

East Central Florida Regional Planning Council

631 North Wymore Road, Suite 100
Maitland, Florida 32751

Wednesday, May 20, 2009

9:00 a.m. – New Member Orientation

10:00 a.m. – Council Meeting

Meeting Agenda

- I. Call to Order and General Business
 - Call to Order – *Chair, Vice Mayor Mary Martin*
 - Roll Call – *Ruth Little*
- II. Consent Agenda
 - April 2009 Minutes – *Secretary Dick Van Der Weide (Attachment 1)*
 - April 2009 Financial Report – *Treasurer Elaine Renick (Attachment 2)*
- III. Recommendations of Nominating Committee
 - Vote appointing Member-At-Large position to Executive Committee
 - Vote appointing member to FRCA Policy Board
- IV. Cape Canaveral Power Plant application for reconstruction – *Tara McCue (Attachment 3)*
- V. Sun Rail Update
- VI. Executive Director's Report – *Phil Laurien*
 - Senate Bill 360 (**Attachment 4**)
 - Outreach Programs and Contract update (**Handout**)
 - Office Move (**Attachment 5**)
 - FY2010 Preliminary Budget Discussion
 - EDA Supplemental Partnership Planning Funds
- VII. SRPP Update – *George Kinney*
- VIII. Announcements/Comments
 - An opportunity for Council members and members of the public to bring up events, issues or other items of interest to the Council.
 - The Florida Legislature just released its budget for FY2009-2010, which does not include funding for Florida Forever. Therefore, Florida Communities Trust cannot fund the Parks and Open Space Florida Forever Program for 2009.
- IX. Adjournment

ATTACHMENT 1

April 2009 Minutes

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

COUNCIL MEETING MINUTES

April 15, 2009

Commissioner Malcolm McLouth Presiding

IN ATTENDANCE:

County Representatives

Commissioner Welton Cadwell, Lake County
Commissioner Elaine Renick, Lake County
Commissioner Fred Brummer, Orange County
Commissioner Brandon Arrington, Osceola County
Commissioner Dick Van Der Weide, Seminole
Commissioner Brenda Carey, Seminole County
Councilwoman Patricia Northey, Volusia County
Councilman Jack Hayman, 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
Deputy Mayor Joanne Krebs, Tri-County League
of Cities
Vice Mayor Mary Martin, Volusia County
League of Cities

Gubernatorial Appointees

Mayor Melissa DeMarco, Lake County
Mr. Daniel O'Keefe, Orange County
Mr. Julius Melendez, Osceola County
Ms. Melanie Chase, Seminole County
Ms. Aileen Cubillos, Seminole County
Mr. Lonnie Groot, Volusia County
Mr. William McDermott, Enterprise Florida

Ex-Officio and Other Municipal Reps

Ms. Nancy Christman, SJRWMD
Ms. Vivian Garfein, FDEP
Ms. Cecelia Weaver, SFWMD
Ms. Susan Sadighi, FDOT

Other Attendees

Gerald Livingston, ECFRPC Counsel
Mr. John Adams, Rj Whidden
Mr. Randy Austin, AEC
Mr. Scott Byrd, Orange County
Mr. Jeff Reive, LYNX
Mr. Malcolm McLouth, Canaveral Port Auth.
Ms. Antonia Gerli, City of Sanford
Ms. Kathy Hale, EMD
Ms. Catherine Howard, Orange County
Mr. Chris Testerman, Orange County

Members not in Attendance

Commissioner Robin Fisher, Brevard County
Commissioner Andy Anderson, Brevard County
Commissioner S. Scott Boyd, Orange County
Commissioner Fred Hawkins, Osceola County
Commissioner Cheryl Grieb, Kissimmee
Ms. Jackie Colon, Brevard County
Mr. Al Glover, Brevard County
Commissioner Jack Bridges, City of Sanford

ECFRPC Staff

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

I. Call to Order and General Business

Chair Mary Martin 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

Vice Mayor Martin asked for comments and questions on the Consent Agenda. Commissioner Sheehan noted that the March 18, 2009 minutes should reflect that she voted against approval of the International Corporate Park DRI. Ms. Sadighi asked that the third item on the Consent Agenda, the approval of the FDOT/ECFRPC JPA, be removed from consideration. With the changes noted above, Commissioner Sheehan made a MOTION TO APPROVE THE CONSENT AGENDA. The MOTION was seconded by Councilman Hayman and UNANIMOUSLY PASSED.

III. Grand Palisades Resort Park DRI

ECFRPC. Mr. Fred Milch gave a presentation of the Grand Palisades Resort DRI beginning with a Google "fly-in" to show the location of the site near the Lake County line. The project site map was shown along with photos from the site visit, including evidence of sand skink. The wetland impact is limited to road crossings and impacts only one to two acres on the 210-acre site. The primary environmental concern is the presence of the Lake Wales Ridge, an environmentally sensitive highland that goes through five counties in Florida. The developer has agreed to Water Star standards and limiting non-native plantings. The DRI is a resort and expected to generate a lower demand for public services, little to no impact on schools, and reduced trip generations.

Mr. Laurien commented that the developer has acknowledged the need for an east-west connection. While there is no recommendation in the staff report addressing this issue, the RPC looks at connectivity across county lines.

Mr. Milch showed a map of property in Polk County the developer proposes to use for mitigation of sand skink habitat. Staff recommends on-site preservation of the habitat, or alternatively a 4 to 1 mitigation ratio. The Florida Fish and Wildlife requires 2 acres of mitigation for every acre of habitat lost. Discussion followed about the difference between the Fish & Wildlife recommendation compared with the ECFRPC staff recommendation for mitigation. There was also discussion of the value of mitigation so far from the project site.

Applicant. Chair Martin recognized John Adams of RJ Whidden to speak for the applicant. Mr. Adams showed the current development plan which includes 210 acres, over 4,000 resort units, and 60,000 square feet of retail space. Mr. Randy Austin from Austin Environmental questioned recommendation #18 and suggested modifications to language related to sand skink habitat mitigation and the Lake Wales Ridge State Forest. Mr. Austin pointed to recent projects' approved mitigation ratios; only one project was required to provide a 3 to 1 mitigation ratio, all others were 2 to 1. He said they are willing to comply with state and federal requirements, and asked that this project be treated equitably. The Dantzman Property, which will be used for mitigation, was purchased by the applicant at the recommendation of The Nature Conservancy. It is adjacent to another state-owned property that offers habitat for sand skink. Mr. Austin added that the applicant cannot use the same parcel to mitigate for additional species, so the ultimate total mitigation ratio will be greater than 2-1.

Mr. Adams addressed the road connectivity issue into Lake County. While he agrees with the concept of interconnectivity as a good planning practice, he believes the proposed roadway should be located north of the project. Some development has already occurred within the project area. A connecting roadway within the site would impact open space, recreation and wetlands areas, and could adversely affect existing Lake County residents. Mr. Adams also answered questions about water supply and the interlocal agreement with the Toho Water Authority. A discussion of the possible east-west connectivity corridors and water supply issues followed.

There was additional discussion and questions raised about the mitigation ratios for loss of sand skink habitat and the RPC's ability to impose higher requirements. Mr. Laurien said the intent is not to put anyone at an unfair disadvantage, but to recognize the unique aspects of the Lake Wales Ridge within the project.

Chair Martin asked each of the involved agencies and governments for comment. Susan Sadighi from FDOT asked for a language change in recommendation 55, adding an escalation factor into the recommendation, which was verbally agreed to by the applicant. Ms. Weaver of the South Florida Water Management District commented that, depending on the timing of construction, Orange County may or may not have an adequate allocation for water. Other agencies had no comment.

After further discussion, Commissioner Carey made a MOTION TO APPROVE the Staff Recommendations with two changes: at Recommendation 18, delete everything after "Lake Wales Ridge" at 18b., and amend Recommendation 55 as requested by FDOT. The Motion was seconded by Melanie Chase. There was additional discussion of the mitigation requirements and the RPC's role. Chair Martin asked for a show of hands. Because the vote appeared to be close, the vote was taken by roll call and the MOTION TO APPROVE PASSED with 10 in favor and 8 opposed.

IV. Chair's Report – Vice Mayor Marty Martin

Chair Martin welcomed the new gubernatorial appointees serving on the Council. She also thanked former Chair Malcolm "Mac" McLouth for his service to the ECFRPC and presented him with a plaque. Mr. McLouth commented that he has been working on regionalization for over 10 years and looks forward to continuing that work. He is the new Commissioner of the Canaveral Port Authority and continues to serve on the *myregion.org* board. Mr. Laurien thanked Mr. McLouth for his service and leadership.

Chair Martin asked for a nominating committee to fill the vacant position on the Executive Committee. Mayor Land agreed to chair the nominating committee and it was agreed that Vice Mayor Martin and Mr. Al Glover would also serve. They will meet prior to the May 20, 2009 Council meeting. Nominations may be forwarded to the Executive Director.

Chair Martin informed the members of an opening on the Florida Regional Councils Association (FRCA). FRCA is our link to the legislative process, and anyone who is interested in serving in the capacity should contact the Executive Director.

V. Approval of FDOT/ECFRPC JPA Language Change

Ms. Susan Sadighi of the FDOT asked that the amendment to the existing Joint Participation Agreement (JPA) be considered. The amendment was briefly reviewed and Commissioner Cadwell made a MOTION TO APPROVE the amendment. The motion was seconded by Vice Mayor Martin and unanimously approved.

VI. Executive Director's Report

Mr. Laurien briefly reviewed each item on the handout for outreach programs and contract opportunities.

Mr. Laurien then reported on Senate Bill 360, which was recently passed by the Senate. A related bill in the House will be voted on shortly. If passed in its current form, SB360 will exempt certain projects from the DRI review process. Mr. Laurien believes that the DRI review process is a growth management strategy that works and results in better developments. SB360 recognizes that transportation concurrency promotes sprawl, and we should be promoting more growth in urban areas as we work towards the regional vision. The ECFRPC has asked Senator Constantine to consider an amendment to encourage three things within Dense Urban Land Areas (DULAs): an interconnected street network, the allowance of mixed use, and a suggested minimum threshold density. If the final Bill can include these three things, we could begin seeing the vision implemented here and throughout Florida.

Senate Bill 362, also under current consideration, allows DCA to charge municipalities for comprehensive plan amendment reviews. We have asked that a portion of that fee go to the state's Regional Planning Councils for their actual costs in reviewing comprehensive plans.

Mr. Laurien then reported on the new office space in Altamonte Springs. The June 17, 2009 RPC meeting will be held at 309 Cranes Roost Blvd in Altamonte Springs. There will be information on the web site and more detailed information at the May 2009 meeting. The Executive Committee has approved expenditures for a new phone system and computer server. He reminded members that difference in rent, utilities and building costs will save the Council \$16,000 over the first year.

The Executive Committee has also approved a \$10,000 allowance for furniture. Most of the existing furniture will be used at the new location, but three staff members are working at folding tables, and additional bookcases will be necessary.

Mr. Laurien reported that he is beginning to hear from County staff inquiring about dues for next year for their budget projections. There are many unanswered questions about what the legislature is going to do, but he would like to formulate the ECFRPC budget in August and vote on it at the September 2009 meeting. One goal is to keep the existing staff together and freeze staff salaries for the coming budget year. Mr. Laurien gave three scenarios for possible dues levels: the original rate of \$0.23 per capita, the current rate of \$0.2047 per capita, or \$0.19, which constitutes a reduction of 7.2% from last year's multiplier. Resulting deficits will be made up through reserves (about \$300,000). Commissioners Cadwell and Hayman agreed with the goal of keeping a successful team together. Commissioner Van der

Weide said he is not willing to give up the ECFRPC to budget cuts, and said that the willingness to cut assessment costs shows intent that we are all in this together

VII. Announcements and Comments

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

Mayor Randels expressed his appreciation for the ECFRPC and looks forward to being involved in the Visioning process that the RPC will be facilitating in Cape Canaveral.

Chair Martin noted that a new member orientation will be held prior to the May 20, 2009 meeting.

VIII. Adjournment

There being no further business before the Council, Chair Martin adjourned the meeting at 12:15.

ATTACHMENT 2

April 2009 Financial Report

Financial Forecast

Statement of Condition as of April 30, 2009

Cash-in-bank on April 1, 2009		\$70,225.55 *
Deposits and Interest - April 2009	\$89,576.04	
Checks Issued - April 2009	-\$170,341.65	
From Repurchase Account	<u>\$125,000.00</u>	44,234.39
Cash-in-bank on April 30, 2009		<u><u>\$114,459.94</u></u>

* Does not include repurchase account which consists of DRI FEE Deposits and other obligated funds being held

Financial Forecast for May 2009

Operating Cash May 1, 2009		\$114,459.94
Accounts Payable on May 1, 2009		<u>-22,525.31</u>
Net Operating Cash for May 1, 2009		\$91,934.63

Anticipated Revenue/Expense for May 2009:		
Accounts Receivables (Revenues)	\$157,699.64	
Accounts Payables (Expenditures)	<u>-128,505.72</u>	
Net Anticipated Revenue/Expense		<u>29,193.92</u>
Anticipated Operating Cash for June 1, 2009		<u><u>\$121,128.55</u></u>

	Budget	3/31/2009	Actual	Current	Under (Over)	58.3%
		Year to Date	April	Year to Date		
Personnel						
Salaries & Wages (Permanent)	891,760	396,631	73,637	470,268	421,492	52.7%
Fringe Benefits	307,031	124,309	23,057	147,366	159,665	48.0%
Outside /Temporary Services	29,000	7,187	126	7,312	21,688	25.2%
Contract Labor	85,000	11,561	6,955	18,516	66,484	21.8%
Interns	30,000	8,274	897	9,171	20,829	30.6%
Unemployment	-	-	-	-	-	-
Total Personnel	1,342,791	547,962	104,671	652,633	690,158	48.6%
Overhead						
Annual Audit	17,000	-	-	-	17,000	0.0%
Advertising/Regional Promotion	4,000	-	-	-	4,000	0.0%
Cleaning Services/Pest Control	6,000	2,698	450	3,148	2,852	52.5%
Computer Ops (General)	29,664	20,751	4,385	25,136	4,528	84.7%
Depreciation/Use Charge	12,000	6,000	1,000	7,000	5,000	58.3%
Electricity	10,000	3,838	733	4,571	5,429	45.7%
Equipment (General)	22,000	9,975	7,793	17,768	4,232	80.8%
Equipment Maintenance/Rental	1,500	-	-	-	1,500	0.0%
Equipment Lease/Sales Taxes	400	7	-	7	393	1.8%
Graphics/Outside Printing	30,000	11,863	882	12,745	17,255	42.5%
Insurance	14,000	4,908	966	5,874	8,126	42.0%
Inter-Regnl Bd Rel (travel/training)	7,500	93	-	93	7,407	1.2%
Legal Counsel	44,000	20,000	3,333	23,333	20,667	53.0%
Library/Publications/Subscriptions	3,000	818	126	944	2,056	31.5%
Office Supplies	12,000	3,730	591	4,321	7,679	36.0%
Pension Fund Mgmt. Fee	900	-	-	-	900	0.0%
Postage	12,000	2,561	316	2,877	9,123	24.0%
Professional Dues	25,000	12,148	1,729	13,877	11,123	55.5%
Rent	125,000	60,704	10,117	70,821	54,179	56.7%
Office Maintenance	4,000	49	-	49	3,951	1.2%
Staff Training	14,000	1,704	495	2,199	11,801	15.7%
Telephone & Communications	8,000	2,690	750	3,440	4,560	43.0%
Staff Travel	30,000	8,317	1,947	10,264	19,736	34.2%
Recruiting	4,000	-	-	-	4,000	0.0%
Hmep Training	24,000	19,758	6,577	26,335	(2,335)	109.7%
GIS Coordination	3,000	3,000	-	3,000	-	100.0%
GIS Data Collection	1,500	-	-	-	1,500	0.0%
CFGIS Workshop		9,489	-	9,489	(9,489)	
Consultants (DRI)	72,000	31,486	2,149	33,635	38,365	46.7%
Consultants(SRPP)	15,000	3,600	-	3,600	11,400	24.0%
Consultants(UASI Training & Exercs	410,000	219,921	-	219,921	190,079	53.6%
Consultants(LRTP 2035)	60,000		64,000	64,000	(4,000)	106.7%
Consultant (Reg Evacuation)		4,750	-	4,750	(4,750)	
Consultants(Office Architect)	30,000		-		30,000	0.0%
Storage-Off Site Records	1,600	566	324	890	710	55.6%
Contingencies		-	-	-	-	
Meeting Expenses	16,551	7,371	162	7,533	9,018	45.5%
Web Site Upgrade	-	17,750	-	17,750	(17,750)	
Web Site maintenance		10,000	-	10,000	(10,000)	
REMI Annual Maintenance	20,000	6,867	5,150	12,017	7,983	60.1%
S. Bitar VISA Sponsorship	4,000	1,680	-	1,680	2,320	42.0%
New Office Fit Up		-	1,089	1,089	(1,089)	
Total Overhead	1,093,615	509,092	115,064	624,156	469,459	57.1%
Total Expenditures	2,436,406	1,057,054	219,735	1,276,789	1,159,617	52.4%

Project:	General	DRI Reviews	FY09 DCA General	FY09 LEPC Staff Support	FY09 Haz Mat Emrg Preparedness	FDOT Improvements of CFGIS	FDOT Cont & Imp of CFGIS	Regional Evacuation Study	USDC EOAC/CEOS FY08-FY09	UASI	L RTP 2035 Economic Impact Study	17/92 Corridor Reassessment	Jan. 09 Planning Workshop	CFGIS Workshop	HSEEP	State TEP 2010-2012	RDSTF PIO Workshop	RDSTF Workshop	Total		
Revenues Paid:																					
Member Assessments	417,269.00																			417,269.00	
Member REMI Contributions																				0.00	
Federal			28,979.99	10,566.27	5,615.14			59,693.43	15,714.72	224,469.80		18,000.00	5,205.50							305,493.09	
State																					39,566.26
Local		172,420.28																			25,205.50
DRI Fees																					172,420.28
Other	6,671.81																				6,671.81
Total Revenues Received	423,940.81	172,420.28	28,979.99	10,566.27	5,615.14	0.00	0.00	59,693.43	15,714.72	224,469.80	0.00	18,000.00	5,205.50	0.00	0.00	0.00	0.00	0.00	0.00	966,625.94	
Account Receivables:																					0.00
Member Assessments																					11,884.88
Federal			104,952.50	9,058.50	28,746.16	23,055.68	19,500.00		2,112.60	8,106.67	38,659.65					652.14	574.82			78,862.04	
State											38,659.65										195,236.33
Local/Other											38,659.65				2,638.02						2,638.42
Total Accounts Receivables	423,940.81	172,420.28	133,932.49	19,644.77	34,361.30	23,055.68	19,500.00	59,693.43	29,712.20	232,576.47	77,339.30	0.40	18,000.00	5,205.50	0.00	2,638.02	574.82	2,000.00	2,000.00	1,265,247.61	
EXPENDITURES																					
Salaries	154,584.09	74,293.83	133,019.87	10,234.21	4,132.50	13,945.75	3,821.59	7,437.59	17,103.15	7,195.35	7,584.09	16,096.72			1,427.87	373.45	329.51	1,171.59	448,929.57		
Fringe Benefits (Pool)	44,671.58	23,607.53	37,079.75	3,282.13	1,325.30	3,621.59	2,259.11	2,259.11	5,395.40	2,300.34	2,358.26	4,682.98			457.92	119.77	105.67	375.73	131,643.06		
Indirect Cost (Pool)	61,086.51	30,013.94	52,148.02	4,143.75	1,673.21	5,385.69		2,972.75	6,897.45	2,911.13	3,048.06	6,370.51			578.13	151.21	133.41	474.37	177,988.14		
Audit Fees																				0.00	
Advertising/Regional Promotion																				0.00	
Computer Operations	12,204.29						6,500.00	3,650.01												22,354.30	
Dues	2,244.71																			2,244.71	
Equipment																					
Graphics	3,202.46	9,674.91	123.49		89.19	98.63		43.21	91.33	150.00	102.88	0.40	559.87		11.03	7.71				17,768.18	
Inter-Regnt Bd Relations	92.72																			92.72	
Legal	23,333.31																			23,333.31	
Office Supplies	426.57		18.09																	444.66	
Postage	897.33	953.34	98.72	29.62	550.53	4.02		23.06		2.49	26.17				2.87			1.42	2,589.57		
Publications	558.21		61.09	324.23																943.53	
Recruiting																				0.00	
Rent																				0.00	
Equipment Rent & Maintenance																				0.00	
Staff Training	1,999.00			200.00																2,199.00	
HWEF Training																				26,335.10	
Taxes, Sales/Property	7.37																			7.37	
Telephone																				0.00	
Travel	3,617.17	241.41	3,089.53	1,307.34	255.47			967.86	224.87	95.91	219.84	48.95			160.20		6.23	29.38	10,264.15		
Temporary Labor/Outside Services	4,686.50																			4,686.50	
Interest Expense																				0.00	
DATA Fees																				0.00	
Consultants																				325,905.57	
GIS Coordination																				3,000.00	
CFGIS Workshop Expense																				9,488.78	
Meeting Expenses	1,653.84																			5,879.36	
REMI Annual Maintenance	12,016.67																			12,016.67	
Web Site Maintenance																				10,000.00	
Web Site Upgrade	17,750.00																			17,750.00	
S. Bihar VISA Sponsorship	1,679.50																			1,679.50	
Office Maint/Printing	49.41																			49.41	
New Office Fit Up	1,088.52																			1,088.52	
TOTAL EXPENDITURES	365,617.94	172,420.28	231,387.59	19,644.77	34,361.30	23,055.68	19,500.00	22,103.59	29,712.20	232,576.47	77,339.30	0.40	27,759.03	5,889.93	2,638.02	652.14	574.82	2,067.01	1,276,785.23		

ATTACHMENT 3

Cape Canaveral Power Plant



East Central Florida Regional Planning Council

631 North Wymore Road, Suite 100 • Maitland, FL 32751
Phone 407.623.1075 • Fax 407.623.1084 • www.ecfrpc.org

Philip Laurien, AICP
Executive Director

Ann Seiler
Siting Coordination Office
Florida Department of Environmental Protection
3900 Commonwealth Blvd
Tallahassee, FL 32399

RE: Preliminary Review Cape Canaveral Energy Center Site Certification Application

Dear Ms. Seiler,

Pursuant to Florida Statute 403.526(1), the East Central Florida Regional Planning Council staff has conducted a review of Cape Canaveral Energy Center Site Certification Application.

The conditions set forth by the ECFRPC concerning this application are as follows:

- FPL shall continue to monitor the effectiveness of the Temporary Manatee Heating System throughout deconstruction and construction phases to ensure its effectiveness, in accordance with the FPL Cape Canaveral Manatee Protection Plan.
- FPL shall coordinate with FFWCC and USFWS to appropriately mitigate for and monitor affected species on both the Energy Center site and Offsite Construction Laydown and Parking Area.
- Pursuant to ECFRPC Strategic Regional Policy Plan *Policy 4.31 Planning and development approval shall avoid adverse impacts to listed species. Where suitable habitat on a project site is used by a listed species, a site plan and a management plan to minimize harm to the species and to maintain sufficient habitat to support a viable population of the species on-site should be required as a condition of development approval and Policy 4.32 All levels of government shall protect critical habitat for listed species, appropriate avoidance or mitigation should be part of the corridor plan.*
- Appropriate measures shall be employed to prohibit runoff into the Indian River Lagoon as per the following policies found in the ECFRPC Strategic Regional Policy Plan :
 - *4.10 In order to protect natural waterbodies, water courses and wetlands from siltation, Best Management Practices (BMPs) for control of erosion and sedimentation shall be employed for all road construction, urban development, silvicultural and agricultural activities. BMPs also shall be employed to protect stormwater management systems (e.g., exfiltration systems) from excess sediment loads. Erosion and sediment control BMPs include those of the SCS, FDOT, FDEP, FDACS, and IFAS.*

Executive Committee

Chair

Mary Martin
Vice Mayor of Port Orange
Volusia County League of Cities

Vice Chair

Cheryl Grieb
City Commissioner
City of Kissimmee

Treasurer

Elaine Renick
Commissioner
Lake County

Secretary

Dick Van Der Weide
Commissioner
Seminole County

Serving Brevard, Lake, Orange, Osceola, Seminole, and Volusia Counties.

○ 4. 11 *Hydrological and ecological functioning of the region's river systems shall be protected.*

- If dredging is to take place during the construction phase of the project, it shall be minimized to ensure the least possible adverse environmental, social and economic impacts to the region's estuaries (*ECFRPC Policy 4.17*).
- The ECFRPC recommends FPL work with the appropriate agencies to monitor air quality during the deconstruction and construction phases of the project for the purpose of human health conditions.
- The project site is located in Category 3 and 5 Storm Surge Areas. The ECFRPC recommends that FPL work with Brevard County Emergency Management to ensure the safe evacuation of workers if needed during the project development, as well as a plan for the debris and construction equipment.
- Any new transmission line corridors, if needed, should, to the maximum extent possible, be located in a common corridor (*ECFRPC Policy 7.14: Use of common corridors for utility systems shall be encouraged.*)
- Reclaimed water should be used for all irrigation purposes on the property.
- All spills of materials having potential to significantly pollute surface or ground waters and which are not confined to a building or similar containment structure, shall be reported in accordance with DEP District Office Industrial Wastewater Compliance/Enforcement Section.

This concludes the review and conditions of the application.

The Council reserves the right to present any further issues on this project as additional information becomes available.

Sincerely,

Phil Laurien, Executive Director

ATTACHMENT 4

Senate Bill 360

~Summary from Senate Committee on Community Affairs
~ Summary provided by Akerman Senterfitt

~ Full Text of Senate Bill 360 is available online at:
<http://www.flsenate.gov/data/session/2009/Senate/bills/billtext/pdf/s0360er.pdf>

LOCAL GOVERNMENT FINANCE

CS/CS/SB 202 — Community Contribution Tax Credit

by Government Efficiency Appropriations Committee; Commerce and Consumer Services Committee; and Senators Saunders, Crist, and Bullard

This bill extends the Community Contribution Tax Program through June 30, 2015, increases from \$10 million to \$12 million the total annual amount of tax credits that may be granted under the program, and reserves 80 percent of \$10 million of the available tax credits for businesses that contribute to home ownership opportunities for low-income and very-low-income households for the first 6 months of each fiscal year. For credit in excess of \$10 million, 70 percent is reserved for businesses that contribute to housing programs. The bill also revises the procedures governing the distribution of tax credits.

Additionally, the bill revises the eligibility requirements for the Investment Tax Credit Program to include a new or existing target industry that creates or retains at least 1,000 jobs in the private sector within the state and pay 130 percent of the average annual cost of the project. The amount of tax credits to 50 percent of the increased liability generated by the qualifying project.

APPLICABLE PAGES
FROM A 20 PAGE DOCUMENT

If approved by the Senate, these provisions take effect July 1, 2005.
Vote: Senate 113-0

SB 470 — Indigent Care Surtax

by Senators Argenziano and Lawson

This bill reenacts subsection (7) of s. 212.055, F.S., authorizing counties with a population of less than 800,000 to impose the Voter-Approved Indigent Care Surtax up to the rate of 0.5 percent, except that if a publicly supported medical school is located in the county, the rate shall not exceed 1 percent.

In addition, the bill authorizes counties with a population of fewer than 50,000 residents to levy an indigent care surtax of up to 1 percent, rather than 0.5 percent as authorized in current law, pursuant to an ordinance conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum. The bill expands the purposes for which the tax may be used in counties with fewer than 50,000 residents to include issuing bonds to finance, plan, construct, or reconstruct a public or not-for-profit hospital in the county and any land acquisition, land improvement, design, or engineering costs related to such hospital, if the

HB 499 — Property Appraiser Assessments

by Rep. Antone and others (CS/SB 1270 by Government Efficiency Appropriations and Senators Saunders and Constantine)

This bill requires real property to be physically inspected every 5 years for purposes of assessing the value of the property rather than every 3 years. Additionally, the bill revises the definition of the term “outdoor recreational and park purposes” (for the assessment of certain lands) to clarify the meaning of the term, “open to the general public” as applied to a golf course.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 106-7

GROWTH MANAGEMENT

CS/CS/CS/SB 360 — Infrastructure Planning and Funding

by Ways and Means Committee; Transportation Committee; Community Affairs Committee; and Senator Bennett

The bill appropriates \$1.5 billion in new money for various transportation, water and school infrastructure programs and makes numerous changes to the laws governing growth management in Florida.

Specifically, the bill requires a local government’s comprehensive plan to be financially feasible and the capital improvements element in a local comprehensive plan to include a schedule of improvements that ensure the adopted level-of-service standards are achieved and maintained. Also, it requires an annual review of the capital improvements element to maintain a financially feasible 5-year schedule of capital improvements. Capital improvements element amendments must be adopted and transmitted no later than December 1, 2007. The bill provides for sanctions if the amendment and subsequent updates are not transmitted timely.

The bill strengthens the link between development approval and water supply planning. Specifically, the potable water element must incorporate water supply projects identified by the local government from the regional water supply plan or proposed by the local government within 18 months after the update of the regional water supply plan. Prior to the approval of a building permit or its functional equivalent, a local government is required to consult with the applicable water supplier to determine whether adequate water supplies will be available to serve the new development at the certificate of occupancy.

Adequate school facilities must be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval. Each local government must adopt a public school facilities element and the required update to the interlocal agreement by December 1,

2008. The state land planning agency shall provide a phased schedule for these amendments. The bill requires a local government's comprehensive plan to include proportionate fair-share mitigation options for schools.

Transportation facilities must be in place or under actual construction within 3 years from the local government's approval of a building permit or its functional equivalent that results in traffic generation. Each local government must adopt a methodology for assessing proportionate fair-share mitigation options by December 1, 2006. A developer may choose to satisfy transportation concurrency requirements by contributing or paying proportionate fair-share mitigation for those facilities or segments that are identified in the 5-year schedule of capital improvements. Updates to the 5-year schedule may not be found not in compliance by the state land planning agency if additional contributions or payments are reasonably anticipated during a 10-year period to fully mitigate impacts on the transportation facilities. If the funds in an adopted 5-year schedule are insufficient to fully fund construction of the transportation improvements required by the local government's transportation concurrency management system, the local government may still enter into a binding proportionate share agreement with the developer. This agreement would allow a developer to construct the amount of development on which the proportionate fair share is calculated if the amount in the agreement is sufficient to pay for an improvement that will, in the opinion of a governmental entity, significantly benefit the impacted transportation system.

The bill revises the rural land stewardship area program to require a plan amendment establishing such an area to provide a process for mixed land uses that include adequate available work force housing and affordable housing. Also, a stewardship receiving area must have a listed species survey. The bill addresses the issue of balancing the impacts to areas developed as receiving areas and the environmental benefits of protected areas when determining the adequacy of protection of listed species habitat within rural land stewardship areas. Following adoption of the plan amendment, the local government must adopt a methodology for the transfer of credits within the rural land stewardship area by ordinance.

This bill increases the 10-acre residential density limitation for small scale amendment review within a rural area of critical economic concern as designated under s. 288.0656(7), F.S., if the local government certifies that certain economic objectives are met. The bill also amends the 10-acre residential density threshold for small scale review to include amendments for which the proposed future land use category allows a maximum residential density that is the same or less than the density allowable under the existing future land use category. Small scale amendment review is also provided for amendments involving the construction of affordable housing units meeting certain criteria.

A local government is encouraged to develop a community vision. The process of developing a community vision requires the local government to hold a workshop with stakeholders and two public hearings. Also, a local government is encouraged to adopt an urban service boundary. This area must be appropriate for compact, contiguous urban development within a 10-year

planning timeframe. The establishment of an urban service boundary does not preclude development outside the boundary.

As an incentive for development within an urban service boundary established under the provisions of the bill or in an urban infill and redevelopment area as designated under s. 163.2517, F.S., the bill provides for small scale review of map amendments within the urban service boundary or designated urban infill and redevelopment area. However, this provision does not apply in areas of critical state concern or to amendments that would increase densities in high hazard coastal areas. As an additional incentive, development within an urban service boundary is exempt from development-of-regional-impact review if the local government has entered into a binding agreement with certain jurisdictions and the FDOT regarding the mitigation of certain impacts and has adopted a proportionate share methodology. This exemption from development-of-regional-impact review is also extended to proposed development within a Rural Land Stewardship Area and proposed development or redevelopment within an urban infill and redevelopment area designated under s. 163.2517, F.S.

The bill address the evaluation and appraisal report process under s. 163.3191, F.S. Amendments to update a comprehensive plan based on an evaluation and appraisal report (EAR) must be adopted during a single amendment cycle within 18 months after the report is determined to be sufficient by the state land planning agency. Beginning July 1, 2006, failure to timely adopt and transmit update amendments to the comprehensive plan based on the EAR shall result in a prohibition on plan amendments until the EAR-based amendments are adopted and transmitted to the state land planning agency.

The Office of Program Policy Analysis and Government Accountability is directed to perform a study by December 31, 2005, regarding adjustments to the boundaries of the Florida Regional Planning Councils, Florida Water Management Districts, and Florida Department of Transportation Districts. The written report will be submitted to the Governor and the Legislature by January 15, 2006.

The bill creates the 15-member Century Commission for a Sustainable Florida with its members to be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. One member will be designated by the Governor as Chairman. The members will represent diverse interests, with the first meeting to be held not later than December 1, 2005. Beginning January 16, 2007, the Century Commission will send an annual written report to the Governor and the Legislature. The President of the Senate and the Speaker of the House of Representatives will create a joint select committee in 2007 to review the findings and recommendations of the commission.

This bill creates the School Concurrency Task Force to review the requirements for school concurrency in law and make recommendations regarding streamlining the process and procedures for establishing school concurrency. The 11-member task force must report to the

Governor and the Legislature by December 1, 2005, with specific recommendations for revisions to the Florida Statutes and administrative rules.

In addition, the bill creates the Florida Impact Fee Review Task Force to be composed of 15 members who are charged with surveying and reviewing the current use of impact fees as a method of financing local infrastructure to accommodate new growth and current case law controlling the use of impact fees. The Legislative Committee on Intergovernmental Relations will serve as staff to the task force. The task force shall provide a report to the Governor and the Legislature by February 1, 2006.

The bill establishes the Transportation Regional Incentive Program for the purpose of providing funds to improve regionally significant facilities in regional transportation areas. Funding awarded for projects under this program require a 50-percent local match from funds other than a state-funded infrastructure bank loan. For a 2-year period, the bill allows the Florida Department of Transportation to include right-of-way services as part of certain design-build contracts and to combine the design and construction phases of any project into a single contract.

This bill provides funding for the Water Protection and Sustainability Program in s. 403.890, F.S., which is created in SB 444. Also, this bill establishes the High Growth District Capital Outlay Assistance Program in s. 1013.78, F.S., to provide funds for qualifying high student enrollment growth school districts. This bill provides additional funding for school construction to districts meeting the program's criteria. The eligibility criteria for this program includes a requirement that the school district must have levied the full 2 mills of nonvoted discretionary capital outlay millage for each of the past 4 fiscal years. Under the criteria, a district must have also equaled or exceeded twice the statewide average of growth in capital outlay FTE students over this same 4-year period. Although the Legislature may appropriate additional funds for the program, the annual appropriation contained in the bill is \$30 million.

Under this bill, a landowner that filed an application for development of regional impact review before the adoption of an optional sector plan may elect to have the application reviewed under the development-of-regional-impact program and the comprehensive plan provisions in place before the adoption of the sector plan. The bill grandfathers developments of regional impact from the provisions of the bill amending chs. 163 and 380, F.S., if the development order has been issued or the application submitted prior to May 1, 2005.

The bill appropriates \$3 million annually from the Grants and Donations Trust Fund to the Department of Community Affairs for technical assistance. Also, \$250,000 is annually appropriated to support the Century Commission.

The bill appropriates \$1.5 billion, consisting of \$750 million nonrecurring and \$750 million recurring, for 2005-2006 to fund specified transportation, school, and water projects. It appropriates \$750 million annually, thereafter, to fund these types of projects. The following table outlines the appropriations contained in this bill.

Appropriations in S 360	Recurring DOC Stamp	Non-recurring General Revenue
State Transportation Trust Fund		
New Starts Transit Program	\$54.175 million	
Small County Outreach Program	\$27.0875 million	
Strategic Intermodal System	\$345.3656 million	\$175 million*
Transportation Regional Incentive Program	\$115.1219 million	\$275 million
State Infrastructure Bank		\$100 million
County Incentive Grant Program		\$25 million
Subtotal	\$541.75 million	\$575 million
Department of Environmental Protection		
Water Protection and Sustainability Trust Fund	\$100 million	\$100 million
Subtotal	\$100 million	\$100 million
Public Education Capital Outlay		
Classrooms For Kids	\$75 million**	\$41.65 million
High Growth District Capital Outlay Assistance Grant Program	\$30 million	\$30 million
Subtotal	\$105 million	\$71.65 million
DCA Grants and Donations Trust Fund		
Technical Assistance	\$3 million	\$3 million
Century Commission	\$250,000	\$250,000
School Concurrency Task Force		\$50,000
Impact Fee Task Force		\$50,000
Subtotal	\$3.25 million	\$3.35 million
Totals for 2005-2006	\$750 million	\$750 million
<p>* S 360 appropriates \$200 million for 2005-2006 to fund projects on the Strategic Intermodal System. This appropriation should be reduced to \$175 million in the glitch bill for the 2006 session.</p> <p>** S 360 appropriates \$75 million from doc stamp revenue to PECO, but only transfers \$41.75 million to the Classrooms for Kids program in 2005-2006. The balance of \$33.25 should be transferred in the glitch bill for the 2006 session or transferred pursuant to a budget amendment before the LBC during the fiscal year.</p>		

If approved by the Governor, these provisions take effect July 1, 2005.

Vote: Senate 40-0; House 114-0

HB 517 — University Campus Planning

by Rep. Cannon and others (SB 2614 by Senator Constantine)

The bill amends s. 1013.30, F.S., which governs the development and adoption of university campus master plans. It requires a university campus master plan to identify the general location of structures. The bill provides for an electronic copy of the draft master plan to the host local government, any affected local government, reviewing agencies, and the applicable water

Akerman Practice Update

REAL ESTATE: LAND USE AND ENTITLEMENTS

May 2009

Major Florida Growth Management Legislation Passes, Awaiting Governor's Approval

Valerie Hubbard*
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On May 1st, the Legislature approved major changes to Florida's growth management laws in a sweeping effort to streamline and reform the system, to stimulate the state's economy and to jump-start the real estate development industry. A major focus of the bill is to better facilitate and more strongly encourage development in Florida's cities and urban areas. The legislation now moves to the Governor for approval. Governor Crist will have a deadline to either sign or veto the bill. The bill will become effective immediately if the Governor's signs the bill or takes no action.

The bill is expected to have an immediate, positive impact in facilitating proposed development projects in Florida, particularly those planned in Florida's cities and urban counties. Akerman Senterfitt has been closely involved with this legislation and participated in development of key provisions. We can assist clients in maximizing the benefit of the bill's many important changes for both new and existing development projects.

The legislation – the "Community Renewal Act" – is intended to substantially streamline Florida's real estate development and concurrency processes in fundamental ways, providing relief for stalled projects and encouraging development in targeted areas that have been determined to be best suited for growth. The bill was the result of a high-level effort to forge a consensus among the Florida Senate, and House, the Governor's Office, the Florida Department of Community Affairs, business groups and key stakeholders. If implemented, the legislation will have important implications for many real estate and development project proposals moving through the review process and may provide significant relief to existing development projects.

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*Not an attorney

“The legislation – the ‘Community Renewal Act’ – is intended to substantially streamline Florida’s real estate development and concurrency processes in fundamental ways, providing relief for stalled projects and encouraging development in targeted areas...”

This legislation includes the following key changes to Florida’s growth management laws:

Development Approval and Permit Extensions. Extends by 2 years, with conditions, certain permits and approvals by the Department of Environmental Protection or the water management districts that have expiration dates of September 1, 2008 through January 1, 2012. The extension also applies to local government-issued development orders or building permits. This will allow many projects to retain their approvals through the economic downturn. Conditions apply, including written notification by the permit holder to the authorizing agency by December 31, 2009.

Dense Urban Land Areas. Defines “dense urban land areas” as municipalities of over 5,000 population with an average density of at least 1,000 persons per square mile and counties (including their municipalities) with at least 1,000 persons per square mile or 1 million population. Dense urban areas will be identified by the state annually. The bill provides certain streamlining incentives to development in these areas.

Urban Service Areas. Provides a revised definition of “urban service area” and allows local governments to use the quicker, more efficient alternative state review process to designate urban service areas within comprehensive plans. These changes should enable more communities to take advantage of the transportation concurrency exceptions and DRI exemptions explained below.

Transportation Concurrency Exception Areas (TCEAs). Creates by statute new TCEAs in certain dense urban land areas and substantially changes the process for establishing TCEAs in other targeted areas, including urban infill and redevelopment areas, downtown revitalization areas and urban service areas. Broward County and Miami-Dade are excluded from these provisions. TCEAs remove requirements for strict compliance with roadway level of service standards in favor of mobility strategies and thereby eliminate a major obstacle to growth in urban areas.

The bill further provides that plans and amendments within TCEAs that are designated and maintained in compliance with statute are deemed to meet the requirement to achieve and maintain level of service standards for transportation. This provision will facilitate plan amendments that increase intensity of land uses within TCEAs.

The bill specifically states that designation of these TCEAs does not limit local government’s ability to adopt ordinances or impose fees, nor does it affect any contract or agreement entered into, or development order rendered prior to the creation of the TCEA, except as provided under the DRI exemption language.

Development of Regional Impact (DRI) Exemptions. Creates by statute exemptions to the complex, costly, time-consuming and in some respects redundant DRI process in certain dense urban land areas or areas designated for infill and

“Key implementation issues will include ensuring that local government requirements and processes recognize and fully incorporate the new TCEA provisions, DRI exemptions and other regulatory changes.”

redevelopment. The bill also contains provisions to govern the treatment of existing and pending DRIs in areas made exempt from the process by the legislation.

The bill requires submittal to the state land planning agency of development orders for projects exceeding 120 percent of any applicable DRI threshold and allows for appeal by the state land planning agency based on comprehensive plan consistency.

With respect to transportation, methodologies for DRIs must use the same level of service standards (LOS) applied by the local government for concurrency, to provide more consistency in modeling and mitigation.

State Road Levels of Service. Local governments will be required to use FDOT LOS standards only on the Strategic Intermodal System (not the Florida Intrastate Highway System) and TCEAs are exempted from the requirement. This provision gives local government the ability to accept more congestion on certain state roads where this is consistent with community objectives and thereby strengthens local government's control of land use decisions.

Public School Mitigation Options. Provides flexibility on the use of portable structures and charter schools in mitigating for impacts on public schools, thereby expanding options for addressing development impacts. In communities that have failed to comply with requirements for public school facilities planning, the bill removes the prohibition against processing certain plan amendments and provides for potential sanctions by the Administration Commission.

Other Land Development Regulations. Requires local governments to consider necessary zoning changes at same time as the related comprehensive plan amendments at the request of the applicant. This is currently done by many local governments and provides increased certainty and a more efficient process for the applicant.

The legislation also requires that local government land development regulations maintain the density of residential properties or recreational vehicle parks if the properties are intended for residential use, are located in the unincorporated area, have sufficient infrastructure as determined by the local government and are not located in the coastal high hazard area as defined by statute.

Akerman Senterfitt can help clients take maximum advantage of these significant changes as applied to new and existing development projects. It will be important to monitor the status of this legislation as it moves through the Governor's office and toward implementation. Key implementation issues will include ensuring that local government requirements and processes recognize and fully incorporate the new TCEA provisions, DRI exemptions and other regulatory changes. There will also be opportunities to work with local governments to establish additional areas eligible for these streamlined processes.

Akerman is ranked among the top 100 law firms in the U.S. by *The National Law Journal* NLJ 250 (2008) in number of lawyers and is one of the largest law firms in Florida. Our team serves clients worldwide from the major commercial centers in Florida and international business centers in the United States, including Los Angeles, Miami, New York, and Washington, D.C. Akerman is a member of Lex Mundi, the world's leading association of independent law firms with a presence in more than 100 countries.

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ATTACHMENT 5

New ECFRPC Offices
309 Crane's Roost Blvd
Altamonte Springs, FL 32701



ECFRPC Office

309 Cranes Roost Blvd, Altamonte Springs, FL



Directions to ECFRPC Office: 309 Cranes Roost Blvd, Altamonte Springs, Florida 32701

- Exit I-4 at Exit #92
 - From I-4 Southbound: Take exit 92 and turn **left** (East) onto S.R. 436
 - From I-4 Northbound: Take exit 92 and turn **right** (East) onto S.R. 436

- Proceed east on S.R. 436 to traffic signal at Crane's Roost Blvd (entrance to Uptown Altamonte). Turn **Left** onto Crane's Roost Blvd.

- Stay on Crane's Roost Blvd. through stop signs and continue along the lake. 309 Crane's Roost Blvd. is a 2 story white building on the **right** just before the stop sign at Festival Drive.

- Parking:
 - Turn **right** before 309 Cranes Roost Blvd to park on the West side of the building and in nearby spaces in front of the neighboring office complex.
 - or -
 - Turn **right** at the stop sign onto Festival Drive, then take an immediate **left** into the large parking lot outside the AMC theater.