

**Attachment 1
East Central Florida Regional Planning Council**

**Council Meeting Minutes
August 16, 2006**

Chairman Jon Rawlson
Presiding

IN ATTENDANCE:

County Representatives

Commissioner Welton Cadwell, Lake County
Commissioner Sue Carlson, Brevard County
Commissioner Teresa Jacobs, Orange County
Commissioner Brenda Carey, Seminole County
Commissioner Randall Morris, Seminole County.
Commissioner Bill Lane, Osceola County
Clerk of Courts, Larry Whaley, Osceola County.
Councilwoman Joie Alexander, Volusia County
Councilman Dwight Lewis, Volusia County

Municipal Representatives

Mayor John Land, Tri-County League of Cities,
Apopka
Commissioner Michael Blake, Tri-County League of
Cities, Winter Springs
Space Coast League of Cities, Ed Booth, Brevard
County
Vice Mayor Wendell McKinnon, Orange County,
Kissimmee
Vice Mayor Mary Martin, Volusia County League of
Cities, Port Orange

Gubernatorial Appointees

Mr. Malcolm McLouth, Brevard County
Mr. Jon Rawlson, Orange County
Mr. Daniel O'Keefe, Orange County
Ms. Maria Grulich, Osceola County
Ms. Nancy Acevedo, Seminole County

Ex-Officio and Other Municipal Representatives

Ms. Nancy Christman, SJWMD
Mr. Thomas Genovese, SFWMD
Ms. Noranne Downs, FDOT

Staff

Mr. Phil Laurien
Ms. Diane Davis
Ms. Lelia Hars
Ms. Teri Hunalp
Mr. Fred Milch
Ms. Claudia Paskauskas
Mr. Mark Sievers
Mr. Samer Bitar
Ms. Tuesdai Brunsonbyrd
Ms. Kimberly Loewen
Ms. Iris Patten, ECFRPC intern

Other Attendees

Mr. Gerald Livingston, ECFRPC Counsel
Mr. Jon Weiss, FDOT
John Adams, Rj Whidden Associates
Daphne Sashin, Orlando Sentinel
Carolyn Schultz, Advanced Eco
Greg Gologowski, Harmony
Jon Martin, School Casulty
Charles Lee, Florida's Audubon Society
Jennifer Wilson, Representative Hay's Office
Laura Turner, LTPS
Jennifer Stults, Lynx
Dianne Kramer, Miller, Einhouse, Rymer & Boyd
Darrell Cunningham, GMB
Todd Davis, GMB
Whit Blanker, Renaissance Planning
Rich Walton, Osceola County
Steve Boyd, Miller, Einhouse, Rymer & Boyd
Barry Rymer, Miller, Einhouse, Rymer & Boyd
John Lesman, Bio-Tech
Randy Austin, Austin Environmental
Bill Barfield, D.R. Horton, Inc.
Rob Lawson, D.R. Horton, Inc.
Mike Steigerwald, City of Kissimmee
Jennifer Cockcroft, City of Kissimmee
Patty Chambers, St. Cloud, FL
Barry Campbell, City of Kissimmee
Tony Roper, Roper Real Estate
Arturo Perez, Leftwich Consulting Engineer

Members not in Attendance

Commissioner Jackie Colon, Brevard County
Commissioner Robert Pool, Lake County
Commissioner Homer Hartage, Orange County
Commissioner Patty Sheehan, City of Orlando
Mr. Russell Gibson, City of Sanford

I. Call To Order and General Business

Chairman Rawlson called the meeting to order at 10:07 a.m. Ms. Davis called the roll and announced a quorum was present.

II. Approval of Minutes

Chairman Rawlson offered the June 2006 meeting minutes for consideration. On a MOTION MADE and SECONDED, the minutes were unanimously accepted.

III. Financial Reports

Chairman Rawlson offered for consideration the June and July 2006 financial reports. On a MOTION MADE and SECONDED, the above financial reports were accepted unanimously.

IV. Overview of Lake Toho DRI Projects by Chairman Rawlson

The Regional Planning Council (RPC) was asked to participate with Osceola County in funding and assisting with a management design program with the Urban Land Institute (ULI), looking at all five (5) DRI's on Lake Toho. The RPC had hoped to have a ULI presentation today, prior to taking up the DRI's, however, due to circumstances, ULI could not attend, but will be asked to present their findings in September.

V. Discussion of Last Minute Changes to the DRI's by the Council

Concern was mentioned regarding last minute changes made to DRI applications and the board not having advance time to review those changes. The need to be flexible regarding accepting last-minute changes to DRI applications the day of the council meeting was discussed. It was reported that it is the nature of the DRI approval process to be negotiating and making changes up until the 11th hour. Due to this, it will be more common than not for the board members to review and accept DRI changes made the night before. Fred Milch, DRI Manager, works very closely with these DRI's and would be the best resource to advise the board what the changes are and what their impact is. Mr. Milch will bring issues to the board that are still being negotiated and a decision must be made based on this current information. Board members were asked to take time over the next month to propose recommendations that would improve the flow of the DRI process.

VI. Introduction of Lake Toho Area DRI's (Fred Milch, ECFRPC)

A brief introduction of the Westlake Cove DRI was given by Fred Milch, ECFRPC DRI Manager. The proposed recommended changes to the DRI's were submitted on green paper. Caroline Schultz of Advanced Eco Design, was hired as the environmental consultant on this project and was present and available for questions.

VII. East Lake Toho Environmental Working Group Presentation by Dave Herbster, FDEP

Dave Herbster, Florida Department of Environmental Protection, gave a presentation on behalf of the Lake Toho Environmental Working Group (LTEWG). The LTEWG included consultants, regulators, developers, environmental protection groups, land owners and not-for-profit organizations. The LTEWG identified major issues, which included wildlife conservation, wetlands, water quality, water quantity, smoke management, transportation and long-term funding. Out of these discussions came recommended development orders. For more information, the LTEWG presentation can be viewed on ECFRPG's website at ECFRPC.org. John Adams of RJ Whidden, was complimented on his dedication and persistence with these developmental recommendations.

VIII. Summary of Traffic Studies of Lake Toho Area (Fred Milch, ECFRPC)

Fred Milch gave a brief introduction of the traffic studies done in the Lake Toho area. A road concept plan was shown and discussed for Lake Toho. It was noted that a 25-year transportation plan is being worked on by Osceola County.

IX. Overview of the Westlake Cove DRI Project With Recommended Changes (Fred Milch, ECFRPC)

The issues with the Westlake Cove DRI were defined as the eagle's nest, the lakefront setback, schools, transportation, wetlands, water quality and quantity, smoke management and wildlife conservation. He reviewed the changes on the green sheets.

Chairman Rawlson opened the floor for discussion and questions regarding the Westlake Cove DRI, from the council and the general public.

Discussion followed.

A MOTION WAS MADE AND SECONDED to leave the revised handout for **Item 28** wording as is. Item 28 states, "prior to the initiation of Phase 1, the Developer will contribute \$100,000 (half) of the \$200,000 total cost to fund a study administered by the City of Kissimmee to identify mobility strategies that can be used by the applicant in place of roadway widening with the City's proposed Multimodal Transportation District."

MOTION CARRIED.

Discussion ensued regarding **Schools, Item 34**, of the Westlake Cove DRI, regarding a proposed 60-acre site for a high school with the recommendation that Westlake Cove DRI swap land with Mariner's Cove DRI.

A MOTION WAS MADE AND SECONDED to accept the language of Item 34 on the revised green sheets as is.

MOTION CARRIED.

Discussion ensued regarding schools, land for schools and the need for all the DRI's to contain consistent wording regarding schools. It was suggested that planning should be between the county, the school board and the five (5) DRI's coming up. Linda Beunel, Representative of the school district, mentioned her primary concern to have schools in place as foundational cornerstone elements of the developer's community, prior to the issuance of residential building permits. Larry Keyton, with the school board, advised the board of the timeframe of the design and construction plans for high schools, middle schools and elementary schools.

A MOTION WAS MADE AND SECONDED to amend **Schools, Item 33**, first line of the paragraph to read, "Prior to the issuance of residential building permits, provisions shall be made," replacing the old language of, "Prior to the issuance of certificates of occupancy, provisions should be made."

MOTION CARRIED.

The need for the Osceola County Commission to be involved in the pre-permit discussions of the developmental plans was mentioned in regards to **Item 35, under Schools**,

A MOTION WAS MADE AND SECONDED to accept the old language of **Schools, Item 35**, with the following amendments to read, "Prior to the issuance of residential building permits, a funding mechanism shall be established to provide funding for the construction of schools. This funding mechanism may be an Education Funding Benefit District, a Community Development District, or any other funding mechanism mutually agreed to by the Osceola County School Board, Osceola County Commissioners and the Developers." The new language following the above amendment will be stricken in Item 35.

MOTION CARRIED.

A recommendation was made for the DRI process to work closely with the respective county economic development groups, to ensure employment opportunities are available, in these pockets, for these new residents.

X. Chairman Rawlson Asks for Departmental Comments

Chairman Rawlson asked the various departments for comments regarding the Westlake Cove DRI. The Osceola County Public Schools had their question answered regarding concurrency requirements. All other departments were supportive of the DRI with its recommended changes.

Tommy Boroughs, DRI attorney, for Westlake Cove was asked if he had further comments.

Charles Lee, with the Florida Audubon Society, spoke to the group regarding this project. He requested the RPC take action to ensure that the Lake Toho Task Force process envelops all five (5) DRI's that move south through the very critical eco systems and weigh the comparative DRI's in the north. He asked that this same process be used in dealing with all the DRI's. He also mentioned concerns regarding the wording on Page 5 under Bald eagle protection, Item (1).

A MOTION WAS MADE AND SECONDED to keep the old language of **Bald eagle protection, Page 5**, to read, "The developers must designate no development zones (except for storm water ponds and lakes) within at least a 660-foot radius zone."

MOTION CARRIED.

A MOTION WAS MADE AND SECONDED, to insert the wording on **Item 7, Protect the shore of Lake Toho (1) c** "a buffer extending from 500 feet to 660 feet from the eagle's nest where development, other than storm water ponds and lakes, is allowed only in the event that the eagle's nest is no longer active, and the USFWS and the FFWCC have approved the proposed development."

MOTION CARRIED.

A MOTION WAS MADE AND SECONDED, to state in this DRI, "Nothing herein is intended to relieve the Developer of any concurrency requirements as set forth in Florida Statutes, Florida Administrative Code or Osceola County Ordinance." The above wording was inserted at the end of **Findings and Recommendations, Item (B) (2), Page 2.**

MOTION CARRIED.

A MOTION WAS MADE AND SECONDED TO ACCEPT the Westlake Cove DRI with the above recommendations.

MOTION CARRIED.

XI. Overview of the Edgewater DRI Project With Recommended Changes (Fred Milch, ECFRPC)

A summary of the Edgewater DRI with proposed changes was given by Fred Milch.

XII. Chairman Rawlson asks for Departmental and DRI Applicant Comments

Chairman Rawlson asked the various departments for comments regarding the Edgewater DRI.

The Florida Department of Transportation regarding the need to submit the DRI's to the legal review to ensure they are consistent with Florida Statutes before DRI approval.

Charles Lee, with the Florida Audubon Society, recognized and appreciated the state of cohesiveness due to the DRI process.

Bobby Neharts, with Recreation and Parks for Osceola County, made reference to line 414, page 14 regarding "non-vehicular public access," stating non-vehicular status included bicycles in some areas.

John Adams and Bob Whidden, Applicants, were asked if they had further comments. The applicants were in agreement with the recommendations and recognized further development issues with the local government, such as the overall school plan. Mr. Whidden expressed his desire to change the annual report process to bi-annually.

A MOTION WAS MADE AND SECONDED to amend the first sentence of **Annual Reporting, Item 38**, to read, “The developer shall conduct an annual report for the first five (5) years and a bi-annual report for the life of the development order.”

MOTION CARRIED.

Chairman Rawlson opened the floor for discussion and questions regarding the Edgewater DRI.

Next, the floor was opened for public comment regarding the Edgewater DRI.

A MOTION WAS MADE AND SECONDED TO ACCEPT the language we adopted for the Westlake Cove DRI for the Edgewater DRI, as follows:

Under **Findings and Recommendations, Item (B) (2), Page 2**, insert wording at the end of the paragraph to read, “Nothing herein is intended to relieve the Developer of any concurrency requirements as set forth in Florida Statutes, Florida Administrative Code or Osceola County Ordinance.”

To amend **Schools, Item 33**, first line of the paragraph to read, “Prior to the issuance of residential building permits, provisions shall be made,” replacing the old language of, “Prior to the issuance of certificates of occupancy, provisions should be made.”

To accept the amended old language of **Schools, Item 34**, to read, “Prior to the issuance of residential building permits, a funding mechanism to provide funding shall be established for the construction of schools. This funding mechanism may be an Education funding Benefit District, a Community Development District, or any other funding mechanism mutually agreed to by the Osceola County School Board, Osceola County Commissioners and the Developer.”

A MOTION WAS MADE AND SECONDED to leave revised **Item 28** wording, as is. Item 28 states, “prior to the initiation of Phase 1, the Developer will contribute \$100,000 (half) of the \$200,000 total cost to fund a study administered by the City of Kissimmee to identify mobility strategies that can be used by the applicant in place of roadway widening with the City’s proposed Multimodal Transportation District.”

MOTION CARRIED.

A MOTION WAS MADE AND SECONDED TO ACCEPT the Edgewater Property DRI with the above amendments.

MOTION CARRIED.

XIII. Executive Director’s Report by Phil Laurien

Mr. Laurien presented the Resolution to hire the University of Florida as Primary Consultant to My Region contract for \$65,000.

A MOTION WAS MADE AND SECONDED to accept the resolution to hire the University of Florida as primary consultant to My Region for \$65,000.

MOTION CARRIED.

Phil Laurien presented the Resolution to hire Renaissance Planning Group as the secondary consultant to My Region Contract for \$48,000.

A MOTION WAS MADE AND SECONDED to accept the resolution to hire the Renaissance Planning Group as the secondary consultant to My Region for \$48,000.

MOTION CARRIED.

The resolution to initiate non-voting member ex-officio status for Lynx and the Expressway Authority was presented.

A MOTION WAS MADE AND SECONDED to accept the rules for the non-voting ex-officio member status for Lynx and the Expressway Authority.

MOTION CARRIED.

A potential funding issue with mthe Wekiva Study Commission was identified; there has not been a separate appropriation of funds to pay for staffing needs.

A MOTION WAS MADE AND SECONDED to table all unfinished agenda items until next month's meeting.

MOTION CARRIED.

ADJOURNMENT

There being no further time to discuss business, Mr. Rawlson adjourned the meeting at 12:55 pm.

Jon Rawlson, Chairman

Respectfully submitted,

Diane Davis, Recording Secretary