

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

COUNCIL MEETING MINUTES

November 19, 2008

Commissioner Malcolm McLouth Presiding

IN ATTENDANCE:

County Representatives

Commissioner Elaine Renick, Lake County
Commissioner Fred Brummer, Orange County
Mr. Atlee Mercer, Osceola County (by phone)
Commissioner Dick Van Der Weide,
Seminole County
Councilman Art Giles, Volusia County

Municipal Representatives

Commissioner Patty Sheehan, City of Orlando
Mayor Rocky Randels, Space Coast League of
Cities
Mayor John Land, Tri-County League of Cities
Commissioner Cheryl Grieb, Kissimmee
Vice Mayor Mary Martin, Volusia County
League of Cities
Mayor John Bush, Seminole League of Cities

Gubernatorial Appointees

Commissioner Malcolm McLouth, Brevard County
Mr. Jon Rawlson, Orange County
Mr. Al Glover, Brevard County
Mr. Daniel O'Keefe, Orange County

Ex-Officio and Other Municipal Reps

Ms. Nancy Christman, SJRWMD
Ms. Vivian Garfein, FDEP
Ms. Cecelia Weaver, SFWMD
Mr. John Weiss, FDOT
Mr. William McDermott, Enterprise Florida

Other Attendees

Gerald Livingston, ECFRPC Counsel
Ms. Yvette Brandt, Leesburg
Mr. Ian McDonald, Lake County
Ms. Alissa Torres, Orange County
Mr. Tom Burkey, LSMPO
Mr. Charles Williams, GEC

ECFRPC Staff

Mr. Phil Laurien
Ms. Lelia Hars
Mr. Fred Milch
Mr. Keith Smith
Ms. Tara McCue
Ms. Ruth Little
Mr. Jeremy Mikrut
Ms. Tuesdai Brunsonbyrd-Bowden

Members not in Attendance

Commissioner Chuck Nelson, Brevard County
Commissioner Helen Voltz, Brevard County
Commissioner Welton Cadwell, Lake County
Commissioner John Quinones, Osceola County
Commissioner Mike McLean, Seminole County
Councilwoman Joie Alexander, Volusia County
Ms. Aileen Cubillos, Seminole County
Mr. Russell Gibson, City of Sanford

I. Call to Order and General Business

Chair Commissioner McLouth called the meeting to order at 10:00 a.m. Ruth Little called the roll and announced that a quorum was present.

II. Consent Agenda

A MOTION to approve the Consent Agenda was made by Mr. Mercer and seconded by Mayor Land. The MOTION TO APPROVE THE CONSENT AGENDA was PASSED UNANIMOUSLY.

III. Election of Officers– *Mayor Land, Chair of Nominating Committee*

Mayor Land reported on the recommendation of the Nominating Committee to appoint the following slate of Nominees: Commissioner McLouth as Chair, Vice Mayor Martin as Vice Chair, Current Treasurer Mr. Atlee Mercer will continue to serve until January, City of Kissimmee Commissioner Cheryl Grieb to serve as Secretary, and Lake County Commissioner Elaine Renick to serve as member at large as provided in the bylaws when there is no immediate past chair available to serve on the Executive Committee.

After discussion, Commissioner Giles moved that the nominations be closed. The MOTION was seconded by Commissioner Van der Weide and THE MOTION TO CLOSE NOMINATIONS WAS UNANIMOUSLY PASSED. A MOTION was then made and seconded to approve the slate of nominees as presented by the Nominating Committee. THE MOTION TO APPROVE THE NOMINEES WAS PASSED UNANIMOUSLY.

IV. Secret Promise DRI– *Mr. Fred Milch*

ECFRPC. Mr. Milch began the presentation with photographs and maps showing the development plans for Secret Promise, along with a map depicting nearby developments in Lake and Sumter Counties. Mr. Milch reviewed staff recommendations for buffers around wetlands, wetland crossings, preserved uplands, and other environmental features of the project. The affordable housing component was then reviewed. Staff recommends that affordable housing be distributed throughout the DRI, but it was agreed that the developer can follow the city's ordinance when one is adopted. A discussion of affordable housing followed.

There was a lengthy discussion about water availability and new comments from the Water Management District which were added to the green sheets. Commissioner Renick expressed concern with a project being approved when alternative water sources have not been identified. Mr. Mercer pointed out that the Water Management District has jurisdiction and the approvals have already been made.

Ms. Christman of the SJRWMD added that the city has been requested to come up with a water supply plan. The Leesburg Consumptive Use Permit (CUP) is still pending because they have not addressed all issues, including how to provide the water for this project. Mr. Mercer expressed concern about unnecessarily delaying the approval process when the applicant has complied with all requirements. Commissioner Renick did not want to encourage the applicant to move forward when there is no assurance that the city can supply the necessary water.

There was additional discussion about water. Vice Mayor Martin suggested that the Council relay its concerns about the water supply in its Staff Recommendations. There was general agreement to Commissioner Sheehan's suggestion to add the following language: The ECFRPC encourages local government to resolve water availability issues with the Developer and the SJRWMD prior to commencement of each phase.

Applicant. Commissioner McLouth recognized Nancy Linnan of Carlton Fields, presenting for the applicant. Ms. Linnan gave a brief overview and history of the project and posited that the hard work that went into the final recommendations resulted in a better project overall. She introduced Benderson Development and some of the consultants involved in the Secret Promise project.

Kathy Quillinan of MSCW spoke next and presented the vision of the 3700 acre project, which is to ensure the preservation of sensitive environmental areas while building a sustainable, mixed-use development with open spaces linked through parks and trails. The project includes a bike and pedestrian network to reduce auto dependency.

Ms. Linnan said the applicant has two areas of concern. The first is paragraph 55 which requires a monetary contribution to the area wide traffic monitoring fund. The applicant is asking that the maximum number of studies to be conducted be clearly enumerated.

The second issue deals with affordable housing. Ms. Linnan reviewed the history of the problematic affordable housing methodology, and stated that the applicant simply did what they were asked to do as late as May of 2007. However, after spending money on the required studies and analysis, the developer was told that the methodology has been abandoned and that 10% affordable housing would be required. Mr. Laurien agreed that the developer acted in good faith. He explained that the affordable housing methodology was a state-wide problem and that we expect to have a more clear solution next year.

Commissioner McLouth asked for comments from involved agencies, and county and city government. Mr. John Weiss of FDOT addressed applicant's concerns about the cap on the number of studies and said that FDOT would not support any language that limits the number of studies. He noted that the same language has been used in several developments in the Lake Toho area without objection.

Commissioner McLouth asked for comments and question from the public. Mr. Charles Lee of the Audubon Society gave his support of the staff recommendations that provided for water conservation and native vegetation. He expressed concern about the 1400 acres of preserved wetlands and how the long-term management of wetland buffers and road crossings would be funded. He hoped that a perpetual easement or some other deeded process would be used to make the conservation areas permanent, and that some additional clarification be provided on MDA responsibility. The applicant responded that a written land management plan addresses uplands and wetlands will be included as part of the permit from the St. Johns River Water Management District.

Mr. Atlee Mercer made a MOTION FOR APPROVAL with the following modifications: 1) accept the changes reviewed in the green sheets, 2) use the formula originally required by the Council in computing affordable housing, or comply with City of Leesburg ordinances then in effect, 3) include the cautionary wording suggested by Commissioner Sheehan regarding water availability, and 4) limit the traffic monitoring studies to five studies maximum.

Commissioner Renick restated her objection and said that there are a number of cities whose water availability will be impacted by this development. Mr. Weiss of the FDOT said the likely number of studies will be four as planning exists today, but asked the council to consider capping the number of studies carefully.

After discussion there was a MOTION TO CALL. The MOTION TO CALL was seconded and UNANIMOUSLY PASSED. The main MOTION TO APPROVE THE SECRET PROMISE DRI AS MODIFIED was then called up to a vote. The MOTION PASSED with Commissioner Renick voting against approval.

V. SRPP Update – Commissioner Malcolm McLouth

Commissioner McLouth gave a brief report on the progress of the Strategic Regional Policy Plan Task Force. The process of creating and approving the Natural Resources of Regional Significance generated lots of interest and feedback and the NRORS policy is ready for final review. Work is beginning on the Economic Development chapter by identifying Sounding Board members.

Commissioner McLouth asked for approval from the Council to enter into lease negotiations with the owners of a building at 715 Douglas Avenue. Mr. Laurien gave a brief description of the space, which is larger than the Council's current offices at a lower cost. Mr. Mercer made a MOTION TO PROCEED WITH LEASE NEGOTIATIONS. Mayor Randels seconded the MOTION and it was UNANIMOUSLY PASSED.

VI. Executive Director's Report – Mr. Phil Laurien

Mr. Laurien reported that an offer has been made and accepted and the new Planning Manager, George Kinney, will start work in December.

VII. Announcements /Comments

Commissioner McLouth provided an opportunity for Council members and members of the public to bring up events, issues or other items of interest.

Vivian Garfein thanked Phil Laurien for his participation at the recent FDEP Senior Management Retreat where he spoke about growth issues.

Mary Martin attended the Association of Metropolitan Planning Organizations (AMPO) Conference in Seattle.

VIII. Adjournment

There being no further business before the Council, the meeting was adjourned at 11:55.