



# NORTHEAST FLORIDA REGIONAL COUNCIL

Board of Directors Meeting

July 2, 2009

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## MINUTES

The regular monthly meeting of the Northeast Florida Regional Council was held on Thursday, July 2, 2009, at 10:00 a.m., at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, Florida, 32216.

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

BAKER	Hugh Fish Darryl Register Craig Thompson
CLAY	Robert Page Kenneth Smallwood Chereese Stewart Carol Vallencourt
DUVAL	Bill Bishop Art Graham Paul Parsons
FLAGLER	Milissa Holland Jon Netts Bob Sgroi
NASSAU	Michael Boyle Bob Spaeth Larry Williams
PUTNAM	Chip Laibl Wes Larson
ST. JOHNS	Don Crichlow Jane Miller Karen Stern Cyndi Stevenson
EX-OFFICIO	Jeff Cole Larry Parks Beth Weatherford for Greg Strong

Excused: Michael Griffis, Wendell Davis, Elaine Brown, Catherine Robinson, Shirley Graham, Nancy Harris and Ken Bryan

Absent: Mary Lawson-Brown

Others Present: Geoff Sample and other members of the public

Staff Present: Brian Teeple, Mario Taylor, Donna Starling, Ed Lehman, Jeff Alexander, Guy Parola, Michael Calhoun and Sheron Forde

**President Boyle** welcomed everyone and asked everyone to stand for the Invocation and Pledge of Allegiance. The Invocation was led by **Mr. Sgroi** and the Pledge was led by **Commissioner Holland**; both of Flagler County.

\*Approval of Minutes

**Mr. Fish moved approval of the June 4, 2009, meeting's minutes; seconded by Councilman Graham; motion carried unanimously.**

Public Comment

None

\*Consent Agenda

**President Boyle** asked if any items should be removed from the Consent Agenda. There being none, **Mr. Spaeth moved approval of the Consent Agenda; seconded by Mr. Fish; motion carried unanimously.**

Discussion Agenda

\*City of Green Cove Springs Transmitted Amendment 09-1

Mr. Lehman stated the City of Green Cove Springs Transmitted Amendment 09-1 is before the Council and not in the consent agenda due to a change that was made to staff's recommendation and is therefore different from what was in the mailed out packets. He provided an overview of the amendment changes and staff's comments. These were reviewed by the Committee at which time staff's comments and recommendation were adopted unanimously to transmit the review comments to the Department of Community Affairs. Discussion followed.

President Boyle stated that all of the items and staff's comments were discussed in detail at the Committee meeting.

**Mr. Register moved to approve transmittal of City of Green Cove Springs Transmitted Amendment to the Department of Community Affairs; seconded by Ms. Vallencourt; motion carried unanimously.**

\* FY 08/09 Revised Proposed Amended Budget

Ms. Starling mentioned that this item was tabled from last month's meeting due to concerns raised by Councilman Bishop regarding the direct cost that reflected a budget change of approximately \$620,000. Staff addressed those concerns in a meeting with Councilman Bishop on June 23<sup>rd</sup>. She added that in reviewing the entire budget, an error was discovered in the calculation of the common and indirect costs. She stated the tenant revenue offsets the expenses for the common and indirect costs. Unfortunately that increased the estimated loss from \$126,000 to \$234,000. She added that after a careful review of the revised budget, no other discrepancies were found and everything else remained the same.

**Councilman Bishop** stated that his questions were pretty much answered in that the issue of expenses was explained in concept. It is his understanding that a lot of it deals with contract provision changes, which is what led him to question some of the business decisions being made. He suggested that going forward, we should take a hard look at our relationship with various different entities that we do work for and what we get ourselves into. He offered some budgeting suggestions, going forward, and offered to work with staff on future budget preparations.

**Mr. Fish moved approval of the FY 08/09 Revised Proposed Amended Budget; seconded by Mr. Sgroi; motion carried unanimously.**

\*FY 09/10 Proposed Budget

Ms. Starling stated that based on the Interlocal Agreement, the Council is required to adopt a budget to the Council by July 15<sup>th</sup> of each year with it becoming operational on October 1<sup>st</sup> of the same year. She reviewed the projections of the expected revenues and expenditures for the upcoming 09/10 budget year stating that the estimated revenues and expenses is approximately \$2.88 million, which is a decrease of approximately \$3 million from the current year. She added that the decrease is mainly due to programs in Emergency Preparedness that are coming to an end, the departure of the Business Development Corporation, and reduction in revenues incurred for the Reality Check program. In addition, County dues will remain constant, which contributes to the reduction of the general fund. No discussion followed.

**Mr. Fish moved approval of the FY 09/10 Proposed Budget; seconded by Mr. Thompson; motion carried unanimously.**

\*Resolution 2009-05

Mr. Teeple stated that this resolution is to ask the Governor and Transportation Secretary to consider requesting federal stimulus funding to provide Amtrak service along the FEC line between Jacksonville and Miami. He added that this concept, currently being spearheaded by the Treasure Coast Regional Planning Council, is not new. This Board passed a similar resolution in 1992 supporting this concept. Approximately 65 various groups Statewide have passed a similar resolution and that the Florida Regional Council's Association (FRCA) recently passed a similar resolution at its June meeting. He provided an overview of the estimated costs associated with this type of project. Discussion followed.

**Mrs. Stern moved approval of Resolution 2009-05; seconded by Commissioner Parsons; motion carried unanimously.**

\*Resolution 2009-06

Mr. Teeple stated that this resolution is in recognition of the many contributions of Mr. Michael Hadden. As a part of the Council's restructuring of staffing patterns, Mr. Hadden has chosen to move on. Mr. Teeple commented on the rarity of resolutions for exiting staff members; However, Mr. Hadden was, to a large degree, the voice and face sound of the Council and it is fitting to offer this resolution for his services to the Council. He mentioned Mr. Hadden's uncanny ability as a photographer as well as all his other attributes and stated that he will be missed. He directed the member's attention to a letter Mr. Hadden addressed to the Board to be read at their leisure.

**Mr. Register moved approval of Resolution 2009-06; seconded by Commissioner Stewart; motion carried unanimously.**

\*Senate Bill 360 – DCA's Summary

Mr. Teeple provided an overview of the Department of Community Affairs's (DCA) interpretations of Senate Bill 360 and its implications. The State's interpretation of the bill has changed numerous times since the Governor's signing of the bill and is expected to continue for some time. While Members are provided with a copy of DCA's summary, there's more to come. He pointed out that communities that thought they were a Dense Urban Land Area (DULA) as of the passage of the bill are not. The law clearly states that the office of Economic and Demographic Research of the Florida Legislature must create that list by July 1<sup>st</sup> and send it to DCA who will publish it on their website no more than seven days after receiving it. It is DCA's position that none of these communities are DULAs until they are published on or about the July 7<sup>th</sup>. Another emerging interpretation is that if you are a DULA community, a municipality or a County with an urban service area or if you are Duval or Pinellas Counties, concurrency goes away. The Department's position is that the State mandated requirement

for concurrency, in fact, did cease to exist upon the signature by the Governor; but the concurrency systems and the requirement for concurrency are contained in the local government Comprehensive Plans, which were duly adopted by local ordinance and are the law. You must amend your local government's Comprehensive Plans if you are one of these qualifying communities, should you wish to eliminate concurrency from your requirements for local development. It takes an affirmative action through a Comprehensive Plan Amendment to make it happen. In addition, Mr. Teeple stated that those who are automatic DULA communities now have a new unfunded mandate to create a mobility plan by the year 2011 for which there are no standards, but must include alternative modes of transportation outside of the single occupancy vehicles. Mr. Teeple indicated that DCA has a new feature on its website, where they are planning to place information pertaining to a variety of things such as the recent webinar with the Secretary discussing SB360. The address is [www.dcatechnicalassistance.com](http://www.dcatechnicalassistance.com). Discussion followed.

#### DEP Statewide 75 Percent Recycling Goal

Mr. Teeple stated that during the 2008 Legislative Session, Bill 7135 was passed stating that the goal of Florida is to have a recycling content of 75 percent by year 2020. The Department of Environmental Protection (DEP) is tasked with devising a plan to accomplish this and submit it to the Legislature by January 1, 2010 for consideration. This affects all of our local governments and businesses and should be monitored by all. There is an upcoming public meeting on August 4, 2009 at the Orlando City Council Chambers. DEP has indicated that by July 21<sup>st</sup>, a draft of their plan will be posted on their website.

#### Coastal High Hazard Area (CHHA) – Moody Property Update

Mr. Teeple provided background information regarding this issue, which ultimately went to the Administration Commission, represented by the Governor and Cabinet. A final finding has not yet been released. However, based on the draft filing, the Administration Commission has concluded that you simply could not fill your way out of a CHHA and that no such basis in law exists. In addition, the Administration Commission decided that in order to bring the Future Land Use Map (FLUM), the Moody site itself, into compliance, the City of Jacksonville has been ordered to adopt the following measures: restrict the number of dwelling units to 590; the retail component cannot exceed 6,500 sq feet; marina slips cannot exceed 650 with 100 of those being offered to the general public; the marina must be developed consistent with the Florida Clean Marina program; the residential portion of development be confined to the existing disturbed site and spoil site in any event only above the mean high waterline; the residential uses need to be located above the category 1 storm surge line; the developer shall provide a conservation easement on those lands that are wetlands; wetlands must be preserved; traffic improvements circulation descriptions contained within the traffic circulation and mass transit five-year plan of the City need to be revised to provide for certain road improvements. With regard to the Text Amendment, the City of Jacksonville shall re-evaluate the definition of the CHHA as defined in the conservation coastal element policy through a working group established by another policy in the City of Jacksonville's comprehensive plan, who shall consider by December 2009, a set of policies that would allow for Citywide local mitigation that would replace the site specific case-by-case approach the City has had. The City is prohibited from transmitting any FLUM amendments that relies on the current definition of CHHA in the City's Comprehensive Plan until the policies developed through this working group are adopted. Discussion followed.

**President Boyle** stated that the positive note is that the Administration Commission upheld the Council's concerns regarding the filling of land to take it out of the CHHA. There is encouragement that our voices were heard.

## Hometown Democracy Update

Mr. Teeple stated that 711,000 certified signatures were received, therefore, the Hometown Democracy issue will be on the ballot. It is likely that we will be seeing a number of comprehensive plan amendments coming before us in the next year in an effort to beat the clock. We need to begin thinking of what happens in a post Hometown Democracy era; this will be the most largely debated and the most costly political campaign, on both sides, of any constitutional amendment ever considered in the State of Florida. If it doesn't pass, it will be business as usual. If it does pass, be prepared. Absent a legislative change, the way the amendment is worded, local governments must go through the usual planning process before it is offered to constituents for a vote. A record is created; you have findings of fact, conclusions of law and a recommended order. Mr. Teeple provided an example of what could happen once a developer has gone through the process only for it to go to a vote and then be told he can't proceed. Discussion followed.

**Ms. Vallencourt** inquired what the effective date would be if Hometown Democracy passes. Mr. Teeple indicated that it would most likely be effective upon passage on the election date.

**Commissioner Parsons** inquired if the vote had to carry by 60 percent, to which Mr. Teeple confirmed.

**President Boyle** stated that it is wise that local governments don't turn a deaf ear to this issue, but should be planning for contingencies. However, he does not believe anyone should just concede to it passing. He encourages educating the voters and informing them of the situations where this was tried and was repealed due to it not working is primary.

**Councilman Graham** inquired if switching everything to a multi-use land use category so that everything would then be based off of PUD would work. Mr. Teeple stated that it could work, if the switch takes place now. However, if Hometown Democracy passes, you could change the description in the Comprehensive Plan under any category that is mixed use. This requires a text amendment and this does not cover text amendments. Mr. Teeple added that there are some potential Legislative fixes that could either eliminate the entire Hometown Democracy process or at least make it more palatable, which are currently being discussed.

**Ms. Vallencourt** stated that the class size amendment a few years ago had negatively impacted school districts Statewide. The 60 percent rule wasn't there at that time and that the voting was by region. Had the rule been there, it would not have passed. She inquired if it is the intent to have regions here that will be more predominant. Mr. Teeple stated that he believes there are problems in the current growth management system that has fueled a lot of frustration on behalf of the constituents in this State. There have been opportunities missed to make the process more transparent and in obtaining meaningful public input. He believes the public perception of SB360 is causing people who would not have given Hometown Democracy a second thought and perceived that SB360 was a bad thing are now more positively leaning toward the aspects of Hometown Democracy.

**President Boyle** added that at the FRCA meeting, with Representative Glorioso present, this same issue was raised that the passage of SB360 gave more impetus to people backing Hometown Democracy because they feel that 360 has basically gutted the controls over development. Representative Glorioso disputed that, saying what needs to be done is to explain to the people that SB360 isn't nearly as destructive as the first blush makes you think. If you can get past that, then the people that were using this as their motivation to think maybe Hometown Democracy is not a bad thing, then you'll have them back in the middle. President Boyle stated there are several steps that needs to be attacked and its all about education as to what 360 really did, not what people think it did; and what Hometown Democracy will really do, not what people think it will do.

**Mr. Williams** inquired if the amendment specifies a time limit that a referendum for the change has to go before the voters and, knowing that amendments has to have some type of statement of fiscal

impact, does that statement of fiscal impact take into account what it is going to cost local governments to hold these referendums when they vote on these changes. Mr. Teeple stated that there is no time frame for the referendum, it just says by referendum. As to the fiscal impact, he does not have the answer to that, but will research that.

#### Public Comment

None

#### Members/Ex-Officio Members Reports

**Ms. Weatherford** stated that there is an upcoming public meeting of the Total Maximum Daily Loads (TMDL) of the pollutants in the waterways. The DEP has been establishing these over the last few years. She indicated that the meetings are scheduled to take place in Palatka and Jacksonville on July 9<sup>th</sup> where the versions of the TMDL for waterways in those areas will be presented. She stated that she had handouts for anyone who is interested.

**Mr. Cole** stated that Governor Crist has recently signed into law Senate Bill 2080, which states that the WMD Governing Board is required to delegate its approval authority over permits to the Executive Director. The Governing Board will only be required to review the permits that are denied by the Executive Director. The Governor has asked that steps be taken to provide public awareness of what permits are under consideration. Mr. Cole added that protocols are currently being developed that should afford the public opportunities for input.

#### President's Report

**President Boyle** stated that the recent Florida Association of Councils (FAC) conference and FRCA meeting were excellent. He mentioned that the census speaker was excellent and suggested that staff contact her and invite her to speak at one of our upcoming meetings. He added the importance of the census and the cost to counties for undercounting, approximately \$1,500 per person, per year. He urged everyone to start thinking about and possibly begin preparations for the census, which will be taken on April 1, 2010.

#### Chief Executive Officer's Report

Mr. Teeple stated that President Boyle was elected as 1<sup>st</sup> Vice President of Florida Regional Councils Association. He noted the passing of the Council's 2009/2010 budget that holds local county dues static. He mentioned steps taken by staff to be financially responsible in these times and asked for the Member's support to help the Council remain that way. He stated that counties are required to be members of a Regional Planning Council; an affirmative requirement. He also stated that under an Attorney General's opinion, dues set by the Regional Council are in fact obligations of those Counties and they are required to pay them. He stated that this information is available if anyone should every need; but he would rather talk to the communities with regard to the value of the services we provide and what we do for them and why it's a good investment.

Mr. Teeple directed the members' attention to the newspaper articles that are available for anyone who wants them, indicating that due to cost saving measures taken by the Council, these may be the last time they are offered. The highlights are located in the front of the binders. The Council will be closed on Friday, July 3<sup>rd</sup>, in observation of Independence Day. As for upcoming events, the Council will be hosting a Transit Oriented Development workshop on July 14<sup>th</sup> and the City of Jacksonville will be hosting the Florida Chapter of the American Planning Association Conference September 15<sup>th</sup> thru 18<sup>th</sup>.

**President Boyle** stated during the recent FRCA meeting, the lobbyist provided a report from Tallahassee, which was grim. He suggested that instead of being on the defensive, why not present an offensive front. Groups like FRCA, FAC, the Small County Commission, etc., instead of operating

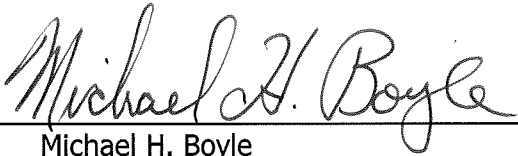
independently, could join together and make a concerted effort and go to Tallahassee to provide the Legislature with what's important to us and what we expect from them. If we can get these groups working together with a coordinated effort, maybe we can see some change.

Next Meeting Date

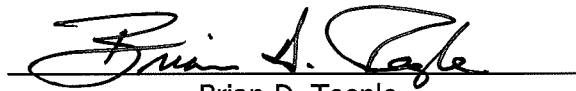
The next Council Board of Director's meeting is scheduled for **Thursday, August 6, 2009** at 10:00 a.m. at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Adjournment

There being no further business to discuss, the meeting adjourned at 11:40 am.



Michael H. Boyle  
President



Brian D. Teeple  
Chief Executive Officer