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MEETING NOTICE

EXECUTIVE COMMITTEE

There will be a meeting of the Executive Committee of the North Central Florida Regional Planning Council on **May 26, 2022**. Due to the COVID-19 Public Health Emergency, the meeting will be held virtually via communications media technology at **6:00 p.m.**

DIAL IN NUMBER: Toll Free 1.888.585.9008

CONFERENCE CODE: 568 124 316



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AGENDA EXECUTIVE COMMITTEE

Virtual Public Meeting
 Via Communications Media Technology
 Gainesville, Florida

May 26, 2022
 6:00 p.m.

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VI. CITIZEN COMMENTS

This agenda item provides an opportunity for citizens to address the Committee on any matter not included on the agenda. The comment period is limited to three minutes for each individual.

* See Attachments

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Dedicated to improving the quality of life of the Region's citizens,
 by enhancing public safety, protecting regional resources,
 promoting economic development and providing technical services to local governments.

EXECUTIVE COMMITTEE
MINUTES

Virtual Meeting
Via Communications Media Technology

April 28, 2022
6:00 p.m.

MEMBERS PRESENT

Anthony Adams, Vice-Chair
Charles Chestnut IV, Immediate Past Chair
Thomas Demps, Chair
Fletcher Hope Jr., Executive Committee Member
Janice Mortimer, Secretary-Treasurer

STAFF PRESENT

Scott Koons

OTHERS PRESENT

Stew Lilker,
Columbia County Observer

Chair Thomas Demps called the meeting to order at 6:02 p.m.

I. APPROVAL OF MINUTES - March 24, 2022

ACTION: Commissioner Chestnut made the motion, with a second by Mayor Mortimer, to approve the minutes for the March 24, 2022 Executive Committee meeting as written and circulated. The motion carried unanimously.

II. CONTRACTS AND APPLICATIONS

A. U. S. Economic Development Administration Economic Adjustment Assistance Program Grant Amendment

ACTION: Commissioner Chestnut made the motion, with a second by Commissioner Hope, to recommend that the Council authorize the Chair to submit a one-year extension amendment for the Federal Assistance Economic Adjustment Grant awarded by the U.S. Economic Development Administration to the Council and authorize the Executive Director to execute the time extension. The motion carried unanimously.

III. PROGRAM REPORT

A. Transportation Disadvantaged Program Local Coordinating Board Appointments

ACTION: Mayor Mortimer made the motion, with a second by Commissioner Hope to recommend that the Council appoint Stephen Clark as the voting Public Education Representative on the Lafayette County Transportation Disadvantaged Coordinating Board; Caroline W. Ruff-Looney as the alternate Florida Association for Community Action Representative on the Levy County Transportation Disadvantaged Coordinating Board; Shanetha Mitchell as the voting Local Medical Community representative on the Madison County Transportation Disadvantaged Coordinating Board; and Geanelly Reveron as the voting Florida Department of Transportation Representative on the Columbia Hamilton Suwannee Transportation Disadvantaged Coordinating Board, and the Bradford County, Dixie County, Gilchrist County, Levy County, Lafayette County, Madison County and Union County Transportation Disadvantaged Coordinating Boards. The motion carried unanimously.

- B. Transportation Disadvantaged Program Community Transportation Coordinator Designation for Madison County

ACTION: Commissioner Chestnut made the motion, with a second by Mayor Mortimer to recommend that the Council approve Resolution No. 2022-10 recommending the Florida Commission for the Transportation Disadvantaged designate Big Bend Transit, Inc. the Community Transportation Coordinator for Madison County for a five-year period effective July 1, 2022.

IV. GENERAL ADMINISTRATION

- A. Proclamation Proclaiming May 1-7, 2022 as Travel and Tourism Week

ACTION: Commissioner Adams made the motion, with a second by Commissioner Chestnut to recommend that the Council adopt a proclamation proclaiming May 1-7, 2022 as Travel and Tourism Week in the north central Florida region. The motion carried unanimously.

- B. Proclamation Proclaiming May 9-13, 2022 as Economic Development Week

ACTION: Mayor Mortimer made the motion, with a second by Commissioner Chestnut to recommend that the Council adopt a proclamation proclaiming May 9-13, 2022 as Economic Development Week in the north central Florida region. The motion carried unanimously.

- C. Executive Director Employment Contract Extension

ACTION: Mayor Mortimer made the motion, with a second by Commissioner Chestnut to recommend that the Council approve and authorize the Chair and Secretary-Treasurer to execute an amendment to the executive director employment contract, extending the term of the employment contract for an additional four-year term, beginning October 1, 2022 and terminating on September 30, 2026, with all other terms and conditions of employment remaining in full force and effect. The motion carried unanimously.

V. OTHER BUSINESS - None

VI. CITIZEN COMMENTS -

Stew Lilker, County Columbia Observer, discussed the executive director employment contract.

The meeting adjourned at 6:24 p.m.

Thomas Demps, Chair

5/26/22
Date



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May 19, 2022

TO: Council Members

FROM: Scott R. Koons, AICP, Executive Director 

SUBJECT: Agreement with the Florida Division of Emergency Management for
Local Emergency Planning Committee - Fiscal Year 2022-23

RECOMMENDATION:

Authorize the Chair to execute an agreement with the Florida Division of Emergency Management for Fiscal Year 2022-23 to provide the services to the North Central Florida Local Emergency Planning Committee for an anticipated amount not to exceed \$80,000.

BACKGROUND:

This item concerns an annual contract which the Council enters into with the Division of Emergency Management to cover the costs of the Council's emergency planning activities.

These funds are used to provide Council staff support to the North Central Florida Local Emergency Planning Committee, including providing assistance with meetings, plan updates and training exercises.

If you have any questions concerning this matter, please do not hesitate to contact me.



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May 19, 2022

TO: Council Members

FROM: Scott R. Koons, AICP, Executive Director

SUBJECT: Agreement with Florida Division of Emergency Management
to Update Hazards Analyses - Fiscal Year 2022-23

RECOMMENDATION:

Authorize the Chair to execute an agreement with the Florida Division of Emergency Management for Fiscal Year 2022-23 to update hazards analyses for Alachua, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Taylor and Union Counties for an estimated amount of \$14,893.

BACKGROUND:

Each year, the Florida Division of Emergency Management provides funding to the Council to update hazards analyses for locations that contain extremely hazardous substances that if released could cause off-site injuries.

Sites located in the following counties will be included in the hazards analyses update: Alachua, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Taylor and Union Counties. The estimated amount of the agreement will be \$14,893.

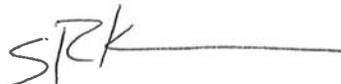
If you have any questions concerning this matter, please do not hesitate to contact me.



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May 19, 2022

TO: Council Members
FROM: Scott R. Koons, AICP, Executive Director 
SUBJECT: Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area
Intergovernmental Coordination and Review and
Public Transportation Collaborative Planning Agreement

RECOMMENDATION:

Approve and authorize the Chair to execute the attached updated Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement among the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, the North Central Florida Regional Planning Council, the Florida Department of Transportation, the City of Gainesville and the Gainesville-Alachua County Regional Airport Authority consistent with the Florida Department of Transportation’s most recent Agreement template to replace the Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement affirmed by the Council on April 27, 2017.

BACKGROUND:

The Council provides professional staff services to the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area to assist them with administering a continuing, cooperative, comprehensive transportation planning program pursuant to a Federal Highway Administration and Florida Department of Transportation approved unified work program. In particular, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, serving as the designated metropolitan planning organization, is responsible for developing and maintaining a long-range transportation plan and transportation improvement program.

According to Section 339.175 (10)(a)2., Florida Statutes, the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area is required to execute “an agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.”

Please find attached a copy of the updated Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement that the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area approved on April 25, 2022. The Florida Department of Transportation has requested that the Metropolitan Transportation Planning Organization update its Intergovernmental Coordination Review and Public Transportation Coordination Joint Participation Agreement consistent with the Department’s most recent Intergovernmental Coordination and Review and Public Transportation Collaborative Planning Agreement template. The primary purpose of this Agreement is to have operators of public transportation systems agree to cooperatively participate in the planning and programming of transportation projects. According to Section 339.175 (10)(a) Florida Statutes, the Agreement is to be reviewed and updated as necessary every five years.

If you have questions concerning this matter, please do not hesitate to contact me.

Attachment

o:\council.mtg\cnc\mtgmemos\mtpo intergovernmental coordination agreement 2022.docx

**INTERGOVERNMENTAL COORDINATION AND REVIEW
AND
PUBLIC TRANSPORTATION COLLABORATIVE PLANNING AGREEMENT**

THIS INTERGOVERNMENTAL COORDINATION AND REVIEW AND PUBLIC TRANSPORTATION COLLABORATIVE PLANNING AGREEMENT is made and entered into this _____ day of _____, 2022 by and between the Florida Department of Transportation, hereinafter referred to as the Department; the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, herein after referred to as the Metropolitan Transportation Planning Organization; the North Central Florida Regional Planning Council, hereinafter referred to as the Council; the City of Gainesville, hereinafter referred to as the City; and the Gainesville-Alachua County Regional Airport Authority, hereinafter referred to as the Authority.

RECITALS

WHEREAS, the Federal Government, under the authority of 23 United States Code 134 and 49 United States Code 5303 and any subsequent applicable amendments requires each metropolitan area, as a condition to the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process in designated metropolitan areas to develop and implement plans and programs consistent with the comprehensively planned development of the metropolitan area;

WHEREAS, 23 United States Code 134, 49 United States Code 5303, and Section 339.175, Florida Statutes, provide for the creation of metropolitan planning organizations to develop transportation plans and programs for metropolitan areas;

WHEREAS, 23 Code of Federal Regulations 450 requires that the State, the Metropolitan Transportation Planning Organization, and the operators of publicly owned transportation systems shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning (including corridor and subarea studies) pursuant to 23 Code of Federal Regulations 450 and programming;

WHEREAS, pursuant to Section 20.23, Florida Statutes, the Department has been created by the State of Florida, and the Department has the powers and duties relating to transportation, all as outlined in Section 334.044, Florida Statutes;

WHEREAS, pursuant to 23 United States Code 134, 49 United States Code 5303, 23 Code of Federal Regulations 450, and Section 339.175, Florida Statutes, the Metropolitan Transportation Planning Organization has been designated and its membership apportioned by the Governor of the State of Florida, with the agreement of the affected units of general purpose local government, to organize and establish the Metropolitan Transportation Planning Organization;

WHEREAS, pursuant to Section 339.175, Florida Statutes, the Metropolitan Transportation Planning Organization shall execute and maintain an agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the Gainesville Metropolitan Area;

WHEREAS, the aforesaid agreement must describe the means by which activities will be coordinated and specify how transportation planning and programming will be part of the comprehensively planned development of the Metropolitan Area;

WHEREAS, pursuant to Section 186.505, Florida Statutes, the Council is to review plans of metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government comprehensive plans adopted pursuant to Chapter 163, Florida Statutes;

WHEREAS, the Council, pursuant to Section 186.507, Florida Statutes, is required to prepare a Strategic Regional Policy Plan, which will contain regional goals and policies that address regional transportation issues;

WHEREAS, based on the Council's statutory mandate to identify inconsistencies between plans of metropolitan planning organizations and applicable local government comprehensive plans, and required to prepare and adopt a Strategic Regional Policy Plan, the Council is appropriately situated to assist in the intergovernmental coordination of the intermodal transportation planning process;

WHEREAS, pursuant to Section 186.509, Florida Statutes, the Council has adopted a conflict and dispute resolution process;

WHEREAS, the purpose of the dispute resolution process is to reconcile differences in planning and growth management issues between local governments, regional agencies, and private interests;

WHEREAS, the parties hereto have determined that the voluntary dispute resolution process is useful in the process of resolving conflicts and disputes arising in the transportation planning process;

WHEREAS, pursuant to 23 Code of Federal Regulations 450 and Section 339.175, Florida Statutes, the Metropolitan Transportation Planning Organization must execute and maintain an agreement with the operators of public transportation systems, including transit systems, commuter rail systems, airports, and seaports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, and seaport planning (including multimodal systems-level corridor and subarea studies) pursuant to 23 Code of Federal Regulations 450 and programming will be part of the comprehensively planned development of the Gainesville Metropolitan Area;

WHEREAS, it is in the public interest that the Metropolitan Transportation Planning Organization, operators of public transportation systems, including transit systems, commuter rail systems, port and aviation authorities, jointly pledge their intention to cooperatively participate in the planning and programming of transportation improvements within the Gainesville Metropolitan Area;

WHEREAS, The Intergovernmental Coordination and review and Public Transportation Coordination Joint Participation Agreement, dated January 26, 2007, is hereby replaced and superseded in its entirety by this Agreement;

WHEREAS, the undersigned parties have determined that this Agreement satisfies the requirements of, and is consistent, with 23 Code of Federal Regulations 450 and Section 339.175, Florida Statutes; and

WHEREAS, the parties to this Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, transit systems, bicycle and pedestrian facilities, rail systems, air transportation and other facilities will be located and developed in relation to the overall plan of community development.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties desiring to be legally bound, do agree as follows:

ARTICLE 1
RECITALS; DEFINITIONS

Section 1.01. Recitals. Each and all of the foregoing recitals are incorporated herein and acknowledged to be true and correct. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement.

Section 1.02. Definitions. The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

Agreement means to this instrument, as amended from time to time.

Corridor or Subarea Study means and studies involving major investment decisions or as otherwise identified in 23 Code of Federal Regulations 450.

Department means the Florida Department of Transportation, an agency of the State of Florida, created pursuant to Section 20.23, Florida Statutes.

FHWA means the Federal Highway Administration.

Long-Range Transportation Plan means the 20-year transportation planning horizon which identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities; indicates proposed transportation activities; and in ozone/carbon monoxide nonattainment areas is coordinated with the State Implementation Plan, all as required by 23 United States Code 134, 49 United States Code 5303, 23 Code of Federal Regulations 450 and Section 339.175, Florida Statutes.

Gainesville Metropolitan Area means the planning area as determined by agreement between the Metropolitan Transportation Planning Organization and the Governor in the urbanized areas designated by the United States Bureau of the Census as described in 23 United States Code 134, 49 United States Code 5303 and Section 339.175, Florida Statutes, and including the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, which shall be subject to the Metropolitan Transportation Planning Organization's planning authority.

Metropolitan Transportation Planning Organization means the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area formed pursuant to Interlocal Agreement as described in 23 United States Code 134, 49 United States Code 5303 and Section 339.175, Florida Statutes. This may also be referred to as a Transportation Planning Organization.

Council means the North Central Florida Regional Planning Council created pursuant to Section 186.504, Florida Statutes.

Transportation Improvement Program means the staged multi-year program of transportation improvement projects developed by a Metropolitan Planning Organization consistent with the Long-Range Transportation Plan and developed pursuant to Title 23 United States Code 134, 49 United States Code 5303, 23 Code of Federal Regulations 450 and Section 339.175, Florida Statutes.

Unified Planning Work Program means a biennial program developed in cooperation with the Department and public transportation providers, that identifies the planning priorities and activities to be carried out within a metropolitan planning area to be undertaken during a two-year, together with a complete description thereof and an estimated budget, as required by 23 Code of Federal Regulations 450.308(c) and Section 339.175, Florida Statutes.

ARTICLE 2 PURPOSE

Section 2.01. Coordination with public transit operators. This Agreement is to provide for cooperation with the Department, the Council, the City, the Authority, and the Metropolitan Transportation Planning Organization in the development and preparation of the Unified Planning Work Program, the Transportation Improvement Program, the Long-Range Transportation Plan, and any applicable Corridor or Subarea studies.

Section 2.02. Intergovernmental coordination; Regional Planning Council. Further, this Agreement is to provide a process through the Council for intergovernmental coordination and review and identification of inconsistencies between proposed Metropolitan Transportation Planning Organization transportation plans and local government comprehensive plans adopted pursuant to Chapter 163, Florida Statutes, and approved by the Florida Department of Economic Opportunity.

Section 2.03. Dispute resolution. This Agreement, the purpose of this Agreement also provides a process for conflict and dispute resolution through the Council.

ARTICLE 3 COOPERATIVE PROCEDURES FOR PLANNING AND PROGRAMMING WITH OPERATORS OF PUBLIC TRANSPORTATION SYSTEMS

Section 3.01. Cooperation with operators of public transportation systems; coordination with local government approved comprehensive plans.

(a) The Metropolitan Transportation Planning Organization shall cooperate with the Council, the City, the Authority and the Department to optimize the planning and programming of an integrated and balanced intermodal transportation system for the Gainesville Metropolitan Area.

(b) The Metropolitan Transportation Planning Organization shall implement a continuing, cooperative, and comprehensive transportation planning process that is consistent, to the maximum extent feasible, with port and aviation master plans, and public transit development plans of the units of local governments whose boundaries are within the Gainesville Metropolitan Area.

(c) As a means towards achievement of the goals in paragraphs (a) and (b) and in an effort to coordinate intermodal transportation planning and programming, the Metropolitan Planning Organization may include, but shall include if within a transportation management area, as part of its membership officials of agencies that administer or operate major modes or systems of transportation, including but not limited to transit operators, sponsors of major local airports, maritime ports and rail operators per Federal regulations. The representatives of the major modes or systems of transportation may be accorded voting or nonvoting advisor status. In the Metropolitan Planning Area if authorities or agencies are created by law to perform transportation functions and are not under the jurisdiction of a general purpose local government represented on the Metropolitan Planning Organization, the Metropolitan Planning Organization may request the Governor to designate said authority or agency as a voting member of the

Metropolitan Planning Organization in accordance with the requirements of Section 339.175, Florida Statutes. If the new member would significantly alter local government representation in the Metropolitan Planning Organization, the Metropolitan Planning Organization shall propose a revised apportionment plan to the Governor to ensure voting membership on the Metropolitan Planning Organization to be an elected official representing public transit authorities which have been, or may be, created by law.

The Metropolitan Planning Organization shall ensure that representatives of ports, transit authorities, rail authorities, and airports within the Metropolitan Planning Area are provided membership on the Metropolitan Planning Organization's Technical Advisory Committee.

Section 3.02. Preparation of transportation related plans.

(a) Although the adoption or approval of the Unified Planning Work Program, the Transportation Improvement Program, and the Long-Range Transportation Plan is the responsibility of the Metropolitan Transportation Planning Organization, development of such plans or programs shall be viewed as a cooperative effort involving the Department, the Council, the City, and the Authority. In developing its plans and programs, the Metropolitan Transportation Planning Organization shall solicit the comments and recommendations of the Department, the Council, the City, and the Authority in the preparation of such plans and programs.

(b) When preparing the Unified Planning Work Program, the Transportation Improvement Program, or the Long-Range Transportation Plan, or preparing other than a minor amendment thereto (as determined by the Metropolitan Transportation Planning Organization), the Metropolitan Transportation Planning Organization shall provide notice to the Department, the Council, the City, and the Authority advising them of the scope of the work to be undertaken and inviting comment and participation in the development process. The Metropolitan Transportation Planning Organization shall ensure that the chief operating officials of the Department, the Council, the City, and the Authority shall receive written notice at least fifteen (15) days prior to the date of all public workshops and hearings, or within the specified number of days per Metropolitan Transportation Planning Organization bylaws or public participation plan, relating to the development of such plans and programs.

(c) Local government comprehensive plans.

(1) In developing the Transportation Improvement Program, Long-Range Transportation Plan, or a Corridor or Subarea studies, or preparing other than a minor amendment thereto (as determined by the Metropolitan Transportation Planning Organization), the Metropolitan Transportation Planning Organization, and Transportation Authorities shall review for consistency for each local government in the Gainesville Metropolitan Area: (i) each comprehensive plan future land use element; (ii) the goals, objectives, and policies of each comprehensive plan; and (iii) the zoning, of each local government in the Gainesville Metropolitan Area.

(2) Based upon the foregoing review and in consideration of other relevant growth management plans, the Metropolitan Transportation Planning Organization and Transportation Authorities shall provide written recommendations to local governments in the Gainesville Metropolitan Area in the development, amendment and implementation of their comprehensive plans. A copy of the recommendations shall be sent to the Council.

(3) The Metropolitan Transportation Planning Organization agrees that, to the maximum extent feasible, the Long-Range Transportation Plan and the project and project phases within the Transportation Improvement Program shall be consistent with the future land use element and goals, objectives and policies of the comprehensive plan of the local governments in the Gainesville Metropolitan Area. If the Metropolitan Transportation Planning Organization's Transportation Improvement Program is inconsistent with a local government comprehensive plan, the Metropolitan Transportation Planning Organization shall so indicate, and the Metropolitan Transportation Planning Organization shall present, as part of the Transportation Improvement Program, justification for including the project in the program.

(d) Multi-modal transportation agency plans.

(1) In developing the Transportation Improvement Program, Long-Range Transportation Plan, or a Corridor or Subarea studies, or preparing other than a minor amendment thereto (as determined by the Metropolitan Transportation Planning Organization), the Metropolitan Transportation Planning Organization shall analyze the master plans of the Transportation Authorities. Based upon the foregoing review and a consideration of other transportation-related factors, the Metropolitan Transportation Planning Organization, shall from time to time and as appropriate, provide recommendations to the Department, the Council, the City and the Authority as well as local governments within the Gainesville Metropolitan Area, for the development, amendment and implementation of their master, development or comprehensive plans.

(2) In developing or revising their respective master, development or comprehensive plans, the Department, the Council, the City and the Authority shall analyze the draft or approved Unified Planning Work Program, Transportation Improvement Program, Long-Range Transportation Plan or Corridor and Subarea studies, or amendments thereto. Based upon the foregoing review and a consideration of other transportation-related factors, the Department, the Council, the City and the Authority shall as appropriate, provide written recommendations to the Metropolitan Transportation Planning Organization with regard to development, amendment and implementation of the plans, programs and studies.

(3) The Metropolitan Transportation Planning Organization agrees that, to the maximum extent feasible, the Transportation Improvement Program shall be consistent with the affected growth management and other relevant plans of the Department, the Council, the City and the Authority.

ARTICLE 4 INTERGOVERNMENTAL COORDINATION AND REVIEW

Section 4.01. Coordination with regional Planning Council. The Council shall perform the following tasks:

(a) Within thirty (30) days of receipt, the Council shall review the draft Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea studies, or amendments thereto, as requested by the Metropolitan Transportation Planning Organization, to identify inconsistencies between these plans and programs and applicable local government comprehensive plans adopted pursuant to Chapter 163, Florida Statutes, for counties and cities within the Gainesville Metropolitan Area and the adopted Strategic Regional Policy Plan.

(1) The Department, the Council, the City and the Authority recognize that, pursuant to Florida law, the Long-Range Transportation Plan and Transportation Improvement Program of the Metropolitan Transportation Planning Organization must be considered by cities and counties within the Gainesville Metropolitan Area in the preparation, amendment and update/revision of their comprehensive plans. Further, the Long-Range Transportation Plan and the projects and project phases within the Transportation Improvement Program are to be consistent with the future land use element and goals, objectives and policies of the comprehensive plans of local governments in the Gainesville Metropolitan Area. Upon completion of its review of a draft Transportation Improvement Program or Long-Range Transportation Plan, the Council shall advise the Metropolitan Transportation Planning Organization and each county or city of its findings;

(2) The Council shall advise the Metropolitan Transportation Planning Organization in writing of its concerns and identify those portions of the submittals which need to be reevaluated and potentially modified if the Council review identifies inconsistencies between the draft Transportation Improvement Program or Long-Range Transportation Plan and local comprehensive plans;; and

(3) Upon final adoption of the proposed Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea studies, or amendments thereto, the Metropolitan Transportation Planning Organization may request that the Council consider adoption of regional transportation goals, objectives and policies in the Strategic Regional Policy Plan implementing the adopted Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea studies, or amendments thereto. If the proposed plan, program, or study, or amendments thereto, was the subject of previous adverse comment by the Council, the Metropolitan Transportation Planning Organization will identify the change in the final adopted plan intended to resolve the adverse comment, or alternatively, the Metropolitan Transportation Planning Organization shall identify the reason for not amending the plan as suggested by the Council.

(b) Provide the availability of the conflict and dispute resolution process as set forth in Article 5 of this Agreement.

ARTICLE 5 CONFLICT AND DISPUTE RESOLUTION PROCESS

Section 5.01. Disputes and conflicts under this Agreement. This process shall apply to conflicts and disputes relating to matters subject to this Agreement, or conflicts arising from the performance of this Agreement. Except as otherwise provided in this Article 5, only representatives of a party to this Agreement with conflicts or disputes shall engage in conflict resolution.

Section 5.02. Initial resolution. The affected parties to this Agreement shall, at a minimum, ensure the attempted early resolution of conflicts to such matters. Early resolution shall be handled by direct discussion between the following officials:

Department: District 2 Director for Planning and Programs
Metropolitan Transportation Planning Organization: Executive Director
Council: Executive Director
City: City Manager
Authority: Airport Chief Executive Officer

Section 5.03. Resolution by senior agency official. If the conflict remains unresolved, the conflict shall be resolved by the officials listed on Section 5.02 of this Agreement, with the exception of the Department's listed official, which for purposes of this Section 5.03 shall be the District 2 Secretary.

Section 5.04. Resolution by the Office of the Governor. If the conflict is not resolved through conflict resolution pursuant to Sections 5.01, 5.02 and 5.03 of this Agreement, the affected parties shall petition the Executive Office of the Governor for resolution of the conflict pursuant to its procedures. Resolution of the conflict by the Executive Office of the Governor shall be binding on the affected parties.

ARTICLE 6 MISCELLANEOUS PROVISION

Section 6.01. Constitutional or statutory duties and responsibilities of parties. This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the Parties. In addition, this Agreement does not relieve any of the Parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one (1) or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

Section 6.02. Amendment of Agreement. Amendments or modifications of this Agreement may only be made by written agreement signed by all Parties hereto with the same formalities as the original Agreement.

Section 6.03. Duration; withdrawal procedure.

(a) Duration. This Agreement shall have a term of five (5) years and the Parties hereto shall examine the terms hereof and agree to amend the provisions or reaffirm the same in a timely manner. However, the failure to amend or to reaffirm the terms of this Agreement shall not invalidate or otherwise terminate this Agreement.

(b) Withdrawal procedure. With the exception of the Metropolitan Transportation Planning Organization, any party to this Agreement may withdraw after presenting in written form a notice of intent to withdraw to the other Parties to this Agreement at least ninety (90) days prior to the intended date of withdrawal; provided, that financial commitments made prior to withdrawal are effective and binding for their full term and amount regardless of withdrawal.

Section 6.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested, to the officials identified for each party in Section 5.02 of this Agreement at the addresses as listed below.

North Central Florida Regional Planning Council
2009 NW 67th Place
Gainesville, FL 32653-1603

Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area
2009 NW 67th Place
Gainesville, FL 32653-1603

Florida Department of Transportation, District 2
1109 South Marion Avenue, Mail Station 2000
Lake City, FL 32025-5874

City of Gainesville
P.O. Box 490
Gainesville, FL 32627-0490

Gainesville-Alachua County Regional Airport Authority
3880 NE 39th Avenue, Suite A
Gainesville, FL 32609-5627

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this Section 6.04. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

Section 6.05. Interpretation.

(a) Drafters of Agreement. All parties to this Agreement were each represented by, or afforded the opportunity for representation by legal counsel, and participated in the drafting of this Agreement and in the choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.

(b) Severability. Invalidation of any one (1) of the provisions of this Agreement or any part, clause or word hereof, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.

(c) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:

- (1) The singular of any word or term includes the plural;
- (2) The masculine gender includes the feminine gender; and
- (3) The word "shall" is mandatory, and "may" is permissive.

Section 6.06. Attorney's Fees. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney's fees in connection with such proceeding.

Section 6.07. Agreement execution; use of counterpart signature pages. This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one (1) and the same instrument.

Section 6.08. Effective date. This Agreement shall become effective upon its execution by all parties hereto.

Section 6.09. Other authority. In the event that any election, referendum, approval, permit, notice or other proceeding or authorization is required under applicable law to enable the parties to enter into this Agreement or to undertake the provisions set forth hereunder, or to observe, assume or carry out any of the provisions of the Agreement, said parties will initiate and consummate, as provided by law, all actions necessary with respect to any such matters for required.

Section 6.10. Parties not obligated to third parties. No party hereto shall be obligated or liable hereunder to any party not a signatory to this Agreement. There are no express or intended third party beneficiaries to this Agreement.

Section 6.11. Rights and remedies not waived. In no event shall the making by the Department of any payment to the Metropolitan Transportation Planning Organization constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Metropolitan Transportation Planning Organization, and the making of any such payment by the Department while any such breach or default exists shall in no way impair or prejudice any right or remedy available to the Department in respect of such breach or default.

Section 6.12 Data, records, reports and other documents. Subject to the right to claim an exemption from the Florida Public Records Law, Chapter 119, Florida Statutes, the parties to this Agreement, excluding the Department, shall provide to each other such data, reports, records, contracts and other documents in its possession relating to the Metropolitan Transportation Planning Organization as is requested. Charges are to be in accordance with Chapter 119, Florida Statutes.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on behalf of the referenced legal entities on the date as first above written.

Signed, Sealed, and Delivered in the presence of:

ATTEST:

METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION
FOR THE GAINESVILLE URBANIZED AREA

By: _____
Metropolitan Transportation Planning Organization Chair

APPROVED AS TO FORM LEGALITY

Metropolitan Transportation Planning Organization Attorney

ATTEST:

FLORIDA DEPARTMENT OF TRANSPORTATION

By: _____
Florida Department of Transportation District 2 Secretary

APPROVED AS TO FORM LEGALITY

Florida Department of Transportation District 2 Attorney

ATTEST:

NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

By: _____
Regional Planning Council Chair

APPROVED AS TO FORM LEGALITY

Regional Planning Council Attorney

ATTEST:

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY

By: _____
Airport Authority Chair

APPROVED AS TO FORM LEGALITY

Airport Authority Attorney

ATTEST:

CITY OF GAINESVILLE, FLORIDA

By: _____
Mayor

APPROVED AS TO FORM LEGALITY

City Attorney

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May 19, 2022

TO: Council Members

FROM: Scott R. Koons, AICP, Executive Director

SUBJECT: Agency Regulatory Plan
Fiscal Year 2022-23

RECOMMENDATION:

Approve the Fiscal Year 2022-23 Agency Regulatory Plan and authorize the Chair, Executive Director and Council Attorney to sign the letter transmitting the Plan to the Joint Administrative Procedures Committee.

BACKGROUND:

Effective July 1, 2015 Chapter 2015-162, Laws of Florida amended Section 120.74, Florida Statutes, regarding the procedures for submission and the content of agency regulatory plans.

The new requirements specify that the agency regulatory plan must include statements concerning laws enacted or amended during the previous 12 months related to rulemaking responsibilities, laws expected to be implemented by rulemaking prior to July 1 of the succeeding year, whether the agency desires to update the regulatory plan for the previous year, and that the agency officials with rulemaking authority have reviewed the plan and existing agency rules and whether existing rules are consistent with the rulemaking authority agency.

If you have questions concerning this matter, please do not hesitate to contact me.

Attachment

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May 26, 2022

Mr. Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 West Madison Street
Tallahassee, FL 32399-1400

RE: Agency Regulatory Plan
Fiscal Year 2022-23

Dear Mr. Plante:

The following is the Agency Regulatory Plan for Fiscal Year 2022-23 for the North Central Florida Regional Planning Council.

- a. No laws were enacted or amended during the previous 12 months;
- b. No new laws are expected to be implemented by rulemaking before the following July 1, 2023;
- c. There is no desired update to the regulatory plan for the prior year; and
- d. The Council Chair, Executive Director, and Council Attorney certify that they have reviewed this plan and the agency regularly reviews all its rules. The existing rules were most recently reviewed in association with preparation of this plan. The existing rules were determined to remain consistent with the agency's rulemaking authority and the laws implemented. However, the Council intends to amend Rule 27E-5 by adopting an amended North Central Florida Strategic Regional Policy Plan prior to July 1, 2023.

Certification:

Thomas Demps
Council Chair

Scott R. Koons, AICP
Executive Director

Jonathan F. Wershow, Esq.
Council Attorney

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May 19, 2022

TO: Council Members

FROM: Scott R. Koons, AICP, Executive Director



SUBJECT: Meeting Schedule Program Year 2022-23

RECOMMENDATION:

Approve the attached Council Meeting Schedule for 2022-23.

BACKGROUND:

Please find attached the Council meeting schedule for 2022-23. Generally, Council meetings are held on the fourth Thursday of each month. Please note that there is no meeting in November and the December meeting will be held on the second Thursday, December 8, 2022.

If you have any questions concerning this matter, please do not hesitate to contact me.

Attachment

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NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

MEETING SCHEDULE

2022-23

June 23, 2022

July 28, 2022

August 25, 2022

September 22, 2022

October 27, 2022

December 8, 2022

January 26, 2023

February 23, 2023

March 23, 2023

April 27, 2023

May 25, 2023

All Council meetings start at 7:00 p.m.

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May 19, 2022

TO: Council Members
FROM: Scott R. Koons, AICP, Executive Director
SUBJECT: Land, Warehouse and Office Building

RECOMMENDATION

Set a minimum bid sale price of \$1,338,309 for the land, warehouse and office building located at 2009 NW 67th Place, Gainesville, Florida; authorize the Executive Director to re-advertise for sealed bids to sell the land, warehouse and office building; and authorize the Executive Director to sign a letter of intent to lease a 6,012 square foot office building located at 2201 NW 40th Terrace, Gainesville, Florida for a five-year term at \$16.00 per square foot and leasehold improvements for an estimated amount of \$100,000 with a right of first refusal to purchase said office building.

BACKGROUND

On August 4, 1999, the Council purchased the office building and warehouse located at 2009 NW 67th Place, Gainesville, Florida. The office building and warehouse of pre-engineered steel construction were constructed in 1980. The Council had been renting the office building and warehouse for the previous seven years beginning on November 1, 1992.

The purchase price for the 7,560 square foot office building and 1,989 square foot warehouse located on a 4.4-acre site was \$490,400. Along with \$31,400 in cash, the Council secured a 15-year promissory note from SouthTrust Bank in the amount of \$459,000 to purchase the office building and warehouse. Since the Council is a governmental agency and is prohibited from mortgaging real property to secure a promissory note, the Council pledged certain revenues to repay the promissory note.

The January 1, 2014 payment in the amount of \$3,134.95 constituted the final payment in full satisfying the promissory note. Thus, the Council currently does not have any outstanding long-term debt. The average annual building and grounds occupancy cost, including insurance; utilities; custodial services; heating, ventilation and air conditioning services; and termite and pest control services is \$45,000.

The Alachua County Property Appraiser 2019 assessed value of the land was \$499,632 and the assessed value of the buildings was \$318,562. Thus, the total assessed value of land and buildings in 2019 was \$818,194. The Alachua County Property Appraiser 2021 assessed value of the land is \$767,380 and the assessed value of the buildings is \$307,777. Thus, the total assessed value of land and buildings in 2021 is \$1,075,157 resulting in an increase in value of 34.1 percent.

On December 12, 2019, the Council authorized the Executive Director to sign a site access agreement; authorized the Executive Director to have an appraisal of the land, warehouse and office building completed; and authorized the Executive Director to research warehouse and office building relocation options.

Council Members

May 19, 2022

Page 2

Pursuant to that Council action, the Executive Director signed a site access agreement; engaged Emerson Appraisal Company, Inc. to prepare an appraisal of the land, warehouse and office building; and secured the assistance of Colliers International, a commercial real estate company, to identify office space purchase and lease options for relocation.

On January 13, 2020, Emerson Appraisal Company, Inc., an appraiser, consultant and market analyst company, completed an appraisal of the property. The appraised value was determined to be \$970,000.

The Council set a minimum bid amount of \$1,018,500 for sale of the land, warehouse and office building which was five percent above the appraised value. On July 23, 2020, the Council awarded a bid in the amount of \$1,026,100 to Seefried Properties, Inc. to purchase the land, warehouse and office building. Seefried Properties, Inc. has advised the Council that it intends to withdraw their bid to purchase the land, warehouse and office building.

It is recommended that the Council set a minimum bid sale price of \$1,338,309 for the land, warehouse and office building located at 2009 NW 67th Place, Gainesville, Florida; authorize the Executive Director to re-advertise for sealed bids to sell the land, warehouse and office building; and authorize the Executive Director to sign a letter of intent to lease a 6,012 square foot office building located at 2201 NW 40th Terrace, Gainesville, Florida for a five-year term at \$16.00 per square foot and leasehold improvements of an estimated amount of \$100,000 with a right of first refusal to purchase said office building. The recommended minimum bid sale price is the appraised value plus the 34.1 percent increase in value over the past two years plus five percent.

If you have questions concerning this matter, please do not hesitate to contact me.



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May 19, 2022

TO: Council Members

FROM: Scott R. Koons, AICP, Executive Director 

SUBJECT: Resolution Recognizing Service of
Hugh W. Harling Jr., Executive Director
East Central Florida Regional Planning Council

RECOMMENDATION:

Approve attached Resolution No. 2022-11 recognizing the service of Hugh W. Harling Jr. as Executive Director of the East Central Florida Regional Planning Council.

BACKGROUND:

In recognition of the service of Hugh W. Harling Jr. as Executive Director of the East Central Florida Regional Planning Council, the attached resolution is recommended for approval by the Council. Mr. Harling has announced his retirement effective May 31, 2022.

Mr. Harling has served as the Executive Director of the East Central Florida Regional Planning Council for ten years. He has been involved in most major programs of the Council during his tenure. He has served and contributed to the East Florida Regional Planning Council and Florida Regional Councils Association with distinction and honor, having served as a member of the Florida Regional Councils Association Executive Directors Advisory Committee.

If you have questions concerning this matter, please do not hesitate to contact me.

Attachment

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RESOLUTION NO. 2022-11

RECOGNIZING SERVICE OF
HUGH W. HARLING JR.
EXECUTIVE DIRECTOR
EAST CENTRAL FLORIDA
REGIONAL PLANNING COUNCIL

WHEREAS, the East Central Florida Regional Planning Council was created in 1962 to serve citizens and member local governments of Brevard, Lake, Marion, Orange, Osceola, Seminole, Sumter and Volusia Counties; and

WHEREAS, the mission of the East Central Florida Regional Planning Council is to avoid further sprawl and protect the region's vital resources by implementing the East Central Florida 2060 Plan; and

WHEREAS, Hugh W. Harling Jr. has served as Executive Director of the East Central Florida Regional Planning Council for ten years since 2012; and

WHEREAS, Mr. Harling has served and contributed to the East Central Florida Regional Planning Council and Florida Regional Councils Association with distinction and honor, having served as a member of the Florida Regional Councils Association Executive Directors Advisory Committee; and

WHEREAS, Mr. Harling has announced his retirement from the East Central Florida Regional Planning Council effective May 31, 2022.

NOW, THEREFORE, the North Central Florida Regional Planning Council hereby congratulates Mr. Harling upon the occasion of his retirement, thanks him for his many contributions on behalf of the East Central Florida Regional Planning Council and Florida Regional Councils Association and wishes him well in his retirement and future endeavors.

DULY ADOPTED this 26th day of May 2022.

Attest:

NORTH CENTRAL FLORIDA
REGIONAL PLANNING COUNCIL

SEAL

Scott R. Koons, Executive Director

Thomas Demps, Chair

