

**SOUTH FLORIDA REGIONAL PLANNING COUNCIL
EMERGENCY EXECUTIVE COMMITTEE MEETING**

Minutes

August 9, 2011

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. Chair Gunzburger called the meeting to order at 3:10 p.m. and asked Councilmember Wallace to lead the Pledge of Allegiance.

I. Pledge of Allegiance and Roll Call of Executive Committee

Councilmember Heather Carruthers
Chair Suzanne Gunzburger
Councilmember Joseph Scutto
Councilmember Rebeca Sosa (absent)
Councilmember Paul Wallace

The following Councilmembers were present:

Councilmember Patricia Asseff
Councilmember Margaret M. Bates
Councilmember Michael Blynn
Councilmember George Neugent

II. Approval of Emergency Executive Committee Agenda

Councilmember Wallace moved to approve the Emergency Executive Committee Agenda. Councilmember Carruthers seconded the motion, which carried by a unanimous vote.

III. Action Items

A. Developments of Regional Impact/Development Orders - None

B. Proposed Public Education Facilities Element (PEFE)/Capital Improvements Elements (CIE) Amendments - None

C. Proposed Local Government Comprehensive Plans and Amendment Reviews

1. Monroe County
2. City of Coconut Creek
3. Broward County
4. City of Fort Lauderdale
5. **Town of Southwest Ranches***
6. **City of Dania Beach***

Councilmember Carruthers moved to approve the Proposed Local Government Comprehensive Plans and Amendment Reviews. Councilmember Scutto seconded the motion, which carried by a unanimous vote.

D. Adopted Public Education Facilities Element (PEFE)/Capital Improvements Elements (CIE) Amendments - None

E. Adopted Local Government Comprehensive Plans and Amendment Reviews

1. City of Sunrise
2. Broward County
3. **Miami-Dade County***

*** Added to Agenda since August 1, 2011 Meeting.**

Chair Suzanne Gunzburger asked about the amount of backup information, regarding III.E.3, Miami-Dade County, in which to make a decision on consistency. She stated that there was a change in use from Agricultural outside of the Urban Development Boundary (UDB).

Mr. Bob Cambric, of Council staff, explained that the backup material that identified the potential impact, staff analysis, and local government analysis was included in the Proposed Amendment in May 2011. He stated that since there were no objections, from the Board, regarding the Proposed Amendment, Council staff presented a general overview and concluded that the Agenda Item is generally consistent. He stated that Mr. Mark Woerner, from Miami-Dade County was here to answer any questions. Mr. Wallace noted that there was one descending vote, and asked if there were any issues raised at the County Commission meeting.

Mr. Mark Woerner, from Miami-Dade County Planning and Zoning, explained the application. He stated the north side of the Speedway, in the City of Homestead, is 120 acres that the Applicant is requesting to bring inside the UDB; it is currently used for parking at the Speedway, and is designated Agricultural on the County's Land Use Plan Map (LUP). He stated that the County controls the UDB, whether it is in the municipality or not. The Applicant's request to change the designation of the parking lot from "Agriculture" to "Business and Office" would allow an expansion of the Grandstand, on turn four, to allow an additional 12,000 seats and parking, which already occurs on the site, and allow other ancillary uses associated with the Speedway. He stated that the Department of Community Affairs (DCA), the Council, Miami-Dade Commission or the public had not objected to it. He stated that Commissioner Audrey M. Edmonson, who voted against the amendment, did not state a reason. Mr. Woerner also explained that this is also part of a larger change to the Villages of Homestead DRI, of which the Speedway is part of. He explained that the City of Homestead had to change and amend its Comprehensive Plan to allow the uses to occur on the 120 acres to the north of the parking. He stated that this was a multi-jurisdictional plan amendment that affects two Comprehensive Plans and a change to the DRI. Chair Gunzburger reiterated that there is to be a swap in which one section of land was in the UDB and the other is not, and Mr. Woerner answered yes.

Ms. Melissa Tapanes Llahues, Esquire, from Bercow Radell & Fernandez, representing the Homestead Miami Speedway advised Council that she was present for any questions.

Councilmember Neugent inquired about the swap of acreage outside of the UDB and to develop within the UDB. He stated that the Council has always been very aggressive about protecting the UDB over the years and would this set precedence? He stated that he does not feel that the Executive Committee should be making the decision on this Item without the full Council's decision.

Mr. Cambric stated that the Applicant worked with the City and County and that the Speedway was designated as a "unique regional facility". He stated that this was not looked at as something that would

be precedent setting because it did look at the existential use and in addition with the land swap that ameliorated any potential regional issues that were presented.

Councilmember Carruthers gave approval contingent upon the swap.

Mr. Cambric stated it was part of the proffered Declaration of Restrictions. Mr. Woerner clarified that there was a covenant which further restricts the use of the property inside the UDB to only seating, parking and ancillary uses and that retail, housing, and offices are prohibited.

Chair Gunzburger stated that on page 2, second paragraph, under staff analysis it states the application site changes its land use designation from “Agricultural” to “Business and Office” and stated that once that designation changes it enamors that area’s ability to not just be concessions. Councilmember Carruthers noted that on the next paragraph are the restrictions to the amendment site.

Mr. Woerner stated the County would only allow the change through the Business and Office category and ensure the County that there would not be an office park, hotel or mall. In the declaration of restrictions related to the Comprehensive Plan Amendment that was adopted, Mr. Woerner stated that the permitted uses were limited as follows: 1,200 additional spectator seats, ancillary uses associated with the Speedway, temporary event concessions and that in no event shall the property be used for hotels, motels, residential units, commercial office buildings, shopping centers, or other similar development. He also stated that the property would also be used for certain agricultural uses on intermittent or temporary basis when the property is not being used by the Speedway for other purposes. He reiterated that the property would not be used for farming; agricultural vehicles do park on the properties when the Speedway is not in use. The covenant makes the uses very limited and the Speedway would have to comply with the County’s covenant.

Mr. Cambric stated that when the Applicant first presented the proposal, staff was aware of the involvement of the UDB, the potential and environmental impacts specific to that area, knowing it was an issue with the Council. He stated that the County proposed additional criteria, which was considered. He noted that there would be no extrajurisdictional impacts. Mr. Cambric clarified that this Amendment was brought before Council as a Proposed Amendment, reviewed and voted consistent; therefore the amendment went forward without negative changes. He informed Council that there were additional environmental protections included in the Adopted Amendment and it went forward as generally consistent.

Councilmember Neugent stated that the aquifer was very important with the threats of saltwater intrusion and questioned if there were covenants to protect it from ever being covered with an impervious surface. He stated that the Council and staff should make sure it is protected. Mr. Cambric stated yes there was a covenant in place.

Mr. Goren, Legal Council informed that Executive Committee that the Amendment needed a vote today.

Councilmember Blynn agreed with Councilmember Neugent to vote against this Amendment. He was concerned that those who have jurisdiction over the change of land and that the land would become valuable and then the land would be developed.

Councilmember Wallace stated the Speedway has been a positive economic engine for the South Dade area. He informed the Council that because of the nature of topography, the facility sits on the edge of the UDB line and explained that the Speedway’s application was not a normal application in moving the UDB. He continued to explain that the UDB was meant to be a forced discipline to keep from

development and each case needed to be looked at closely. He clarified that every examination of the UDB should to be done individually. He stated that this Amendment was a unique facility that needed room to expand because of the economic engine that was demanding it; to take in more money to attract a certain type of events or keep them from leaving. Councilmember Wallace stated this was a regional issue and needs to be looked at as so. He noted that the Council no longer reports to DCA, so the Council was now the arm of the local government to reflect what they should be doing and the Council was still a sounding board for the Region, whether their ideas were good or bad. He believes that since the item was passed at the County, City and there was no community opposition, it would seem like bad precedence to go back to Miami-Dade County and say the Council was rejecting it at this point. He feels there is nothing negative about the Speedway and is in favor of it. Councilmembers Asseff, Bates and Scuotto agreed the Speedway was important.

Councilmember Carruthers requested a Project Map as well as a Local Map to be included in the future. Mr. Murley stated that this would be done in the final packages as well as the proposed packages from now on.

Mark Woerner explained that the amendment was adopted and until the State gives its final comment it would be outside the UDB. In order for them to go back to it being inside the UDB they would have to file another amendment, go through this process, notwithstanding the fact that the properties are within the city.

Councilmember Carruthers confirmed that there are two (2) parcels of land, one is environmentally sensitive and within the UDB, the other is not environmentally sensitive and outside the UDB. Her concern was that the one parcel inside the UDB; could it have any potential of being developed? Councilmember Blynn felt that in the 120 acres would be developed from the UDB.

Councilmember Neugent stated that Councilmember Blynn made a very good point. He reiterated that this was a regional issue, not just a Dade County or City of Homestead issue which is why the Council reviews these issues. He referenced the importance of the aquifer and did not understand the reasoning behind staff's position based on the historical positions of the Council. He agrees that this Amendment should go before all the Councilmembers.

Chair Gunzburger informed everyone that the 1st reading was on May 1, 2011, and this was the second reading. She questioned that since this is an Emergency Executive Committee Meeting if this item would not have been part of this meeting but would have been part of September's meeting. Mr. Cambric stated that it would not have been brought to the September meeting; it would have been a staff only report that the County would have been relying on. He explained that the Amendment was received on July 30, 2011, before the August 1st meeting and there was no time to review before August's meeting. He stated that Council staff knew the Board would want to be involved in this decision because of the UDB issue. Chair Gunzburger informed the Board that if no action is taken, the Council would have no voice; and the Amendment would go through without the Council's opinion.

Councilmember Scuotto motioned to approve, Councilmember Wallace seconded it and a vote was taken which resulted in two (2) yeas and two (2) nays, therefore it failed.

Mr. Goren informed Council that if no action is taken, of any kind, the Applicant goes on without any comment from the SFRPC.

Chair Gunzburger explained that the Board could pass this Amendment with a stipulation for a positive vote that the 120 acres swap on the south remain permanently outside the UDB. Mr. Goren stated that this could be done.

Councilmember Scuotto motioned to reconsider the previous vote.

Councilmember Carruthers made the motion to reconsider to approve with the stipulation that the 120 acres outside of the UDB remains outside of the UDB, in perpetuity it can never be developed. Mr. Goren stated that this was an original motion because there was no motion before to reconsider. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

Ms. Llahues wanted to correct the record regarding the 120 acres to the north. She clarified that this covenant the Applicant proffered would need to go through the entire UDB process, should a change to the land use be requested in the future, which requires a hearing before the local and county organizations, SFRPC, and DCA for the actual transmittal and go through that process all over again for adoption. She reiterated that the modification of the covenant limits the use of the 120 acre application site. Chair Gunzburger explained that the Council was only talking about the 120 acres on the south not the north, in which the land use was being changed. Ms. Llahues stated that the 120 acres to the south would also have to go through the entire transmittal and adoption process.

Chair Gunzburger stated that there was a motion and a second and was passed unanimously.

Mr. Cambric stated that the staff report would be sent to Miami-Dade County and DCA.

Mr. Goren stated for the record that the Rule required the Board, at the September Council Meeting to ratify Council's actions; the legal actions taken today cannot be reversed by the full board because of the ratification process.

Chair Gunzburger stated that when this item is reviewed for ratification, she requested a concise summary be given to the Board.

F. Executive Director Position*

Chair Gunzburger stated she was pleased to have Mr. Murley as a qualified Deputy Director. She stated that Council may want to consider others who may be interested in the position. She suggested that Mr. Murley stay on as Interim Director, have him apply as well as others, and have the enrollment open for a period of 30-45 days and then make a decision.

Councilmember Asseff suggested Mr. Murley continue with the SFRPC until further decisions are made. She informed the Board that the cost of doing a search was around \$25,000. Chair Gunzburger stated that a national search would not be needed.

There was discussion regarding a search for Executive Director. It was suggested that there are qualified people within the agency, locally or within the State, who could have an opportunity to apply for the position. It was stated that the position could be advertised in various publications, League of Cities, Association of Counties, the internet, etc. It was decided that this should be a discussed with the full Board present.

Councilmember Wallace motioned to have Jim Murley as Interim Director; Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

Mr. Murley accepted the title of Interim Director and believed that this was a very important decision for the entire Council and would be available to all the Councilmembers. He stated that it was important for the Councilmembers to have confidence in their choice of Executive Director.

Councilmember Carruthers agreed that the whole Board should discuss the kind of leader wanted in the Executive Director role; someone who would have experience with the state, be hands on, make the most of the HUD Grant and any other funding, and getting support from all the governments that participate on this Council.

Councilmember Blynn stated that Mr. Murley was perfect for the job and would make an excellent Director.

Councilmembers Blynn, Neugent, and Wallace stated that Mr. Murley was qualified as Interim Director and possible Directorship but this should be discussed with the whole Board present.

Mr. Goren stated that transferring Mr. Murley from Deputy to Interim Director, that there is a certain amount of responsibility to consider. He suggested to the Board that he prepare an Interim document for Mr. Murley's temporary position and provide him with the responsibilities implemented. It was decided that there would not be a contract but a Memorandum of Understanding set forth, as the Interim Director position, until further action by the Board on September 12, 2011. He stated that terms and conditions are set forth on an oral basis. Mr. Goren explained that Mr. Murley, in an interim capacity, could sign certain documents or make decisions; he could not make personnel decisions. Mr. Goren suggested that the Council give him the same authority the former Interim Executive Director had, so he would know what his parameters are during this interim period.

Chair Gunzburger stated that the decision would be made in September as to whether there will be a search for the position of Executive Director and that Mr. Murley would be the Interim Director until a decision would be made. She stated that the full Board should be part of this decision-making.

Councilmember Wallace motioned to have Mr. Murley as an Interim Director until the Council takes other action. Councilmember Scutto seconded the motion, which carried by a unanimous vote.

IV. Discussion Items

A. Deputy Director's Report

B. Legal Counsel Report

Mr. Goren stated that he will be working on a letter of understanding with the new Interim Executive Director with direction from the Chair. Chair Gunzburger stated she would like Mr. Murley's resume to be sent out with the September Agenda.

Mr. Goren stated that all other Council business would be updated at the September meeting and commented that staff has been phenomenal in the collection process.

Councilmember Wallace stated that he saw a letter was sent to the Counties regarding the budget and status. Councilmember Carruthers stated that she thought the letter was premature, because her understanding was that Executive Committee directed staff to look at the budget and determine whether

we needed to maintain a \$.17 ½ per capita fee or if it could be reduced because of the financial restraints faced by local governments. She was surprised to receive it since the Board had not voted on it.

Mr. Murley explained that the Council's protocol was that the letter had to go out on a fixed date based upon a policy set by the Council. He explained that the policy was not changed at the July meeting and was discussed and essentially mechanical. The Census numbers were used and that was the reason the document was transmitted demonstrating the return on investment. He stated that in September, the Council will be presented a final budget amendment for this fiscal year and the budget proposal for the next fiscal year. Chair Gunzburger questioned why this was sent in July.

Richard Ogburn stated that the Rule of the Council specifies that Council staff must certify the dues to be collected by no later than August 1st of each year. He explained that the Agenda Item is brought to the July meeting for discussion by the Board so staff is in a position to send out the letters with the certified membership fees for the upcoming fiscal year to meet the date of August 1st. He clarified that it is up to the Board at the September meeting to make any final decisions about the budget for the fiscal year. Chair Gunzburger questioned if the Counties had any comments or the number that had been accepted.

Mr. Murley stated that the proposal from the three County Administrators or the Mayor's office in Miami-Dade County reflected the August 1st numbers and were subject to ongoing discussions, including questions from the planning departments, who often carry the responsibilities in responding to the budget issues. He stated that this is an ongoing process and he is confident that in the September meeting we will reflect the concerns of the Board.

Councilmember Carruthers inquired if staff will be able to inform the Board what the impact amount would be if the per capita rate changed. She stated that she understood the formula but the only way to adjust that would be to adjust the per capita from the \$.17 ½. Mr. Murley stated that there was no time to provide additional information to the Council for the August agenda but it would be included with options for reducing revenues in September.

Mr. Murley stated that the following was Councilmember information. He stated that the FDOT Secretary announced a major transportation plan. He stated that he wanted to inform the Council that the Secretary raised several issues regarding regional government, the roles of this Council, MPO's and other government's part. He stated that he would like to arrange a panel, in October, and talk to the Council about what may happen to the Council. He stated the panel would consist of someone from the FDOT 4 and 6, the Regional Transportation Authority, and the two MPO's.

V. Announcements and Attachments

A. Upcoming Meetings

1. September 12th, 10:30 a.m. (Council Offices, Hollywood)
2. October 3rd, 10:30 a.m. (Beacon Council, Miami-Dade County)
3. November 7th, 10:30 a.m. (Council Offices, Hollywood)
4. December 5th, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)

VI. Councilmember Comments

VII. Adjournment

The meeting was adjourned at 4:30 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 August 9, 2011 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 12th day of September 2011.

Rebeca Sosa, Secretary

Date