

Minutes of the  
NORTHEAST FLORIDA REGIONAL COUNCIL  
January 5, 2006

The monthly meeting of the Northeast Florida Regional Council was held on Thursday, January 5, 2006, at 10:00 a.m., at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

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

BAKER	Hugh Fish Charles Prachar
CLAY	Harold Rutledge Deidra Franklin Bill Basford
DUVAL	Rea Fleckenstein Mary Louise Dungey Jerry Holland
FLAGLER	Bob Sgroi
NASSAU	Bob Spaeth Ansley Acree Tom Branan
PUTNAM	Chip Laibl Linda Myers
ST. JOHNS	Don Crichlow Bruce Maguire Karen Stern Clare Berry Harry Maxwell
EX-OFFICIO	Larry Parks Gregory Strong Linda Burnette Wes Larson

Excused Absence: Ginger Barber, Gordon Crews, Carol Vallencourt, Elaine Brown, Mary Lawson Brown, Blair Kanbar, Joann King, Brad Purcell

Others: Jennifer Auger, Geoffrey Sample, George McClure, Valerie Britt, Susan McDonald, T.R. Hainline, Susan Bloodworth, Melinda Granlund, Lindsay Haga, David Bauerlein, Margo Moehring, Jeff Cramond, Jim Peace, Mary Ann Magers, and other members of the public.

Staff Present: Brian Teeple, Barbara Rovedo, Mario Taylor, Ed Lehman, Mike Brown, Ed Preston, Steve Mahaven, Carol Brady, Lee Brown, Stephen Jones, Mike Hadden, Jeanie Palmer, Shirley Orberg, Kim Campbell, Jennifer Bodine, Chris Bono, Amanda Loach, Donna Starling, and Peggy Conrad

**Commissioner Crichlow** led the Pledge of Allegiance.

\*Approval of Minutes

**Supervisor Holland moved approval of the December 8, 2005, meeting's minutes; seconded by Mr. Spaeth; motion unanimously carried.**

President's Report

None.

\*Consent Agenda

**President Stern** asked if any items needed to be moved from the Consent Agenda to the Discussion Agenda. There were no items to be moved to the Discussion Agenda.

**Mr. Fish moved approval of the Consent Agenda; seconded by Commissioner Acree; motion unanimously carried.**

Discussion Agenda

Mr. Lehman called attention to the Comprehensive Plan Amendment Review stating that two of the amendments had been received too late for mail out.

\*City of Palm Coast – Adopted Amendment 05-2

Mr. Lehman reviewed this amendment stating this had been approved by the Committee unanimously. **Commissioner Acree moved approval of Staff's recommendation that the City of Palm Coast Adopted Amendment 05-2 is consistent with the Northeast Florida Strategic Regional Policy Plan; seconded by Mr. Laibl; motion unanimously carried.**

\*City of Jacksonville – Adopted Amendment 05-2

Mr. Lehman stated this amendment comes before the Council without action taken by the Committee due to issues that needed to be brought before the full Council for policy determination. At the September 2005, meeting, the Committee and Council had concerns regarding several amendments. Mr. Lehman stated he would address those amendments then called attention to Page Two of the summary memorandum. One of the FLUM Amendments increases residential densities in the Coastal High Hazard Area (CHHA) and changes 17.56 acres from Water Dependent-Water Related (WDWR) to Community/General Commercial (CGC). The densities are increased from no residential densities, to 20 units per acre. The City of Jacksonville has established, within their land use map, an asterisked condition stating that development intensities will be limited to 400 units for the entire 80 acres. This includes a companion amendment brought before the Council last year for approximately 62 acres with the same change in usage to CGC (for which there was no objection at the time) for a total of 80 acres. The City recognizes concerns with increasing densities in the CHHA and will subject the developer to a maximum of 400 dwelling units. The City is therefore saying that the change in usage for the additional 17.56 acres will not result in an increase in the overall densities in the CHHA.

Mr. Preston stated that Staff gave a “thumbs down” on this amendment due to concerns with Emergency Management. The purpose of Emergency Management is to protect lives and property through land use planning. At the September Board meeting the Council stated they wanted to be very strict about increasing densities in the CHHA. The 1998 Hurricane Evacuation Study projects clearance times for 2005 for Duval County, to be 17.75 hours which is beyond Duval’s comprehensive plan’s adopted standard of 16.75 hours exceeding the roadway capacity. The cumulative effect of the increased densities in the CHHA has not been assessed. This amendment proposes to limit the increase in density. The SRPP Regional Goal 3.2 directs development away from the areas most vulnerable to storm surge and flooding and allow development only when there is capacity on the evacuation network, and a policy that says to reduce public expenditures in CHHAs. This amendment would cause the public to have expenditures to address services for this property. Staff recommends that the Council say “no” to this amendment.

A discussion followed regarding potential development if this amendment is approved. Mr. Lehman stated without the condition that development is limited to 400 units, then there could be 340 units built on the 17 acres, or over 800 units on the 80 acres. Without the amendment there is no limit to the development that can occur.

Ms. Margo Moehring, Chief of Strategic Planning for the Planning & Development Department of the City of Jacksonville, stated that they had tried to update the data and address concerns raised by the DCA and Council’s objections. Ms. Moehring stated that this is an opportunity to reduce density in the CHHA since the adjacent site of 62 acres is already approved without restriction with the potential to build 20 units per acre. The applicant was asked to limit the 17 acre site and the adjacent 62 acre site.

Ms. Moehring then read the ordinance that she stated had already been enacted. “The

subject parcel shall be noted with an asterisk on the FLUM that relates to a statement that residential development of the subject site and the adjacent site as described in exhibit one of Ordinance 2005 546 E will be limited to 250 hotel rooms and 400 residential units as depicted on revised Exhibit Two attached hereto.”

Ms. Susan McDonald, 1301 Riverplace Boulevard, representing the applicant, called attention to a map of the site and stated that by approving the amendment that the Council is not setting any precedents because of the uniqueness of the site. The site is located at S.R. 9A and Heckscher Drive. The 62 acres, already approved for CGC, is adjacent to Heckscher Drive with the adjacent 17 acres being located on the end of a peninsula surrounded by land designated as Conservation and WDWR which is totally unusable. At the present time as many as 800-1000 residential units and more than 250 hotel rooms can be built on the 62 acres. As part of the North Jacksonville Vision Plan, the developer envisions this as a village area and it will be incorporated into the plan for the North Vision. Ms. McDonald stated that by approval of this amendment, the overall density will be reduced in the CHHA. In answer to a question, Ms. McDonald stated that of the 400 units approximately 250 units will be built on the 17 acre peninsula and approximately 100 units will possibly built by Heckscher Drive.

Mr. Lehman then stated the options regarding the amendment. These are:

- to find consistent with the SRPP and the recommendation then goes before DCA who will either find it “in compliance” or “not in compliance”
- not consistent with the SRPP and then the recommendation goes before DCA then they will find either “in compliance” or “not in compliance”

There is no prediction as to what DCA will do and the Council’s charge is to make recommendations to DCA whether compliant or not compliant with the SRPP. Mr. Lehman stated that the goal of the Council is to direct development away from the CHHA.

#### Public Comment

Ms. Valerie Britt, 378 Tilefish Court, stated a CHHA Water Dependent/Water Related category with zero residents, going to a CGC category in the CHHA with 20 units per acre, is inconsistent with the SRPP. Ms. Britt voiced concerns with the 80 acres and the ability to move things around, and stated if there is any possibility of that working then this amendment should go through the process and should be found inconsistent with the SRPP. DCA then should then find it “not in compliance” then there is an opportunity for a stipulated settlement agreement. Ms. Britt stated that DCA has had several recommendations addressing the idea of a local ordinance attempting to control a plan amendment when there is no text in the plan to enable that. Ms. Britt urged the Council to follow the recommendations of the Council Emergency Planning Staff in order to save lives and property and felt that the development rights, if they can be spread, can be done better through a stipulated settlement agreement and does not change the regional inconsistency at this level. Ms. Britt again urged the Council to object.

**Ms. Dungey** stated that a lot of members would agree that they would like to be able to

“rewind” on the 60 acres and what is allowed on that but that we now cannot say we need to direct development away from there. If the Council sends this recommendation to DCA without an objection then we would be agreeing to the transfer of development rights from one piece of land to another piece of land and that we have an opportunity for an overall reduction in density. Ms. Dungey applauded Staff for listening to the Board last September and for their strict interpretation of the rules except in this case, this is a situation that does not exactly fit that point.

In answer to a question regarding why this is not a good opportunity for a reduction in densities in the CHHA, Mr. Lehman stated that if Staff was only dealing with the 17 acres, Staff would agree and support the recommendation. If the 80 acres came in all at once then Staff would oppose because of the increases in the CHHA. The change to the 60 acres came in before Hurricane Katrina and this now changes the situation. The City has done a good job in addressing Staff’s concerns in September and this is a unique situation.

In answer to another question regarding violation of the SRPP, Mr. Lehman stated that the SRPP has been in effect since 1999 and since the Council approved the 62 acres, we were probably not entirely consistent with the SRPP but these amendments are looked at on a case by case analysis basis. Things change and we now do not want to see any more increases in densities in the CHHA and in this specific case, restrictions have been placed on this land use plan. Mr. Lehman stated that if the Council, in the motion, wants to make it clear that this is a unique situation, and then this says to DCA that we have concerns and we recognize what the City has done, therefore we are not inconsistent with the SRPP. Mr. Lehman reiterated that the entire area is within the CHHA.

**Commissioner Maguire** stated he needed need more visual information regarding the project and proposed asking the applicant to bring this back next month. Mr. Lehman explained the timeline restrictions and deadlines regarding DCA but stated he would speak with DCA regarding a delay until February. Commissioner Acree asked for a visual representation of where the homes would be built on the 17 acres. Ms. McDonald stated the applicant will be amenable to a deferral. President Stern emphasized the need for more detailed information. A tour of the property was discussed. Aerial photographs, rather than architectural drawings, were requested from the property representatives. Mr. Lehman stated that with the asterisk on the FLUM then this is a legal comprehensive plan amendment then this limits them to 400 units. **Commissioner Maguire moved deferment of the City of Jacksonville - Adopted Amendment 05-2, to the February 2, 2006, NEFRC meeting, seconded by Mr. Fish; motion unanimously carried.**

\*Ashford Mills Development of Regional Impact

Mr. Lehman stated this is located along C.R. 210 in St. Johns County. This was brought before Committee and they unanimously adopted Staff’s recommendations. The Committee had no changes but Mr. Lehman called attention to two changes from the information appearing in the binders.

Mr. Lehman stated this is a two phase DRI then called attention to the specific

recommendations in the report that were reviewed and approved by the Planning & Growth Management Committee:

- Gopher Tortoise Habitat – donation of \$210,338 for gopher tortoise impacts
- Wildlife Crossing – wildlife will be able to cross close to what is considered a ravine in the middle of the property
- Continuation of agriculture and silviculture activities
- Protection of hooded pitcher plants
- Wetland Buffers – average of 25 foot buffer will be provided
- Wetland Impacts – allowing up to 41.5 acres of wetland impacts
- Stormwater Pollution Prevention Plan – maintenance of hydroperiods within preserved wetlands
- Water Quality Monitoring Plan – provided to protect Trout Creek
- Floodplains – will comply with all regulations
- Water Conservation Strategies – these are the recommendations from the Water Management District
- **Water Wise Landscaping – this was modified from the original information (shown on blue paper) to include the word “common” when referring to the landscaped areas.**
- Xeriscape Information – consistent with other recommendations
- Wastewater Management – central water & sewer
- Stormwater Storage – continuous functioning management and storage of surface water system
- Solid Waste – meet the level of service standard established in St. Johns County
- Transportation
  - the requirement to construct the widening of **C.R. 210** prior to Phase II development
  - **I-95 and C.R. 210 Interchange** – applicant will contribute \$2.6 million toward long term improvements prior to Phase I of the Project
  - **Proportionate Share** – in a statement adopted by the Planning & Growth Management Committee – Staff continues to not concur with the proportionate share between the transportation reviewing agencies and the applicant - this allows deferral of this particular item until the February meeting
  - **Application of Conversion Table** – needed to maintain the character of the project
  - **Transportation Management Organization** – addresses the need to address transportation other than the single occupancy vehicle
- Air Quality – construction dust should not pollute the air
- Education – donation of a middle school site and conveyance of a 22 acre site for an elementary school
- Recreation & Open Space – provide a minimum of 37 acres for active parks
- Affordable Housing – Phase I is alright - prior to Phase II the applicant must reanalyze
- Fire Protection – for a period of five years - reserve a three acre site

Mr. Lehman stated that the recommendation of the Planning & Growth Management

Committee was to approve the Ashford Mills DRI recommendation report for transmittal to St. Johns County for their consideration but also to recognize and come back with a recommendation on proportionate share based on negotiations with DOT, the applicant, and St. Johns County. **Mr. Maxwell moved approval of transmittal of the Ashford Mills DRI; seconded by Supervisor Holland; motion unanimously carried.**

#### S.R. 100 Project

Mr. Lehman stated that the State Road 100 Project DRI would be coming before the Council for approval at the February meeting. He then introduced Mr. Michael Chiumento with Chiumento & Associates. Mr. Chiumento stated Chiumento & Associates represented the developer then called attention to an aerial photograph and gave a brief overview of the project. This is located in the City of Palm Coast, along the north side of S.R. 100, just east of I-95 in Flagler County. The development plan calls for two three-year development phases and consists of 505 acres. Mr. Chiumento reviewed wetlands, open space and parks, commercial development, fire station, schools, and transportation. Mr. Lehman stated a site visit will be scheduled prior to the February meeting.

#### \*FY 04/05 Independent Audit Presentation

Ms. Mary Ann Magers, Magers & Warner, P.A., gave a brief synopsis of her qualifications since this was the first year presenting the Council audit. Under the new GASBY34 requirements, a Management and Discussion Analysis is included with the audit. This report is prepared by Council staff and gives a highlight and overview of the Council for the last year. Ms. Magers then presented the summary and findings of the FY 04/05 Audit stating that the Council received an “unqualified opinion”, the highest level of assurance that can be issued by an auditor. **Ms. Dungey** requested an analysis of rent versus purchase of the Council building, and information regarding leased space and tenants. A discussion followed regarding the benefits of owning the building instead of renting space. **Mr. Fish moved approval of the FY04/05 Audit; seconded by Mr. Sgroi; motion unanimously carried.**

#### Office of Program Policy Analysis and Government Accountability (OPPAGA) Update

Mr. Teeple called attention to the draft response letter to OPPAGA and then called attention to the maps showing the proposed changes to the boundaries of the Regional Councils, the Department of Transportation, and the Water Management Districts. Mr. Teeple then reviewed the three options proposed by OPPAGA.

**Option One** moves Flagler County from FDOT District Five to District Two which covers the rest of the NEFRC region. Manatee County would be moved from the jurisdiction of the Tampa Bay Regional Planning Council (TBRPC) to South West Florida Regional Planning Council (SWFRPC). Broward County would be moved from FDOT District Four to District Six.

**Option Two** is a two part option. This includes all of the changes in Option One plus the retention of the Withlacoochie Regional Planning Council (WRPC) in its current boundaries

and the creation of a new FDOT District, District Eight, which would follow the WRPC boundaries. The second part of Option Two recommends the elimination of the WRPC with the spread of its counties to the adjacent Regional Councils, without the need then for the creation of FDOT District Eight.

**Option Three** includes Option One and either Option 2A or 2B, then combines Appalachee and West Florida Regional Planning Councils then combines the NEFRC and the North Central Florida Regional Planning Council and the combination of the Central Florida Regional Planning Council and the Southwest Florida Regional Planning Council. The Water Management Districts would then follow county boundaries rather than hydrological boundaries. **President Stern** urged the Council members to talk with their delegation members regarding the proposed boundary changes.

Mr. Teeple then highlighted the responses to each of the options included in the draft response letter. After discussion, the Council agreed to change the draft response letter and to request a fiscal impact analysis from OPPAGA. Mr. Teeple stated he would confer with the President regarding the changes to the letter that needed to be submitted the next day to be within the submission date.

#### New NEFRC Web Site

Mr. Hadden called attention to the memorandum regarding the test site for the new Council web site, gave a brief overview of the new site, then asked Council members for their feedback regarding the new site before going "live".

#### 2005 Annual Report

Mr. Hadden stated a copy of the 2005 Annual Report was at everyone's place and thanked Council members for their input regarding the Annual Report. Mr. Hadden mentioned that anyone who needed additional copies should contact him.

#### Grant Resource Inventory

Mr. Brown called attention to the memorandum and information regarding the various funding sources available to support development of conservation and recreation opportunities. The grants resources inventory is offered as a service of the Office of Greenways Trails, Florida Department of Environmental Protection.

#### Affordable Housing Ad-Hoc Committee

**President Stern** stated this committee will include a broad array of participants to include elected officials, stakeholders, technical experts and issue area staff. So far only one volunteer has come forward for this committee therefore President Stern urged the P3 committee members to volunteer to serve. The meetings may need to be held separately from the regular Board meetings. President Stern mentioned that the Council had been invited to participate in a Housing Forum at WJCT on January 19, 2006.

#### Proportionate Share Ordinance

Mr. Teeple called attention to the Model Proportionate Fair-Share Ordinance information

and stated that SB 360 required the FDOT to develop a model Fair-Share Ordinance by December 1, 2005. Local governments must adopt an Ordinance by December 1, 2006, indicating a methodology for assessing fair-share options. Mr. Teeple then gave options that local governments can follow.

#### \*Resolution 2006-01

Mr. Teeple announced that the Resolution was a surprise for Barbara Rovedo, the Council's Chief Operating Officer, who would be leaving the Council after having been on Staff for 10 years. Ms. Rovedo will continue to work with the Council through a transition phase. Mr. Teeple then read Resolution 2006-01 highlighting Ms. Rovedo's accomplishments. Ms. Rovedo thanked the Council for the opportunities given her by their leadership. **Mr. Fish moved approval of Resolution 2006-01; seconded by Commissioner Acree; motion unanimously carried.**

#### Members Reports

**Commissioner Myers** mentioned that she is vacating her County Commission seat and that Council member, Mr. Chip Laibl is running for the District Two seat.

**Supervisor Holland** stated he had brought some 2006 calendars for distribution.

**Commissioner Myers** then asked Mr. Lehman if he had spoken with the DCA regarding the extension of the City of Jacksonville item. Mr. Lehman gave the DCA response and timeline requirements. **Mr. Basford moved approval of staff's recommendation that the City of Jacksonville Adopted Amendment 05-2 is consistent with the Northeast Florida Strategic Regional Policy Plan; seconded by Mr. Fish.** Mr. Lehman read the Staff's recommendation regarding the City of Jacksonville – Adopted Amendment 05-2. **President Stern** reminded everyone that Staff recommendations were made based on direction given from the Board in September 2005. **Mr. Prachar** stated that precedence had been set in September 2005.

After a lengthy discussion regarding potential meeting dates and compliance with DCA, **Mr. Basford withdrew his original motion; this was seconded by Mr. Fish. Mr. Fish made a motion to continue the full Council meeting to Wednesday, January 18, 2006, at 10:00 a.m. at the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216, and that the developers be directed to give a full presentation, if they wish to do so, at that time; seconded by Commissioner Acree; motion unanimously carried.**

#### Chief Executive Officer's Report

Highlights – Mr. Teeple called attention to the JTA summit that several Board members attended. Mr. Teeple then called attention to the meeting room information with the new names.

Newspaper Articles – Mr. Teeple called attention to the article regarding **Ms. Barber**.

Introduction of New Staff – Ms. Brady introduced Kimberley Campbell, a new MomCare advisor. Mr. Preston introduced Jennifer Bodine, a new administrative assistant for the

Emergency Preparedness Programs department.

Upcoming Events – Mr. Teeple called attention to the upcoming events.

Mr. Teeple mentioned that the Legislative Committee meeting following the Board meeting would be held downstairs in the Manatee Room, formerly Meeting Room E.

Next Meeting Date

President Stern recessed the meeting at 12:35 p.m. to be continued and reconvened on Wednesday, January 18, 2006, 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 recessed at 12:35 p.m.

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Karen Stern  
President

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Brian Teeple  
Chief Executive Officer