

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

December 5, 2011

The South Florida Regional Planning Council met this date at Murray E. Nelson Government & Cultural Center, 102050 Overseas Highway, Key Largo, Florida, 33037. Vice Chair Carruthers called the meeting to order at 10:37 a.m. and lead in the Pledge of Allegiance.

I. Pledge of Allegiance and Roll Call

Councilmember Patricia Asseff
Councilmember Margaret Bates (absent)
Councilmember Michael Blynn (absent)
Councilmember Esteban Bovo, Jr. (absent)
Councilmember Heather Carruthers
Chair Suzanne Gunzburger (via phone)
Councilmember Ilene Lieberman
Councilmember Manuel Marono (absent)
Councilmember Jean Monestime (absent)
Councilmember George Neugent (absent - Mayor David Rice was present)
Councilmember Jose A. Riesco
Councilmember Stacy Ritter (via phone)
Councilmember Joseph Scuotto (via phone)
Councilmember Rebeca Sosa (absent)
Councilmember Paul Wallace
Councilmember Sandra Walters
Councilmember Jimmy Weekley

The following Ex-Officio members were present:

Ms. Aileen Boucle, representing the Florida Department of Transportation, District VI
Ms. Carole Morris, representing the South Florida Water Management District

The following Ex-Officio member was present via phone:

Mr. Kevin Claridge, representing the Florida Department of Environmental Protection

The following Ex-Officio member was not present:

Mr. Norman Taylor, Broward County Office of Economic Development, representing the Florida Department of Economic Opportunity

Vice Chair Carruthers stated that the Council Meeting would be conducted as an extended Executive Committee due to lack of a quorum.

II. Approval of Council Agenda

Councilmember Lieberman moved to approve the Agenda. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

III. Action Items

A Minutes of Previous Meeting (November)

Councilmember Lieberman moved to approve the Minutes of the previous meeting. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

B. Financial Report

Councilmember Walters moved to approve the Financial Report. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

C. Intergovernmental Coordination and Review Report

Councilmember Walters moved to approve the Intergovernmental Coordination and Review Report. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

D. Developments of Regional Impact/Development Orders

1) Southeast Overtown/Park West, Increment III Staff Assessment, City of Miami

Bob Cambric of Council staff stated that the applicant was working with the South Florida Regional Planning Council (SFRPC). He explained that there is more development within the DRI than what was originally proposed and most of the additions are local in nature. He stated that other agencies, Florida Department of Transportation, South Florida Water Management District, Department of Environmental Protection, State Land Planning Agency did not raise a concern on state or regional conditions and that most of the concerns are operational in terms of how water, sewer and roads are impacted. He explained that ordinances have changed in the City of Miami and Miami-Dade County since the last development approval. The applicant is working to fine tune the specifics as to how this mitigation would take place. He stated that based on emails with Jeff Bercow, of Bercow and Radell, this item will be deferred to early 2012.

Councilmember Asseff stated that she had gone through the Overtown area near the DRI site. She stated that the Overtown Community Redevelopment Agency (CRA) funds created a new park, theater and stores but the area is still blighted and should be cleaned up.

Mr. Cambric stated that the CRA is the co-applicant for the DRI with the City of Miami. He stated that one concern was how to maintain local businesses and have affordable housing available to those already established in the community. He explained that the CRA was using funds to attract companies with the requirement of hiring within the community. He stated that this would keep the affordable housing program and create economic opportunity for investment. He noted the Overtown CRA could communicate with other cities' CRAs. Councilmember Asseff commented on what a phenomenal job the CRA in Fort Lauderdale has done in the Sistrunk area and that the Overtown CRA should contact them.

Councilmember Wallace questioned the status of DRIs that have been grandfathered and those that are new. Mr. Cambric stated that since 2009, Dense Urban Land Areas (DULA) was created; it states that in those areas, if the normal thresholds of DRI are met, the project would not be reviewed as a DRI. He stated that there were certain limitations, such as the Area of Critical State Concern and areas within the 2-miles of the Everglades Protection Zone that will still have to go through the process. He explained that anything within the Broward and Miami-Dade Counties can have high density as long as they comply with the local government comprehensive plan. Then the Development Order (DO) that is issued for the

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large development is reviewed by the State Land Planning Agency (“Agency”). He explained that if the project is 120% of the threshold the Agency would notify the City and/or County Government if the DO is consistent with the Comprehensive Plan. It is not consistent with the Comprehensive Plan the Agency can appeal the DO. He informed Council that an explanation of the current role of the Council regarding the new DRI process and the changes to existing DRIs process was in this month’s packet.

Councilmember Wallace stated his concern was regarding the Miami-Dade build-out near the Urban Development Boundary (UDB). He stated that the County decided to forward it to the State for approval.

Garett Rowe from the Miami-Dade County Sustainability, Planning and Economic Enhancement Department explained the parcel Councilmember Wallace referenced is 9.9 acres. He explained that the owners seek to have it included in the UDB with an amendment to change the Land Use from Agriculture to Business and Office. He explained that because the amendment impacts the UDB it would be processed as a standard amendment rather than a small scale amendment. He explained a standard amendment is reviewed in two phases: 1) transmittal period in which the Commission decides whether to transmit to the State. Mr. Rowe explained that the Commission decided to transmit the amendment for review by the State without Commissioners’ recommendation; and 2) the Commission receives comments on the draft amendment from the State, SFRPC and other reviewing agencies and then vote on whether to approve or deny the amendment.

Mr. Murley stated that the Council will be able to review it in early 2012. He stated that the amendment changes the UDB and the record will show by the minutes of that meeting that the Commissioners did not vote to approve the project but transmitted without recommendation.

E. Consent Items: Generally Consistent Comprehensive Plan Amendment Reviews Proposed:

- City of Coconut Creek
- City of Deerfield Beach
- City of Doral

Adopted:

- City of Doral
- Broward County
- City of Deerfield Beach
- Miami-Dade County
- Town of Southwest Ranches
- City of Dania Beach

Councilmember Walters moved to approve the Agenda Item III.E. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

F. Generally Inconsistent Comprehensive Plan Amendment Reviews - None.

IV. Discussion Items

A. Executive Committee Report

Sam Goren of Legal Council reported that the nominating committee consisting of Councilmembers Weekley, and Riesco met at 9:30am this morning to collaborate on the slate of officers for 2012.

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Councilmember Weekley stated the following changes to the Executive Committee are: Vice-Chair Carruthers will become Chair; Councilmember Wallace will become Vice Chair; Councilmember Sosa will become Treasurer; and Councilmember Ritter will become Secretary.

Councilmember Lieberman motioned for the nominations to be presented to the full Board. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Discussion was initiated regarding the 2011 Tax Form 990 for the Institute for Community Collaboration, Inc. (ICC), which is a not-for-profit created by the Council, in which the Executive Committee is the Board. Mr. Murley explained that the ICC Tax Return was not included in the current Auditors' RFP Contract. He explained that S. Davis and Associates, the previous auditor, would file the form for \$5,000. It was agreed that this amount was more expensive than it should be and Vernon Paul of Council staff was asked to get a quote from the new auditor, Sharpton, Brunson and Company, PA., to complete the Tax Return Form. It was discussed further as to whether it was necessary to have a full competitive process for a new auditor for the ICC, in which Mr. Goren stated that it was not. Vice-Chair Carruthers explained that the discussion in Executive Committee was whether a single auditor performs the Council's work as well as the ICC or to have a separate entity perform the ICC audit. Councilmember Walters suggested there be three potential firms to receive proposals rather than the Council prepare a RFQ. Vice-Chair Carruthers stated that this should be a staff decision.

Councilmember Wallace made a motion to have some sort of process come back to the Board for approval. Councilmember Walters seconded the motion, which carried by a unanimous vote.

B. Executive Director's Report

Mr. Murley stated that lunch will be served today thanks to the Climate Leadership Summit. He informed the Council that the Southeast Florida Regional Climate Leadership Summit will be held at the Murray E. Nelson Government & Cultural Center on December 8-9, 2011. He encouraged all to attend since representatives of all four counties (West Palm Beach, Broward, Miami-Dade, and Monroe) would be present and a handout, with the Summit information, was given to those present. He stated that the other handout was supplied by FDOT IV; it is called "Mobility Matters", and contains information on transportation and there will be a follow up report.

Mr. Murley stated that the following Councilmembers were reappointed to the Council: Councilmembers Carruthers, Neugent were appointed by Monroe County; Councilmembers Blynn and Marono were reappointed by the Miami-Dade League of Cities.

Mr. Murley stated that the Florida Regional Councils Association, in which Councilmembers Carruthers, Asseff, and Sosa are representatives, will meet January 13-14, 2012.

Councilmember Wallace suggested the Council begin an analysis, to use as a tool, not to be political, for counties regarding the destination resort issue. He suggested the Council reach out for resource information that would be relevant and ready for county reference. Vice-Chair Carruthers stated that this should become an agenda item in January and stated that this is a regional issue not a local issue.

Mr. Murley stated that prior to today's meeting the Council took action to preserve the Council's position on the FPL Turkey Point Project. Sam Goren then provided an overview of the remaining steps and timelines for action in the process as well as the Council's role and responsibilities.

Vice-Chair Carruthers asked Councilmember Lieberman to report on the compensation package.

Councilmember Lieberman stated that the Committee talked about comparing pay and benefit schedule with similar agencies. She stated that they discussed what type of information would be needed for the comparison issues. She requested that Council staff provide a matrix showing the pay and benefits compensation from similar planning agencies, such as, the other RPCs and Miami-Dade, Broward and Palm Beach Counties. She stated the next meeting would be held once this information is provided.

C. Legal Counsel Report

Sam Goren discussed and reviewed the following:

1. The status of the Attorney General Office (AGO) request dated October 17, 2011 and, acknowledged by the AG on October 21, 2011 re: whether or not the SFRPC is in fact and in law a 'unit of local government' under Section 215.425, FS;
2. The status and progress of the SFRPC 'Benefits Committee' and the pursuit by the General Counsel, of other governmental units, which may have in recent times pursued engaging consultants for the purposes of preparing a 'Salary and Benefits' analysis for that unit of government, and the costs thereof; and,
3. Nominating Committee matters, and slate for the January 2012 SFRPC meeting.

Mr. Goren also reviewed the status of the Hurricane Wilma Loan Program/collections; and, the Revolving Loan program. He stated that there was no other litigation or claims to report.

V. Program Reports and Activities

A. Council Mission – Monroe County Presentation

B. Revolving Loan Fund Reports

1. SFRPC Revolving Loan Funds Status Report
2. Hurricane Wilma Bridge Loan Status Report
3. Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report
4. Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report – None
5. Smart Watts Home Energy Retrofit Loan Fund Status Report

Councilmember Lieberman questioned several of the Revolving Loan Fund status. She wanted to know if interest, late fees and attorney fees were charged to the client. Mr. Goren answered that they were charged. Councilmember Lieberman stated that she would like to have a column added to the spreadsheet that included interest and late fees. Cheryl Cook, of Council staff inquired if Councilmember Lieberman would like the information on the accounts that are in legal only, to which Councilmember Lieberman confirmed yes.

Councilmember Lieberman inquired on Loan # 2014, which said "current" on the spreadsheet, but it was sent to legal and the last payment was in June. Ms. Cook stated that there was a Stipulation Settlement. Councilmember Lieberman stated that if the interest and late fees were not paid she suggested that "current" is not correct and that "Settlement Agreement" would be more appropriate. Ms. Cook agreed and stated that the borrower has been paying every month since June. Councilmember Lieberman asked Mr. Goren if there was a condition in the agreement that if they default on the Settlement Agreement if it could be accelerated, and he responded yes it could be accelerated.

Councilmember Lieberman inquired about Loan #3024; it states that the account is current and the client is making payments but it is not enough to make the account current. There is a Settlement Agreement

but they have not paid their arrears to make the account current and would like to know the status for the next 23 months.

On Loan #2116, Councilmember Lieberman stated that the explanation on the report has been unchanged for the past five months and inquired why it took five months to begin a skip search process. She stated that if the client was missing and not paying, it would be more difficult to locate them.

Councilmember Lieberman inquired on Loan #3030; depositions were taken in June 2011; the client did not appear for the deposition and filed a motion for Summary Judgment on October 2011. She stated that the longer it takes to complete the steps the colder the trail gets. She stated that it does not matter as long as we enter into a settlement agreement or change their monthly payment we need to send a message.

On Loan #1029, Councilmember Lieberman questioned if Council has filed against 6th Street Plaza since this is Maria Freeman's only asset and loan security. Ms. Cook stated that there is a Settlement Agreement and Council is in second position behind the bank. She stated that the client has been paying but this does not bring the account current. Ms. Cook stated that the client has made a \$2,000 payment but it will not make the account current; in January there will be a \$4,400 payment which will bring the account up to date. Ms. Cook stated that this will become a Settlement Agreement and is continuing to make the regular payment which will go to interest only for now. Ms. Cook explained that it was noted that the first mortgage on the loan is about \$1.2 million and the property is worth \$1.5 million. Councilmember Lieberman requested the current amount of the first mortgage, the current amount of the value/appraisal of 6th Street Plaza, the amount of the arrears, and the total amount indebted to the South Florida Regional Planning Council including interest, late fees, etc. Ms. Cook stated it would be done.

C. DRI Status Report

Mr. Cambric stated only a few DRIs remain to be considered by the Council. He stated that he has contacted various agencies that are part of the DRI process, to find out what Council should review. He stated that some of the DRIs listed may drop out due to the potential mitigation costs. He stated that there have been extensions since the statute states that within one year of filing the Application Process, the Application for Development Approval (ADA) should be filed which should answer all questions raised to the Applicant about what the impacts will be. There are instances where extensions have been given to applicants to file the ADA. Staff guidance is since the Legislature in the past three sessions have been giving extensions for developers and Council should follow this practice.

D. Evaluation and Appraisal Report (EAR) Status Report

Mr. Murley stated that the EAR Chart is in alphabetical order; next month the chart will be in chronological order.

E. Budget Performance Report

Mr. Murley stated that since the September budget was approved and the New Program Development item in the budget, which represents the funding shortfall, has been reduced to zero.

Richard Ogburn of Council staff explained that the budget was approved in September had an item titled New Program Development. He stated that this represented an unfunded portion of the overall budget. Mr. Ogburn stated that this was the area where staff committed to Council, each year, to acquire additional funding in order to close the budget gap for the year. The item \$292,664 has now been filled. The Council requested that this report show the status of projected funding in three columns: (1) the part of the budget that has been contracted, (2) firmly committed to, and (3) those commitments that are less

firm. The budget, as in each year, changes from month to month because there are minor and/or major adjustments in the amount of funding that is anticipated to be received over the fiscal year. He explained that the fiscal year budget was from October 1 to September 30. Many of the funding sources are multi-year, or bridge our fiscal year, so the amounts received are contingent upon renewal of contracts. The State of Florida calendar goes from July to June, so some of the budget items are contingent upon receiving subsequent contracts with State funding agencies. This monthly report reflects our most current read of our budget, which could change from month to month in all of the columns. The ones that are least certain are in the column "Expected". Councilmember Wallace questioned if there is a contingency plan in place. Mr. Ogburn stated that there is always a contingency plan in place. Vice-Chair Carruthers pointed out that according to the Projected Revenues, once the monies become "Firm" there should be more funding over the next year. She inquired if this amount would carry over from last year. Mr. Ogburn explained that the amounts specified in this report are the total amounts expected to be received during the fiscal year; however there are pass through funds that are not clearly identified in this report. He followed with a few examples showing the pass-through funds. Mr. Murley stated that it is possible we will soon bring a budget amendment to the Council. Mr. Ogburn stated that the budget amendment is usually done in July, but we expect to do a budget amendment early next year in order to bring the new and revised funding amounts current.

F. Southeast Florida's Regional Vision and Blueprint for Economic Prosperity
(Sustainable Communities Initiative)

Information only.

VI. Announcements and Attachments

Mr. Murley reminded Councilmembers that the next SFRPC meeting will be on January 9, 2012, and the FRCA meeting is January 13-14, 2012.

Vice-Chair Carruthers thanked those Councilmembers for making the trip to Monroe County. She suggested that Council work with staff that if there are no pressing items for a Council meeting then don't have a meeting or connect by conference call. She believes Council time should be spent well and also believes that if there are pressing agenda items Councilmembers need to do our best to attend these meetings, regardless of where the meeting takes place.

Councilmember Scutto apologized for his absence. Councilmember Asseff commented that those from Monroe County have been gracious for so many years, always driving north and that for those few times Councilmembers are asked to come to Monroe County we should do the same. Councilmember Lieberman suggested staff include a detailed map of the meeting locations.

Vice-Chair Carruthers introduced Mr. Roman Gastesi, County Administrator. He greeted everyone and thanked them for coming. Mr. Gastesi introduced Christine Hurley, Director of Growth Management for Monroe County.

Ms. Hurley introduced a PowerPoint presentation regarding Environmental Sustainability in the Region and its success in Monroe County. She explained how the County functions relative to protecting the environment and how permits are processed. She spoke on the Rate of Growth Ordinance and why it needs to be implemented in order to protect the environment. She explained that the Keys environment is made up of water, wetlands, the upland/hammock, and developed lands. She focused her presentation on the upland/hammock and how it connects to the main land and its provision for the species in Monroe County. Ms. Hurley explained the Rate of Growth Ordinance and that the State allocates a certain number of building permits within each government in the County. She showed the number of

allocations in Monroe County and the number that unincorporated Monroe County receives. She explained the decision-making, as to who should receive an allocation, through a system of awarded points and ranking and that every quarter there are permits awarded or an allocation. The PowerPoint showed the rate of growth in unincorporated Monroe County, Islamorada; Marathon; and Key West as well as the vacant land within unincorporated Monroe County. She explained that portions of vacant land in unincorporated Monroe County are separated by Lower, Middle, and Upper Key and then by the Habitat Protection Tier System:

- i. Most sensitive, large areas for preservation (the goal would be for the County to acquire this land)
- ii. Big Pine Key only – patches of habitat (has an extreme amount of species, has a Habitat Conservation Plan, has in Incidental Take Permit through the Federal Government. Permits for this land are different than other permit acquisitions.)
- iii.a Patches of habitat – for linkages to larger areas
- iii. Scarified, non-environmentally sensitive areas (this land receives the most points)

She informed the Council of the vacant acres of land and vacant parcels and trying to create a policy in which to absorb these lots; some have development rights. She stated that one of the challenges would be that it would take 47 years at 197 permits per year to issue permits to the vacant parcels because of the zoning or rights granted long ago. She stated that one of the challenges is in deciding who receives points to get the permits. She presented maps that illustrate the various Tiers of Habitat Protection throughout Monroe County and explained the process that designate the Tiered land. She stated that the priority is not “as quick as possible” and it is dictated by the State of Florida and the allocation of 197 permits a year would be spaced out. She explained that the Tier iii have much higher score and rank up faster in the scoring system; therefore would receive the allocation first. She explained that in Tier i, it takes a long time in getting a permit because of the Tier i scoring. Councilmember Wallace inquired on affordable housing and Ms. Hurley stated that 20% of the 197 permits are for affordable housing.

Councilmember Asseff questioned the idea of using cruise ships for affordable housing. Vice-Chair Carruthers stated that was brought up years ago and nothing became of it.

Ms. Hurley stated that Monroe County is contracted with the SFRPC to examine marinas, etc. She stated that the issue Monroe County faces is the live aboard units, boats that are typically not counted in the Census and they are not regulated as need be. She stated that this issue is something being evaluated especially with hurricane evacuation.

She stated that the Department of Economic Opportunity will be visiting in January 2012. She explained that over the next 6 months the study will be about the maximum buildout, not based on what is on the ground of vacant land or zoning but in the terms of the number of people that can be evacuated within 24 hours. She stated that the model illustrates the evacuation times and will be divided by the maximum number of potential housing units.

Vice-Chair Carruthers stated that the sales tax goes specifically to the Monroe County Land Trust to purchase most of this land. Ms. Hurley stated that points are given for land dedication or land assemblage. Ex-Officio member Boucle inquired as to which model she was referring and Ms. Hurley stated the Department of Economic Opportunity is 100% behind the Statewide Regional Evacuation Study.

Councilmember Walters stated that the cost for affordable housing in Monroe County is three times more once it crosses the Miami-Dade County line. She stated that this is not a transporting issue; it is because of other aspects of the Comprehensive Plan; there are very low densities for the various zoning categories.

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She stated that there are height limitations in Monroe County which would make it difficult to concentrate on the number of units necessary to make affordable housing financially feasible. She stated that there are many different factors that come into play. Vice-Chair Carruthers stated there are two points: one being the height restrictions and the cost; there are a lot of barriers in building in the Keys. She stated that Growth Management in the Keys is complicated and important.

Mr. Murley thanked everyone for attending and reminded everyone lunch will be available.

A. Correspondence and Attendance Form

B. Upcoming Meetings

1. January 9th, 10:30 a.m. (Council Offices, Hollywood)
2. February 6th, 10:30 a.m. (Beacon Council, Miami-Dade County)
3. March 5th, 10:30 a.m. (Council Offices, Hollywood)
4. April 2nd, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)

VII. Councilmember Comments

VIII. Adjournment

The meeting was adjourned at 12:04 p.m.

This signature is to attest that the undersigned is the Secretary of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL, and that the information provided herein is the true and correct minutes for the December 5, 2011 meetings of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 9th day of January, 2011.

Rebeca Sosa, Secretary

Date