

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Minutes

June 1, 2009

The South Florida Regional Planning Council met this date at the Council Offices, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida. The Chair, Councilmember Walters, called the meeting to order at 10:32 a.m.

AGENDA ITEM ONE: Pledge of Allegiance

AGENDA ITEM TWO: Roll Call

Councilmember Patricia Asseff
Councilmember Margaret Bates
Councilmember Michael Blynn
Councilmember Heather Carruthers
Councilmember Suzanne Gunzburger
Councilmember Sally Heyman
Councilmember Morgan McPherson
Councilmember George Neugent
Councilmember Joseph Scuotto
Councilmember Katy Sorenson
Councilmember Paul Wallace
Councilmember Sandra Walters

The following Ex-Officio members were present:

- Mr. Gary L. Donn, representing the Florida Department of Transportation
- Ms. Joan Goodrich, representing the Broward Alliance
- Mr. Tim Gray, representing the Florida Department of Environmental Protection

The following Council members arrived after roll call:

- Councilmember Josephus Eggelletion, Jr.
- Councilmember Ilene Lieberman

Councilmember Heyman stated that she has been a very proud and happy member of the Council for six of her seven years on the County Commission. She announced that she has submitted a letter of resignation from the Council. She stated that she feels that it is easier to step back since Councilmember Sorenson has been put back on the Council; she knows that the County will be represented greatly by Councilmember Sorenson. Councilmember Heyman stated that her resignation has nothing to do with her health. She added that it has been a privilege to work with everyone to regionalize the Council's efforts.

Mr. Samuel S. Goren, Legal Counsel, explained the Council's rules regarding vacancies. He stated that there is currently a vacancy on the Executive Committee created by the absence of Councilmember Chernoff, who was not re-elected in his last election. His position was that of Treasurer, and under the rules there is a move up which occurs. The current Secretary, Councilmember Gunzburger, moves up to

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Treasurer, thereby leaving open the position of Secretary. This position, he suggested, should be filled by a representative from Miami-Dade County.

Councilmember Heyman moved to nominate Councilmember Sorenson. Councilmember Gunzburger seconded the motion.

Councilmember Walters stated that the Executive Committee was going to nominate Councilmember Sorenson for the position of Secretary on the Executive Committee.

Councilmember Sorenson stated that she gratefully accepted the nomination, but was not happy to see Councilmember Heyman go; she stated that she would greatly miss having Councilmember Heyman as a member of the Council.

Councilmember Heyman moved to approve the nomination of Councilmember Sorenson to the position of Secretary on the Executive Committee. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

AGENDA ITEM THREE: Minutes of previous Meeting

Councilmember Carruthers stated that she had a correction to the minutes; page 7 in the second paragraph under Agenda Item 17 in the very last sentence, instead of "parody" it should say "parity".

Councilmember Neugent moved to approve the corrected Minutes from the previous meeting. Councilmember Carruthers 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 Neugent 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
- b) City of Hialeah

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

Councilmember Lieberman arrived at the meeting.

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

- a) Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments
- Miami-Dade County
- b) Miami-Dade County
- c) City of Hialeah
- d) City of Dania Beach
- e) Village of Palmetto Bay
- f) Town of Southwest Ranches

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

AGENDA ITEM EIGHT: Reports

- a) Executive Committee Report

Councilmember Walters stated that the Executive Committee discussed the possibility of holding the July meeting as an Executive Committee meeting, as the Council does for the month of August. Typically the July meeting also includes review of the county matches for funding and other budget issues. The Executive Committee suggests that the Council give more flexibility for everyone; if it is held as an open Executive Committee meeting then anyone who wanted to attend could and could vote.

Mr. Goren stated to the extent that the Council would designate the July meeting as an Executive Committee meeting, others would be able to attend and participate in the discussion and vote on items.

Councilmember Wallace asked if there was anything of unusual interest on the agenda for the month of July.

Councilmember Walters stated that one of the reasons that the Executive Committee thought to do this was because the agendas are not terribly packed right now and there is no anticipation of any DRIs or any particularly controversial comprehensive plan amendments.

Councilmember Gunzburger moved to approve changing the July Council meeting to an Executive Committee meeting. Councilmember Asseff seconded the motion, which carried by a unanimous vote.

Ms. Dekle stated that the Council would be informed, via email, of the items that come up for the July meeting.

Councilmember Gunzburger asked what time the meeting would start.

Ms. Dekle stated that it will begin at 10:30 a.m.

Councilmember Eggelletion arrived at the meeting.

b) Financial Report

Councilmember Blynn moved to approve the Financial Report for the month of April 2009. Councilmember Scuotto seconded the motion, which carried by a unanimous vote.

c) Executive Director's Report

Ms. Dekle informed the Council that there was a copy of the 2009 Regular Session Final Report, prepared by Ronald L. Book, P.A. and the Wren Group for the Florida Regional Councils Association (FRCA). The main highlights are about Senate Bill 360 (SB 360), which has not yet been signed into law. Tuesday, June 2, 2009, would be the day by which it either goes into law without the Governor's signature or could potentially be vetoed by the Governor. The Council members have all done a great job in terms of expressing the Council's position. Council staff, Ms. Isabel Cosio Carballo and Mr. Bob Cambric, has worked hard to meet with staff persons in Tallahassee. None of us have been shy about expressing issues of concern, she stated. We will see where things go from this point forward. What we did do over the last couple of weeks, she said, was put together a very informal group of Council staff, some attorney/developer representatives, and some consultants to discuss, informally, what the Bill really means. We will reconvene that group after we know what the outcome is. It is pretty clear that if this Bill is vetoed, there will be another Bill presented next Legislative Session to deal with some of the concerns. We would like to be proactive in being prepared for that conversation. One of the things that is provided for in the Bill is the opportunity for a local government or a region to work together on a process for identifying or managing inter- or extra-jurisdictional impacts related to project review. Council staff anticipates bringing to the Council, she stated, something for its consideration over the next number of months; some sort of process for dialogue between communities. Certainly that has been a major issue within this Region, and we are sure many others as well. Ms. Dekle stated that was the main highlight of the report. There is also an exemption for DRIs for all port and port-related activities. This is something that the counties will want to be particularly attentive to, because it takes away some tools that they had previously used in the past. There is a lot to pay attention to over the next year as the Growth Management Process begins to evolve.

Ms. Goodrich informed the Council that the Roadmap to Florida's Future was an opportunity for us to provide input and allows the State to come together from many different disciplines to ensure that we remain competitive as we go to compete for business investment in high quality jobs in the State. She encouraged Council members to attend. This is a great opportunity for us to come together every couple of years to provide guidance from a grass-roots level up into State policy.

Ms. Dekle informed the Council that its Legislative team secured \$2.5 million in the Appropriations Bill, which is distributed statewide. The portion that the SFRPC receives will be included in the budget that will be brought to the Council in July.

Councilmember Lieberman asked if any other RPCs sent in letters requesting a veto for SB 360.

Ms. Dekle responded yes.

Councilmember Lieberman asked if they all sent in requests.

Ms. Dekle responded that she did not believe so. She stated that she believed veto requests were sent from Tampa Bay, Southwest, Treasure Coast, and East Central. The parts of the State that will be most affected are the more rural areas, who will now have a one unit per acre ability to develop without any kind of oversight or review process.

Councilmember Lieberman asked if any of the Executive Directors talked to Secretary Pelham to get an idea of what he is saying at the moment.

Ms. Dekle stated that he had a call in conversation and basically he told us that he doesn't know what the Governor was going to do, and if he did know he wasn't going to share it. It is pretty clear that he doesn't feel as though it is the best legislation that it could be, but he is waiting for the Governor's call.

Councilmember Lieberman asked what the Secretary recommended.

Councilmember Wallace stated that no one will ever know that, because he would lose his job.

Councilmember Lieberman stated that she met with him several times before and during Session and he was not shy about his feelings about the Bill. She said that she was curious what his recommendation was, if anything.

Councilmember Gunzburger stated that she read in the paper that he was first recommending not doing it; pressure was then put on him to take no stand. That's the way she read between the lines in the newspaper, she stated.

Ms. Dekle stated that staff has not been told what his position was on the issue.

Councilmember Lieberman stated that he vacillated during session.

Councilmember Walters stated that her local paper published an editorial urging the Governor not to sign the Bill, but she is not sure that the local governments in Monroe County understand the effects that this will have on the County. It will affect Marathon and Key West, because both have populations of over 1,000 per acre. The saddest item is that it will reduce the number of concurrency issues, and they will only be able to modify their Comprehensive Plans one time per year. There are unintended consequences with this that smaller communities are not aware of.

d) Legal Counsel Report

Mr. Goren stated that there was back-up with updates on all of the pending loans. As a point of information, the update on the Wilma loans does not include those loans that are closed. There are 29 Wilma cases that are settled, in process, or collections in process and over 46 cases which are closed.

e) Evaluation and Appraisal Report (EAR) Status Report

Information only.

AGENDA ITEM NINE: Revolving Loan Funds

a) SFRPC Revolving Loan Funds Status Report

Mr. Goren informed the Council that the RLF funds are just about loaned out.

b) Hurricane Wilma Bridge Loan Status Report

Information only.

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

Information only.

1) Eastward Ho! Brownfields Cleanup Revolving Loan Fund Resolution

Information only.

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 Wallace stated that there is a great deal of hoopah going on in south Dade about the planned location of some power lines from Turkey Point all the way to Downtown Miami. There is quite a controversy brewing over it; he asked whether or not staff could comment as to whether the Council had any jurisdiction over this.

Ms. Dekle stated that staff had been briefed by Florida Power and Light (FPL); it was quite a lengthy meeting. Mr. Larry Allen, Council staff, brought up that particular issue for discussion at the meeting. There was discussion about having those lines run underground as opposed to running above ground. There will be an opportunity to provide an alternative siting plan to be evaluated. The Florida Regional Councils Association (FRCA) actually had a vote at the last Policy Board meeting. Treasure Coast tried to bring that forward, and the Board decided, at that time, not to make a decision. Ms. Dekle stated we can be helpful in the sense of being part of convening interested parties. They run into situations where there are very few alternatives for siting and the issue becomes, is it going to be above ground or under ground? Ms. Dekle stated that she would be happy to work with staff in finding out what the next points of entry that we may be able to make available to local governments.

Councilmember Wallace then asked if the Council had any authority to do anything more than to be interested.

Ms. Dekle stated that she did not believe that the Council had a statutory role in the review, but it may have a comment opportunity.

Mr. Richard Ogburn, Council staff, stated that the Council is a review agency for the new units which are proposed to be installed at Turkey Point. The additional transmission lines are being prepared, that is, the pathway is being chosen in preparation for the additional unit installation. The review process for Turkey Point will be the condition which would lead to expanded transmission lines. There will not be a need for the additional transmission lines if the new units are not installed at Turkey Point. As a designated review agency for the Turkey Point site expansion, the Council will have a role.

Councilmember Wallace asked if that would come before the Council or if it was just comments made by staff.

Mr. Goren stated that it was staff level.

Ms. Dekle stated that she did not think that the Council was an official intervener, in that the Council is strictly a commenting agency in the process. She stated that staff will develop a timeline to determine exactly when those comments are due.

Mr. Ogburn stated that the application had not been submitted yet; the Council's role will only begin when it is submitted and that is expected in July.

Councilmember Walters stated that she attended the public meeting and was under the impression that this was a study level, through the Nuclear Regulatory Commission (NRC), to decide whether they are actually going to proceed with an application or not.

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Councilmember Sorenson stated that Miami-Dade County had a CDMP hearing on Thursday and FPL is going full steam ahead. They need aggregate and want to begin rock mining 1 ½ miles from the coast, which could cause more saltwater intrusion than we already have. The County sent that up to DCA without a recommendation from staff. As far as I can tell, she stated, they are going to do every single step that they need to do in order to get to where they want to go.

Councilmember Walters stated that her understanding, from the meeting she attended, was if the NRC does feel that the application warrants further investigation, then the National Environmental Policy Act (NEPA) process would start. We are talking about years of evaluation, she stated, so there is going to be plenty of time to weigh in on this.

Councilmember Neugent stated that Monroe County was very interested in the progress of this process, because of water requirements for the plant itself. Saltwater intrusion certainly is something that we are very concerned about, and most importantly, potential evacuation in case of any major problems that could occur at the plant. This is going to be a protracted discussion over time, but certainly the Council should play a role in collecting these thoughts and concerns that exist within the Region.

Councilmember Wallace stated that it was amazing something this large could slip under the radar just because that is the way that the Statute is set up. Whatever we can do to raise it to a level where we can talk about it would be great. This is a big deal that needs to be discussed at a regional level.

Councilmember Walters stated that the NRC, by Federal Legislation, establishes the process by which this is reviewed.

Councilmember Wallace interjected not the transmission lines; that is a separate issue.

Councilmember Heyman stated that the Council may not take an official position on this as an agenda item, but it should be under new business to see if there is any interest.

Councilmember Walters stated that the Council certainly has the ability to present its position as an entity that represents local and county governments in Broward, Miami-Dade and Monroe Counties. Being informed on the issue and presenting a position as the process moves forward is a perfectly reasonable role. FPL would like to give the Council a presentation on this at the July meeting. She asked if that could be postponed to a later meeting.

Ms. Dekle stated that the presentation could be moved to September. Staff could at that point include an agenda item and it would be open for the Council's discussion at that time.

Councilmember Asseff informed the Council that there was a road naming ceremony for Bill Kerdyk on Tuesday, May 26th. It was on Douglas Road (37th Avenue) between Flagler Street and Miracle Mile. She just wanted to take a moment to reflect on the service that he provided for 28 years for the City of Coral Gables and the South Florida Regional Planning Council.

Councilmember Carruthers asked about the possibility of video conferencing for Council meetings. It seems like a tremendous expenditure of resources for a 20 minute meeting.

Mr. Goren stated that there was a rule that provides for interactive communication between absent Council members so long as there is a physical quorum present.

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Councilmember Walters stated that there had been research done on this, but it has been put on hold due to budgetary constraints.

Councilmember Lieberman stated that there would be a quorum of the Executive Committee for the next meeting, so she could then call in for that meeting and the August meeting if she was interested in participating.

Councilmember Walters asked how many lines could be connected in at one time.

Mr. Bob Cambric stated that the basic phone line would only allow for two lines to be connected at the same time, but a conference call could be scheduled to connect up to 100 lines.

Councilmember Walters stated that those that are planning to participate via phone contact staff ahead of time so that they would have a suitable amount of time to establish a conference call, should it be necessary.

Ms. Dekle stated that staff will continue to research this option for some time in the future.

AGENDA ITEM EIGHTEEN: Upcoming Meetings

- a) July 6th, 10:30 a.m. (Council Offices, Hollywood, Executive Committee)
- b) August 3rd, 10:30 a.m. (Council Offices, Hollywood, Executive Committee)
- c) September 14th, 10:30 a.m. (Council Offices, Hollywood)
- d) October 5th, 10:30 a.m. (Council Offices, Hollywood)

AGENDA ITEM NINETEEN: Adjournment

The meeting was adjourned at 11:10 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 June 1, 2009 meeting of the SOUTH FLORIDA REGIONAL PLANNING COUNCIL adopted the 14th day of September 2009.

Katy Sorenson, Secretary

Date