

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

April 4, 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 10:40 a.m. and lead the Pledge of Allegiance.

I. Pledge of Allegiance and Roll Call

Councilmember Patricia Asseff
Councilmember Margaret M. Bates
Councilmember Michael Blynn
Councilmember Scott Brook (absent)
Councilmember Heather Carruthers
Chair Suzanne Gunzburger
Councilmember Ilene Lieberman
Councilmember Manuel Marono
Councilmember Jean Monestine (absent)
Councilmember George Neugent
Councilmember Jose Riesco (via phone)
Councilmember Stacy Ritter
Councilmember Joseph Scuotto (absent)
Councilmember Rebeca Sosa (absent)
Councilmember Paul Wallace
Councilmember Sandra Walters
Councilmember Jimmy Weekley

The following Ex-Officio members were present:

Mr. Kevin Claridge, representing the Department of Environmental Protection
Mr. Gary L. Donn, representing the Florida Department of Transportation
Ms. Carol Morris, on behalf of Elbert Waters, representing the South Florida Water Management District

The following Ex-Officio member was not present:

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

Chair Gunzburger stated that quorum has been established.

II. Approval of Council Agenda

Chair Gunzburger stated all Action Items are under Item III and the Council would need to vote on each Item. Councilmember Lieberman moved to approve the Agenda. Councilmember Neugent seconded the motion, which carried by a unanimous vote.

III. Action Items

A. Minutes of Previous Meeting (March)

Councilmember Lieberman moved to approve the Minutes from the March meeting. Councilmember Blynn seconded the motion, which carried by a unanimous vote. The minutes from the previous meeting were included in the motion and unanimously approved.

B. Financial Report

Councilmember Lieberman 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 Lieberman seconded the motion, which carried by a unanimous vote.

D. Developments of Regional Impact/Development Orders - None

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

Chair Gunzburger stated there are no Developments of Regional Impact/Development Orders or Proposed Public Education Facilities Element (PEFE)/Capital Improvements Elements (CIE) Amendments; therefore, there would be no vote on Items III.D and III.E.

F. Proposed Local Government Comprehensive Plans and Amendment Reviews

1. Town of Davie
2. City of Opa-locka
3. Miami-Dade County

Councilmember Walters moved to approve staff recommendation for the Proposed Local Government Comprehensive Plan Amendment Reviews; Item F.1. Town of Davie; Item F.2. City of Opa-locka and; Item F.3. Miami-Dade County. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

G. Adopted Public Education Facilities Element (PEFE)/Capital Improvements Elements (CIE) Amendments

- City of Cooper City
- City of Margate
- Village of Palmetto Bay
- Town of Pembroke Park

Councilmember Walters moved to approve the Adopted Public Education Facilities Element (PEFE)/Capital Improvements Elements (CIE) Amendments. Councilmember Lieberman seconded the motion, which carried by a unanimous vote.

H. Adopted Local Government Comprehensive Plans and Amendment Reviews

1. City of Parkland

Councilmember Ritter moved to approve the Adopted Local Government Comprehensive Plans and Amendment Reviews. Councilmember Walters seconded the motion, which carried by a unanimous vote.

I. Evaluation and Appraisal Report of the *Strategic Regional Policy Plan for South Florida*

Rachel Kalin, of Council staff, stated she was present to answer questions regarding the Evaluation and Appraisal Report of the *Strategic Regional Policy Plan for South Florida*. Interim Executive Director B. Jack Osterholt stated there were three pieces of information that would become the basis for changing the policies for the Council: 1) review of our current Legislative reassigned plan, a highly focused and not very policy oriented process; 2) Sustainable Communities Initiative, and; 3) our involvement with the Florida Chamber of Commerce and its Six Pillars process. Mr. Osterholt stated he was recently appointed to the Six Pillars process, which would bring information from the business community into this process. He stated that although the evaluation process from the regional plan had become nearly perfunctory, this would be an opportunity to start a broader and more defined process that would exceed the requirements of the State.

Councilmember Asseff moved to approve the Evaluation and Appraisal Report of the *Strategic Regional Policy Plan for South Florida*. Councilmember Neugent seconded the motion, which carried by a unanimous vote.

IV. Discussion Items

A. Executive Committee Report

Chair Gunzburger stated this was a new format, moving the Executive Committee Meeting to the Conference Room so it would be open to the public as well as the rest of the Council. Councilmember Wallace stated that the Council could be useful as a dispenser of information, such as the evacuation status that would be needed if there were a nuclear incident at the Turkey Point Power Plant. Councilmember Wallace was concerned about the “no eat and no drink zone” that threatened Japan. He stated that if this happened at the FPL Plant that zone would go past downtown Miami, through most of the middle of Miami-Dade County and the top of the Keys. He stated that there hasn’t been a strong surge at Turkey Point as in Japan, but it could happen. Councilmember Wallace stated that this needs to be looked into and brought to the public’s attention. Councilmember Wallace suggested FPL and those who are in charge of the Evacuation Plan should be asked to contribute information. He stated that the public should be aware of what would happen to our communities if there were a nuclear problem. Councilmember Wallace moved to place this issue on the Agenda and have a presentation. Councilmember Wallace moved to approve this motion. Councilmember Walters seconded the motion, which carried by a unanimous vote.

Councilmember Bates questioned if FPL had been contacted to see if they had a plan regarding this issue. Interim Executive Director B. Jack Osterholt stated that FPL has not been contacted regarding this issue. Richard Ogburn, of Council staff, stated there is a Plan, and that the Plan was prepared under the authority of the Nuclear Regulatory Commission, which coordinated with Local Emergency Management Departments. The Nuclear Regulatory Commission Plan was not reviewed, as the SFRPC did for the Hurricane Evacuation, with all of the planning studies through the Planning Councils. The Evacuation Study included a summary about nuclear facilities in the Region, stating that this evacuation was coordinated through the County Emergency Management Departments. Mr. Osterholt stated all the appropriate people would be contacted and a presentation would be made, and he stated that it may take longer than a month to gather all the information due to others’ schedules. Mr. Osterholt stated there

were a new set of lines as well as 2 or 3 new reactors being proposed. Mr. Ogburn stated there were two new reactors proposed and they would be built on 25 foot pads, which would be higher than the existing reactors; this leaves a question about the elevation of the existing reactors. Mr. Osterholt stated that Council has been in negotiations with FPL regarding the power lines and the new reactors for several months. Chair Gunzburger stated her concerns regarding the used fuel rods because the rods are in the ground in pools. Councilmember Asseff stated that bringing the information to the public would be great but was concerned that it would be a scare tactic and before this would be brought to the public's attention, adequate information would be needed. Councilmember Asseff stated that people are concerned with natural disasters; if this data was brought forth it should be studied globally not just locally. Councilmember Neugent stated that there was a very intricate comprehensive plan in place and there are annual drills. Monroe County participated in those drills; and that Miami-Dade and Broward Counties and the rest of the state were very much involved in those comprehensive plans. Councilmember Neugent stated that there was a State Emergency Management Team that has been paying attention and that he has been a part of the Team for at least thirteen years. Councilmember Carruthers stated there was a very robust emergency plan for almost every kind of emergency. Councilmember Carruthers questioned whether the existing reactors would be decommissioned once the new reactors were created. Mr. Ogburn stated that the new reactors would be in addition to the existing reactors. He also stated that the existing reactors reached their 40 year commissioning period recently or would soon. Their life span has been extended for 20 years. In addition, they have been uprated, meaning work was done internally within the reactors to enable them to produce more electricity than they previously could. The uprate project went through and was approved in the last two years. Mr. Ogburn stated that FPL has been investing a considerable amount of effort and resources in increasing its nuclear capabilities. Mr. Osterholt stated that in the 1970's, two pieces of legislation were passed: the Power Plant Siting Act and the Transmission Line Siting Act. He explained that the role of local government in that process would be tangential, not like the DRI process, which was how it was originally started. They were run by the power companies, the Public Service Commission, the Governor and Cabinet; comments could be made but the law was very restrictive and timeframes were very rapid. The process was closely protected.

Chair Gunzburger asked if there was a motion for the item to be presented for future discussion, next month or the following month. Councilmember Wallace made the motion, Councilmember Walters seconded the motion, which carried by a unanimous vote.

B. Interim Executive Director's Report

Interim Executive Director B. Jack Osterholt stated that the Request for Proposal (RFP) was usually handled in the Executive Committee meeting. Chair Gunzburger stated the RFP should be discussed with the entire Board. Councilmember Wallace stated there was a RFP for an Auditor, for the SFRPC, which would soon be issued to the public. One of the items questioned was whether the RFP should be publicized or posted. The benefits of publicizing, such as putting advertisement in all three county newspapers, the RFP would be viewed by the public who want to respond; getting some new people involved. Posting the RFP on a website, only those who know the Council would respond. Councilmember Wallace stated that the criteria for judging, the applicant should have already performed an audit on a government agency, should be irrelevant. He then understood from the staff that this would not be a big criterion and that anyone could apply even if they had not audited a government agency. Councilmember Walters stated that it would be a good idea to include in the evaluation criteria that the applicant either be a certified small business or utilize a sub contracting certified small business, in the RFP process. She stated that the Council has been involved with the loan program; therefore the contract should encourage small businesses throughout our region to apply. Councilmember Asseff asked did this mean that larger companies should not apply. Councilmember Walters replied that the

small businesses should get a couple of points for either being a small business or utilize a small business. Mr. Osterholt stated that a lot of times a big firm would bring in a small firm in to do the work. Councilmember Asseff questioned whether there was enough funding for advertising. Mr. Osterholt stated there is.

Councilmember Wallace moved we publicize, in our governing area as widely as possible, the RFP and add an appropriate statement seeking certified small business contributions, either as the contractor or as part of the contract. Councilmember Bates seconded the motion, which carried by a unanimous vote.

1. Legislative Update

Interim Executive Director B. Jack Osterholt stated we have been working very diligently on a couple of items. One, there would be a substitute Bill regarding traditional growth management that we had been evolving, and the other is money. Council has been working with the appropriations subcommittees and the RPCs are in the House and the Senate Budgets. The Senate's Bill is \$2 million for all regional councils on a non-recurring basis. The House's Bill is \$2.5 million on a recurring basis. This would be our current appropriation. The RPC's started at zero, but the proposals mean the RPCs would be a discussion item during the appropriation process. Mr. Osterholt reported that there are two Bills that would substantively change the way the growth management process is going; there is a House and a Senate Bill. There has been an ongoing discussion about the Department of Community Affairs that it may go away or be closed down. He stated that DCA has many statutory programs that can't be dissolved; there's the Land Planning Agency, Areas of Critical State Concern, Emergency Management and others. He stated that DCA is not just local planning; there are some very important programs needed for the operation of this state. Mr. Osterholt commented that there would be a lot of discussion about these issues before any reorganization process takes place. The Regional Planning Councils were sunshined when they did not need to be sunshined since they are not state agencies.

Bob Cambric, of Council staff, stated the House Committee passed Bill 7129, the "Community Planning Act" on Thursday; it used to be called the Local Government Comprehensive Planning and Land Development Regulation Act. The Bill would eliminate School Concurrency, which means that the State no longer requires a local government to maintain School Concurrency. It would repeal 9J-5 which sets the minimum standards to determine when a Comprehensive Plan is consistent. Local government will not have to determine if their Capital Improvement Elements are financially feasible. State mandated School Concurrency, Transportation Concurrency, Parks and Recreation would be discontinued, but could be maintained locally. The Comprehensive Plan review process at Broward County and all the cities in Broward County currently uses is called the Alternative State Review Process. The Bill would expand Alternative Review throughout the state and it would now be called the Expedited State Review Process. The city or county would send an amendment to DCA and other review agencies, but DCA would conduct their initial review and DCA has 30 days to tell the city or county if it plans to appeal the adopted amendment. DCA would have the option to review again when a local government proposes an amendment, then at adoption approves something else. This additional review would be to determine if it should file a challenge. Citizens still have the ability to challenge a Comprehensive Plan Amendment, however, DCA would no longer be able to intervene in a citizen challenge. DCA was involved in the beginning, they could not get involved later on. Citizen Standing is going to change. Unless the planning period for Comprehensive Plans was 10 years; local governments would be able to have multiple planning periods, grouped by element, or project. Local governments would be required to implement their Comprehensive Plans consistent with its proper role; however, there is no definition of the proper role of local government. The plans should be based on the future land use element, which would be based on at least the minimal amount of land required to accommodate the medium population guidelines through Bureau of Economic and Business Research (BEBR). The land uses should allow the

operation of the real estate markets to provide adequate choices for permanent and seasonal residents and businesses. Mr. Cambric spoke with Eric Poll who stated that before the Bill was being considered, there were 16 changes made, which put the League of Cities, as well as the Association of Counties in a position where they opposed the Bill. Senator Bennett wants to use his Bill, SB 1122, to track HB 7129 a strike all of SB 1122, which picked up a lot of the House language, has passed Committee. Mr. Cambric stated he had asked Nancy Linnan and Linda Shelley if they would visit the Council to provide explanations of the Bills; they agreed. Mr. Cambric stated that the Bill includes language that encourages local governments to address their antiquated subdivisions. Those communities' that have platted properties, where nothing happened, this would be a new way to use that land to accommodate the goals within the communities. Mr. Osterholt stated that through these Bills, DCA would not dissolve. Chair Gunzburger stated she thought there was a change in the Bert Harris Act. She stated that this Bill was supposed to affect everyone by shortening the time span on moratoriums from 2 years to 1 year, and some other changes. Mr. Osterholt stated that the SFRPC receives a Legislative update from Ron Book. The updates are at the Council Members' seats and these updates will be emailed to the Councilmembers as they come in.

Councilmember Weekley stated that there were two other Bills that the Council should track. One is House Bill 883 and Senate Bill 476. These Bills take away the rights of local communities to legislate vacation rentals. Interim Executive Director B. Jack Osterholt stated this would be tracked and updates sent to Councilmembers.

Chair Gunzburger stated there are other issues, not just Growth Management issues, and the sessions would be difficult for people and communities. Chair Gunzburger stated the homeless funding was rescued. Councilmember Asseff added that the elder funding was too. Chair Gunzburger continued by stating there would be no money for substance abuse or mental health for the elderly.

C. Legal Counsel Report

Legal Counsel Sam Goren stated that certain members of the Council have inquired about their legal status as members from the Governor's Appointments Office and regarding the pending applications for Councilmembers Brook, Asseff, and Wallace. He stated that the Governors' Office has been somewhat inconsistent in the past couple of years on the issue of hold-over appointments and with the different Governors, as to how that process actually works. Chapter 114, F.S. if applicable, states that if the three Council Members, Brook, Asseff and Wallace, are not reappointed by Governor Scott during the 2011 Legislative Session, then their terms (which technically expired in October, 2010) would end on the 46th day after the close of the Session. However, if Governor Scott nominates them during the Session, and the Senate does not confirm the appointments, each Councilmember would remain in office until the next Session of the Legislature, in 2012. Mr. Goren further explained that the problem would be if the Governor does not nominate them; the appointments would no go to the Senate and when the Senate adjourns on the 46th day the three Council Members would not be able to be members of this Council and would not be eligible to be members for a year thereafter. Mr. Goren further stated that this was in the Statute and under Governor Crist there was also a difference of opinion regarding the Statute. Clearly, however, Councilmembers Brook, Asseff and Wallace are legally seated on Council through the July, 2011 meeting on the premise that they will re-apply for their positions and that Governor Scott will act on their appointments. If the Senate fails to act and the Council Members have been nominated by the Governor for that position, they would be legally eligible to serve for another full year. If the Governor fails to act, then the Council Members need to leave after the July, 2011 meeting. Mr. Goren stated that there has been a difference of opinion from the last three Governors. Now, this issue has become more poignant because attendance has become a challenge at recent Council meetings. Mr. Goren also opened the floor for discussion or questions regarding the Revolving Loan Status Report.

V. Program Reports

A. Economic Development

1. Revolving Loan Funds
 - a. SFRPC Revolving Loan Funds Status Report
 - b. Hurricane Wilma Bridge Loan Status Report
 - c. Eastward Ho! Brownfields Cleanup Revolving Loan Fund Status Report
 - d. Broward County Cultural Division Artist Micro-Credit Revolving Loan Fund Status Report

Councilmember Lieberman questioned the spelling and status of Sixth Street Plaza and whether it has been turned over to litigation. Cheryl Cook, of Council staff, stated that this account, which has not made a payment since January, has been turned over to litigation and the spelling error would be corrected. Ms. Cook stated that Council staff has been in contact with the two businesses that were in arrears. Botequin Bar & Grill, #4006, is constantly working with staff and every 45 days they send in a payment. Ms. Cook stated that this was a start up restaurant. Councilmember Lieberman stated that if an account misses the first payment it should go to the attorney, especially in these times when it is very easy for these people to skip town or add on other liens. Councilmember Lieberman stated that staff should continue working with the borrower after litigation has been filed, but at least our interest would be protected. Councilmember Lieberman believed a wrong message is being sent out when a client goes three months without making a payment. Legal Counsel Sam Goren stated they would be happy to support anything that is appropriate and understands the nature.

A discussion ensued regarding no item for General Comments. Mr. Osterholt stated that this Agenda was in a new format and was created specifically to try to end discussions on 3 or 4 points that have no running votes. He stated that there are a lot of issues that should be talked about with the Councilmembers; issues that the Council and Board are involved with or should be involved with. The Council was trying to stick to a more robust Agenda, and General Comments would be a good item to add.

Chair Gunzburger stated we need to appoint one Councilmember to the FRCA Policy Board. The members now are Vice-Mayor Asseff and Vice-Mayor Carruthers. The Chair stated that since we do not know the status of Commissioner Asseff, someone else should be put on that board. Usually it is a past Chair; Councilmember Lieberman passed. Councilmember Walters would be willing but two Monroe County Members cannot be appointed. Councilmember Asseff suggested she is still available and does not want to be replaced till after the June FRCA Board Meeting. It was agreed that Councilmember Asseff would continue in her capacity until after the June FRCA Board Meeting.

Chair Gunzburger stated that the Council credit card would expire in April and notification needed to be sent to Regions Bank that Interim Executive Director B. Jack Osterholt sign on behalf of the Council.

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

Councilmember Wallace questioned whether the legal status allowed Interim Executive Director to sign. Mr. Goren stated that if the Interim Executive Director was authorized; he could. Mr. Goren's recollection was the limitation of money vouchers, meaning that the Interim Executive Director cannot sign checks. This would be subject to Council approval. Councilmember Wallace withdrew the objection.

Councilmember Wallace stated he would like make a motion for discussion to do away with the national search for an Executive Director and hire B. Jack Osterholt or negotiate with him to be the new Executive Director. Councilmember Wallace said there is nobody better in this group other than Jack Osterholt to have that position.

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

Councilmember Lieberman stated that there should be some sort of written legal contract. Councilmember Lieberman said Legal Counsel Sam Goren should negotiate a contract to be put on the next agenda.

Councilmember Wallace made a motion to negotiate and moved to approve this motion. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Mr. Goren stated he would negotiate the Executive Director Contract for next meeting. Councilmember Walters suggested the Board ask Mr. Osterholt to consider the offer. Mr. Osterholt stated changes have been made from reformatting the agenda and how the room was laid out. He stated that the vision of the RPC is changing, especially with what would be possible with the Sustainable Communities and this would be “our” last and best shot at creating a regional council, not a regional planning group, a RPC that would have a strong, supportive policy base that could show real progress. He further stated that this has been a real eye opening experience, and he would be the only crazy person to take this job. Chair Gunzburger questioned if that meant yes. Mr. Osterholt stated he would accept the position of Executive Director. Chair Gunzburger stated that the Board would have to ratify the motion. Mr. Goren stated he needed someone who is not on staff to negotiate the contract and Chair Gunzburger agreed to be that person.

With all the revisals the motion carried by a unanimous vote.

Councilmembers discussed travel time regarding the May Council Meeting in Monroe County.

- B. DRI Status Report
- C. Evaluation and Appraisal Report (EAR) Status Report
- D. Emergency Preparedness
- E. Regional Planning and Policy Issues
 - 1. Initial Census 2010 Summary
- F. Southeast Florida’s Regional Vision and Blueprint for Economic Prosperity (Sustainable Communities Initiative)
- G. Florida Chamber Foundation’s Six Pillars Program

Chair Gunzburger stated that there are Program Reports on Economic Development. It was voted to not discuss these reports, and the floor opened to General Concerns.

Councilmember Neugent stated his concerns on the privatization of prisons, and if Broward or Dade County Commissioners had any positions regarding this topic. He stated that Monroe County has a Satellite Prison, located on Big Pine Key with the Dade County Correction System. His concern was if privatization was part of the Big Pine Road Prison, which provides tremendous amount of assistance through contract to the Department of Transportation; this could create some problems with the 26 County employees that work at the prison. He stated that it would be an economic impact and those employees would have to find new employment if the prison closed. Chair Gunzburger stated that

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Broward County had not discussed the issue; it was mentioned last week and doesn't feel that it is a replacement for our local prisons. Councilmember Lieberman stated that this privatization would be for state prisons, not county. The Broward County Commissioners were not free to discuss this item without the County coming to a conclusion; it would be inappropriate. Councilmember Neugent stated he thought it had been discussed during this legislative session. Chair Gunzburger stated that this may be part of the topic in the following day's Commission meeting. Councilmember Marono stated that he had not heard any discussion on this topic. Councilmember Donn, representing the Department of Transportation, stated that the Department had not taken any position on it nor have they had anything coming out their Central Office; they were looking at other issues. Councilmember Neugent thanked everyone for their responses. Chair Gunzburger stated by next meeting session would be over and the Board would see which Bills passed. Chair Gunzburger stated this subject would be brought up at the next Broward County Commission Meeting.

Councilmember Walters stated she has a personal announcement; she is seeking a Governor's Appointment, separate from this Board, for Monroe County's Florida Mosquito Control District and asked some of the Councilmembers for letters of support. It was discussed that Councilmembers Sosa and Marono, from Miami-Dade County, would be helpful. Councilmember Neugent stated there might be a problem to sit on two government boards. Mr. Goren stated that he could not answer until he researched the issue. Councilmember Walters stated it should not be a problem.

VI. Announcements and Attachments

- A. Correspondence and Attendance Form
- B. Upcoming Meetings
 1. May 2nd, 10:30 a.m. (Murray E. Nelson Government Center, Key Largo)
 2. June 6th, 10:30 a.m. (Council Offices, Hollywood)
 3. July 11th, 10:30 a.m. (Council Offices, Hollywood)
 4. August 1st, 10:30 a.m. (Council Offices, Hollywood) – **Executive Committee Only**

VII. Adjournment

The meeting was adjourned at 11:36 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 April 4, 2011 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 2nd day of May 2011.

Rebeca Sosa, Secretary

Date