

THE AMENDED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING STAFF WORKING GROUP MEETING

Minutes

March 3, 2011

10:30 a.m. – 12:30 p.m.

Bienes Ceremonial Room, 6th Floor Downtown Library

1. Call to Order and Roll Call

Chair Eichner called the Staff Working Group (SWG) meeting to order at 10:40 a.m. Linda Houchins took roll call, and the following members were in attendance:

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| • Akagbosu, Chris | Broward County School Board |
| • Allen, Ingrid | Town of Davie |
| • Amoruso, Glenn | Broward County |
| • Buckeye, Rick | City of Oakland Park |
| • Carpenter, Paul | City of Coral Springs |
| • Ciesielski, Michael | City of Fort Lauderdale |
| • Davis-Hernandez, Tanya | City of North Lauderdale |
| • Dokuchitz, Peter | City of Wilton Manors |
| • Dolan, Jean | City of Pompano Beach |
| • Eichner, Shelley | City of West Park and City of Weston |
| • Ferguson, Gerald | City of Deerfield Beach |
| • Fink, Charles | Town of Pembroke Park |
| • Hall, Lorri | City of Miramar |
| • Hamilton, Leander | City of Hollywood |
| • Lajoie, Corinne | City of Dania Beach |
| • Loftus, Heather | Town of Southwest Ranches and City of Tamarac |
| • Matthews, Melinda | City of Lauderhill |
| • Moore, Roberta | City of Parkland |
| • Pinney, Andrew | City of Margate |
| • Suarez, Sarah | City of Hallandale Beach |
| • Swing, Brad | City of Sunrise |
| • Von Stetina, Deanne | Broward County Planning Council |
| • Williams, Sharon | City of Pembroke Pines |
| • Wood, Matthew | City of Cooper City |
| • Zelch, Lisa | City of Plantation |
| • Ziskal, Ben | City of Margate |

Others in attendance at the meeting were as follows:

- | | |
|----------------|-----------------------------|
| • Smith, Micah | Broward County |
| • Wight, Lisa | Broward County School Board |

2. Election of Officers

Chair Eichner opened the floor for nominations for the Chair position. Sharon Williams nominated Shelley Eichner for the position of Chair. Lisa Zelch seconded the motion. There were no other nominations, and nominations were closed. The motion passed unanimously. Chair Eichner opened nominations for the Vice Chair position. Chris Akagbosu nominated Gerald Ferguson for the position of Vice Chair. Rick Buckeye seconded the motion. There were no other nominations for Vice Chair, and nominations were closed. The motion passed unanimously.

3. Election of SWG Ex-Officio on the Oversight Committee

Chair Eichner opened the floor for nominations for the SWG Ex-Officio Member on the Oversight Committee. Matt Wood nominated Shelley Eichner to remain as the SWG Ex-Officio Member on the Oversight Committee. Sharon Williams seconded the motion. There were no other nominations for the SWG Ex-Officio position, and nominations were closed. A vote was taken, and the motion passed unanimously.

4. Addition(s) to the March 3, 2011 Agenda

Chair Eichner asked if there were any additions to the March 3, 2011 agenda. Lisa Wight requested that "Concurrent Rezoning and Site Plan Approvals" be added to the agenda under New Business. Chair Eichner added the item under New Business Item No. 9.2.

5. Approval of the Final Agenda for the March 3, 2011 meeting

Chair Eichner approved the addition of "Concurrent Rezoning and Site Plan Approvals" to the agenda under New Business Item No. 9.2.

6. Approval of Minutes - December 2, 2010

Sharon Williams made a motion to approve the minutes of the December 2, 2010 meeting. Matt Wood seconded the motion, and the motion passed unanimously.

7. Subcommittee Reports (NONE)

There were no Subcommittee Reports.

8. Old Business

8.1 Feedback from the January 12, 2011 Oversight Committee Meeting

Mr. Akagbosu gave feedback from the January 12, 2011 Oversight Committee meeting and said that the major issue discussed was the 2010 Annual Status Report. Additionally, the Members did not change the Report; however, they requested that School District staff send out another request for Municipalities who had not sent the quarterly reports required by the Amended ILA to the School District, to send the reports. He said that as of this date, all of the Municipalities have sent in their quarterly reports for 2010; however, some Municipalities have yet to provide 2009 quarterly reports to the District. Mr. Akagbosu also said that based on the legal opinion issued by Alan Gabriel, the Oversight Committee Members wanted to know the status of where the Municipalities are regarding implementing the provisions of the Second Amended ILA. He said to accomplish the directive; District

staff developed a matrix and emailed the matrix to the SWG Members with a request to provide the needed information.

After brief discussions, the Municipalities that had not previously provided the information pertaining to comprehensive plans to School District staff did so at the meeting, and those that had not provided the 2009 quarterly reports agreed to do so sometime after the meeting. Further discussions continued, and it was decided that in the matrix "N/A" would stand for "Not Applicable" and "TBD" would stand for "To Be Determined".

8.2 Status - 2010 Annual Report on the Implementation of the Amended Interlocal Agreement for Public School Facility Planning

Chris Akagbosu talked about the status of the 2010 Annual Report and said that due to the provided quarterly reports for 2010, the parties to the Amended ILA have successfully complied with seventy-six (76) of the seventy-seven (77) specific requirements of the Agreement. Thus, the only area needing resolution relates to amendments of the Comprehensive Plans to implement provisions of the Second Amended ILA. Mr. Akagbosu stated that the Summary portion of the Report was changed to reflect that the parties met all but one requirement of the Second Amended ILA. He said the changes made to the text were highlighted. Chair Eichner talked about Subsection 8.13(c) and said that the Subsection does not directly relate to amending and updating the Comprehensive Plans or the Land Development Regulations (LDR's). She suggested that the "Municipalities" Subsection 8.13(c) should be listed as "ongoing process" and should be un-highlighted. After brief discussions regarding Subsection 8.13(c) and Subsection 8.1(a), Sharon Williams made a motion to modify the 2010 Annual Report by transferring the comments from Subsection 8.13(c) to Subsection 8.1(a), essentially, to un-highlight Subsection 8.13(c) and to highlight Subsection 8.1(a). Lorri Hall seconded the motion. Sharon Williams amended the motion to also include the text, and the motion passed unanimously.

Corrine Lajoie advised that the Dania Beach Local Activity Center (LAC) application did not receive approval from Broward County, and asked if that information should be shown on Attachment C of the Report. After brief discussions, it was determined that the comment regarding the Dania Beach LAC should be depicted on Attachment E-2.

8.3 New Collocation Facilities

The Municipalities had no new collocation facilities to report.

8.4 Status - Student Generation Rate/School Impact Fee Study Update

Mr. Akagbosu advised that the Student Generation Rate/School Impact Fee Study Update had been rejected by the Broward County Commission on March 1, 2011 because of the following three reasons:

- The use of two methodologies – Mr. Akagbosu said that the generation rates and school impact fees for mid-rise and high-rise units were based on the 2007 Study which used address matching. He stated that when the census was used, the fees for those categories went up dramatically. To address the issue, the consensus was to leave the results based on the census data for single family, townhouse, garden apartment and mobile home units and to use the 2007 Study results for mid-rise and high-rise units.
- 6.7% of the costs of school impact fees can be spent for ancillary facilities – Mr. Akagbosu said that County staff advised that the County attorney's office was not sure if spending school impact fees for ancillary facilities outside of the school impact fee zones was legally defensible.
- School impact fees went up significantly for townhouses, 4 bedroom single family homes and 3 or more bedroom garden apartments.

Mr. Akagbosu said that the County Commission directed that the Study Update should be sent back and redone with one methodology. The Commission also talked about the fragile economy and that increasing fees would be detrimental to the Community. Additionally, he is waiting for an official letter from County staff which states the Commission's position before moving forward to determine what steps to take. He also said that Commissioner Wexler stated that the current school impact fees should be retained. Mr. Akagbosu said that Mr. Jernigan spoke out against impact fees and said that they should be suspended for two years until the District's excess seats are used. Chair Eichner pointed out that the school impact fees based on dwelling unit type and number of bedrooms had been in effect since 1981 and the updates that have been done for 30 years all worked to have equity between different dwelling unit types and number of bedrooms. Additionally, the address matching methodology had been consistently applied. Discussions followed regarding Broward County's complicated fee structure, different methodologies, and the fact that the current school impact fees are still in effect. Chair Eichner suggested, for school impact fee purposes, collapsing the mid-rise and high-rise unit categories into one rate and said that those two categories are causing the problem in terms of data gathering and methodology. Mr. Akagbosu said that the 2007 Study methodology under-predicted the number of Broward County Public School students by 20%. He encouraged everyone to read the Study Update.

8.5 Status - Broward County and Municipal Comprehensive Plans and Land Development Codes/Regulations

The question was asked whether maps need to be adopted into the Comprehensive Plans or can be adopted by reference. Chair Eichner stated that the Cities of West Park and Weston adopted the concurrency service areas as well as the Comprehensive Plan by reference, submitted them to the Department of Community Affairs (DCA) and both were found to be in compliance. Sarah Suarez said that the City of Hallandale Beach initially adopted the maps by reference, the DCA approved the amendment; however, she subsequently received an email from the DCA stating that she could not adopt by reference but needed to incorporate the maps, and requested that she make an additional amendment. Brief discussions followed.

8.6 Update on Broward County and Municipalities Evaluation and Appraisal Report

Glenn Amoruso advised that Broward County's Evaluation and Appraisal Report (EAR) was adopted by the County Commission on March 1, 2011. He said that they will now be working on the EAR based amendments. He said that the County has 60 days for the DCA to give a Preliminary Sufficiency Review and that by June 2011, the County will find out if the DCA has any issues with the EAR. Additionally, no major issues have been added since adoption. Brief discussions followed regarding updates of the Municipal's EAR. Glenn Amoruso advised that the draft County EAR is online and the adopted version will be online in the next two weeks.

9. New Business

9.1 Legislative Session

Lisa Wight advised that a potential bill has been circulating that proposes to eliminate public school concurrency as a requirement and making it optional. Additionally, it would be a requirement that if public school concurrency is adopted, it would be adopted district-wide as opposed to using the concurrency service areas. She said that the subject bill is yet to be filed. She advised that along with the potential bill, many proposed changes relating to growth management including repealing Rule 9J5, removing requirements for EAR's, and eliminating the DCA. Ms. Wight said that there is no forum for planners to meet in the County to discuss planning issues other than the SWG, and she requested

that if any of the members had anything to share regarding upcoming legislation to talk about it now. Chair Eichner said that the bill has not been filed, and the proposed language is being brought forward by the Florida Builder's Association as well as the Florida Chamber of Commerce and would totally gut Chapter 163, increase thresholds of DRI's, and automatically extend all development orders for ten years. She said that the old Senate Bill 360 is coming back again and has been filed. She advised that the Florida American Planning Association (APA) website has a legislative action plan on its website which can be downloaded.

Discussions followed, and it was determined that the SWG would be used as a vehicle to circulate any pertinent bills or information by emailing the information to Linda Houchins for distribution to the SWG Members. Mr. Akagbosu advised that legislative actions are part of the Oversight Committee's agenda for the April 2011 meeting to inform them of pertinent information and bills that have been filed.

9.2 Concurrent Rezoning and Site Plan Approvals

Mr. Akagbosu said that some Municipalities are requesting simultaneous submittal of zoning and site plan applications. He stated that the way the District's system is set up, when there is a public school concurrency review at plat, the project is vested for five years. When the site plan is brought forward, a vesting verification is completed. If the site plan is done first, vesting of the site plan is based on the approval timeframe of the site plan thereby creating vesting verification issues when the property is platted.

Discussions followed regarding consistency reviews for rezoning, concurrent reviews for plats and site plan reviews. Ms. Wight said that District staff is receiving quarterly reports that indicate site plan approvals that the School District has never reviewed. Discussions continued regarding concurrent reviews, conceptional reviews, issues of miscommunication and paying attention to the Amended ILA and procedures. In conclusion, the SWG agreed that public school concurrency determination will be conducted at platting and at site plan only if the subject project in the site plan does not require platting.

10 Next Staff Working Group Meeting

10.1 June 2, 2011 (Regularly Scheduled Quarterly Meeting)

Chair Eichner advised that the next SWG meeting is scheduled for June 2, 2011.

11. Adjourn

Sharon Williams made a motion to adjourn the meeting. Rick Buckeye seconded the motion and the motion passed unanimously. The meeting adjourned at 12:00 p.m.

Respectfully submitted by:


Shelley Eichner, Chair


Linda Houchins, Recording Secretary