

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

July 7, 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

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Michael Blynn
Councilmember Scott J. Brook
Councilmember Jay R. Chernoff
Councilmember Sally Heyman
Councilmember Morgan McPherson
Councilmember Dennis Moss
Councilmember Marta Perez
Councilmember Jose Riesco
Councilmember Dixie Spehar
Councilmember Paul Wallace
Councilmember Sandra Walters

The following Ex-Officio members were present:

Mr. Elbert Waters, representing the South Florida Water Management District
Mr. Stan Ganthier, representing the Florida Department of Environmental Protection, on behalf of Chad Kennedy

The following members arrived after roll call:

Councilmember Ilene Lieberman
Ex-Officio member Gary Donn, representing the Florida Department of Transportation

Councilmember Perez informed the Council that Mr. Samuel Goren, Legal Counsel, was ill and would not be attending the Council meeting, but Mr. Donald J. Doody would be present instead. Councilmember Perez then asked if the Council members would like to allow or disallow handouts from the public.

Councilmember Brook moved to not allow handouts from the public for this meeting. Councilmember Heyman seconded the motion, which carried with nay votes from Councilmember Blynn, Councilmember McPherson and Councilmember Walters.

AGENDA ITEM THREE: Minutes of Previous Meeting

Councilmember Moss requested a correction to the minutes on page 3 in paragraphs 2 and 3 regarding a reference to the City of Miami; the item being discussed was the City of Lauderhill.

Ms. Dekle stated that Councilmember Wexler and Councilmember Lieberman were discussing both cities. She added that staff would go back and listen to the tape to ensure that the information was correct.

Councilmember Perez stated that it often comes up as to which type of minutes should be kept and these are lengthy narratives. She asked if the majority of the Council was ok with the minutes as they are currently done or if it would prefer to have them shortened. She asked if there was any preference, if not then they would be kept as they are.

Councilmember Brook stated that he appreciated the details.

Councilmember Riesco stated he agreed.

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

Councilmember Lieberman arrived at the meeting.

AGENDA ITEM FOUR: Project Reviews

a) Intergovernmental Coordination and Review Report

Councilmember Riesco moved to approve the Intergovernmental Coordination and Review Report. Councilmember Chernoff 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

Councilmember Moss requested that project locations be included in future DRI status reports.

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

a) Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates
Amendments

- None

b) City of Pembroke Pines

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

c) City of Margate

Councilmember Moss asked why there was an objection to Margate and not to Pembroke Pines.

Ms. Julia Trevarthen, Council staff, responded the Statute that requires local governments to do the water supply plans requires not just a change to potable water elements, but also other changes in other elements to help make the whole plan continue to be consistent. Margate has done a really good job in developing its water plan, but it hasn't done those changes to the other elements to make it internally consistent throughout the whole plan. That is the only issue with Margate, it just needs to do these others and as soon as the City does that, staff does not anticipate an issue.

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

d) City of Fort Lauderdale

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

e) Monroe County

Councilmember Spehar stated that she was frustrated with what staff has recommended. Monroe County is one of two counties with declining population and the lack of affordable housing is a great cause of that. The County only receives 200 permits per year and of that only 40 are allowed for affordable housing. When she looks at one of the comments that references Policy 20.1, this area needed and is already designated residential use. It still has the normal setbacks and normal open space that is compatible with the community. It is rather frustrating; the County had eight years of trying to get affordable housing and now also to throw in the Air Installations Compatible Use Zones (AICUZ) it is very frustrating for the fact that all of the area that we need for affordable housing is in the lower Keys, below the 7-Mile Bridge. That is where the proposed contour will be, and that's 65 decibels. This means that if the County adopts it, the County would not be able to build any affordable housing in the Lower Keys. To try to force the County to adopt the A-Q's puts it in a position of a taking; the County cannot afford to buy all of the property that the military would like it to. She stated that she is really offended because she feels that, in essence, the Florida Department of Community Affairs (DCA) and the South Florida Regional Planning Council (SFRPC) are just saying you cannot build affordable housing in the lower Keys.

Ms. Dekle responded that was not the intension of the staff report.

Ms. Trevarthen stated that the staff concern was not that the County not be able to locate affordable housing; staff has worked with the County for a number of years to help it develop techniques to locate affordable housing in the Keys. The greatest need for affordable housing is in the Lower Keys, as Councilmember Spehar stated earlier. Staff concern here is that by locating any kind of housing within this 65 decibel contour, you could be setting up a situation where you are basically bringing things to the level of 2 nuisance. And those of us who have worked on airports and neighborhoods around airports know that sometimes noise becomes a huge issue. That being said, it is staff's understanding that there are things that can be done to help mitigate the impacts of noise that happen in the construction process for housing, so I'm not sure it is an either or. The staff concern was really in the context of making sure that those two neighboring uses were compatible with each other to the fullest extent possible.

Councilmember Spehar stated the County adopted the 1977 AICUZ, this is the 2005 AICUZ that they are asking for. In fact the commander that just left the base said that we might as well just consider the contours from the 7-Mile Bridge to Key West, but yes there are things that can be done, which is either have the military purchase the land or the County purchase the land, which is a taking, because this is reverse encroachment. The 2005 contours are over houses that were already there before the 1977 contours, which devalue the land. The second part of it is either you buy the land or you have attenuation. The military does not do that. She informed the Council that she went to Washington to ask if they would; they do not. The County could do it, and actually by current building codes, could meet the attenuation. This is reverse encroachment; it is over areas that are already developed with mobile homes. The County comprehensive plan does not allow noise attenuation on mobile home units, so we are at in a "Catch 22".

Councilmember Lieberman stated that is not what Council staff was saying, what she was trying to say was that the Federal Aviation Administration (FAA), for the purposes of noise mitigation, will mitigate 65 DNL, anything lower than that they won't. Sixty-five and up the FAA considers significant enough of a noise that they will pay for mitigation. What staff was saying was that the County needs to put some language in this text amendment that deals with how it will mitigate the 65 DNL if it is going to build residential in the DNL.

Ms. Trevarthen agreed, and added that it is not a matter of mitigating existing buildings that are there, it is for new construction.

Councilmember Lieberman added should there be new construction, for example, should someone purchase one of these trailer parks and decide to build townhouses on the property, there is nothing in this text amendment to deal with making sure there is sufficient noise mitigation in construction so that the townhomes can be affordable.

Councilmember Spehar stated that means that the County would have to adopt the contours and that affects existing as well as new construction.

Councilmember Lieberman stated that she was fine with the staff recommendation, because what they are saying is this is not for existing, but for new construction and what we have seen around the Fort Lauderdale airport is the need to do noise mitigation and construction of residential buildings in the 65 DNL. This is transmittal so there is an opportunity for Monroe County to work with staff to get the correct language in there.

Mr. Gary Donn arrived at the meeting.

Councilmember Walters stated that she has had direct experience in this issue and what Councilmember Spehar was trying to say was that the FAA will fund soundproofing structures, but that's only in zones surrounding an FAA regulated airport. The Boca Chica Naval Air Station is not an FAA regulated airport. The FAA does not fund soundproofing around a naval installation, neither does the Navy. Just last year she received a vested rights determination letter from the County regarding her personal property on Big Coppit Key, which is in the 65 decibel zone. It listed a variety of different factors for the property and stated that if that property were redeveloped it would have to show coordination and she would have to provide measures to address the impacts of sound. That was for redevelopment of existing property. It is certainly the County policy, with the 2005 AICUZ zone, to implement that in any kind of new development. The issue in this amendment is providing for additional density to allow the building of affordable housing. The densities in the Comprehensive Plan Amendment for Monroe County are in some cases a tenth of what you would have in Miami-Dade and Broward Counties for comparable land. That was mandated by DCA years ago when the development of the County's Comprehensive Plan took place. Because of that it has created a "Catch 22". Monroe County is a tiny island there are only 76,000 acres in the entire highway connected

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Florida Keys, and of that, 90% of it is in government ownership and protection, another half of that is restricted because of environmental issues. The tiny bit of that which is left, we are trying to figure out a way, in the Lower Keys, to develop affordable housing and this is a mechanism to provide additional densities so some projects can become financially feasible to construct. She stated that she understood the issue that was raised, but it wasn't reflected in the staff report, and she would feel better if the report that gets transmitted to DCA reflects the "Catch 22" that Monroe County is in with regards to developing affordable housing. It says that it is not consistent and that concerns her.

Councilmember Moss stated there was a concern raised in reference to safety. He asked if that was a major issue or was the noise the major issue.

Mr. Richard Ogburn, Council staff, answered both issues are apparently not dealt with in the policy adopted by the County. There are some accident zones that have been identified as well as noise contours, both of which are not addressed in the adopted policy language. All staff is requesting is to have coordination between Monroe County and the neighbor Naval Air Station to ensure that there is appropriate language to address the areas that are within the accident zones.

Councilmember Moss asked if there was a way to work out the safety issue.

Mr. Ogburn stated the existing housing in Key West is obviously exposed in some measure, the question is do you want to encourage additional density which is likely to be vertical density in an area that may be accident prone. His guess is there are areas outside the accident zone where additional density could be encouraged, even if it meant having noise issues that apply. The entire Lower Keys is subject to the noise contours that are being referenced here, I think the policy should address it within that context and find a solution that would ultimately allow for the enhanced density, but certainly keep it out of the accident zones.

Councilmember Moss stated this is a box because affordable housing is a major issue. There is a concern raised by the Naval Air Station, so how do those two things come together, and come up with something that is acceptable so that you can have affordable housing and in addition to that make sure that those concerns by the Naval Air Station really can be mitigated.

Councilmember McPherson stated that he knows that staff suggested that is the context of it, but he totally disagrees. There is nothing vertical; the County Charter has 35 foot height restrictions. This is an attempt to put the County in a box. Everybody knows that the Keys are one string of islands with very limited space, period. Planes fly over our housing, because there is just one way in and one way out. This is one of the last chunks of property that can help and it is vicariously close to the air station. There is always controversy whenever potential projects are close to an air station, but the Keys are not like Fort Lauderdale where you can expand unless you put fill in and start developing other islands.

Councilmember Lieberman stated that her reading of the amendment, even though there may be safety concerns, the bigger issue, which is addressable, is noise mitigation. The issue that Councilmember Spehar raises, which is they should say that this is for affordable housing, the staff analysis says, she quoted, "...it increases allowable density to support an increase in the supply of affordable housing. The need for additional, affordable, workforce and employee housing in Monroe County is well-documented. The County has aggressive policies in place in the comprehensive plan to encourage affordable housing, and this policy could encourage the clustering of housing that would support the local workforce in need of more affordable housing." Staff rightly identifies the purpose for the text amendment and when I read this it seemed that the issue that staff was focused on was a redevelopment one. Let's talk about the mobile home park mentioned earlier, when it comes in for redevelopment they are going to have to do noise mitigation, especially if it is going to be high density affordable housing because there are certain types of noise

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mitigation required by the construction clause. Unlike what other counties or municipalities face; what Monroe may have to do will be higher because the noise mitigation is going to be more expensive. Councilmember Lieberman then explained that the reason she raised the FAA issue was not because the FAA would pay for the mitigation at Boca Chica, but just to point out that it is a national standard, the FAA considers 65 DNL to be noisy enough to require mitigation, that is why it is relevant in the staff recommendation. The County and Council staff can resolve that and the safety issues prior to adoption with some additional language that requires developers to mitigate to the 65 DNL on any future development. We can continue to fine tune this text amendment or we can let staff do what it does all the time, which is transmit the issues raised by the Council and then work with the County so that it is consistent when it comes back for adoption.

Councilmember Wallace stated the Council needs to look at real life, it can't argue with staff on its interpretation of the goal, and that is not the point. The point is that staff is correct on its recommendation with respect to the goal. The problem is the Council has the ability to go beyond that when there is a special circumstance. This appears to be a situation where the Council needs to say yeah the goals are good, but they don't apply at every point when there is a special circumstance that dictates that it shouldn't be subject to in this particular case. It looks like this is not the type situation that this Council should be in where one side can't comply with the other. There is a possibility that if the noise is mitigated, then the safety issue won't be resolved. The Council needs to say, this is a situation where we need to set the rule aside because they need affordable housing.

Councilmember Heyman stated that she agreed, and she understands Councilmember Spehar's comments. Is it possible to include additional language in the transmittal?

Ms. Dekle responded yes.

Councilmember Heyman requested that language be included in the transmittal to point out the circumstances of the amendment. She stated that she had a concern with the safety aspect of the amendment.

Councilmember Brook moved to find the entire amendment package consistent, and include the comments raised by Councilmember Heyman as well as the comments raised by Council staff in its report. Councilmember Walters seconded the motion.

Councilmember Spehar informed the Council that the building requirements in Monroe County meet the 65 decibels, and suggested that language be included to say we discourage development or redevelopment in proposed danger zones. Where we are looking now for building affordable housing is nowhere in the crash zones, it is in the sound contours.

Councilmember Brook accepted Councilmember Spehar's suggested addition to his motion. Councilmember Walters seconded the amended motion.

Councilmember Lieberman stated that she was going to vote against the motion, because what was being done is wrong. This is transmittal, and the Council has identified a problem, that is made up of two parts. If she had any doubt about how this should go up to DCA, Councilmember Spehar has convinced her that it should go up as recommended by staff. She stated, Councilmember Spehar has just told the Council that there was nothing in the text amendment that discourages building in the accident zones. Typically, when the Council finds something incompatible, staff works with the municipality to address these issues during the period between transmittal and adoption, as opposed to the Council trying to hodge-podge something together to change the staff recommendation. The issues raised in this text amendment can be easily

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overcome. The fact that this is for affordable housing included in the staff recommendation should be something that raises concern because it doesn't discourage development in the accident zones, and it doesn't provide for noise mitigation. Whether the amendment is found consistent or inconsistent, the County will still be in a position where it is going to have to adopt noise contours that it hasn't adopted for existing development. There could be an unintended consequence with everything that we are trying to do in this, which is try to get away from a staff recommendation that is correct according to the *SRPP*.

Councilmember Moss stated that the Council is not trying to change the staff recommendation, but the Council is a policy making board.

Councilmember Lieberman interjected the motion on the floor does change the staff recommendation.

Councilmember Brook stated that his motion changes the ultimate recommendation at the end of the staff report, what it leaves the same is the comment recommendation that is in bold.

Councilmember Lieberman stated that the staff recommendation found six of the proposed future land use amendments consistent, with only one thing that it objected to and that was the text amendment.

Councilmember Brook moved to find the entire amendment package consistent, and include the comments raised by Councilmember Heyman, the comments raised by Council staff in its report, and the comments suggested by Councilmember Spehar. Councilmember Walters seconded the motion, which carried with nay votes from Councilmember Asseff, Councilmember Chernoff, and Councilmember Lieberman.

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 Parkland
- City of North Lauderdale
- City of Fort Lauderdale
- Town of Bay Harbor Islands

Ms. Trevarthen reported these are adopted public education facilities elements, this month they are from Parkland, North Lauderdale, Fort Lauderdale, and Bay Harbor Islands. Staff is recommending a finding of general consistency for all of them.

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

b) Miami-Dade County

Ms. Trevarthen reported the adopted Miami-Dade County amendment #08-1, as a proposed amendment was reviewed at the January 7, 2008 Council Meeting. The original amendment package contained 13 amendments: seven were proposed changes to the Future Land Use Plan and six were text amendments. At that time, Council staff objected to five amendments - Nos. 3, 5, 8, 9, and 14, Part 2. Staff found the balance of the proposed amendment package (1, 6, 12, 13, 14 (parts 1 & 3 only), 15, 16, and 17) Generally Consistent with the *SRPP*. Amendment 9 was withdrawn by the applicant before adoption. The amendments were adopted as proposed except that Amendments 1, 3 5, 6 and 8 were adopted with Proffered Covenants in

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response to the Objections, Recommendations, and Comments report issued by the Florida Department of Community Affairs (DCA).

Mr. Richard Perez, Holland and Knight, representing Lowes Home Center, stated this was a very long process in Miami-Dade County. This is the seventh public hearing on this application. In January, when the Council reviewed this application there were three major concerns: water, traffic and wetlands, all of which have been taken care of. Now there are a number of new standards that staff has said should be imposed on this application. For example, it was found inconsistent because there was no compelling need for retail and a school, but the reality is that is not the standard that Miami-Dade County has adopted for its amendments to the Urban Development Boundary (UDB). The standard was adequacy of the specific type of use, not compelling need. The staff reports shows 19 home improvement centers in the vicinity, this is not true. A simple Google search indicated that there were none within 5 miles of the project site. There is an enormous amount of community support for additional retail and schools in the area. The staff report states that the reserved open land would be reduced; there is nothing in the Miami-Dade Comprehensive plan that requires a reservation of open land or that a reduction of open land is a bad thing. The comprehensive plan indicates that the open land category is not a preservation category. In 2005, the South Florida Water Management District objected when land immediately to the west of this site was brought in to be changed to environmental preservation, because the District wanted to preserve it as open land so that it could have rock mining on the site.

Councilmember Heyman stated that the County Commission heard this proposal three times. She informed the Council that the community spoke out that they would desperately like to have a home improvement store of this magnitude in the area, ironically, Lowes could build on the land within the UDB as it exists, but because they want a certain configuration and design they want to go outside the UDB. If this is really about putting a Lowes there, redesign it so that it will fit on the land as it currently exists. The third time around the applicant proceeded to get the votes, even with a mayoral veto, it failed on an override. She stated that she supports projects like this if the community truly wants it, but do it within the boundaries and the restrictions set forth for environmental and infrastructure reasons.

Councilmember Moss stated that he supports the staff recommendation on the issue. He informed the Council that he has been on the Miami-Dade County Board of County Commissioners for 15 years, during which time there has only been one application outside the UDB that allowed residential development to occur and that was in 1981, but there have been a few that allowed for retail and commercial. He stated that he says that because he doesn't want folks to have the impression even though these applications got County support, the Miami-Dade County Commission does not take these things lightly. Miami-Dade County is one of the very few counties across the country that has an Urban Development Boundary.

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

c) City of Fort Lauderdale

Ms. Trevarthen reported that the City of Fort Lauderdale Adopted package of amendments contains Evaluation and Appraisal Report (EAR)-based text amendments to the City's Comprehensive Plan, and the text amendments required for public education facilities element. The proposed amendments were reviewed at the January 7, 2008 Council Meeting and found to be generally consistent with the *SRPP*.

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

d) City of Coral Springs

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

e) City of Coconut Creek

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

AGENDA ITEM EIGHT: Reports

a) Executive Committee Report

Nothing to report.

b) Financial Report

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

c) Executive Director's Report

Ms. Carolyn A. Dekle, Executive Director, reported that the Council had hired M.J. Matthews to be its new DRI coordinator.

Councilmember McPherson asked why the Council was adding staff since there were just recent layoffs of staff.

Ms. Dekle responded that the Council has some unique areas that need to be staffed and Jo Sesodia, who was the previous DRI coordinator, took a job with the City of Sunrise. This was something that was in the works prior to the recent changes at the Council, and was an advancement for her. The position of DRI coordinator is an important responsibility at the Council.

d) Legal Counsel Report

Mr. D.J. Doody stated that he was present on behalf of Mr. Sam Goren who was ill. He informed the Council that there were no legal matters to report.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only

f) FY 2007-08 Budget Amendment

Ms. Dekle stated that the Budget Amendment required a motion from the Council. She added that she would like to thank Mr. Richard Ogburn, Council staff, and all of staff for contributing and getting us to the point where we can bring this amendment to the Council. Mr. Ogburn has done the hard work of putting the amendment and the budget together.

Councilmember Spehar moved to approve the FY 2007-08 Budget Amendment. Councilmember Wallace seconded the motion, which carried by a unanimous vote.

g) FY 2007-08 Draft Operating Budget

Ms. Dekle stated that this was brought as information only.

Councilmember Moss stated, in reference to the whole issue of DRIs and looking at the real estate market, if that was taken into consideration in terms of the upcoming budget and being able to sort of project for the next year.

Ms. Dekle stated that the Council has had a number of different revenue reductions. Staff really tried to be conservative in its revenue projections, and she is pleased to say that if everything goes the way staff is anticipating right now, it will actually be able to go back to a 40-hour work week by October 1st. The draft budget shows a \$200,000 area designated as program development. A lot of things are being discussed to possibly be done next year, and at this point staff is working hard to try to make those things happen. Staff will bring those contracts to the Council when they come in.

Councilmember Moss then asked for clarification, there were projected activities in last year's budget that did not happen, so what staff is doing is being more cautious?

Ms. Dekle responded correct. She pointed out that the actual budget had been reduced by 21% going into next year, and a big portion of that was from personnel and salaries. There has also been a reduction in DRI fees.

Councilmember Brook recommended that the Council use unpaid interns.

h) FY 2007-08 Membership Fees

Councilmember Chernoff moved to approve the FY 2008-09 Membership Fees. Councilmember Blynn seconded the motion, which carried by a unanimous vote.

Councilmember Wallace asked if all of the contributions came in last year.

Ms. Dekle responded yes.

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Councilmember Lieberman asked about loan number 2016, D'Lites, she stated it was originated on 4/2/07, and there is still \$99,763.06 outstanding and the applicant has filed for Chapter 13 Bankruptcy and there is a summary judgment from Wachovia against her. She asked if the Council has security interests in any of the equipment that was at the location. It surprises her how quickly that loan went sour, she wondered what was shown as resources to justify the loan. It appears that the Council is going to be writing off almost \$100,000.

Ms. Cheryl Cook, Council staff, informed the Council that part of the normal procedure on loans is to place a second mortgage on the property; that has gone into foreclosure; and the other thing is to complete a UCC1 in first position for all of the company's excess receivables, furniture, and fixtures as well.

Councilmember Lieberman asked if staff knew the value of the furniture and fixtures. She stated that she was trying to get a handle on how much the Council was going to have to write off. The Council is in second position to Wachovia on the home. She asked Legal Counsel what the value was of the furniture and fixtures.

Mr. Doody stated that he did not know the value off the top of his head, but he stated, be assured that the Council gets personal guarantees on all transactions and UCC1s.

Councilmember Lieberman stated that she was aware of that, but the applicant has filed for Chapter 13 bankruptcy.

Ms. Cook stated that she would research that and provide the Council with the requested information.

Councilmember Brook requested that the applicants with multiple loans be shown in bold print. He added that he would like to review the policy regarding applicants receiving multiple loans at a future meeting.

b) Hurricane Wilma Bridge Loan Status Report

Information only

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

Ms. Dekle stated that there was a loan that would soon be repaid into the fund.

d) Broward County Cultural Division's Artist Micro-Credit Revolving Loan Fund Program - None

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

a) Turkey Point Uprate Project Review

Ms. Dekle informed the Council that this item was provided for the Council's information.

Councilmember Asseff stated that several problems have been identified with this project; she asked if staff felt that this project was going to go through.

Ms. Dekle stated that Ms. Karen Hamilton worked on the analysis; from her understanding there are more conversations to be had about this project as it goes forward.

Ms. Karen Hamilton, Council staff, stated at this point staff will complete its final report, being that it is uprate; it is very likely that the uprate will happen. People are more concerned about the expansion that is proposed for next year.

Councilmember Wallace asked if the Council needed to approve the provided report.

Ms. Dekle stated that the Council was a commenting agency in this process.

Mr. Ogburn informed the Council at this time there is a proceeding which is being coordinated through the Florida Department of Environmental Protection (DEP) and is actually being conducted as an Administrative Hearing. DEP is providing input into the proceeding via hearing officer, and the final decision will be made through that procedure. The Council is a commenting agency, and is sending its comments through the DEP.

Councilmember Wallace asked if the Council should have a chance to review those comments prior to submission.

Ms. Dekle asked what the timeframe was on the next set of comments.

Ms. Hamilton stated that the next comments are due on July 30, 2008.

Councilmember Wallace stated that comments often leave the Council on a lot of things, but something that seems to be as important as reviewing some aspect of Turkey Point Nuclear Plant which is going out under the Council members' names without coming before the Council for review really bugs him. There was never any review or adoption, what happens if there are things in there that he doesn't really like. He just really objects to that.

Councilmember Wallace moved to request that future comments or reports sent on behalf of the Council come before the Council for review prior to submission. Councilmember Spehar seconded the motion.

Councilmember Moss asked how a Councilmember would bring a formal motion of this nature before the Council for adoption without giving the Council an opportunity to at least think about studying the issue. Councilmember Moss suggested that the motion be brought back in the form of a formal motion so that the Council would have time to think about the motion being made, as well as providing enough time to discuss the issue. This is a major motion being made.

Councilmember Wallace moved to request that the staff include an item on the agenda to discuss his earlier motion.

Councilmember Lieberman stated be careful what you wish for, because in some cases the Statutes dictate that the Council has 30 days to respond to something and that application comes in two days before the 30 day deadline and if staff doesn't respond, then the Council totally loses its ability to comment. We have tried two years in a row to get changes to the Florida Statute so that staff wouldn't be put in that position, and yet it happens time and time again. That motion could lead to the Council losing its right to comment, unless there is a Council meeting every week.

The Council voted unanimously to continue the discussion at a future meeting.

b) North University Drive Action Plan – Status Report

Ms. Dekle stated that there would be meetings this week to discuss go forward strategies for this program.

AGENDA ITEM SIXTEEN: Correspondence and Attendance Form

Information only

AGENDA ITEM SEVENTEEN: Councilmember Comments/Public Comments

Mr. David Brown, applicant on agenda item #7b, application #8, stated that he had been stuck on I-95 and missed the Council's discussion of his application. He requested that the Council reopen the item for discussion. Mr. Brown stated that when the application came before the Council previously it had voted 12-3 that the application was consistent against different staff concerns, and the one concern that was open at that time, traffic because it wasn't worked out with Miami-Dade County. This issue has since been addressed. He requested that the Council reopen his application for a vote. Mr. Brown stated that they were the fill-in with the road, and were saving the County \$9 million and it was different than moving the UDB.

Councilmember Moss moved to reconsider the item, application #8 on agenda item #7b. Councilmember Blynn seconded the motion.

Councilmember Brook asked for clarification on what was being reconsidered.

Ms. Trevarthen stated that the agenda item was #7b, and the application that Mr. Brown was talking about was application #8, and was the second application in the package to move the UDB.

Councilmember Moss moved to reconsider the item, application #8 on agenda item #7b. Councilmember Blynn seconded the motion, which carried with nay votes from Councilmember Riesco and Councilmember McPherson.

Councilmember Brook stated that Mr. Brown had said that Council staff's only prior concern was traffic, and now as he looks at the recommendation staff is indicating inconsistency with three different goals and about six or seven different policies. He asked if Mr. Brown's indications of staff's prior concern of traffic accurate.

Ms. Trevarthen stated that staff had a number of concerns at the proposed stage and those were echoed again in this staff report. At the proposed stage the Council's most extensively voiced concern was about traffic impacts to Kendall Drive and to that area of the County, which has pretty significant traffic issues. It

was to try to deal with those issues that resulted in the proffered covenant. The covenant deals with traffic issues not with the full package of issues that staff was still concerned about.

Councilmember Moss asked if staff was saying that the concerns echoed here were the same concerns that were echoed previously.

Ms. Trevarthen responded yes, it included traffic, but also included other issues.

Councilmember Chernoff stated that he had the same concern. He stated that Mr. Brown's concern was that the Council recorded something different.

Mr. Brown stated that the staff had and still has concerns, but the Council, when it voted generally consistent on everything except the traffic issue, even with the concerns raised by staff.

Ms. Trevarthen stated that the County staff had already left the meeting, because the item was done. They are not here to speak on behalf of the County.

Councilmember McPherson stated that what Mr. Brown was suggesting was that the Council addressed those concerns and superseded what it felt was important and what was imperative was the traffic issue. Now the applicant has brought this back with the traffic issue addressed and staff still has the same concerns that it raised at the proposed stage. The applicant has addressed the concerns that the Council had at the proposed stage.

Councilmember Spehar asked if the Council voided the staff's concerns based on its vote at the proposed stage. Traffic is only one portion of the concerns raised by staff; there are still other concerns that need to be addressed.

Ms. Dekle responded these concerns, which include the Goals and Policies in the *SRPP* that deal with the UDB were raised in the prior report, and staff still has concerns over those issues, that is why they were included in this staff report, because that larger analysis has not yet been done. This is a much larger set of concerns than the individual pieces.

Councilmember Spehar asked if Ms. Dekle was saying that the Council's action on the item at the proposed stage did not negate the staff comments.

Ms. Trevarthen stated previously at the proposed stage staff recommended a finding of inconsistency for this particular amendment. What in essence the Council did at that time was change that to a finding of general consistency with a concern as opposed to purely "consistent" or "purely inconsistent". That is what happened in January.

Councilmember Brook moved to be consistent with the Council's finding last time. Councilmember Asseff seconded the motion.

Councilmember Asseff stated that she felt that the amendment was consistent at the proposed stage and with the traffic issue having been addressed the item should be found consistent.

Councilmember Lieberman suggested that the amendment be found consistent, but incorporate all of staff's concerns.

Councilmember Brook stated that he was ok with that.

Councilmember Wallace stated the he has not heard any argument to justify going outside the UDB.

Councilmember Moss stated that the Council voted, in January, to find the amendment consistent with comments about a traffic study. He stated that he was not going to support the motion.

Councilmember Brook moved to be consistent with the Council's finding last time. Councilmember Asseff seconded the motion, which carried with nay votes from Councilmember Moss, Councilmember Perez, Councilmember Riesco and Councilmember Wallace.

Councilmember McPherson asked if staff had been able to gather information on providing a teleconferencing option for the members from Monroe County.

Ms. Dekle stated that information will be brought to the Council at the September meeting.

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) August 4th, 10:30 a.m. (Council Offices, Hollywood)
- b) September 8th, 10:30 a.m. (Council Offices, Hollywood)
- c) October 6th, 10:30 a.m. (Council Offices, Hollywood)
- d) November 3rd, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 12:00 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 July 7, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 8th day of September, 2008.

Jay Chernoff, Secretary

Date