

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL
MINUTES

Holiday Inn Hotel & Suites
Lake City, Florida

August 27, 2015
7:30 p.m.

MEMBERS PRESENT

Ed Braddy, City of Gainesville
LaBarfield Bryant, City of Jasper
Harvey Budd, City of Gainesville
Craig Carter, City of Gainesville
Jim Catron, City of Madison
Charles Chestnut IV, Alachua County
Louie Davis, City of Waldo
Rick Davis, Madison County
Scarlet Frisina, Columbia County
Donnie Hamlin, Lafayette County
James Montgomery, Columbia County
Garth Nobles, Jr., City of Live Oak
Patricia Patterson, Taylor County
Everett Phillips, Columbia County
Daniel Riddick, Bradford County
DeLoris Roberts, City of Hawthorne
Larry Sessions, Suwannee County
Kenrick Thomas, Gilchrist County
Lorene Thomas, Dixie County
Daniel Webb, Union County
Randy Wells, City of Gainesville
Robert Wilford, City of Alachua
Stephen Witt, City of Lake City

NON-VOTING DELEGATE PRESENT

None

EX-OFFICIO MEMBER REPRESENTATIVES
PRESENT

Russell Simpson, Florida Department of
Environmental Protection

MEMBERS ABSENT

Beth Burnam, Hamilton County
Ken Cornell, Alachua County
Jason Evans, High Springs
Jason Holifield, Dixie County
William Hunter, Hamilton County
Robert Hutchinson, Alachua County
Doug Jones, City of Archer
Timothy Marden, City of Newberry
Lee Pinkoson, Alachua County
Carolyn Spooner, City of Starke
David Sullivan, City of Perry
James Tallman, Union County
Helen Warren, City of Gainesville
Mike Williams, Madison County

OTHERS PRESENT

Sandra Buck-Camp
David Cobb
Ralph Kitchens
Stew Lilker

COUNCIL ATTORNEY PRESENT

Jonathan Wershow

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 Riddick called the meeting to order at 7:36 p.m. with an invocation given by Commissioner Wilford and a pledge of allegiance to the flag. Chair Riddick stated that there was a quorum of the Council.

Chair Riddick welcomed and introduced Sandra Buck-Camp and Ralph Kitchens, members of the Columbia, Hamilton, Suwannee Transportation Disadvantaged Local Coordinating Board; Diana Davis, wife of Council member Louis Davis; David Cobb; from Florida Power and Light and Stew Lilker, from the Columbia County Observer.

Chair Riddick asked that Item IV.G.; Transportation Disadvantaged Local Coordinating Board Appointment of Jason Bashaw and Item V.; Transportation Disadvantaged Program Resolution of Appreciation for Bucky Nash be removed from the agenda. Chair Riddick also asked that Item IV.H. Amendment to Agreement with Florida Division of Emergency Management for Hazardous Materials Emergency Preparedness - Fiscal Year 2014-15, be added to the agenda.

ACTION: Commissioner Catron made the motion with a second by Commissioner Wilford to remove Item IV.G., Transportation Disadvantaged Local Coordinating Board Appointment of Jason Bashaw and Item V., Transportation Disadvantaged Program Resolution of Appreciation for Bucky Nash be removed from the agenda and to add to the agenda Item IV.H., Amendment to Agreement with Florida Division of Emergency Management for Hazardous Materials Emergency Preparedness - Fiscal Year 2014-15. The motion carried unanimously.

Mayor Nobles informed the Council that Mayor Davis of the City of Waldo was presented the E. Harris Drew Municipal Official Lifetime Achievement Award at the Florida League of Cities Annual Conference held August 13-15, 2015 in Orlando.

II. PRESENTATION - NORTH CENTRAL FLORIDA,
STRATEGIC REGIONAL POLICY PLAN

Steven Dopp, Senior Planner gave a presentation on the North Central Florida Strategic Regional Policy Plan. He discussed the five subject areas of Affordable Housing, Economic Development, Emergency Preparedness, Natural Resources, Resources of Regional Significance and Regional Transportation included in the Plan.

III. APPROVAL OF MINUTES - July 23, 2015

Chair Riddick asked that the minutes of the July 23, 2015 meeting be approved as written.

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

IV. CONSENT AGENDA

A. Monthly Financial Report - July 2015

- B. Agreement with Florida Division of Emergency Management for Hazardous Materials Emergency Preparedness - Fiscal Year 2015-16
- C. Local Government Comprehensive Planning Assistance Services Agreements - Fiscal Year 2015-16
- D. Hazardous Waste Monitoring Verification and Notification Services Agreements - Fiscal Year 2015-16
- E. Local Mitigation Strategy Facilitation Services Agreement
Fiscal Year 2015-16 - Levy County
- F. Transportation Disadvantaged Local Coordinating Board Appointments
- G. Transportation Disadvantaged Local Coordinating Board Appointment - Jason Bashaw was removed from the agenda.
- H. Amendment to Agreement with Florida Division of Emergency Management for Hazardous Materials Emergency Preparedness - Fiscal Year 2014-15,

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

ACTION: Commissioner Carter made the motion, with a second by Commissioner Roberts, to approve the items on the Consent Agenda as modified. The motion carried unanimously.

V. CHAIR'S REPORT

- A. Transportation Disadvantaged Program Resolutions of Appreciation - Bucky Nash was removed from the agenda.

VI. COMMITTEE REPORTS

- A. Executive Committee

- 1. Hazardous Materials Awareness Week Proclamation

Scott Koons, Executive Director, reported that the Executive Committee recommends that the Council adopt a proclamation declaring the week of September 13-20, 2015 as Hazardous Awareness Week.

ACTION: Commissioner Patterson made the motion, with a second by Commissioner Roberts, to proclaim the week of September 13-20, 2015 as Hazardous Materials Week. The motion carried unanimously.

- 2. Resolution Recognizing Service of Terry Joseph as Executive Director of the West Florida Regional Planning Council

Mr. Koons stated that Terry Joseph, Executive Director of the West Florida Regional Planning Council will be retiring on September 30, 2015. He noted she has been with the Council 31 years and has been the Executive Director since 2005. Mr. Koons reported that the Executive Committee recommends that the Council adopt a resolution recognizing the service of Terry Joseph.

ACTION: Mayor Davis made the motion, with a second by Commissioner Catron to adopt Resolution No. 2015-05 recognizing the service of Terry Joseph, Executive Director of the West Florida Regional Planning Council. The motion carried unanimously.

3. Resolution Recognizing Service of Manny Pumariega as Executive Director of the Tampa Bay Regional Planning Council

Mr. Koons stated that Manny Pumariega, Executive Director of the Tampa Bay Regional Planning Council will also be retiring on September 30, 2015. He noted that he has been with the Council 35 years and has been the Executive Director since 1998. Mr. Koons reported that the Executive Committee recommends that the Council adopt a resolution recognizing the service of Manny Pumariega.

ACTION: Commissioner Chestnut made the motion, with a second by Councilman Bryant to adopt Resolution No. 2015-06 recognizing the service of Manny Pumariega, Executive Director of the Tampa Bay Regional Planning Council. The motion carried unanimously.

4. 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 noted that the North Central Florida Regional Planning Council was created by an interlocal agreement pursuant to Section 163.01, Florida Statutes as amended, entered into by counties and municipalities located in the north central Florida region. He further 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. The current population-based representation formula would increase the total number of representatives on the Council from 48 to 66.

Mr. Koons stated that at its June 25, 2015 meeting, the Council, on a 17 ayes and 5 nays vote, recommended amendments to the interlocal agreement to the member local governments. The amendments addressed the following provisions.

1. Geographic area;
2. Governance structure;
3. Additional representatives; and
4. Dues credit.

Mr. Koons reported that subsequent to the June 25, 2015 meeting, representatives of a member local government have suggested some alternative options to address the governance structure of the Council as it relates to local government representatives. He stated that the Executive Committee has reviewed the three following alternative options concerning the governance structure of the Council.

Option 1 would eliminate the population-based representation system and would change the per capita population-based dues assessment to each member local government paying an equal share of the total assessed dues. Option 2 would retain a modified population-based representation formula with any member local government with a population of 100,000 or more having three representatives. Option 3 would also retain a modified proportional population-based representation formula with any member local government with a population of 100,000 or more having three representatives, a population of 250,000 having four representatives and a population of 500,000 or more having five representatives.

Mr. Koons reported that the Executive Committee recommends Option 2. He stated the recommendation of Executive Committee is scheduled for a vote by the Council at the September 24, 2015 meeting.

B. Clearinghouse Committee

Vice-Chair James Montgomery, gave the Clearinghouse Committee report. He stated that the Clearinghouse Committee met earlier in the evening and reviewed two local government comprehensive plan amendments.

#73 - Suwannee County Comprehensive Plan Adopted Amendment
#77 - Fanning Springs Comprehensive Plan Draft Amendment

He noted that the Committee finds that the local government comprehensive plans, as amended, are not anticipated to result in significant adverse impact to regional facilities, Natural Resources of Regional Significance or adjoining local governments. Mr. Montgomery also stated that the Committee recommends forwarding these findings to the respective local governments and the Florida Department of Economic Opportunity.

ACTION: Mr. Montgomery made the motion, with a second by Commissioner Patterson, to approve the Clearinghouse Committee recommendation concerning Item #73, Suwannee County Comprehensive Plan Adopted Amendment, and Item #77, Fanning Springs Comprehensive Plan Draft Amendment. The motion carried unanimously.

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

Commissioner Wells, Regional Planning Committee Chair, 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.

Commissioner Wells 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.

Commissioner Wells stated that the Regional Planning Committee met earlier that evening and continued its review of the regional plan focusing on Coordination Outline, Dispute Resolution Rule and Glossary of Terms and Maps of Natural Resources of Regional Significance.

VII. EX-OFFICIO MEMBER REPORTS

Russell Simpson, Florida Department of Environmental Protection, stated that the Florida Department of Environmental Protection will conduct a How to Comply with Hazardous Waste Workshop on November 3, 2015 at the Gainesville Regional Utilities Eastside Operations Center in Gainesville. He also stated that the Northeast District is available to assist local governments and individuals concerning permit applications and Department regulatory compliance issues.

VIII. CITIZEN COMMENTS -

Stew Lilker made comments concerning the availability of funding for rural broadband internet service from the United States Department of Agriculture.

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 activities of the Association's Director of Intergovernmental Affairs, Martha Lord are reported each month to the Council. He also highlighted several of the activities listed in the July 2015 activities report in the Council meeting packet.

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 August 2015 Scorecard™ included in the Council meeting packet.

C. Regional Directory

Mr. Koons reported that the 2015 Regional Directory was mailed to local, regional, state and federal officials, and planning and related agencies the week of August 17, 2015. He also stated the Council staff would like to thank everyone who assisted in compiling this information.

D. 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 was rescheduled and held on June 22, 2015

Mr. Wershow reported that a final order has been issued by the arbitrator in favor of Wells Fargo.

Chair Riddick informed the Council that the next Council meeting will be held on September 24, 2015 at the Holiday Inn Hotel & Suites in Lake City. The meeting was adjourned at 8:50 p.m.



Daniel Riddick, Chair

9/24/15

Date