

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

January 9, 2012

The South Florida Regional Planning Council met this date at 3440 Hollywood. Chair Gunzburger called the meeting to order at 10:35 a.m. and asked Councilmember Ritter to lead in the Pledge of Allegiance.

I. Pledge of Allegiance and Roll Call

Councilmember Patricia Asseff
Councilmember Margaret Bates (absent)
Councilmember Michael Blynn
Councilmember Esteban Bovo, Jr. (absent)
Councilmember Heather Carruthers
Chair Suzanne Gunzburger
Councilmember Ilene Lieberman
Councilmember Manuel Marono (absent)
Councilmember Jean Monestime
Councilmember George Neugent (absent)
Councilmember Jose A. Riesco (absent)
Councilmember Stacy Ritter
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
Mr. Kevin Claridge, representing the Florida Department of Environmental Protection
Ms. Carole Morris, representing the South Florida Water Management District
Mr. Norman Taylor, Broward County Office of Economic Development, representing the Florida Department of Economic Opportunity

Chair Gunzburger moved Item III.G, Election of Officers - 2012 to be reviewed first after the approval of the Agenda.

II. Approval of Council Agenda

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

III. Action Items

G. Election of Officers - 2012

Mr. Sam Goren, Legal Counsel, stated, for public record, the following changes to the Executive Committee for the upcoming calendar year: Chair Gunzburger as Immediate Past Chair; Vice-Chair

Carruthers as Chair; Councilmember Wallace as Vice-Chair; Councilmember Sosa as Treasurer; and Councilmember Ritter as Secretary.

Councilmember Asseff moved to approve the Election of Officers. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

Chair Carruthers thanked Immediate Past Chair Gunzburger for her leadership over the past year and the gavel was passed to Chair Carruthers. The Council presented Councilmember Gunzburger with a commemorative for her commitment as 2011 Chair.

Councilmember Gunzburger thanked Councilmembers and Council staff.

A. Minutes of Previous Meeting

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

1) Ratify Council Action from December 5, 2011 Meeting

Chair Carruthers stated that ratification of the actions from the December 5, 2011 Council Meeting was needed since a quorum was not present. Mr. Goren stated that Council conducted business on December 5, 2011, conditioned upon and subject to final ratification by the Board today and since there is a physical quorum today, Council needs to approve the actions taken at the last meeting.

Councilmember Weekley moved to approve the ratification of actions taken in December. Councilmember Walters seconded the motion, which carried by a unanimous vote.

B. Financial Report

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

D. Developments of Regional Impact/Development Orders - None

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

- Islamorada, Village of Islands
- Broward County

Adopted:

- City of Lauderdale Lakes
- City of Tamarac
- City of South Miami

Councilmember Asseff moved to approve the Proposed and Adopted Consent Items in Agenda Item III.E. Councilmember Walters seconded the motion, which carried by a unanimous vote.

F. Generally Inconsistent Comprehensive Plan Amendment Reviews
1. Miami-Dade County

James Murley, Executive Director, explained that these items were received after Council mailing. He stated that with the statutory changes concerning the 30-day window, staff prepared these items for review within the window.

Bob Cambric of Council staff introduced Garrett Rowe from the Miami-Dade County Sustainability, Planning and Economic Enhancement Department. Mr. Rowe stated that he was present to answer any questions. Mr. Murley explained that this item was a draft document being transmitted to the reviewing agencies under the statute. Mr. Rowe stated that this item is in the technical phase and will come back for adoption.

Mr. Richard Grosso, Executive Director of the Environmental & Land Use Law Center of Nova Southeastern Law School, representing Tropical Audubon Society and National Parks Conservation Association, stated that this amendment was one of the first to be presented to the Board under the new statutes and felt it was important that the right precedent be set on the response, from the South Florida Regional Planning Council (SFRPC), to the amendments with the new statutory changes. He stated that the key point today was that the focus be on regionally important resources. He stated that the resources staff pointed out would adversely affect statewide resources: evacuation capacity, the aquifer, and the Everglades and was in support of staff recommendation. He stated that the continued loss of farmland in Miami-Dade County could be at its critical mass and feels this should be a regional as well as state issue. He stated that it is important that, given its location, the planning decisions could have a domino effect with the additional loss of surrounding farmland in the future, along with the changes to Commercial use. He explained the Brown Amendment from a few years ago, which was found In Compliance by the State, was changed to Commercial with a covenant against Residential. He explained that the applicant is now moving to have the County remove that covenant. He explained that sometimes a plan is adopted; part of the reason for it is that there is a covenant precluding a certain type of land use, it gets approved and then a few years later the covenant is the subject of an amendment for appeal. He questioned if this property is appropriate for Urban land use. He stated to approve staff recommendation and consider adding the impact on regional or state loss of agricultural land.

Councilmember Asseff thanked Dr. Grosso and complimented him on previous excursions and meetings she attended.

Councilmember Lieberman motioned to bifurcate the Agenda Item.

Councilmember Ritter questioned if Councilmembers can address Professor Grosso's concerns on the loss of farmland and not just regional but for the State.

Chair Carruthers stated that there are motions for both items but first Council needs to bifurcate them.

Councilmember Lieberman motioned to bifurcate the Agenda Item. Councilmember Monestime seconded the motion.

Councilmember Wallace questioned if the land was being used for agriculture; Mr. Rowe stated that the land was being used for agriculture a few years ago but today it is fallow.

Councilmember Wallace requested the definitions of the Urban Development Boundary (UDB) and the Urban Expansion Area (UEA). Mr. Rowe explained that the UDB demarcates the existing urban area for the County. The UEA is where the County projects the future need to expand the UDB for additional urban services to support urban development. Councilmember Wallace questioned if the designation of the UEA creates a presumption that it is ok to change the designation. Mr. Rowe explained that it must pass a test of need before it is considered to expand the UDB and the need for additional commercial land to satisfy projected economic growth.

Councilmember Monestime stated that the County Commission voted to move this forward to the State with plenty of concern regarding expanding into this area under the present economic conditions. He stated that there were more opportunities to expand growth within the Urban Area. He stated that he does not support this right now but feels that some of his colleagues supported the amendment to review any considerations from the State before they take final action. He presumes that his colleagues may change their views in the event that the State does not approve of this amendment. He stated that the UEA is a political compromise in the event that there is a need for urban development in this area.

Discussion ensued regarding staff recommendation on the location of the amendment. Mr. Cambric explained that the property is not within the UDB; it is within the UEA and will verify that the report reflects this.

Councilmember Lieberman stated that she will amend her motion accordingly to direct staff to make necessary amendments for consistency. Councilmember Wallace seconded the motion.

Councilmember Walters stated that there are issues Professor Grosso commented on and supports staff recommendation.

Mr. Cambric stated that the Community Planning Act changed things. Broward County used this process and now all of the state uses this process: Council acts on an amendment and our comments are sent to the State Land Planning Agency (Agency); the Agency collects the comments from the SFRPC, South Florida Water Management District (SFWMD), Florida Department of Transportation (FDOT), Department of Environmental Protection (DEP), and then with those comments taken into consideration, the Agency notifies the local government whether or not a challenge would be filed if the amendment is not changed. He explained that the Council simultaneously sends our comments to the local government as well as the Agency; the local government is then placed in the role of deciding, regardless of what the State advises them, to approve the amendment, approve the amendment with certain changes, or decide not to adopt the amendment. He stated that if the local government does adopt the amendment, when challenged by State, they have the opportunity to go to administrative hearing. He also explained that there is the possibility that if the State doesn't challenge the amendment, a citizen could challenge the amendment based on their findings or belief that the amendment is not consistent with the comprehensive plan or the Community Planning Act. He stated that this is not a local process only; there are opportunities for involvement from the State or citizens.

Councilmember Wallace stated that he felt it was important that the Council is acting on these items, and observed that nobody else cared enough to come and speak up in favor of this item.

Chair Carruthers reiterated the vote, which carried by a unanimous vote. (She stated we have a bifurcated item.)

- F. Generally Inconsistent Comprehensive Plan Amendment Reviews
 - 2. City of Miami Springs

Rachel Kalin of Council staff stated that she has been working with Miami Springs staff and the School Board of Miami-Dade County regarding School Concurrency to verify everything is complete prior to adoption. Chair Carruthers stated that she also spoke with a Miami Springs Councilmember and they are in agreement.

Councilmember Gunzburger moved to approve staff recommendation on the Agenda Item III.F.2. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

Mr. Goren stated for the record that there were no public comments.

IV. Discussion Items

- A. Executive Committee Report - none
- B. Executive Director's Report
 - 1) Gaming/Destination Resorts

Mr. Murley stated that the Gaming Legislation was discussed during Executive Committee Meeting and it is pending in Legislature; the Senate Regulated Industries Committee will discuss it this afternoon. He stated that this has been in the media and Council staff's focus is to monitor the legislation and concerns raised by local governments and then come to Council with information regarding the situation specifically from the perspective of emerging bills. He stated that the bill may or may not change; they may not vote this afternoon and Council is provided with two memos on this information.

Mr. Cambric stated that there are two memos in the packet; one memo was a staff overview of what has happened with the Gaming Legislation and there is one correction to the back-up material that references the State Department of Economic Opportunity and Economic Analysis. He stated that the Department attempted to do an analysis but decided not to because there were too many variables to figure out in order to estimate the economic benefit. He stated that an analysis was conducted, by an entity within the Florida Legislature, Office of Economic and Demographic Research, which provided some preliminary numbers based on their factors. He explained since this analysis went out, there are three things that have been learned: 1) the Senate has done a strike-all amendment, which is being considered today by the Regulated Industries Committee; 2) a letter has been provided that Miami-Dade County Board of County Commissioners asks the Legislature to consider the needs of local governments in terms of the process, how to estimate of impacts, and the role of the local governments; and 3) Greater Miami Chamber voted to support the gaming legislation, which is in contrast to the Florida Chamber's previous comments. He stated that staff looked at the bill as proposed, in the strike-all amendment. He stated that Council staff reviewed the bill as it addresses how local government may or may not be involved and primarily how things are done by local government. He explained that a local government cannot be an applicant and that the State of Florida maintains the power of licensing and that local government cannot. He stated that as part of the application packet, the applicant has to provide demonstration of conceptual approval of the actual development; conceptual approval is not defined but the memo notes the places in the bill where information related to local review is required.

Councilmember Lieberman inquired as to the impacts of the bill and regional activity. She questioned how the bill would impact the Seminole Hard Rock and would it give them any greater rights or be able to do something they cannot do now. Mr. Cambric answered that according to his understanding the way the Legislature has proposed, the Seminole Compact may no longer be in place, because the Compact had given the Seminole Tribe of Florida the exclusive rights to certain gaming activities. Councilmember Lieberman questioned if that would mean a revenue loss. She stated that there is an impact on city and county roads and the City of Hollywood from the Seminole Hard Rock, and the City

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has to provide the services. She commented on the various taxes and fees that will be distributed to various entities but not to the cities or counties that will be impacted by 100%. She questioned if the Convention and Visitors Bureau (CVB) had comments for Miami-Dade and Broward Counties. Councilmember Lieberman commented that Memo Item # 32B stated that it will allow any pari-mutuel facility to pass a referendum and questioned if they are going to pay \$3 million to reimburse a county. She stated that she did not think that they could put a referendum on the ballot. Mr. Cambric stated that in order to do this a referendum will have to be passed before December 31, 2014. She suggested that a letter be sent in regards to comments soon since Legislature is in session.

Councilmember Lieberman motioned to direct the Executive Director to draft a letter outlining the Council's concerns for the Chair to sign to be immediately sent to members of the Broward, Miami-Dade and Monroe Legislative Delegations. Councilmember Ritter seconded the motion.

Chair Carruthers stated there are some issues and different positions that Councilmembers have and the resources that it may take to fully back this issue going forward may not be available currently. She stated that the South Florida Regional Partnership, through the HUD Grant, could possibly help. She agreed that local governments should be made whole and to make sure the Council is part of the process. Councilmember Wallace stated that if there is a need for a study, the SFRPC should be available.

Councilmember Lieberman stated that there are three parts to the motion: 1) keep us whole provision and on #22, which shows the distribution of the 18% resort tax not going too cities and counties that have 100% of the impact; 2) regarding #21 asking the CVB in Miami-Dade and Broward Counties if they have a position on the increase for resort licenses from 10-18% as interfering with tourism, and: 3) to change the language in #32B so that a pari-mutuel does not pass a referendum and that they would have to present a petition to the local county and have to pay the full cost of putting that petition before the voters. Chair Carruthers stated she would like to add that local governments have more than conceptual approval on these items. Councilmember Lieberman stated that she would include it as a friendly amendment. The motion was still seconded by Councilmember Ritter and the motion carried unanimously.

Mr. Murley stated that Vernon Paul had seven years with the SFRPC and has an opportunity to work with the City of North Miami as Finance Director. He stated that the position will be advertised using the process from seven years ago and this process shall begin with Council's approval.

Mr. Murley stated that since Mr. Paul would be leaving soon interim services would be needed and that S. Davis and Associates have proposed interim services to assist us during this time. Ms. Annette Lewis of S. Davis and Associates was introduced as Interim Service Provider. Mr. Murley stated the draft Scope of Services was available to Councilmembers for review on January 6th in which he would negotiate with Sean Davis to proceed with those services. Councilmember Lieberman stated that before the position is advertised, job descriptions are needed from the other urban Regional Planning Councils.

Councilmember Lieberman motioned to authorize the Executive Director to enter into negotiations with Sean Davis. Councilmember Ritter seconded the motion.

Mr. Murley stated that the contract with S. Davis and Associates will be for 60 to 90 days and that the proposed salary is a per hour rating, as needed. Councilmember Wallace questioned if there was a maximum, and Mr. Murley stated that it was not stipulated at the time of the meeting and Mr. Murley would monitor the need for the services and would accelerate the need for a replacement. Chair Carruthers stated that there should be a stipulation that the open end contract cannot exceed what the range of salary would have been for retaining a Finance Director.

Councilmember Walters stated that salaries are different than contracting a private company that has overhead; that they have to cover, in addition to the salary, the employees pay to do other employees work. Councilmember Walters questioned if it is appropriate to limit a contract with a private company to do the same work as an in-house employee. Mr. Murley stated that Councilmembers would get a monthly update with any changes.

Chair Carruthers reiterated the motion and it carried unanimously.

Mr. Murley stated that there is a Scope of Services to prepare the not-for-profit Institute for Community Collaboration (ICC) Form 990 for the IRS. He stated that there was an updated proposal with S. Davis and Associates to prepare the form for \$2,500. He stated that Councilmember Riesco, with whom Mr. Murley spoke with earlier, agreed that the funding was within the range.

Councilmember Wallace reminded Council about having a different auditor for this particular situation. Mr. Murley stated that there are different auditors for the ICC Tax Return and for the Council. Mr. Wallace stated that the auditor is the same as the new temporary Financial Director and does not feel the auditor is independent if they are on both ends of the deal. Chair Carruthers explained that they are not. Mr. Paul explained that S. Davis and Associates are not performing the audit of the ICC; they are filing the IRS Return Form 990 for the ICC. Councilmember Wallace stated that the Auditor is auditing; the money that is coming from this body and this body's CFO is now from the same firm and feels it is an unhealthy situation. Mr. Paul reiterated that the audit is not being done by Sean Davis but by Sharpton Brunston and Company, PA.

Councilmember Lieberman motioned to authorize the Executive Director to enter into a contract with S. Davis and Associates for the IRS filing for the ICC in an amount not to exceed \$2,500. Councilmember Asseff seconded the motion, which carried by a one nay vote by Councilmember Wallace.

Mr. Murley stated that Councilmembers Carruthers, Asseff and Blynn would be attending the FRCA Policy Board Meeting and will report back.

C. Legal Counsel Report

Mr. Goren stated that there was a memorandum from Mr. Goren's office to the Benefits Committee based upon a conference call and the Committee has conducted a comparative analysis for the benefits.

Mr. Goren stated that last May the Governor's Office was asked about membership on the Board and since there has not been a formal response, there is no risk to Councilmembers participation. He stated that the two members who have resigned, Mayor Brook and Dr. Perez have not been replaced; all the members who are Governor's Appointees have been reappointed. He believes that the Constitution prevails over the Statute and any member who is a Governor's Appointee can sit on the Board until they are not reappointed.

Mr. Goren stated that there is a Memorandum regarding the Revolving Loan Program (RLF) and Hurricane Wilma Loans, given direction from the Board last meeting. He will try to refine the Memorandum in a more direct specific format and reflect Council comments on loan collection.

Councilmember Lieberman stated that in the Memorandum is a report from the Benefits Committee, which had two meetings via conference calls that the Council an attorney attended. She stated they discussed the data needed to do a comparison. She stated that the comparison was between the SFRPC's salaries and units of local government: the Counties, large cities, and other urban Regional Planning Councils, and after being reviewed the Committee generally agreed that the SFRPC benefits are in line

with the other RPCs except for two positions. She stated that there needed to be more research on these two positions to verify if there are more tasks and/or higher qualifications involved in their duties. She stated that under "payment of termination of employment" there were no changes and the benefits were consistent.

Councilmember Lieberman moved the report for filing. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Councilmember Lieberman stated that on page 6 of last meeting's minutes she had asked for additional information about 6th Street Plaza and it was not provided; she asked for another column on the report about which loans had a mortgage and the amount.

Cheryl Cook of Council staff stated that she emailed the information to Councilmember Lieberman on 6th Street Plaza and apologized that Councilmember Lieberman did not receive the email and will resend it. Chair Carruthers suggested that all Councilmembers receive the information. Ms. Cook stated that when Mid-Month Report is sent out this information will be included. Ms. Cook apologized for not adding the subordinate mortgage column, and stated it will be included next month along with the date the mortgage started.

Chair Carruthers requested that if any Councilmember asks for information; all Councilmembers should be included.

V. Program Reports and Activities

A. Council Mission - Enhance Cross-Jurisdiction Cooperation

1. SE FL Regional Climate Change Compact Presentation

Mr. Murley stated that the Southeast Florida Regional Climate Change Compact, which had their Summit in Key Largo, FL last month, was here to present a PowerPoint with representatives Susanne Torriente, from the City of Fort Lauderdale, and Jennifer Jurado, Ph.D, from Broward County. Ms. Jurado and Ms. Torriente proceeded to explain the PowerPoint, the Action Plan and the importance of Climate Change in South Florida. Their concern for extreme weather, flooding, saltwater intrusion and water supply, sea level rise, beach erosion, impact to coral reefs and the impact on the Everglades throughout Palm Beach, Broward, Miami-Dade and Monroe Counties was explained throughout the presentation. They also had a handout explaining the Compact and its goals. Discussion ensued regarding the information on sea level rise, its progressions and the fact that sea level rise will increase as has been documented over the past. Chair Carruthers stated that the Committee will reconvene in 2013 and will meet regularly throughout this entire process. Councilmember Asseff commented on the great presentation and some of the issues in the City of Hollywood. She commented if there was a way to pull the entities together on projects, such as updating water and sewer while upgrading the roads and sidewalks. Ms. Jurado stated that there is a lot of relevance regarding how to integrate all the various facets: water management, water supply, wastewater supply, streets and highways, etc. Chair Carruthers thanked them for their information. Mr. Murley stated that there would be updates through Sustainable Communities Initiative.

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

- C. DRI Status Report
- D. Evaluation and Appraisal Report (EAR) Status Report
- E. Budget Performance Report
- F. Southeast Florida's Regional Vision and Blueprint for Economic Prosperity (Sustainable Communities Initiative)

VI. Announcements and Attachments

- A. Correspondence and Attendance Form
- B. Upcoming Meetings
 1. February 6th, 10:30 a.m. (Beacon Council, Miami-Dade County)
 2. March 5th, 10:30 a.m. (Council Offices, Hollywood)
 3. April 2nd, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)
 4. May 7th, 10:30 a.m. (Council Offices, Hollywood)

VII. Councilmember Comments

VIII. Adjournment

The meeting was adjourned at 12:10 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 January 9, 2012 meetings of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 6th day of February, 2012.

Stacy Ritter, Secretary

Date