

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

December 1, 2008

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Perez, called the meeting to order at 10:35 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

Councilmember Lieberman congratulated Councilmember Moss on his election to Miami-Dade Commission Chair and Councilmember Neugent on his election to Monroe County Commission Chair.

Councilmember Gunzburger congratulated Councilmember Wexler on the completion of her term as Broward County Mayor.

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Michael Blynn
Councilmember Jay R. Chernoff
Councilmember Suzanne Gunzburger
Councilmember Sally Heyman
Councilmember Ilene Lieberman
Councilmember Dennis Moss
Councilmember George Neugent
Councilmember Marta Perez
Councilmember Joseph Scutto
Councilmember Paul Wallace
Councilmember Sandra Walters
Councilmember Lois Wexler

The following Ex-Officio members were present:

Mr. Gary L. Donn, representing the Florida Department of Transportation
Mr. Elbert Waters, representing the South Florida Water Management District

The following Council members arrived after the roll call:

Councilmember Jose Riesco
Councilmember M. Margaret Bates

Councilmember Perez stated that agenda item #15a would be deferred until the January meeting.

Councilmember Lieberman stated that she had provided a handout to the Council regarding a finding by the Division of Administrative Hearings denying the Cities of Coral Springs, Tamarac and Coconut Creek of their motion to intervene in the land use plan amendment for the University Drive Extension. She requested that Legal Counsel do some additional research. She stated that she did not feel that the Council has the authority to comment on the decisions in a jurisdiction that is outside the jurisdiction of

the South Florida Regional Planning Council. It can look at the Metropolitan Planning Organizations from Broward, Miami-Dade, and Monroe Counties. Having looked at the Statute and researched it, she believes that the Council has no right to comment on one that is within the jurisdiction of the Treasure Coast Regional Planning Council. She requested that Legal Counsel fully explore the issue.

Councilmember Asseff stated that she concurred with the request made by Councilmember Lieberman.

Mr. Samuel S. Goren, Legal Counsel, stated that his law firm also represents the Cities of Coral Springs and Tamarac on this issue and would have to refrain from participating if there is a conflict.

Councilmember Lieberman made a motion to approve the use of outside counsel should there be a conflict with respect to the Bar rules for purposes of research requested on this matter, the Executive Director shall be authorized to hire outside counsel. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

AGENDA ITEM THREE: Minutes of previous Meeting

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

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

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

AGENDA ITEM FIVE: Development of Regional Impact (DRI) Program

a) DRI Assessment Reports

None

b) Development Orders (DO)

None

c) DRI Status Report

Information only

AGENDA ITEM SIX: Proposed Local Government Comprehensive Plan/Amendment Reviews

a) Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments - None

- City of Doral

Councilmember Gunzburger moved to approve the staff recommendation. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

b) Town of Bay Harbor Islands

Councilmember Heyman moved to approve the staff recommendation. Councilmember Walters seconded the motion, which carried by a unanimous vote.

- c) City of North Miami Beach
- d) City of North Bay Village
- e) Bal Harbour Village
- f) City of Hialeah

Councilmember Lieberman moved to approve the staff recommendation on items 6c, 6d, 6e, and 6f. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

AGENDA ITEM SEVEN: Adopted Local Government Comprehensive Plan/Amendment Reviews

- a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments
 - City of North Bay Village
 - Broward County

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

- b) City of Marathon
- c) City of West Miami
- d) Monroe County
- e) City of Homestead
- g) City of Hollywood

Councilmember Lieberman moved to approve the staff recommendation on agenda items 7b, 7c, 7d, 7e, and 7g. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

f) City of Miami

Councilmember Gunzburger moved to approve the staff recommendation. Councilmember Lieberman seconded the motion.

Ms. Fran Bohnsack, Miami River Marine Group, stated that she was present for the Council's first review of this item where it gave a very strong recommendation that actually exceeded the staff recommendation in favor of the working waterfront of the Miami River. She stated that she concurred with the staff recommendation. The River Port is still exceedingly important, and since she was here in July there has been a statewide referendum of working waterfronts that got a seventy percent voter approval. There is clearly strong support for preserving the working river not simply redeveloping it. She stated that her presence was to remind the Council that she is in it until the very end. It will go from this Council to the County, then to the Department of Community Affairs (DCA) and what the Council says will be weighed very carefully. She stated that she was hoping that the Council could come out as a strong advocate for the working river; it is an important lifeline to the Caribbean and to Central and South Americas. She also mentioned that some of the fixes that the City incorporated into the revised comp plan are fairly meaningless if looked at carefully. For example, the City includes amenities toward developers by giving them intensity bonuses which will include boat slips behind the residential developments. The point of

protecting the working waterfront is to retain it not to just include bonuses. It also claims to add setbacks for industrial properties in order to buffer those properties from other uses and protect them. The properties along the River are very shallow, if a 20-foot setback from the water and a 10-foot setback from the road are added then there is not much land remaining to work with. The document discusses continuing coordination with the Miami River Commission and the County. I can tell you that there has never been cooperation. The document says that the proof that the City supports this is that they will continue to support the dredging project, which has been completed for weeks now.

Councilmember Heyman stated that the Council was very prudent when it first reviewed this item. It is a working river and is part of what we call the Port. The Miami Port and the Miami River is a shared jurisdiction by the Department of Homeland Security (DHS) in multi-million dollar security funding. We have just completed the Federal dredging of the River because of its capacity to handle large cargo ships. If you look at the River itself as it comes in from the Bay, it starts with the City of Miami at a lot of high-end developments, but as you go farther in you find several working water industries and restaurants that have been there for decades, but more important as go on it is a coveted area with old residential, redevelopment, but especially the heart and soul of the Port of Miami; two inside cargo exchanges. Merrill Stevens has invested almost \$70 million and 600 jobs to work on yachts. The County's major cargo release is way inland, past 27th Avenue. The State of Florida just passed a Constitutional Amendment that addresses trying to save and assist those people who have invested into a commitment, a way of life and a land use by not having the full potential of neighboring properties dictate the tax rate for them in an effort to preserve the integrity of what should be named the Miami River Amendment. Staff stated it well in the fourth paragraph on page three of the staff report. Councilmember Heyman stated that she was opposed to supporting any language in here that negates what she feels is important direction and definition use and future potential of the Miami River.

Councilmember Bates arrived at the meeting.

Councilmember Perez welcomed new Council member, Margaret Bates.

Councilmember Moss asked if Ms. Bohnsack if she supported the staff recommendation.

Ms. Bohnsack responded yes, absolutely.

Councilmember Moss asked if there was a representative from the City of Miami.

Mr. Rogelio Madan, City of Miami Planning Department, stated that the incentives and setback requirements discussed by Ms. Bohnsack were intended to place the burden on the residential developments to buffer themselves from the industrial uses; the industrial uses would not be required to comply with the setbacks. There are incentives to provide industrial developments with technical support to get grants from empowerment zones. There is a policy of no net loss of wet slips. Policies in the application that will help protect these industries. There are several properties that are no longer useful for shipping because shipping now has containerization, which is much easier supported in the County side of the River, which is west of 27th Avenue. The properties within the City limits are very narrow and are not conducive to shipping activities. The property owners wish to convert their land uses to other uses and that is why the policies have come into place so that property owners can do something useful with the property.

Councilmember Moss stated that the message coming from the Council this morning is that the City has some work to do. He stated that he was going to support the staff recommendation. Councilmember

Heyman stated it very clearly; we want to make sure that the working waterfront continues, because it is very important to the economy.

Councilmember Riesco arrived at the meeting.

Councilmember Asseff stated that it is great, and we need a port in the working waterfront. There is no mention of getting rid of the blight and crime that is in the area, and she hopes that it will be addressed.

Councilmember Walters stated that the presentations given at the time this was first reviewed by the Council illustrate that there are important issues on both sides. The City planning staff just mentioned that there are portions of this waterfront that may no longer be suitable for modern day maritime industrial type uses and this is a valid consideration. We tend to get a little theoretical sometimes with protecting things that may not have a practical use for what we are trying to protect. The thing that continues to concern her is Ms. Bohnsack's position that there still is not good communication between the maritime industry and the City. Somehow that has to get resolved. She stated that she couldn't believe that the maritime industry is trying to protect land that it can't use for anything. Obviously there are some conflicts and disagreements on this that may not come to everyone's happy conclusion, but it needs to be closer to a compromise. It may be necessary for some additional zoning districts to be implemented in order to address particular sections of the waterfront. Councilmember Walters stated another thing that concerns her is taking the word "port" out of the plan, which is just a complete contradiction to the dredging project and many other designations which would bring the comp plan into actual conflict with many other positions.

Councilmember Heyman Stated that she was also very concerned. This is the City's second time around and it will next go to the County. The City of Miami needs to sit down with all interested parties and include the Port of Miami director as well to get some consensus through communication.

Councilmember Scuotto suggested a rezoning or zoning district to address the concerns with protecting yet revitalizing the Miami River. Various districts would accommodate different uses along the River.

Councilmember Lieberman stated that this would go to DCA and chances are the DCA will find the City in non-compliance. Perhaps Council staff should have some discussions with the City to help them come in with something that will balance the interests and protect the interest of the waterfront.

Councilmember Lieberman moved to call the question. Councilmember Heyman seconded the motion, which carried by a unanimous vote.

Councilmember Gunzburger moved to approve the staff recommendation. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

Councilmember Perez stated that there were two items to report. The first, there was an opening left by Councilmember Moore's departure representing the Council on the Water Advisory Board. Councilmember Scuotto has agreed to fill this position. She then stated Councilmember Asseff would give the report from the Nominating Committee.

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Councilmember Asseff reported that the Nominating Committee, made up by herself, Councilmember Neugent, and Councilmember Chernoff, recommended to move everyone up as follows:

- Councilmember Marta Perez – Immediate Past Chair
- Councilmember Sandra Walters – Chair
- Councilmember Joseph Scuotto – Vice Chair
- Councilmember Jay R. Chernoff - Treasurer

With that said, according to the Council's charter the Executive Committee needs a member from either the Broward or Miami-Dade County Commissions to be secretary. At this time everyone is in flux as to who will be on the Council next year. The Nominating Committee has decided to defer the choice for Secretary until January.

Councilmember Lieberman requested that the appointment dates for Councilmember Heyman and Gunzburger be provided to the Nominating Committee for January.

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

Councilmember Heyman moved to approve the Executive Committee recommendations made by the Nominating Committee. Councilmember Riesco seconded the motion, which carried by a unanimous vote.

b) Financial Report

Councilmember Gunzburger moved to approve the Financial Report for the month of October. Councilmember Moss seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

Ms. Carolyn A. Dekle, Executive Director, reported that the Investment Committee met last month following the Council meeting. The decision made was to do a request for proposals (RFP) after the first of the year. The purpose of this is to look at what other communities have used in terms of an RFP to look at investment strategies. Ms. Dekle also informed the Council that item #8c)1 was a letter to that Council from the City of Sunrise regarding affordable housing. Council staff met with City staff and attorneys. A member of the City staff is present to answer any questions.

Councilmember Wexler asked if there was any date for when that will be completed.

Ms. Jo Sesodia, Assistant Director of Planning for the City of Sunrise, stated that the City is currently working on the EAR based amendments and by Statute the City is required to adopt them by April 2009. The City might miss that deadline by a small amount, but the transmittal will be coming before the Council in the early New Year.

Councilmember Wexler stated that the letter to the Council was addressed to the Chair, Councilmember Perez, but the City officials were not copied on it.

Ms. Sesodia stated that was because it was a summary of the meeting that was held with Council staff.

Councilmember Wexler stated that it was a matter of getting it up the food chain, which was part of the conversation. It was also about the lack of information of potential for Bank Atlantic Center as well. We are having that discussion here because some of the members are aware of it, but it hasn't reached the

staff. She stated that she is always concerned that something like this doesn't go back up. City staff needs to make sure that the elected officials are included in the loop.

Councilmember Scuotto stated that he informed the entire City Commission that these discussions have taken place at the South Florida Regional Planning Council (SFRPC) meetings. He informed them that the representatives from Broward, Miami-Dade and Monroe County Commissions were asking about affordable housing in each of the projects presented. City staff has always said that the City has enough affordable housing, but that is not the Council's concern. He informed the City Commission that the SFRPC wants affordable housing tied to each development that is built within Sunrise. The City has decided to go ahead with the linkage fee. The City has also ensured that it can go back and tie the linkage fee to those developments that were approved by the commission at its last meeting. The City is leaning toward the 15%.

Councilmember Wexler thanked Councilmember Scuotto for being the messenger between the City of Sunrise Commission and the SFRPC. There was not any mention of the linkage fee in the letter.

Councilmember Lieberman stated that she appreciated Councilmember Wexler's concern on this issue as well as her advocacy, and it really has been a Broward issue on affordable housing. She stated that she is a bit concerned at the direction of the discussion. She stated that she is not willing to direct City staff as to how they do their internal policies. The issue for her is that the City needs to do an EAR. That needs to go through Council staff, which will have to have data and analysis to support whatever it is in the EAR that they identify is an issue. Councilmember Lieberman stated that she came away with a different conclusion after reading the letter from the City; 77% of the single family homes in the City have a just value of less than \$300,000. The issue was not about the City having affordable housing, because it does, it was a location issue. Is the affordable housing all in one place or is it spread throughout the community, is it rental or owner occupied. She requested that Council staff review the EAR, when it comes in, to make sure that the data shows that the City needs additional affordable housing versus market rate housing.

Ms. Dekle informed the Council that the EAR had been completed by the City. What the Council will see next are the amendments that will implement the EAR. The Councils' guidance now will be helpful to City and Council staff in ensuring that the data and analysis that would support those amendments looks at the issue of location.

Councilmember Lieberman stated that the two things that stood out to her. The first was that 77% of the City's housing falls into the affordable category, but it did not show how much was low, very low or moderate. The chart was very helpful because the linkage fee maybe to help repair dilapidated affordable housing, not to site new affordable housing. She stated that there needs to be a variety of options because each area is going to have a variety of issues.

Ms. Dekle stated that Council staff would continue to work with the City.

Councilmember Gunzburger stated that she agreed with both of her colleagues. She is particularly concerned with affordable housing. She stated that she and Councilmember Wexler attended a meeting at which it was pointed out that more rentals are needed for low, low affordable housing. The most prevalent need in Broward is low, low rentals. If there is going to be a linkage fee, it needs to be adjustable based on the cost of living.

Councilmember Asseff stated that the City needs to have more of a mixture, because having 77% of its housing being valued as affordable housing will make it difficult to balance the budget.

Councilmember Moss stated that a mixture is good. There is a large commercial base there and the City needs to have people to work there. If everybody is concentrated to the east having to come west that creates traffic issues.

Councilmember Scuotto stated that is why everything that is being built now will have affordable tied to that specific area. The linkage fee and the percentage will help.

Ms. Dekle informed the Council that there was a proposal put before the Broward Metropolitan Planning Organization (MPO) dealing with the issue of land use and transportation in northwest Broward County that has been at the request of the MPO Board. We are hopeful that the Board will be supportive of the proposal. She then congratulated Mr. Keven Klopp on his appointment to Chair for the School Concurrency Committee for Broward County. There is a meeting this month with the Florida Regional Councils Association (FRCA) that will be a series of legislative initiatives being discussed. The Directors will reach some kind of consensus about their position on those, and she will bring that back to the Council in January for discussion.

d) Legal Counsel Report

Mr. Goren informed the Council that there was information in the backup regarding the pendency of the RLF transactions.

Councilmember Lieberman stated that she noticed in the audit that there was approximately \$900,000 worth of bad debt from these loans, but we only wrote off about \$400,000. She requested an explanation. She stated that there are a number of applicants have filed for bankruptcy and are therefore probably not collectable and the sooner that they are dealt with and taken off the books the better.

Mr. Goren stated that all of the ones that are in bankruptcy are the ones listed in the report.

Councilmember Lieberman stated that it was affecting the loan balance, which appears higher than it is.

Mr. Goren stated that they could be converted from potentially collectible to non-collectable.

Councilmember Moss asked what the guidelines stated about writing off uncollectable loans.

Mr. Goren stated that there are two sources, one of which was a CPA to determine whether it is legally collectible or not; the other aspect of which we actually have some allegedly non-collectible loans that we have pursued action for and collected. There will be an effort made to reconcile those that are uncollectible and try to use our best efforts to write them off.

Councilmember Moss asked if it was up to the Council or are there guidelines by which to go by.

Mr. Goren stated that it was up to the State of Florida and the Council CPA to give guidance.

Councilmember Asseff stated that there could be further discussion during the strategic planning session that is scheduled immediately following this meeting, since there was going to be a presentation from one of the RLF Board members.

Mr. Goren stated that the other topic that has been left open for discussion was for the legislative review is the issue regarding a place at the table with regard to intervention on land use reports. To the extent possible we were hoping to find a place for the Council to have a larger role in land use modification.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

f) Update regarding Southeast Florida 2060 Initiative

Mr. Klopp gave a presentation on the Southeast Florida 2060 Initiative. The focus of the initiative, he said, is to gain the attention of the public and the region's decision makers. Goal 21 of the *SRPP* regarding regional collaboration and funding for regional infrastructure was mentioned prominently. A proposed marketing phrase - "What were the 60s like for your parents and grandparents - what do we want the 60s to be like for our children and grandchildren?" was described.

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Information only

Councilmember Moss requested clarification on the transfer of loans from the City of Homestead.

Ms. Dekle stated that these were loans that were originally with the Economic Development Administration (EDA) loan fund that was being managed by the City of Homestead. The EDA requested that the Council take over the management of that fund. There were a series of loans that were written off prior to the transfer. We are hoping that the loans that were transferred will be collectible.

Ms. Cheryl Cook stated that the loan fund that the Council received was open to the entire region and brought with it a little over \$900,000 which is available now to be loaned out. The three loans that were transferred are being worked on by Council staff.

Councilmember Wallace stated that he had a question about the 2060 Initiative; he asked how long the project would last.

Mr. Klopp responded the project should last about a year and a half to two years.

Councilmember Wallace asked if this was a project that would require County Commissioners to be on board.

Mr. Klopp answered yes County Commissioners as well as State and Federal Elected Officials.

Ms. Dekle added City Commissioners as well.

b) Hurricane Wilma Bridge Loan Status Report

Information only

Councilmember Moss asked if the matrix that is provided in the RLF report could also be done for the Hurricane Wilma Report as well.

Ms. Dekle stated that the Hurricane Wilma Bridge Loans are loans that have already been made and are now just in the process of being closed out; they are not the active loans that are in the RLF program.

c) Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report

Information only

1) Eastward Ho! Brownfields Cleanup Revolving Loan Fund Resolution

Councilmember Lieberman moved to approve the Eastward Ho! Brownfields Cleanup Revolving Loan Fund Resolution. Councilmember Gunzburger seconded the motion, which carried by a unanimous vote.

d) Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report

Information only

AGENDA ITEM TEN: Contracts

None

AGENDA ITEM ELEVEN: Highlights of Council Activities

Information only

AGENDA ITEM TWELVE: Special Projects

a) Statewide Regional Evacuation Study Program - Update

Information only

AGENDA ITEM THIRTEEN: Strategic Regional Policy Plan (SRPP)

None

AGENDA ITEM FOURTEEN: Regional Initiatives with Treasure Coast Regional Planning Council

None

AGENDA ITEM FIFTEEN: Other Matters for Consideration

None

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

Councilmember Chernoff congratulated Councilmember Perez on doing a great job as chair this year.

Councilmember Perez thanked everyone for helping her during her year as Chair.

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AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) January 5th, 10:30 a.m. (Council Offices, Hollywood)
- b) February 2nd, 10:30 a.m. (Council Offices, Hollywood)
- c) March 2nd, 10:30 a.m. (Council Offices, Hollywood)
- d) April 6th, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 11:35 a.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 1, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 5th day of January 2009.

Jay R. Chernoff, Secretary

Date