

BROWARD COUNTY OFFICE OF URBAN PLANNING AND REDEVELOPMENT

PUBLIC SCHOOL FACILITY PLANNING

Staff Working Group Meeting

Minutes

March 7, 2008

10:30 a.m. – 12 Noon

Broward County Governmental Center - Room 329F

1. Call to Order and Roll Call

The meeting was called to order by Mr. Akagbosu, Chair, at 10:50 a.m. Roll call was taken by Judy Carto and the following members were present at the meeting:

Akagbosu, Chris	School Board of Broward County
Allen, Ingrid	Town of Davie
Amoruso, Glenn	Broward County
Daniels, Robert	South Florida Regional Planning Council
Danovitz, Dave	Broward County
Cunniff, Heather	City of Lauderdale
Eichner, Shelley	City of Weston
Ferguson, Gerald	City of Deerfield Beach
Frank, David	City of Pembroke Pines
Hall, Lorri	City of Miramar
Holmes, Dan	City of Lauderdale Lakes
Schuster, Larry	City of Pompano Beach
Stoudemire, Scott	City of Coconut Creek
Silva, Eric	City of Fort Lauderdale
Suarez, Sarah	City of Hallandale Beach
Teetsel, Dawn	Town of Southwest Ranches
Von Stetina, Deanne	Broward County Planning Council

Others in attendance at the meeting were as follows:

Biederman, Brandon	Builders Association of South Florida
Brown, Rafiki	School Board of Broward County
Claxton, Jason	School Board of Broward County
Dokuchitz, Peter	City of Wilton Manors
Fink, Charles	City of Pembroke Park
Gabriel, Alan	School Board of Broward County

Gull, Patti
Hamilton, Karen
Martinez, Armand
Profit, Justin
Wight, Lisa

Broward County
South Florida Regional Planning Council
City of Deerfield Beach
City of Oakland Park
School Board of Broward County

2. Addition(s) to the Agenda

There were no additions to the agenda.

3. Election of Officers

Mr. Akagbosu advised that according to the By-Laws, elections are held in March and election of a Chair and Vice Chair would take place. He opened up the floor for nominations for the Chair position. Dave Frank nominated Chris Akagbosu for the position of Chair, and Larry ~~Shuster~~ Schuster seconded the nomination. Mr. Akagbosu accepted the position. Nominations for Vice Chair were opened to the floor and Mr. Akagbosu nominated Dave Frank for the position of Vice Chair, and Lorri Hall seconded the nomination. Mr. Frank accepted the position for the 2008-09 year.

4. Approval of Minutes – December 7, 2007

Dave Frank made a motion to approve the minutes of the December 7, 2007 meeting. Larry ~~Shuster~~ Schuster seconded the motion, and the motion passed unanimously.

5. Subcommittee Reports

5.1 Mr. Akagbosu advised that there were no Subcommittee Reports.

6. Old Business

6.1 Revised SWG By-Laws

Mr. Akagbosu stated that the Staff Working Group By-Laws were approved at the December 7, 2007 meeting and he reminded the members that if an appointed member or alternate is unable to attend a meeting, written notice appointing an alternate for that particular meeting can be submitted prior to the meeting date, which would allow the alternate to vote.

6.2 Status - Student Generation Rate/School Impact Fee Study, Phase II

Mr. Akagbosu advised that the School Board approved the Student Generation Rate/School Impact Fee Study, Phase II study on February 12, 2008, which has new generation rates and fees. The notable changes that were made are that there is a new definition for high-rise, a

new mid-rise category and because the fees came in high, there was a compromise with the Builders and the fees were reduced by 25 percent and will be phased-in over a three-year period.

Mr. Akagbosu stated that the County had a Local Planning Agency (LPA) meeting on March 7, 2008 regarding the Study. He further advised that the Broward County Planning Council approved the Study on Thursday, February 28, 2008, to move it to the County Commission and they will be taking formal action on Tuesday, March 25, 2008 at 2:00 p.m. Dave Danovitz advised that the fees will become effective on June 2, 2008, as state law requires 90 days notice from the public hearing date regarding approval of the updated rates and fee schedule. Mr. Akagbosu advised that as of June 2, 2008, the new fees and generation rates will be used for development review. Mr. ~~Shuster~~ Schuster questioned whether there would be an annual update of the Student Generation Rates. Mr. Akagbosu advised that according to the Interlocal Agreement and School Board Policy 1161, a new Study will be done every three years from the effective date of the current Study. Dave Danovitz stated that the County will be delaying updates until June 2 for the three-year period as the rates go up on the fees. The fourth year there will be updates on October 1st.

7. New Business

7.1 Amended Interlocal Agreement

7.1.1 Status – The Amended Interlocal Agreement

Mr. Akagbosu advised that the Amended Interlocal Agreement (ILA) had been executed by all signatories except the Village of Lazy Lake and the City of Tamarac. The Tamarac City Commission was scheduled to take formal action on the ILA on February 27, 2008. Upon such action, their signature page will be forwarded to the municipalities as soon as it is received. The Village of Lazy Lake has not taken formal action on the ILA. Richard Coker, their attorney, has asked how the Village can be exempt from the Agreement. Mr. Akagbosu stated that a letter was written to the Department of Community Affairs (DCA) explaining the steps that have been taken to advise the Village of Lazy Lake to sign the Agreement. This issue was brought before the Broward League of Cities, Education and Growth Management Subcommittees, and Ms. Calhoun, Executive Director, Broward League of Cities was supposed to contact the Village to resolve this issue. Mr. Akagbosu advised each city to keep a copy of each signature page for their records.

7.1.2 Effective Date of Public School Concurrency and Status of Broward County and Municipal Public School Facilities Elements

Mr. Akagbosu explained that there has been confusion regarding the actual effective date for public school concurrency to go into effect in Broward County. The School District has taken the position that the Amended ILA required that School Board Policy

1161 be amended to incorporate school concurrency prior to school concurrency becoming effective; therefore, the School District considers February 1, 2008 as the effective date for school concurrency. Michael McDaniel of the DCA has written a letter which states that concurrency goes into effect when the plan amendment that is submitted goes into effect. Mr. Akagbosu advised that after conversation and communication with Mr. McDaniel, he confirmed the flaw in the process is that the legislation did not think through the implementation of school concurrency. The legislation did not take into consideration the execution of an Agreement with a non-governmental entity like the School District, and there was no mechanism to address the fact that Broward County has several cities. Currently, each city is transmitting their element at different times. The School District agrees that concurrency goes into effect in each city when their plan amendment goes into effect. Mr. Akagbosu requested that each city notify the School District either by e-mail or a verbal response when they anticipate that their plan amendment may go into effect, taking into consideration when it was transmitted, the 45 days DCA review period, and the 21 days appeal process, if there is no challenge. Mr. Akagbosu advised that effective February 1, 2008, the School District's, Growth Management Department commenced review of development applications for school concurrency determination. The reports generated for plats and site plans will be in effect for a minimum of 180 days, or through the end of the school year. If a report is provided it is up to the governing party to take action on the application, with conditions, until concurrency goes into effect in the particular jurisdiction. If the report expires by the end of the school year, the Growth Management Department would update the report with new data when concurrency goes into effect in the particular city.

There was discussion regarding how the individual cities would process plats and site plans. Dave Frank felt that it is incumbent upon the city to determine if concurrency is, or is not in effect when they receive an application. If school concurrency is in effect, it should go through the process. If it is not in effect, it should move forward. Alan Gabriel explained that this is an issue when a plat comes from the city and goes to the County and the County's plan is in effect and the city's plan is not in effect. Mr. Akagbosu stated that per the ILA, the School District would only recognize County plats.

Dave Danovitz advised that after consulting with their attorneys, the County's plan will go into effect mid-April 2008 or the end of April 2008, depending on when the DCA reviews it and at that point, any plat application that has not been approved by Broward County will be subject to school concurrency review. He further stated that they will not approve any plat in Broward County that is not vested or exempt from school concurrency, unless it has gone through the review. Mr. Akagbosu stated that the School District agrees that school concurrency does not become effective until the local government's plan amendment becomes effective, but because School Board Policy 1161 became effective on January 15, 2008, District staff has no choice but to

implement provisions of the policy. Mr. Akagbosu stated that applications sent to the School District, must have an application fee check accompanying them for review. Upon receipt of a completed application, a preliminary report will be issued, a final report will be issued after final approval of the application, and then the application will be vested for concurrency for five years. Mr. Danovitz stated that the County will continue sending plats to the School District for review.

Larry ~~Shuster~~ Schuster stated that Broward County has authority of approving all plats. When the public school element is adopted by the County and it becomes effective, then when the County receives a plat, it has to meet school concurrency, no matter what jurisdictional location of the plat. In the city, it depends on their site plans. As such, they cannot approve a plat unless reviewed for school concurrency after the effective date of their public school element.

Dave Frank made a motion that it is the consensus of the SWG interpretation of ILA, as well as the information provided from DCA that concurrency becomes effective on the date the municipality's element becomes effective. Dave Danovitz seconded the motion, and the motion passed unanimously.

7.1.3 Exempt and Vested Residential Developments

Mr. Danovitz stated that Broward County is in agreement with the School District that anything that is subject to public school concurrency (plats) that is not vested or exempt should go to the School District and pay the fee to do the review. He stated that the School District has taken the position through their policy that any residential application, regardless if it is vested or exempt under the ILA, has to go to the School District and pay a fee subject to school concurrency determination. Mr. Akagbosu was in agreement as to the School District's policy and stated that in the ILA on page 25, it states that the School District will charge a non-refundable fee to review residential plats and site plans (or functional equivalent) and that it does not state whether the application is vested or not vested. In School Board policy it states the same thing, meaning, the project is vested or not vested from public school concurrency requirements, but not vested from the process which includes an application fee. Mr. Akagbosu further explained that when a development goes through concurrency as a plat and that same development then comes through as a site plan, as long as the number of units has not changed, the current fee would be \$50.

After much discussion, Mr. Danovitz stated that the County does not believe the authority exists in the ILA to charge a fee for anything other than those applications that are subject to school concurrency, not applications that are vested or exempt. The land development regulation that the County adopted only gives the County the authority to send applicants to the School District to pay a fee and fill out the application when they are subject to school concurrency.

Alan Gabriel explained that it is necessary for the School District to be able to verify that a development is within the maximum numbers of permitted units at the time of development versus what was approved at an earlier date and to allow other capacities to be released and available for the next developer.

Dave Danovitz explained that the County will continue sending plat applications to the School District and after plats are approved by the County Commission they will send a list of what is approved by the County which will allow the School District to account for the intensity in the applications. He stated that assuming that declarations given to the County are approved by the School District does not mean that it was approved and it does not meet concurrency. Lengthy discussions followed regarding the process. Mr. Gabriel stated that the ILA was intended to be an outline of what the School District, the County, and the Cities were doing to establish concurrency.

Mr. Danovitz made a motion that the SWG concur with the County's position that there is no authority in the ILA or within the Land Development Regulation for a mandatory review of applications that are vested or exempt for school concurrency by the School District. Larry Schuster seconded the motion and there was further discussion.

Eric Silva stated that initially after reviewing the ILA, he felt that the cities could make the determination as to whether it was exempt or not. He determined that it was best to have the developer pay the \$50 for review by the School District and make sure that nothing falls through the cracks. Mr. Akagbosu stated that the intent of the ~~statue~~ statutes is to ensure that there is capacity when development comes.

Larry ~~Shuster~~ Schuster made a motion that in regards to exempt and vested applications, there is no requirement for a mandatory review by the School District if a review can be done by the local municipality and if there is a doubt whether they are exempt or vested the municipalities would have the ability to ~~echo~~ consult with the School District for more information. Dave Danovitz seconded the friendly motion. A roll-call vote was taken, and the motion passed with Eric Silva (City of Ft. Lauderdale), ~~Sarah Suarez (City of Hallandale)~~ and Chris Akagbosu (School Board) voting against the motion. Mr. Akagbosu stated for the record that if an application for a residential development is sent to the School District without the appropriate application fee, a letter will be issued stating that the application is incomplete.

7.1.4 Compliance with Subsection 8.13(b) and (c) – List of Reviewed Site Plan (or Functional Equivalent) Applications

Mr. Akagbosu explained that the Oversight Committee will be issuing the Annual Report in April 2008 and after reviewing the draft Annual Report transmitted by the SWG in December 2007, they noted that some cities had not provided applications to the School District to review and, subsequently did not advise whether those

applications had been approved which will affect the effectiveness of school concurrency. As such, they requested staff to list all of the cities that did not forward information to the District in the Annual Report that will be going to them in April 2008, and the names of the cities contained on the list could possibly be published in a press release. Mr. Akagbosu suggested that sometime during the year, a list be sent to the District stating how many residential site plans, land use and plats were processed so that they can be compared to the list of applications reviewed by the District. Dave Frank suggested that School District staff should bring an outline to the next SWG meeting regarding the requested information.

7.1.5 Provision of Development Applications (DRI, Land Use, Rezoning, etc.) to the School District for Review

Mr. Akagbosu reminded the SWG Members that as stated in 7.1.4 above, the items cited should be sent to the School District for review.

7.1.6 Subsection 9.2 - List of Potential Collocated Public Facilities

Mr. Akagbosu explained that the ILA requires that information regarding potential local government public facilities that could be collocated with public school facilities, be provided at each SWG meeting. This will be an item on the agenda at each meeting.

7.1.7 Residential Developments with School Board Approved Voluntary Mitigation – Require Proof of School District Payment Receipt

Mr. Akagbosu requested that the municipalities should not issue a building permit if they do not see proof of payment regarding mitigation for concurrency or voluntary commitment projects, and that developers of such projects should be sent back to the School District to pay the amount due.

7.2 Local Government 10-Year Water Plans

Mr. Akagbosu stated that the Director of the South Florida Water Management District (SFWMD) gave a presentation to the Broward County Planning Council on Thursday, February 1, 2008, and indicated that the School District should be a part of the conversation with other entities regarding preparation of the local government 10-year water plans. It was the consensus of the SWG that the School District does not need to be a part of the conversation between municipalities and the SFWMD.

8. Next Staff Working Group Meeting

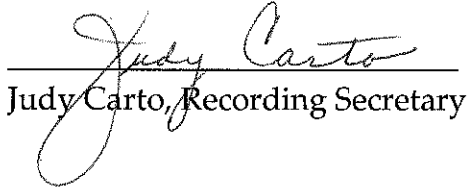
8.1 June 6, 2008 (Regularly Scheduled Quarterly Meeting)

Mr. Akagbosu announced that the next SWG meeting is scheduled for June 6, 2008.

9. Adjourn

Dave Frank made a motion to adjourn the meeting. Larry ~~Shuster~~ Schuster seconded the motion, and the meeting was adjourned at 12:22 p.m.

Respectfully submitted by:


Judy Carto, Recording Secretary


Christopher Akagbosu, Chair