

Minutes of the
NORTHEAST FLORIDA REGIONAL COUNCIL
February 2, 2006

The monthly meeting of the Northeast Florida Regional Council was held on Thursday, February 2, 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 Carol Vallencourt
DUVAL	Rea Fleckenstein Mary Louise Dungey Jerry Holland Elaine Brown
FLAGLER	Bob Sgroi Blair Kanbar Joann King
PUTNAM	Chip Laibl Linda Myers Brad Purcell Mary Lawson Brown
ST. JOHNS	Don Crichlow Bruce Maguire Karen Stern Clare Berry
EX-OFFICIO	Larry Parks

Excused Absence: Ginger Barber, Gordon Crews, Bob Spaeth, Ansley Acree, Tom Branam, Harry Maxwell, Linda Burnette, Gregory Strong, Wes Larson

Others: Jennifer Auger, Geoffrey Sample, Doug Miller, Don Smith, T.R. Hainline, Kathy Kramer, Lindsay Haga, Richard Wohlfarth, Kevin Doyle, Blair Blackard, John Metcalf, Jim Robinson, Tony Robbins, Walter Fufidio, Cyndi Stevenson, Jennifer Hewitt-Apperson, Dawn Alicock, Bunny Richards, and other members of the public.

Staff Present: Brian Teeple, Mario Taylor, Ed Lehman, Mike Brown, Carol Brady, Chris Bono, Rachel Booth, Kitty Rogers, Mavis Youngblood, Katie Wehr, Kitty Rogers, Jonathan Goyings, Mike Hadden, Donna Starling, and Peggy Conrad

President Stern introduced Kevin Doyle, Northeast Florida Regional Director with Senator Mel Martinez's office and intern, Blair Blackard.

Mr. Laibl led the Pledge of Allegiance.

*Approval of Minutes

Supervisor Holland moved approval of the January 5 and January 18, 2006, meetings' minutes; seconded by Mayor King; motion unanimously carried.

President's Report

President Stern asked that Mr. Teeple give the WJCT Housing Forum Update. Mr. Teeple took a moment to introduce Ms. Kathy Kramer with the Ponte Vedra Recorder. Mr. Teeple then mentioned that WJCT hosted a telecast on January 19, 2006, titled "Home Sweet Home" which dealt with the Affordable Housing crisis. The panel included **President Stern**, Tom Crawford, Kerri Stewart, Ron Allen, Carlton Jones, and Joshua Stewart made up the panel of guests. Videotapes of the presentation are available. Prior to the show airing, Staff member, Mike Brown, participated in a complementary radio broadcast regarding affordable housing. **President Stern** stated that she appreciated Staff's assistance.

*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. Sgroi moved approval of the Consent Agenda; seconded by Mr. Laibl; motion unanimously carried.

Discussion Agenda

Mr. Lehman called attention to the Comprehensive Plan Amendment Review stating that Flagler County - Adopted Amendment 05-2 was being brought before the Council.

*Flagler County – Adopted Amendment 05-2

Mr. Teeple stated this was another comprehensive plan amendment within the Coastal High Hazard Area (CHHA) and that the transmitted amendment was heard by the Council in November 2005. At that time the Board agreed with Staff's recommendation to recommend that Flagler County reconsider this proposal to increase densities.

The Board provided Staff with general direction on the application of the Strategic Regional Policy Plan (SRPP) in a coastal environment. As a result of that direction, one recommendation made to DCA was that the amendments brought before the Council, at that time in Duval County, were inconsistent with the SRPP. DCA has since found City of Jacksonville 05-2 not in compliance so that project will now go to a stipulated settlement agreement or to a hearing with an administrative law judge.

Staff is trying to be consistent in application of the Board direction therefore this project is brought before the Council with a recommendation that it is not consistent with the SRPP since this is in the CHHA.

Mr. Lehman called attention to the recommendation and provided a review of the Transmitted amendment. The recommendation from the Council was that Flagler County should reconsider this amendment which increases population densities in the evacuation zone. At the adoption phase, the County adopted the change to 15.23 acres from Residential Rural Estate to Mixed Use High Intensity to Residential High Density and Recreation Open Space. Mr. Lehman then reviewed the response to the recommendations made in November and response to the DCA ORC report. The County adopted a number of policy and text changes. Mr. Lehman then reviewed the new policy changes and stated this comes before the Council with no recommendations from Committee as they ran out of time. The conditions listed under the new policy are determined to apply "if applicable" thereby allowing a loophole open to interpretation to the County application of these policies. It is unclear what is legally permitted density. Staff recommends that the Committee and Council find this amendment to be not consistent with the SRPP, in particular with Regional Goal 3.2 and Regional Policy 3.2.4

Mr. Walter Fufidio, Planning & Zoning Director for Flagler County, stated that he felt this was a unique situation then went on to explain the framework for the Future Land Use Amendment (FLUM). The current FLUM designation does not reflect the vision and future development of the property. This will be a Planned Unit Development. Mr. Fufidio read the staff report presented to the Flagler County Board of County Commissioners and then stated that the phrase "as applicable" can be removed. Mr. Fufidio mentioned the system has worked flawlessly in the past then stated again that this is a unique case and would like the Council, as public policy makers, to support this.

Commissioner Kanbar stated this amendment should be found in compliance and that this is a transfer of densities, not increase in densities since the homes in question will be second homes and should not impact hurricane evacuation. **Commissioner Kanbar then moved approval of Flagler County – Adopted Amendment 05-2 being found consistent with the SRPP; seconded by Commissioner Myers for discussion purposes.**

Mr. Fish asked if part of the land had been purchased with public funds. Mr. Teeple stated the County took ownership of public units built and is now trading 94 units in the project. The transfer of units from undeveloped land to development parcels has a net increase/net decrease concept. Mr. Teeple mentioned that when working with the Town of Marineland, the Council approached DCA regarding transfer of densities, DCA said “no”. Mr. Teeple asked that if the public buys the land, where does development rights go, who holds the rights, and how do we apply these. There is no formalized transfer of development rights within our jurisdictions. A discussion followed regarding transfer of densities. **President Stern** stated that in her perception regarding this amendment, these are development rights that are being requested to be moved into a CHHA and this is a similar situation to the one discussed last month except this is land that is not adjacent to or contiguous to the same PUD. **Commissioner Crichlow** says we need clarification of policy adopted last September and asked if we will no longer allow increased density in the CHHA and stated that previous policy may have been flawed. Mr. Teeple says we are not second-guessing local jurisdictions’ previous decisions. A discussion followed regarding Council policy and local government jurisdiction. **Commissioner Myers** stated she felt this was clearly a county issue. **Commissioner Maguire** stated he hoped that the Council would never become involved with the judicial interpretation of the transfer of development rights and stated that the density for the CHHA should not focus on a particular parcel but on the whole area. **Commissioner Maguire** expressed concern with the Council overriding local decisions made by County Commissions and power being taken away from local governments. **Commissioner Maguire** then encouraged fellow Board members to support Flagler County on this issue.

Ms. Dungey stated that the Council is extending mixed messages to Staff and that there is difficulty in site specific situations. **Ms. Dungey** then suggested that a small committee be formed to draft policies regarding this issue.

Another discussion ensued regarding how the increase in densities in the CHHA affects the Region as a whole.

Mr. Fish called the question and asked for a roll call vote – the motion to call the question passed unanimously.

President Stern stated there was a motion on the floor to find the Flagler County Adopted Amendment 05-2 consistent with the SRPP; motion failed 13-8.

YEAS

Commissioner Harold Rutledge
Supervisor Jerry Holland
Councilwoman Elaine Brown
Commissioner Blair Kanbar
Commissioner Linda Myers
Commissioner Brad Purcell
Commissioner Lawson Brown
Commissioner Bruce Maguire

NAYS

Mr. Hugh Fish
Mr. Charles Prachar
Ms. Deidra Franklin
Mr. Bill Basford
Ms. Carol Vallencourt
Ms. Mary Louise Dungey
Ms. Rea Fleckenstein
Mayor Joann King
Mr. Bob Sgroi
Mr. Chip Laibl
Ms. Clare Berry
Commissioner Karen Stern
Commissioner Don Crichlow

Mr. Fish made a motion that the Council adopt Staff's recommendation that the Flagler County - Adopted Amendment 05-2 is not in compliance with the SRPP; seconded by Mr. Basford; motion carried.

Ms. Dungey strongly suggested again that a small group be appointed to look at this issue. Mr. Teeple reminded the Council that changes to the SRPP requires a whole set of administrative procedures and cannot be changed by an ordinance at the local level.

*Ashford Mills Development of Regional Impact Transportation Section

Mr. Lehman called attention to the memorandum regarding the proportionate share calculation for the Ashford Mills DRI stating that the applicant is responsible for 3.3 million dollars to be used for I-95/C.R. 210 interchange improvements. Staff recommends approval of the adoption of Regional Recommendation #15 to be incorporated into the Ashford Mills Recommendation Report for transmittal to St. Johns County.

Commissioner Myers moved approval of the Staff's recommendation; seconded by Mr. Fish; motion unanimously carried.

*S.R. 100 Property DRI

Mr. Lehman stated this was unanimously approved by the Committee and called attention to the changes to the Staff's recommendations as indicated on the hand-outs.

Mr. Lehman then called attention to the specific changes and recommendations in the report highlighting the areas that were modified at the Planning & Growth Management Committee meeting:

- **Gopher Tortoise Habitat – the first change recommended is that the donation will be \$87,006 instead of \$78,218 for gopher tortoise impacts**
- Wetland Buffers – to be consistent with the City of Palm Coast - no change
- **Recommendation #3A should read “State Road 100 Property DRI” not Ashford Mills DRI**
- Wetland Impacts - Recommendation #3B, #3C, #3D – no changes
- Geotechnical Borings - Recommendation #4 – no changes
- Floodplains – Recommendation #5A & #5B - no changes
- **Water Conservation Strategies – Recommendation #6A – striking “to the maximum extent feasible” and changing this to “when available”**
- Recommendation #6B, Recommendation #6C, & Recommendation #6D – no changes
- **Recommendation #6E – committee recommended striking the first paragraph but retaining the paragraph regarding abandoned wells**
- Wastewater Management – Recommendation #7 – no changes
- **Stormwater Storage – Recommendation #8A – add the word “permit”**
- Recommendation #8B – no changes
- Transportation
 - Recommendation #9 & Recommendation#10 – no changes
 - **Recommendation #11 – substitute the words “the project site” with “Old Kings Road”**
 - Recommendation #12 & Recommendation #13 – no changes
- Air Quality – Recommendation #14 – no changes
- Education – Recommendation #15 – no changes
- Recreation & Open Space – Recommendation #16 – no changes

- Historical and Archaeological – Recommendation #17 – no changes
- Fire Protection – Recommendation #18A & Recommendation #18B – no changes
- Hurricane Evacuation – this is outside the CHHA

Mr. Lehman stated that the recommendation of the Planning & Growth Management Committee was to approve the State Road 100 Property DRI recommendation report, with the highlighted changes, for transmittal to City of Palm Coast. **Mr. Sgroi moved approval of transmittal of the State Road 100 Property DRI; seconded by Commissioner Myers; motion unanimously carried.**

SilverLeaf Plantation DRI Presentation

Mr. Lehman introduced Mr. Doug Miller, of England, Thims, & Miller, stating that this DRI will come before the Council for a decision in March. Mr. Miller called attention to a map and gave a brief overview of the SilverLeaf Plantation DRI stating this was located between C.R. 210 and International Golf Parkway, west of I-95 in St. Johns County. Mr. Miller indicated the location of the SilverLeaf Plantation DRI in relation to previously approved St. Johns County DRIs. He then discussed the existing job centers, transportation improvements, conservation areas, a regional park, and the proposed Academic Village. Mr. Miller mentioned the 146 million dollar transportation mitigation and what that includes. **Mr. Parks** mentioned that DOT still has a few issues to discuss on transportation mitigation.

Human Services Update

Ms. Brady called attention to the 2005 Community Report from the Healthy Start Coalition then called attention to the St. Johns County Infant Mortality Study. Ms. Brady welcomed Dr. Dawn Alicock, Health Department Director for St. Johns County and Bunny Richards from her staff. Ms. Brady stated that when the results from the Fetal and Infant Mortality Review (FIMR) study were presented to the Council in October 2005, St. Johns County was mentioned as an area of concern. However, the infant mortality rate remains below the state rate and this is still considered a relatively few number of deaths. The preliminary review raised more questions than answers. Ms. Brady stated that the hardest deaths to have an impact on are stillborn and neonatal deaths then stated these deaths occurred throughout the County and are not clustered.

Dr. Alicock stated the next steps are for St. Johns County Health Department to partner with Healthy Start and convene an infant mortality study in St. Johns County then make recommendations.

Office of Program Policy Analysis and Government Accountability (OPPAGA) Final Report

Mr. Teeple mentioned that this had not changed since last seen, except for the comments received, and still has the same three options. The belief is that there will not be any movement on this proposal during this legislative session.

Coastal High Hazard Study Committee Recommendations

Mr. Teeple mentioned the final report had been released at 9:00 am that morning then stated he was disappointed with the report and the recommendations. The issues regarding the definition of the CHHA, hurricane evacuation clearance times, inter-regional evacuation coordination, and recovery and redevelopment costs, were not addressed in the recommendation.

Florida Impact Fee Review Task Force – Draft Final Report

Mr. Teeple called attention to the information in the binders stating that the task force had been chaired by UNF President, John Delaney. Mr. Teeple then highlighted the five recommendations made in the report.

Florida Senate Committee Judiciary Report on Eminent Domain

Mr. Teeple mentioned there is no bill at this time but one is expected since this item is polling at 90%.

Members Reports

Commissioner Myers mentioned that the Legislative Committee would be meeting directly after the Board meeting.

Public Comment

None.

Chief Executive Officer's Report

Highlights – Mr. Teeple called attention to the article regarding the International Visitors Corps and the recent visit to the Council by a group from Bosnia.

Newspaper Articles – Mr. Teeple stated these are there for information purposes.

Introduction of New Staff – Mr. Hadden introduced Mavis Youngblood, an employee who transferred from Healthy Start and is now working at the front desk. Mr. Lehman introduced Rachel Booth, a new planner. Mr. Joiner introduced Jonathan Goyings, a new GIS technician. Ms. Brady introduced Katie Wehr and Kitty Rogers, new employees in the Human Services division.

President Stern thanked Staff for the huge gavel.

Next Meeting Date

The next meeting is scheduled for Thursday, March 2, 2006, at 10:00 a.m., at the **St. Johns River Community College, Criminal Justice Center, Room – J149, 2990 College Drive, St. Augustine, FL 32084.**

Adjournment

There being no further business to discuss, the meeting adjourned at 12:40 p.m.

Karen Stern
President

Brian Teeple
Chief Executive Officer