



NORTHEAST FLORIDA REGIONAL COUNCIL
Board of Directors Meeting
July 12, 2007

APPROVED MINUTES

The monthly meeting of the Northeast Florida Regional Council was held on Thursday, July 12, 2007, at 10:00 a.m., at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

President Laibl called the meeting to order with the following members present representing a quorum:

BAKER	Mike Griffis
CLAY	Deidra Franklin Harold Rutledge Chereese Stewart Carol Vallencourt
DUVAL	Richard Clark Mary Louise Dungey James Fletcher
FLAGLER	Jim O'Connell Bob Sgroi
NASSAU	Michael Boyle Bill Leeper Bob Spaeth Larry Williams
PUTNAM	Nancy Harris Chip Laibl Mary Lawson-Brown Tom Williams
ST. JOHNS	Don Crichlow Tom Manuel Harry Maxwell Karen Stern
EX-OFFICIO	Linda Burnette Larry Parks

Excused: Ginger Barber, Hugh Fish, Darryl Register, Paul Bue, Joann King, Cyndi Stevenson

Absent: Milissa Holland, Greg Strong

Others: Larry Tilton, Valerie Britt, Hermon Somers, Carl Dennard, Frank Matthews, Larry Sullivan, Wes Larson, Jim Thompson, Ellen Whitmer, Sarah Owen, Bonnie Barnes, Al Abbatiello, Andrew Miller, Ken Bryan, Chris Ranung, Marilyn Wiles, David Wiles, Peter Kessler, and other members of the public.

Staff: Brian Teeple, Mario Taylor, Ed Lehman, Kathy Dennis, Charles McCool, Michael Hadden, Michael Hill, Karolen Merritt, Ameera Sayeed, Guy Parola, Sheron Forde and Angi Giles.

President Laibl called the meeting to order. **Commissioner Boyle** led the Pledge of Allegiance.

*Approval of Minutes

Commissioner Fletcher moved approval of the June 7, 2007, meeting's minutes; seconded by Mr. Maxwell; motion unanimously carried.

President's Report

President Laibl introduced new Board members - **Mr. Tom Williams** – Gubernatorial Appointee from Putnam County; **Mr. Larry Williams** – Gubernatorial Appointee from Nassau County; **Mr. Bob Sgroi** – Gubernatorial Appointee from Flagler County.

Public Comment

Valerie Britt, 378 Tilefish Court – Ms. Britt commended the NEFRC web site updates and communications, and requested that an e-mail be sent to interested parties for notification of additional agenda items. Ms. Britt thanked staff for their quick posting of public information.

*Consent Agenda

President Laibl asked if any items needed to be moved from the Consent Agenda. There being no items to be moved from the Consent Agenda to the Discussion Agenda, **Mrs. Stern moved approval of the Consent Agenda; seconded by Commissioner Fletcher; motion unanimously carried.**

Discussion Agenda

*Resolution 2007-10

Mr. Teeple requested the Board's approval for Resolution 2007-10, honoring **Mr. Wes Larson** for his service and dedication, both to the Council and the Northeast Florida Region. Mr. Teeple read the Resolution to the Board. **Commissioner Rutledge moved approval of Resolution 2007-10; seconded by Mrs. Stern; motion carried unanimously.**

*Resolution 2007-11

Mr. Teeple reviewed Resolution 2007-11 honoring the service of **Ms. Rea Fleckenstein** on the Council. **Commissioner Fletcher moved approval of Resolution 2007-11; seconded by Ms. Vallencourt; motion carried unanimously.**

*Resolution 2007-12

Mr. Teeple reviewed the Resolution 2007-12 honoring the service of **Councilman Jon Netts** on the Council. **Commissioner Boyle moved approval of Resolution 2007-12; seconded by Vice Mayor Lawson-Brown; motion unanimously carried.**

*Resolution 2007-13

Mr. Teeple reviewed Resolution 2007-13 honoring the service of **Mr. Todd Duncan** on the Council. **Commissioner Fletcher moved approval of Resolution 2007-13; seconded by Mrs. Stern; motion carried unanimously.**

*Mariposa Development of Regional Impact Development Order Review

Mr. Lehman stated that the Development Order (DO) was partially reviewed by the Planning & Growth Management Policy Committee (P&G). The Committee recommended that all items other than transportation in the DO are consistent with the Council's recommendation report. Mr. Lehman informed the Council that under Section 380.07(2), Florida Statutes, (F.S.), states that within 45 days of rendering of a DRI Development Order, the state land planning agency (DCA) may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal. Regional Planning Councils do not have appellate rights; however, S. 380.07(2) states that the appropriate regional agency by vote at a regularly scheduled meeting may recommend that DCA undertake an appeal of the DO, which the DCA shall consider within the 45-day appeal period. Council staff received the DO, as well as the Comprehensive Plan Amendment, for Mariposa on June 20th, and brings the recommendation on both items before the Board today. The Putnam County Commission adopted the DO for the Mariposa DRI on June 12, 2007. Staff has reviewed the DO to determine whether it is generally consistent with the Regional Council's recommendation report, which was adopted by the Council on March 1, 2007. Mr. Lehman requested that only the transportation issues of the DO be reviewed, due to the fact that the P&G Committee approved all of the other items in the DO earlier.

President Laibl recognized **Commissioner Manuel**. **Commissioner Manuel** gave a short PowerPoint presentation. He began by stating that St. Johns County (SJC) has many concerns with the Mariposa Development. The Commissioner referenced Florida Statute 163: "We are charged to maintain through orderly growth and development the character and/or stability of the present land use." He stated that they are concerned with implications of the project, and the irreversible trend in East Putnam and Southwest St. Johns County (SW SJC). SJC Board of County Commissioners is unanimously attempting to maintain and preserve the character and nature of SW SJC. This project represents a significant step towards the erosion of the character and nature of SW SJC. "We are a regional board. We have to think about the regional, long term implications of our actions." This project impacts not only SJC, but Flagler County also. The Commissioner also referenced Florida Administrative Code 9J-5.003 regarding "urban sprawl." The Commissioner stated that each of the conditions listed as a definition of "urban sprawl" is met by Mariposa. He stated that Mariposa is also an example of "leapfrog development." The Commissioner spoke of interconnectivity. **Commissioner Manuel** stated that SJC had certain inherent rights regarding the development. On November 14, 2006 SJC BOCC passed Resolution 2006-448 with the Town of Hastings, requesting support for transportation concerns pertaining to Mariposa Development. On May 4th, a letter was sent introducing 380.065 regarding standards that have to be met for SJC to participate in negotiations. SJC believes that all conditions for SJC's participation have been met. SJC believes that Putnam has not met their own objectives and requirements of their comprehensive plan. Chapter 164, Florida Statutes, deals with government disputes. SJC has passed resolution 2007-198 initiating conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act, pertaining to a conflict between St. Johns County and Putnam County, Florida. Commissioner Manuel read the resolution into the record:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA INITIATING CONFLICT RESOLUTION PROCEDURES PROVIDED BY THE FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT, PERTAINING TO A CONFLICT WITH PUTNAM COUNTY, FLORIDA.

WHEREAS, the Florida Governmental Conflict Resolution Act as formed by the Florida Legislature to promote, protect, and improve the public health, safety and welfare and to enhance intergovernmental coordination efforts by the creation of a governmental conflict resolution procedure that can provide an equitable, expeditious, effective, and inexpensive method for resolution of conflicts between and among local and regional governmental entities; and

WHEREAS, the scope of the Florida Governmental Conflict Resolution Act specifically pertains to any issue relating to local comprehensive plans or plan amendments prepared pursuant to part II of chapter 163, including, but not limited to, conflicts involving levels of service for public facilities and natural resource protection; and

WHEREAS, the St. Johns County Board of County Commissioners adopted Resolution No. 2006-448 (attached) on or about November 14, 2006, and said Resolution requested that Putnam County, the Northeast Florida Regional Council, and the Department of Community Affairs, consider and address certain specific concerns pertaining to the proposed Mariposa Development of Regional Impact (DRI) project bordering the St. Johns County/Putnam County line; and

WHEREAS, on or about May 4, 2007, the St. Johns County Attorney corresponded by letter (attached) to the Putnam County Attorney pertaining to the Mariposa **DRI**, St. Johns County concerns indicating that reasonable requests made by St. Johns County through Resolution No. 2006-448 had not been fully met as of that date; and

WHEREAS, upon knowledge and belief, Putnam County has not meaningfully responded to St. Johns County pertaining to the requests made in St. Johns County Resolution 2006-448; and

WHEREAS, on or about June 12, 2007, the Putnam County Commission approved an ordinance changing the Comprehensive Growth Management Plan and Land Use Map pertaining to the Mariposa **DRI** property, and furthermore, adopted a resolution approving a Development Order pertaining to the Mariposa **DRI**; and

WHEREAS, St. Johns County and its roadways and other public facilities are negatively affected by the proposed Mariposa DRI, without the negative impacts being fully addressed or mitigated.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of St. Johns County, Florida, intends and initiates the conflict resolution procedures provided by the Florida Governmental Conflict Resolution Act prior to initiating a court proceeding pertaining to the conflict, and in support of such initiation provides:

(1) St. Johns County Resolution No. 2006-448 and the issues/concerns it raises are hereby incorporated herein.

(2) The correspondence dated May 4, 2007, from the St. Johns County Attorney to the Putnam County Attorney is hereby incorporated herein.

The conflict resolution procedure is justified because St. Johns County, upon knowledge and belief, believes it will be harmed by the proposed Mariposa DRI in terms of negative effects upon St. Johns County's roadways and other public facilities without sufficient mitigation. Furthermore, upon two written attempts to resolve the negative impact issues, St. Johns County has not received a meaningful response from Putnam County, nor evidence that the negative impacts would be sufficiently addressed.

The proposed date and location for the conflict assessment meeting to be held pursuant to Section 164.1053 shall be July 18, 2007 at a location to be determined. It is suggested that the County Administrator of each of the counties, and planning officials selected by each of the County Administrators, should be present at the conflict assessment meeting.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 10th of July, 2007, signed by Chairman Ben Rich.

Commissioner Manuel stated that procedures have been initiated, and SJC is examining whether they create a stay or not. SJC finds that the DO is not in compliance with the Putnam County Comprehensive Plan, and that SJC feels it has legal standing to move forward either jointly or independently.

Mr. Lehman proceeded to review staff's recommendation, which pertains to the inadequacy of transportation conditions. The North/South (N/S) extension from SR 207 to Yelvington Road is needed to make it a regional roadway improvement to mitigate the impact of this project, is only addressed through the possibility of financing the road. The recommendation that was approved by the Council on March 1, 2007 states that no permits for vertical development will be approved for Phase II unless the construction of a N/S arterial from Yelvington road to US17/SR 100 is included as a funding commitment in Putnam County's Capital Improvement program or in the first 3 years of the DOT 5-year work program. The development order for Mariposa fails to meet the requirements of Rule 9J-2.045, F.A.C., in that there is not an adequate transportation improvement that is regional, or provides adequate mitigation for the level of impacts of the Mariposa DRI. In addition, the DO is not consistent with the SRPP, in particular Regional Goal 5.2 – "To protect the region's investment in transportation facilities by managing growth to use existing facilities and developing high-density multimodal corridors" and in particular Regional Policy 5.2.1 – "Local governments will develop land use plans and regulations which will assess the potential for adverse impacts to all regionally significant transportation facilities and will restrict development which degrades level of service standards on those facilities below the standards adopted in the local government comprehensive plan." Mr. Lehman stated that the currently proposed N/S road doesn't meet the terms of a regional roadway improvement and is a "driveway" for the development and should not be mitigated through the regional transportation proportionate share requirement.

Staff Recommendation is that DCA appeal the Mariposa Development Order because of inadequate provisions of mitigation for regional roadway impacts. In particular, staff makes the following findings of fact to support this recommendation:

- a.) The DO is inconsistent with the Council's recommendation report, in that it does not require a commitment for the construction of the extension of the N/S road from Yelvington Road to US 17/SR 100, as specified in the DO
- b.) The DO is inconsistent with the DCA Transportation Rule, in that it proposes a transportation mitigation plan that does not provide a regional roadway to be constructed by the applicant's proportionate share, nor provides sufficient relief to the regional roadway network to warrant its designation as a pipelined improvement
- c.) The DO is inconsistent with the Northeast Florida Strategic Regional Policy Plan, in particular Regional Goal 5.2 and Regional Policy 5.2.1, in that it doesn't restrict development that degrades level of service standards on regional facilities, and does not have a DRI pipelining plan sufficient to mitigate that impact.

Mr. Teeple noted that the Council must find mitigation measures that are appropriate and meet the letter of the law for pipeline improvements, in that they are in fact attributable to regional roadways. Council staff must make sure that mitigation dollars aren't used for internal improvements for a project that otherwise resemble a "driveway." In the way that the Putnam County DO is written, it is precedent setting with regard to the practice of the Council for pipelining.

Ms. Dungey requested input from DOT. **Mr. Parks** stated that DOT agrees with a regional roadway to US 17/SR100, along with proportionate share. DOT has reviewed and approved the Mariposa DO from their standpoint. **Commissioner Harris** commented that instead of the entire road, Putnam County is doing a sector plan study, and will have future development pay for the road out of their

proportionate share. **Commissioner Boyle** asked about the difference between the Council's recommendation and the DOT recommendation. Mr. Teeple clarified that Putnam County changed the DO wording from a firm commitment of funding for a regional roadway to a sector plan study for future development. He also stated that in order for a road to be a regional roadway improvement that mitigation funds should be used for, it must connect to another regional roadway. Since the N/S extension ends at Yelvington Road (at the terminus of the Mariposa Development), it is essentially a "driveway" to the project. **Commissioner Manuel** stated his concern that St. Johns County would wind up footing the transportation bill. SJC will pursue its rights; the plan is not satisfactory and does not qualify for pipelining in his opinion. **Commissioner Fletcher** and **Councilman Clark** made requests to move to public comment at this juncture. In response, Mr. Frank Matthews of Hopping Green & Sams, representing the applicant, stated that only 25% of capacity of N/S road would be used by the Mariposa DRI, and that the region should give deference to Putnam County DO, and should not appeal the DO to DCA. Mr. Matthews claims that calling the N/S extension a "driveway" is prejudicial and derogatory of the regional benefit. The developer is putting forth \$39 million toward transportation. Mr. Jim Thompson of The Wantman Group stated that the initial recommendation was for an East-West road, which was deemed not feasible through a traffic analysis due to residences, drainage, right of way, etc.

Public Comment

Carl Dennard, 128 Dinkle Lane, Palatka, FL: Spoke in favor of Mariposa – stated that it was a positive step for Putnam.

Chris Ranung, 403 Shamrock Road, St. Augustine South: Here in support of SJC Commissioner Manuel, and spoke against Mariposa Development. Stated that it was unneeded and unwanted.

Peter Kessler, 5381 Don Manuel Road, Elkton, FL (SJC): Spoke in favor of Mariposa and improvements and job opportunities that it will bring.

Larry Tilton, 340 E. Cracker Swamp Road, East Palatka: Adamantly against Mariposa – states that it is urban sprawl at its worst. Also stated that flooding will be a problem.

Sarah Owen, 201 Owens Ave, St. Augustine, FL: Spoke for the Wildlife Federation. Against Mariposa.

Ellen Whitmer, 1178 Natures Hammock Road S, St. Johns County: Spoke against Mariposa, stating there is no need for the Development. Mariposa will change the landscape of an agricultural area.

Commissioner Sommers, Putnam County Commissioner: States that this is an area of special economic concern, and believes that Putnam County has complied with all requirements. Will provide a deeply needed economic boost.

Wes Larson, 113 Gator Trail, Melrose, FL: Spoke in favor of Mariposa. Mr. Larson provided considerable information explaining that the development will provide quality housing that has not been achievable in Putnam County until now. Mr. Larson also spoke on the economic impact and benefit of Mariposa.

Ken Bryan, 126 Oystercatcher Cir, St. Augustine, FL: Spoke against Mariposa. He states that the development is not in the best interest of the community. Mr. Bryan stated that St. Johns County is now suffering in public services because of previous growth and overdevelopment.

The floor was opened to further Board Discussion. **Vice-Mayor Lawson-Brown** stated that Putnam County must be able to put measures in place to increase their tax base – without quality housing, they are unable to attract and retain qualified professionals. She also asked the other Counties to reflect upon their growth, and it's impact to Putnam County. **Ms. Dungey** requested more information regarding the East-West roadway, and a “stop” in Phase 2. Mr. Jim Thompson, The Wantman Group, responded that the N/S route chosen was the least disruptive to residents and businesses due to construction and right of way issues that would be caused by trying to create an East/West Roadway. **Mrs. Stern** stated her concern for the interests of SW SJC, and that the people of SW SJC are as passionate and in favor of the development as Putnam County. She also said that she understands that the transportation is a concern, but that she supports Mariposa. **Commissioner Harris** stated that “all counties are not created equal, and that strict interpretation of the plan provisions sounds wonderful, but enforcement of these provisions on the poorer counties has not been thought out enough.” She also believes that Mariposa is consistent with the ‘intent’ of Rule 9J-2.045. **Ms. Vallencourt** stated that the Council must be very careful not to set a bad precedent. Further discussion regarding transportation by **Mr. Spaeth** and **Commissioner Fletcher**.

Commissioner Rutledge moved to accept staff recommendation that DCA appeal the Mariposa Development Order; seconded by Commissioner Fletcher;

The floor was opened again for further board member discussion – **Commissioner Boyle** and **Vice-Mayor Crichlow** stated their support for staff recommendation. **Commissioner O’Connell** asked the Board to look at the DO with a regional view, rather than a parochial view. **Mrs. Stern** stated concerns over the delay to the project that may come about by an appeal from DCA. **Commissioner Fletcher** stated for the record – he believes that Mariposa DO is inconsistent with FL Statute 163 and Rule 9J-2.045, that the proposed transportation sector plan will not adequately mitigate the DRI, and that the DRI appears to degrade the transportation level of service. **Councilman Clark** stated that this is simply a recommendation to DCA, and asks that the Council look at items consistently, and that he plans to support Putnam and Mariposa.

Councilman Clark moved to call the question, seconded by Commissioner Manuel.

President Laibl noted that all parties need to be heard from and allowed rebuttal by Mr. Matthews (applicant representative) before considering the question. Mr. Matthews informed the Council that although the transportation mitigation is not the agreed upon allocation with Putnam County, they are trying to allocate the same monies in a different fashion, and urged the Council not to adopt staff recommendation.

On the motion to accept staff recommendation: a roll call vote was taken as follows:

7 nays, 13 ayes; motion was carried.

Griffis - Nay, Franklin - Aye, Rutledge – Aye, Stewart – Aye, Vallencourt – Aye, Dungey – Nay, Fletcher – Aye, O’Connell – Aye, Sgroi – Aye, Boyle – Aye, Spaeth – Aye, L. Williams – Aye, Harris – Nay, Lawson-Brown – Nay, T. Williams – Nay, Crichlow – Aye, Manuel – Aye, Maxwell – Aye, Stern – Nay, Laibl - Nay

*Putnam County Adopted Amendment 07-D1

Mr. Lehman stated that the Putnam County Comprehensive Plan Amendment 07-D1 contains a Future Land Use Map amendment to accommodate the land uses proposed in the Mariposa DRI, as well as text amendments and the Traffic Circulation Map has been amended to reflect the project road improvement proposed by Mariposa in their DRI mitigation plan. The Five-Year Capital Improvement Schedule has been amended to add the public facility improvements approved in the Development

consistent with the Northeast Florida Strategic Regional Policy Plan. **Ms. Vallencourt moved approval of staff recommendation to find Putnam County Adopted Amendment 07-D1 not consistent with the Northeast Florida Regional Policy Plan; seconded by Commissioner Rutledge; the ayes carried the motion.**

Jacksonville Adopted Amendment 07-1 Notice of Intent

Mr. Lehman called the Council's attention to the DCA notice of intent to find the City of Jacksonville Adopted Amendment 07-1 not in compliance with Chapter 163, Florida Statutes. Included with the notice are concerns about the Future Land Use Map amendment that the Council found not consistent with the SRPP (Moody Site). The DCA noted in their finding the inconsistency of the amendment with Regional Goal 3.2 and Regional Policy 3.2.2 as so noted in the recommendation from the Council.

Florida Regional Council's Association 2006 Joint Report

Mr. Teeple called the Board's attention to the FRCA Joint Report for their review.

JCCI Air Quality Report

Mr. Teeple also called the Board's attention to the Air Quality study report that was released in June, 2007 by Jacksonville Community Council, Inc.

Legislative Update

Mr. Taylor asked the Board Members to please make sure that they are represented at the July 26, 2007 Quarterly Planning Directors meeting being held at NEFRC. Because of time constraints, Mr. Taylor asked the Board to take the legislative items with them, and that he would be happy to respond to any questions. Items included the enrolled bill and analysis for HB7203 and HB1375, relating to Growth Management and Affordable Housing.

Members Reports

None.

Chief Executive Officer's Report

Mr. Teeple asked the Board Members their preference for a date for the Elected Officials Reception/Regional Leadership Awards – general consensus was for Thursday, October 11, 2007. Mr. Teeple also called attention to the monthly Highlights Newsletter and the News Articles in the back of the binders, for members to take with them if they wished.

Next Meeting Date

The next Council Board of Director's meeting is scheduled for Thursday, August 2, 2007 at 10:00 a.m. at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida, 32216.

Adjournment

There being no further business to discuss, the meeting adjourned at 12:43 pm.



Chip Laibl
President



Brian Teeple
Chief Executive Officer