

EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

COUNCIL MEETING MINUTES

WEDNESDAY, MAY 19, 2021, 10:30 A.M.

CHAIR SEAN PARKS

In Attendance:

County Representatives:

Commissioner Bryan Lober, Brevard County
Commissioner Sean Parks, Lake County
Commissioner Doug Shields, Lake County
Commissioner Emily Bonilla, Orange County
Commissioner Mayra Uribe, Orange County
Commissioner Lee Constantine, Seminole County
Commissioner Craig Estep, Sumter County
Commissioner Oren Miller, Sumter County

Municipal Representatives:

Council Member Mindy Gibson, Space Coast League of Cities (City of Satellite Beach)
Commissioner Jim Fisher, Tri-County League of Cities (City of Kissimmee)
Commissioner Chris Cloudman, Volusia League of Cities (City of DeLand)
Commissioner Julian Green, City of Wildwood

Gubernatorial Appointees:

Mr. John Lesman, Seminole County

Ex-Officio Members:

Ms. Judy Pizzo, Florida Department of Transportation
Ms. Susan Davis, St. Johns River Water Management District

Members not in Attendance:

Commissioner John Tobia, Brevard County
Commissioner Jeff Gold, Marion County
Commissioner Craig Curry, Marion County
Commissioner Peggy Choudhry, Osceola County
Commissioner Ricky Booth, Osceola County
Commissioner Amy Lockhart, Seminole County
Council Member Jeff Brower, Volusia County
Council Member Billie Wheeler, Volusia County
Commissioner Patty Sheehan, City of Orlando
Council Member Brent Malever, City of Ocala
Commissioner Jordan Smith, Tri-County League of Cities (City of Lake Mary)
Mr. Jose A. Rivas, Orange County
Mr. Aaron Watkins, Florida Department of Environmental Protection
Ms. Laura Kelley, Central Florida Expressway Authority
Mr. Mike Radzik, City of Groveland
Ms. Amye King, City of Sanford

Others in Attendance:

Mr. Tim McClendon – Lake County
Ms. Melanie Marsh – Lake County
Mr. Jeff Hoppe – Seminole County
Ms. Iesl Yi – Neel-Schaffer, Inc.
Mr. Andrew Landis – City of Groveland
Mr. David Bottomley – Audubon Society

ECFRPC Staff in Attendance:

Mr. Hugh Harling, Jr.	Ms. Lori Cox
Ms. Tara McCue	Ms. Pegge Parker
Ms. Jenifer Rupert	Ms. Julie Bowes

I. Call to Order and General Business

- Chair Parks called the meeting to order at 10:30 a.m.
- Ms. Parker called the roll and announced a quorum was present.
- Pledge of Allegiance

II. Consent Agenda

- March 2021 Council Meeting Minutes
- February and March 2021 Financial Reports
- As there were no objections to the two items on the Consent Agenda, Commissioner Uribe made a motion to approve and Commissioner Fisher seconded the motion. A vote was taken and the motion to approve the Minutes and the Financial Reports passed unanimously.

III. 2021 National Association of Regional Councils (NARC) Conference Report – Commissioner Lee Constantine, Seminole County

Commissioner Constantine, a member of the Board of Directors of NARC, and the ECFRPC Representative, gave a brief overview of NARC and the good representation from central Florida, including the League of Cities and the Association of Counties. The highlights from the February 8-12 meetings included speakers from the new administration of Congress and a COVID-19 discussion which included similar concerns from regions all across the United States. Broadband and the digital divide, public safety, and emergency management were also discussed. Commissioner Constantine was asked to Chair the Environmental and Energy Committee, and be the National Coordinator for Florida, Georgia, and South Carolina. The next meeting will be at the end of the month before the Florida Association of Counties meeting. As a representative for both the ECFRPC and the Metropolitan Planning Organization (MPO), costs associated with the next meeting will be paid by the MPO.

IV. Presentation: Membership Consideration to Global Covenant of Mayors (GCoM) Additional Discussion – Mayor Mike Kelly, Roeland Park, Kansas and Mr. Ryan Glancy, Technical Coordinator, Global Covenant of Mayors for Climate and Energy, the Americas

Mr. Glancy provided an overview of the Global Covenant of Mayors including a brief history of how it began. He discussed partner engagement and the pledges undertaken by the steering committee to implement policies and measures to reduce/limit greenhouse gas emissions, prepare for climate

change, increase access to sustainable energy, and track progress toward these objectives. Specifically, within no more than three years of this commitment, they pledge to develop, formally adopt, and provide a report on these topics. He also discussed the membership benefits and the value to becoming members of the Global Covenant of Mayors.

Mayor Kelly discussed how working with both national and international members, created efficiency not able to be achieved locally when working on regional resilience, and climate and mitigation planning. Efficiency and the experience of others became the biggest benefits along with learning from others best practices. Mayor Kelly also spoke of other opportunities they were able to accomplish after joining the Global Covenant of Mayors.

Commissioner Parks stated that, by joining, after checking with the Lake County Attorney, it was determined that it does not obligate the counties individually to anything. It does not mean the counties are supporting the Paris Climate Accord, it only means the Council supports the regional approach to climate planning.

Commissioner Uribe, Orange County stated they are looking into becoming a member. It is a priority to the Mayor and they are leaning in that direction.

Ms. Gibson asked Mayor Kelly to cite any procurement or specific benefit received from being part of the group such as funding or being able to complete a project. Mayor Kelly discussed their regional emissions inventory and the technical assistance provided to produce a robust comprehensive emissions inventory and without that technical assistance, they would not have been able to produce the modeling. Another example was a climate risk and vulnerability assessment that, otherwise, they would not have had the funding or technical assistance which allowed them to identify threats and vulnerable populations. Additional samples were cited including working with electrical utility contracts for 20 cities to offset emissions from metered electricity for local governments and acquiring a wind farm that created a significant cost savings for municipalities. In addition, they are undertaking a collective procurement for electric vehicles which is anticipated to be a costs savings over the life of a vehicle.

Ms. Gibson asked for clarification on whether they as a City, purchased the wind farm and Mayor Kelly said no, that they worked in partnership with the electric utility that serves those cities.

Commissioner Parks asked for other questions, and there were none.

Commissioner Bonilla made a motion to approve membership as a Council to the Mayors Covenant. Commissioner Uribe seconded the motion.

Commissioner Uribe stated that nationally there is a trend to move in this direction, to do this regionally based on her research.

Commissioner Parks stated that working collaboratively is key to many benefits for communities including return on investments and savings.

Ms. Gibson discussed concerns with SB 62 and our image in regards to the Paris Agreement language. She understands we will have benefits, but still concerned.

Commissioner Bonilla suggested tabling the vote until after the Interlocal Agreement discussion. Commissioner Parks agreed that it might alleviate any concerns. Commissioner Bonilla stated we definitely don't want to do something that could hurt the Council politically.

Commissioner Miller asked to confirm there would be no additional costs to join and Commissioner Parks confirmed there would be no costs.

Commissioner Parks tabled the vote until after the Interlocal Agreement discussion.

Returning to GCoM Discussion:

Council Member Gibson stated that she was comfortable with the membership as long as it specifically makes it clear that she and the Council are not supporting the Paris Climate Accord language. Commissioner Parks reinstated that we are not endorsing the Paris Climate Accord but agreeing to work together to address climate issues. Council Member Gibson also asked if we could remove ourselves from the membership if we don't agree with a direction it is going. Commissioner Parks replied that it is his understanding that we can resign. It specifically states in the membership "within no more than three years of this commitment".

A suggestion was made to adopt a parallel Resolution to this Agreement, stating this does not tie us to the Paris Climate Accord or regulatory regulations. Mr. Harling stated that, with the assistance of our attorney, Staff will create the Resolution.

Commissioner Bonilla withdrew her original motion and made a new motion to approve membership and a resolution where Staff will address concerns and allow Chair to sign Resolution.

Commissioner Lober seconded the motion. A vote was taken with all in agreement except for one nay vote by Commissioner Estep. Commissioner Parks thanked the council and stated that we would have the Resolution on the July Agenda.

V. COVID-19 Liability Law – Ms. Melanie Marsh, Lake County Attorney

Ms. Melanie Marsh discussed SB 72, COVID-19 Limitation Liability which is the first bill signed this legislative session by the Governor on March 29th which is the effective date. She discussed why this bill was passed which was as COVID-19 cases started showing up in the United States, and cases increased, there were a lot of government regulations issued, CDC, Federal, state, municipalities. The State of Emergency for Florida was signed March 9, 2020 and continues to this date; millions of Americans losing their jobs, \$1.9 billion decrease in general revenue – mostly sales tax because of our tourism.

There were also a great quantity of lawsuits across the nation – relatives of deceased employees suing the deceased employers, cruise ships passengers, nursing homes, closed businesses suing insurance companies for denied claims, consumers filing suits for tourism / entertainment cases, stockholders suing public companies for allegedly violation of federal security laws for not accurately reporting the pandemic effect on their businesses. Other states began to pass limitations on litigation. So Florida legislation created SB 72 for protections for businesses, education, government, and religious institutions. Ms. Marsh also included a handout of SB 72 and a Bill Analysis and Fiscal Impact Statement.

VI. Interlocal Agreement – Mr. Jerry Livingston, Attorney

Commissioner Parks provided background on SB 62 and how we can move forward with an interlocal agreement and function under a different statute.

Commissioner Lober stated that this would not create any additional or potential liability for Council or counties. Also, cost was a concern but was told it would be negligible. No one is being asked to approve changes now, but direct staff to move forward to get comments.

Mr. Livingston provided background information on the creation of regional planning councils and the original Florida statute 160. Senate Bill 62 was created to eliminate regional planning councils. Mr. Livingston described the three options we would have:

- Continue the Council as currently structured which Mr. Livingston did not think was a good idea;
- Create a new Council of Governments and merge with the RPC which would be complicated for liabilities, etc.;
- Amend what we have to be a Council of Governments where local governments would have authority under Home Rule powers and take back the direction of the Council.

At this morning's Executive Committee meeting, they recommended the third option which would take what we have and reorganize under an Interlocal Agreement, away from the statutory enabling legislation, and create the East Central Florida Regional Council of Governments. There is still a lot of work to be done such as review by local governments, city, county, and elected officials. Our desired date would be effective October 1, 2021 and accomplish before the next legislative session.

Commissioner Lober made a motion to direct staff to continue working the RPC in this direction and to have the firm proposal for a subsequent meeting.

Commissioner Greene asked if we were moving from one statute to another statute; if one statute is removed, we would still work under the other statute. Mr. Livingston replied that although that is true, the entity created would be created by the local governments utilizing their Home Rule powers.

Commissioner Bonilla stated that this takes us from being under the power of the State and moves us to our own control. It would be harder for the State to take away the Interlocal Agreement.

Council Member Gibson asked how this plays into the current State statute; would this be a parallel agreement or, if we agreed to this Interlocal Agreement, are we pulling out of the State. Mr. Livingston replied that this would not affect the regional planning councils, it would just be in place if a situation like SB 62 were to come up again.

Council Member Gibson seconded the motion.

Commissioner Cloudman asked if other RPCs are considering an Interlocal Agreement. Mr. Harling stated that the other RPCs thought that it was a good move and pre-emptive. A few of the other RPCs already function under Interlocal Agreements. Commissioner Cloudman asked if this agreement would change our ability or eligibility to procure grants and Mr. Harling stated that it would not. A discussion regarding Gubernatorial Appointments was also discussed and will have to be addressed further. Commissioner Parks stated that it would be a good idea, out of respect to the Governor, to invite him to make appointments. The Executive committee will continue to work on the Interlocal Agreement draft in June and bring back for additional discussion in July, with the plan to move forward in September.

A vote was taken and passed unanimously.

VII. Planning Director's Report – Ms. Tara McCue, Director of Planning & Community Development, ECFRPC

- Ms. McCue provided an update on the How Did We Grow? surveys. There were 20,000 surveys received when How Shall We Grow? began. To date, we have received less than 400

for How Did We Grow? The information has been provided on social media posts and we can resend again to planning managers, council members, and partners for a concerted effort, including counties and cities. We have provided postcards for each county. If you run out, please let us know and we can print more. If you have an event or meeting, please hand them out. We are also on Twitter, Facebook, and Instagram. Our goal is 20,000 responses. We'd like a hard push for June and July so we can start analyzing results in August and September. Seminole county is in the lead with 106 responses, followed by Volusia with 75, Orange with 71, Lake with 60, Brevard with 27, Osceola with 9, Sumter with 2, and Marion with 1.

Commissioner Parks replied that he will do his best to increase Lake County's, but asked for a better effort from everyone. He suggested using their Public Information Officer, and to get it out on their social media sites. We have to have data for it to mean something and we need to have close to 20,000. If a competition would help, he will contribute. It is strictly data, it's what we do, and it's very valuable data. You can use it in your campaign, in the sense that it's real data. Please get those surveys out; we have a long way to go.

- Ms. Lori Cox described the Finding's Report for the Council Partner Support Survey. The survey was created to provide valuable services, tools and collaboration opportunities to our member communities. The responses received were to provide direction for the ECF Regional Resilience Collaborative. The Findings report was based on Places, Economic Development, Resilience, Environmental, Coordination and Partnership, and People. Other considerations detailed Critical Areas for Advancing Resilience. Council participated in a survey aimed to focus future presentations.

VIII. Executive Director's Report

- Senate Bill 62 Status – Mr. Hugh Harling stated that his items were addressed previously in the Interlocal Agreements section and there was nothing in addition to add at this time.

IX. Chair's Report

- Interlocal Agreements Process and Next Steps – Commissioner Parks stated that this item was addressed previously and there was nothing to add at this time.
- Chair Parks discussed the recent Regional Resilience Collaborative Summit which was held May 7th and congratulated Jenifer Rupert on a job well done. The Key Speaker was Craig Fugate, the former Administrator of the Federal Emergency Management Agency.

X. Public Comments

- Mr. David Bottomley discussed the locally built, fully accessible, glass bottom boat – under trials in Palatka with the Coast Guard and state parks. The first one will reside in Silver Springs State Park but hopefully there will be others in the future.

XI. Brief County and League of Cities (LOC) Updates

- Counties and LOC representatives provided brief updates on activities in their areas.
- Commissioner Lober discussed a gentleman promoting an airshow in their county with an estimated high economic impact that caused them to look more closely to see if it was realistic or if there were any concerns as it was requesting big funding from the TDC. After checking with the FAA whether permits were required, he was told they would need permits. When the individual came to the county they had stated flatly that they had the permits in order to

incentivize the TDC, but in reality they did not. So there is a potential concern that there is an entity going around making assurances that don't match reality. Commissioner Lober also discussed attendance by Council Members at the meetings. Perhaps a letter sent to local governments requesting they be reappointed for members that do show up. Commissioner Lober also said that perhaps sending a letter to those members that don't show up at all or minimally and ask whether they want to be reappointed or not by their government.

- Commissioner Parks congratulated Judy Pizzo on her upcoming retirement in September and thanked her for her service.

XII. Next ECFRPC Council Meeting: July 21, 2021

XIII. Adjournment

There being no further business before the Council, Commissioner Parks adjourned the meeting at 12:36 p.m.