

**MINUTES
BROWARD COUNTY PLANNING COUNCIL**

September 23, 2010

MEMBERS Levoyd Williams, Chair
PRESENT: Mayor Lamar Fisher, Vice Chair
Commissioner Angelo Castillo, Secretary
Vice Mayor Suzanne Boisvenue
Vice Mayor Claudette Bruck
Vice Mayor Anne Castro
School Board Member Maureen Dinnen
Commissioner Bobby DuBose
Dan Hobby
Commissioner Lisa Mallozzi
Louis Reinstein
Les Stracher
Mayor Michael Udine

MEMBERS Sara Case
ABSENT: Scott Cooper
E. Gerald Cooper
Vice Mayor William Julian
Broward County Commissioner Stacy Ritter
Bett Willett

ALSO Sharon Cruz, Planning Council Attorney
PRESENT: Henry A. Sniezek, Planning Council Executive Director
Barbara Blake Boy, Planning Council staff
Leah Von Leu, Real-Time Reporter

(A sign in sheet reflecting those present is filed with the supplemental papers to the minutes of this meeting.)

A meeting of the Broward County Planning Council was held at 10:07 a.m., on Thursday, September 23, 2010, in Room 422 of the Broward County Governmental Center, Fort Lauderdale, Florida.

CALL TO ORDER

The Chair called the meeting to order.

PLEDGE OF ALLEGIANCE

The Chair led everyone in reciting the Pledge of Allegiance.

ROLL CALL

The Real-Time Reporter called the roll and the Chair declared a quorum was present to proceed with the meeting.

CONSENT AGENDA

- C1 APPROVAL OF FINAL AGENDA FOR SEPTEMBER 23, 2010**
- C2 SEPTEMBER 2010 PLAT REVIEWS FOR TRAFFICWAYS PLAN COMPLIANCE**
- C3 APPROVAL OF MINUTES OF AUGUST 26, 2010**
- C4 EXCUSED ABSENCES**

- Ms. Sara Case
- Mr. Scott Cooper
- Vice Mayor William Julian
- Broward County Commissioner Stacy Ritter
- Ms. Bett Willett

On motion of Mayor Fisher, seconded by Mayor Udine and carried unanimously, the Planning Council approved C1 through C4.

REGULAR AGENDA

- R1 INFORMATIONAL ITEM: PRESENTATION OF DRAFT UPDATED STUDENT GENERATION RATE/SCHOOL IMPACT FEE STUDY (Requested by Broward County Board Staff)**

Mr. Sniezek introduced the School Board consultant, Mr. Clancy Mullen of Duncan Associates, to give his presentation related to updated information regarding the School Board Impact Fees.

Mr. Mullen discussed the following issues/topics:

- Introduced Dr. Jim Nicholas and Mr. Tom Wright, Esq. as part of team – both were involved with the original impact fees
- Use of impact fees according to Land Development Code must be used for acquisition of school sites and provision of facilities
- Amended ILA and School Board policy requires study to be updated every 3 years/on track with this requirement
- Impact fees are one-time charge on new development assessed at time of building permit/cover capital costs only that create new capacity/also can be used to pay debt for capacity improvements made in the past for growth

- Decline in enrollment/tied to demographic cycles
- Plans for impact fee funding
- Student generation rate methodology/nationally vs. Broward County
- Calculation of impact fees
- Issues related to address matching/number of bedrooms
- Use of Census Data
- National data vs. local data related to garden apartments/mid-rise and high-rise/needs to be addressed in study
- School Impact Fees are based on four benefit districts/zones
- State guidelines versus local related to School Impact Fees
- School construction costs/total cost per student
- Comparison of housing types in fee schedule
- Timeline/Public Hearing to be held in December
- Inquiry regarding underestimation per charts
- Variables such as class size, issues with Save Our Homes, economic factors, affordable rentals affecting demographics
- Consideration of environmental factors
- Issue regarding new impact fees being used to pay off old debt
- Comment regarding inability to use funds for specific purposes
- Comments regarding Capital Budget
- Consideration of student station depreciation
- School Board Demographic Department estimates an increase in 2014
- Request for material presented be sent via email to members

At this time, the Chair invited Mr. Skeet Jernigan, President of the Community & Economic Development Council, to comment. He discussed the issue of surplus student stations and the impact from development on the school system, stating that he feels the study is inconsistent in a number of ways and went on to explain the reasons why he feels the report is flawed.

The Chair then asked if the Board would officially accept this report.

On motion of School Board Member Dinnen, seconded by Vice Mayor Castro and carried unanimously, the Planning Council approved the report as presented.

R2 COUNSEL'S REPORT

No report provided.

R3 EXECUTIVE DIRECTOR'S REPORT

- Status of Broward Metropolitan Planning Organization Technical Assistance

Mr. Sniezek reported there was a follow-up discussion that took place earlier this day with the Executive Committee, and stated that their motion and direction was to recommend approval of "Option E," which is the blend of the MPO running the model for the Council but having the other portion of it being provided by existing County staff. He added that the MPO would be charging a cost recovery fee for their portion of it.

Mr. Sniezek also noted that the Executive Committee provided additional direction to set this cost recovery fee officially, with updates taking place during the MPO's budget year so that all cities and applicants will know the fee is set for a period of time.

He stated the Executive Committee was also asking for a six-month waiver for fees with the understanding that other options would continue to be reviewed such as having another agency running the model or having staff handle these capabilities in the future.

Commissioner Mallozzi asked that these fees be due at a certain date and Vice Mayor Boisvenue inquired as to the cost related to staff providing professional opinions. Mr. Sniezek commented County staff will not charge for their portion at this time, however noted that the MPO will.

On motion of Mayor Fisher, seconded by Vice Mayor Bruck and carried by a majority vote (Vice Mayor Boisvenue voted no), the Planning Council approved the Executive Committee's action.

- November/December Combined Meeting Date

Mr. Sniezek reported that the members were polled and it was determined that December 9th was the date that the greater number of members were available for a combined November/December meeting date.

On motion of Commissioner Castillo, seconded by Vice Mayor Castro, and carried unanimously, the Planning Council approved a combined November/December meeting date of December 9, 2010.

R4 CORRESPONDENCE

None reported.

PUBLIC HEARING AGENDA

The Chair invited a member of the public who wished to speak at this time. Mr. Jernigan, President of the Community & Economic Development Council, stated that he supported all three of these land use amendments, but wanted to know if Amendment 4 were in place at the present time, would it meant that

these three very small amendments would have to be voted on by the citizens of Fort Lauderdale and then voted on by all of the residents of Broward County?

Vice Mayor Castro stated that nobody knew the answer to that at this time.

Mr. Jernigan stated that he believed the answer was yes, and noted that this opinion was shared unanimously by the attorneys he had consulted. He added that it could take years, stating he wanted to make a point regarding what the impact of this would mean to Broward County.

Following the Chair's request for a motion, on motion of Commissioner Castillo, seconded by Vice Mayor Castro and carried unanimously, the Planning Council approved PH1, PH2, and PH3.

PH 1 AMENDMENT PC 10-26

Second Public Hearing on Small Scale Amendment to the Broward County Land Use Plan – City of Fort Lauderdale

(Previously approved.)

PH 2 AMENDMENT PC 10-27

Second Public Hearing on Small Scale Amendment to the Broward County Land Use Plan – City of Fort Lauderdale

(Previously approved.)

PH 3 AMENDMENT PC 10-28

Second Public Hearing on Small Scale Amendment to the Broward County Land Use Plan – City of Fort Lauderdale

(Previously approved.)

OTHER BUSINESS

PLANNING COUNCIL MEMBER COMMENTS

Vice Mayor Boisvenue stated that when there are speakers who wish to speak on an agenda item, they should stick to the item and not go off the agenda.

Mr. Stracher respectfully disagreed stating that has never been the case as long as he has sat on the Board and added that as long as they stay within their time, it's considered free speech and the speakers can talk about whatever they want.

School Board Member Dinnen commented on one of the pieces of property voted on today that will be turned into a park. She noted that it's something the

neighborhood has been wanting for a long time and feels it will provide a beautiful park for the Shady Banks area.

NEXT SCHEDULED PLANNING COUNCIL MEETING – OCTOBER 28, 2010

The next Planning Council meeting is scheduled for October 28, 2010, at 10:00 a.m., in Room 422 of the Broward County Governmental Center.

ADJOURNMENT

There being no further business to come before the Planning Council at this time, on motion made, seconded and unanimously carried, the meeting adjourned at 11:10 p.m.

(A copy of the audio recording of this meeting is available upon request by calling Document Control located in Room 336U, at (954) 357-7297.)