

**SOUTH FLORIDA REGIONAL PLANNING COUNCIL  
EXECUTIVE COMMITTEE**

Minutes

August 4, 2008

The South Florida Regional Planning Council Executive Committee met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Perez, called the meeting to order at 10:45 a.m.

**AGENDA ITEM ONE:** Roll Call

Councilmember Patricia Asseff  
Councilmember Marta Perez  
Councilmember Joseph Scutto  
Councilmember Sandra Walters

The following Ex-Officio member was present:

Mr. Elbert Waters, representing the South Florida Water Management District

**AGENDA ITEM TWO:** Pledge of Allegiance

**AGENDA ITEM THREE:** Development of Regional Impact (DRI) Program

a) DRI Assessment Reports

None

b) Development Orders (DO)

None

**AGENDA ITEM FOUR:** Proposed Local Government Comprehensive Plan/Amendment Reviews

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

- City of Miami Springs
- City of Wilton Manors

Ms. Rachel Kalin, Council staff, stated proposed Amendments from two municipalities have been submitted for new Public Educational Facilities Elements and text amendments to the Intergovernmental Coordination and Capital Improvement Elements, they are from Miami Springs and Wilton Manors. Staff recommends a finding of General Consistency with the *SRPP* for both municipalities.

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

b) City of Homestead

Ms. Kalin stated this is a text amendment to the City's Future Land Use Element, increasing maximum lot coverage within the Professional Business Restricted District from 40% to 80%.

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

Councilmember Walters stated that this amendment was a significant change in density and she was impressed by the information that was presented by the City, which was enough to address staff's concerns. The City should be seen as an example to other local governments.

Councilmember Perez asked if there were any comments on agenda items 4c-4g:

- c) Village of Islamorada
- d) City of Hollywood
- e) City of Miramar
- f) City of Oakland Park
- g) City of Homestead
- h) City of Weston

Councilmember Walters stated that the Village of Islamorada had been going through a lot of turmoil with various local governments regarding working waterfront proposals. The proposal was passed by its commission and found consistent by Council staff, this is another good example.

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

**AGENDA ITEM FIVE:** Adopted Local Government Comprehensive Plan/Amendment Reviews

- a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments
- City of Homestead
  - City of North Miami Beach
  - City of Coconut Creek
  - Town of Southwest Ranches
  - Town of Surfside
  - City of Aventura

Ms. Kalin stated these Adopted Amendments from six municipalities have been submitted for new Public Educational Facilities Elements, including text amendments to the Intergovernmental Coordination and Capital Improvement Elements, they are from Homestead, North Miami Beach, Coconut Creek, Southwest Ranches, Surfside, and Aventura. Staff recommends a finding of General Consistency with the *SRPP* for all of them.

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

b) City of Tamarac

Ms. Kalin stated Adopted amendment package #08-1ER contains Evaluation and Appraisal Report (EAR)-based text amendments. The Council found the proposed amendment package to be generally consistent with the *SRPP* at its January 7, 2008 meeting. The package was submitted with minor revisions based on the Department of Community Affairs' ORC Report to protect the City's natural and historic resources and ensure public school and transportation concurrency. Staff recommends a finding of General Consistency with the *SRPP*.

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

Councilmember Perez asked if there were any comments on agenda items 5c-5d:

- c) City of North Lauderdale
- d) Miami Shores Village

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

**AGENDA ITEM SIX:** Reports

a) Executive Director's Report

Ms. Carolyn A. Dekle, Executive Director, reported that there would be a Policy Board meeting in August as part of the League of Cities meeting. The directors met with the Florida Regional Councils Association's (FRCA) Legislative representation, Ron Book and Frank Bernardino, at the last meeting. The directors have recommended reducing the Legislative representation contracts due to the overall economic situation that most Councils are finding themselves in. Mr. Book and Mr. Bernardino are willing to work with us this year with the commitment that as appropriations are restored, we will try to move back to the prior level. Ms. Dekle informed the Council members that they are all welcome to attend the Policy Board meeting, but the SFRPC is only allowed three votes and we will have to make sure that there are only three members voting should any other members decide to attend.

b) Legal Counsel Report

Mr. Samuel S. Goren, Legal Counsel, reported that the petition to intervene on the Monroe County local government comprehensive plan amendment (LGCP) has been met with some resistance on the part of the Stock Island Properties, LLC. Stock Island Properties suggested that the Council did not have legal standing according to F.S. Chapter 163, they also requested, if the Council was found not to have legal standing that the comments be limited to those filed prior to the filing of the Department of Community Affairs (DCA) petition. At the moment the administrative law judge is set to rule on the matter. Legal counsel did respond to the petition filed by Stock Island suggesting that the SFRPC does have a role to play.

Councilmember Asseff asked if the administrative law judges were judicial.

Mr. Goren stated that it is just like a trial, and they are judicial in nature. He provided a detailed explanation.

Councilmember Walters asked about the Division of Administrative Hearings (DOAH) process in the case of a comprehensive plan amendment.

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Mr. Goren explained that the Council has petitioned DOAH for placement, the DCA has raised objections, and to that extent, when the judge rules, it will be with a recommendation that is sent to DCA and the local government. The parties that disagree with the recommendation can go to the Governor or the Cabinet for review.

Councilmember Walters asked if this was an automatic process, because she did not recall this item being brought to the Council for review.

Mr. Goren stated that the Council did authorize this; he would not file a petition absent direction from the Council.

Ms. Dekle informed the Council that there would be an item coming to the Council in a couple of months from Broward County, which is going through the Pilot Review Program. The route for staff to carry out the Council's wishes is through its recommendation to DCA. The question here is does the Council want to be an intervener, the answer to that would be yes based on the Council's policy action. The pilot communities are dealt with differently. In the future it will be very important that the Council be clear on the path that it wants staff to take, because some of these timeframes do not allow for time to come back to the Council for review.

Mr. Goren reported that DCA filed a petition regarding the Miami-Dade County amendment. The Council had authorized legal counsel to file a petition to be an intervener. The petition will be filed before the deadline, which is August 13, 2008.

Mr. Goren then went on to explain the current status of the Broward County amendments. The DCA filed a petition to DOAH on July 30, 2008, and the Council is not yet a party in this matter. The DCA has requested that the Council side with them in this petition process. As Ms. Dekle mentioned earlier, this matter is dealing with the Pilot Project amendments. To the extent that the Council has already issued its analysis, those positions are not in conflict with those of DCA. If the Council authorizes, he will file a petition.

Councilmember Asseff asked if this matter could wait until the September meeting.

Ms. Dekle stated that it could not wait, the matter required action at this time. As Mr. Goren stated, these were objections that the Council passed at prior meetings so Council action would be giving staff the administrative authority to follow the Council's policy direction and action.

Mr. Goren added, should the Council decide to revisit its position that would be possible at the September meeting.

Councilmember Asseff moved to authorize legal counsel to move forward with the petition. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

Mr. Goren then updated the Council on a currently pending petition, not involving the SFRPC, regarding a Palm Beach County amendment concerning University Drive. The matter is currently pending in front of an admin law judge. Several cities in Broward County are actively involved on both sides of the aisle. Coral Springs, Tamarac and Coconut Creek favor DCA's position, and Parkland and Palm Beach County favor the Palm Beach County position. There has been a request for a deferral of the matter. The SFRPC has played a role in the discussion; Mr. Goren believes that Secretary Thomas Pelham will hold a summit in South Florida with all of the parties in an attempt to try to resolve the matter locally.

Councilmember Asseff asked if there were a lot of legal fees assessed when legal counsel files a petition for the Council to be an intervener

Mr. Goren responded no, it is not covered in the retainer, but it is charged at an hourly rate. We greatly rely on the expertise of staff for analysis and background which is incorporated in the petition.

**AGENDA ITEM SEVEN:** Other Matters for Consideration

Councilmember Perez announced that Councilmember Moore would be resigning his position on the Revolving Loan Fund (RLF) Committee.

Ms. Dekle stated that the August meeting would be his final meeting.

Councilmember Perez stated that she has requested that Councilmember Asseff represent the SFRPC on the RLF. Councilmember Asseff has accepted, and if there were no objections, she would present this appointment to the full Council in September.

There were no objections raised.

**AGENDA ITEM EIGHT:** Contracts

None

**AGENDA ITEM NINE:** Upcoming Meetings

a) September 8<sup>th</sup>, 10:30 a.m. (Council Offices, Hollywood)

**AGENDA ITEM TEN:** Adjournment

The meeting was adjourned at 11:00 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 August, 2008 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 8<sup>th</sup> day of September, 2008.

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Jay Chernoff, Secretary

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Date