported that Ann Shortelle, Executive Director of the Suwannee River Water Management District will be leaving the District to become the new Executive Director of the St. Johns Water River Management District.

Russell Simpson, Florida Department of Environmental Protection, stated that the Northeast District staff will be conducting a workshop at the Northeast District Office of the Florida Department of Environmental Protection in Jacksonville on medical waste disposal on June 9, 2015.

VIII. CITIZEN COMMENTS - None

IX. EXECUTIVE DIRECTOR'S REPORT

A. Florida Regional Councils Association Monthly Activity Report

Mr. Koons reported that the Florida Regional Councils Association is the statewide organization of the 11 regional planning councils. The Association strengthens Florida's regional planning councils, partners with government and the business community to enhance regional economic prosperity and improves the consistency and quality of regional planning councils programs to ensure they add value to state, regional and local initiatives. He stated that the Association's Director of Intergovernmental Affairs position is currently vacant.

B. Florida Chamber Foundation Scorecard™

Mr. Koons stated that the Florida Chamber Foundation has developed the Florida Scorecard™ to provide Florida leaders the metrics needed to secure Florida's future. The Florida Chamber Foundation's objective to develop a 20-year, statewide strategic plan requires a commitment to measuring our current status and progress toward the stated goals of the Six Pillars 20-year Strategic Plan. He further stated that the Scorecard reports metrics for each of the Six Pillars benchmarked to the other 49 states. The Six Pillars are Talent Supply and Education, Innovation and Economic Development, Infrastructure and Growth Leadership, Business Climate and Competitiveness, Civic and Governance Systems and Quality of Life and Quality Places. He reviewed the May 2015 Scorecard™ included in the Council meeting packet.

C. Legislative Report

Mr. Koons reported that the 2015 regular Legislature session convened on March 3, 2015 and the House of Representatives adjourned on April 28, 2015 and the Senate adjourned on April 30, 2015. He also stated that the Governor did not recommend any funding for regional planning councils for Fiscal Year 2015-16. He further reported that the House of Representatives adopted budget does not include any funding for regional planning councils for Fiscal Year 2015-16. The Senate adopted budget includes \$200,000 in funding for all 11 regional planning councils for Fiscal Year 2015-16. The Council's share of the \$200,000 in funding would be approximately \$15,000. The Legislature did not pass the Fiscal Year 2015-16 budget during the regular session. The budget will be addressed during the special session scheduled to start June 1, 2015 and end June 20, 2015. Mr. Koons then reviewed the final status of several bills of interest to regional planning councils and local governments.

D. North Florida Regional Water Supply Partnership

Mr. Koons reported that the Committee met on April 27, 2015. He stated that the Committee reviewed and approved a water resources assessment and analysis for use in the development of the 2035 Regional Water Supply Plan. He also stated that the Committee also received updates on the status of the regional groundwater model as well as the development of projection methodologies for agricultural water consumption.

E. 2014 Annual Report

Mr. Koons stated that the 2014 Annual Report has been mailed to Council members, local governments, and federal, state and local partners. He stated that the annual report highlights accomplishments in the areas of regional activities, public safety and regulatory compliance, economic development, local government assistance and transportation. He also stated that the annual report provides a summary of the financial status of the Council and looks at the year ahead.

F. Financial Disclosure Report Filing

Mr. Koons reported that all members of the Council are required to file a financial disclosure form by July 1st of each year. He stated the financial disclosure forms filed by county commissioners and city commissioners for their elected offices fulfill this requirement. Gubernatorial members must file a financial disclosure form with the Supervisor of Elections office in their respective counties to fulfill this requirement. Council members should have received a copy of the financial disclosure form in the mail within the past few weeks.

G. Annual City-County Managers Meeting - June 12, 2015

Mr. Koons reported that each year, Council staff meets with city and county managers and their staffs from throughout the region to discuss growth management legislation and review Council programs. The annual meeting for city and county managers this year will be held on June 12, 2015, at the Holiday Inn Hotel & Suites located at 213 Southwest Commerce Boulevard in Lake City, Florida.

F. Check Fraud Status Report

Mr. Koons reported that on March 20, 2013, a fraudulent check in the amount of \$49,523.00 that was written on the Council's bank account was processed and paid by Wells Fargo. Also on March 20, 2013, Council staff filed an affidavit of check fraud concerning this matter with Wells Fargo. On March 25, 2013, Council staff filed a crime report concerning this matter with the Gainesville Police Department. On April 18, 2013, the Council Attorney sent a letter to Wells Fargo requesting that Wells Fargo remit to the Council within 30 days the unauthorized \$49,523.00 released by Wells Fargo from the Council's account. He added that on June 3, 2013, attorneys for Wells Fargo responded via letter stating that Wells Fargo will not reimburse the Council for the \$49,523.00 released from the Council's account by Wells Fargo.

Mr. Koons stated that at their meeting on July 25, 2013, the Council authorized the Council Attorney to file a lawsuit against Wells Fargo to recover the unauthorized \$49,523.00, to engage Stanley Cushman from the law firm of Scruggs and Carmichael to serve as co-counsel for the lawsuit and to designate Scott Koons, Executive Director, as the Council's representative concerning all matters related to such lawsuit. He stated that on August 6, 2013, a lawsuit was filed against Wells Fargo to recover the Council's funds.

Mr. Koons further reported that on September 9, 2013, Wells Fargo responded to the complaint by filing a Motion to Compel Arbitration. Council Attorney Wershow and Co-Counsel Cushman responded to the motion stating that arbitration does not apply to the dispute and have filed a motion for a hearing on the motion to compel arbitration. A hearing originally scheduled for October 30, 2013 in the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida on the Motion to Compel Arbitration filed by Wells Fargo to resolve the dispute between the Council and Wells Fargo was rescheduled for January 24, 2014. Mr. Koons reported that at the conclusion of the hearing, the Circuit Court granted the Motion to Compel Arbitration.

Mr. Koons reported that a letter was sent to Wells Fargo on May 13, 2014 requesting additional information concerning the disputed check. On September 24, 2014 a Notice of Arbitration and Statement of Claim was filed with the American Arbitration Association by Co-Counsel Stanley Cushman on behalf of the Council. On October 14, 2014 attorneys from Wells Fargo filed a Respondent's Answering Statement to the Statement of Claim.

Council Attorney Wershow reported that an agreement has been reached with Wells Fargo concerning a mutually acceptable arbitrator, Robert Cowles from Jacksonville, FL. He further reported that a preliminary arbitration conference was held on February 2, 2015 and that the parties have agreed to schedule the arbitration hearing for May 11, 2015 in Gainesville.

Mr. Koons reported that a press release was sent to state and regional news media on March 3, 2015 concerning the fraudulent check matter. He also stated that the arbitration hearing that was scheduled for May 11, 2015 has been rescheduled for June 22, 2015 due to a conflict of interest by the expert witness for Wells Fargo.

Mr. Koons presented outgoing Chair Spooner with a framed photograph of a Paynes Prairie print and thanked her for her leadership during the past year. Chair Spooner thanked the Council for allowing her to serve as Chair for the past year.

Chair Spooner informed the Council that the next Council meeting will be held on June 25, 2015 at the Holiday Inn Hotel & Suites in Lake City. The meeting was adjourned at 9:15 p.m.



Daniel Riddick, Chair

6/25/15

Date