

BROWARD COUNTY ENVIRONMENTAL PROTECTION AND GROWTH MANAGEMENT
DEPARTMENT

PUBLIC SCHOOL FACILITY PLANNING

Staff Working Group Meeting

September 2, 2010

9:30 a.m. – 11:30 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 9:50 a.m. Linda Houchins took roll call, and the following members were in attendance:

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| • Allen, Ingrid | Town of Davie |
| • Amoruso, Glenn | Broward County |
| • Archer, Brian | City of Parkland |
| • Bowman, Jeff | Town of Lauderdale-By-The-Sea |
| • Boy, Barbara Blake | Broward County Planning Council |
| • Buckeye, Rick | City of Oakland Park |
| • Ciesielski, Michael | City of Fort Lauderdale |
| • Dokuchitz, Peter | City of Wilton Manors |
| • Eichner, Shelley | Cities of West Park and Weston |
| • Ferguson, Gerald | City of Deerfield Beach |
| • Fink, Charles | City of Pembroke Park |
| • Giancoli, Don | City of Lauderhill |
| • Hall, Lorri | City of Miramar |
| • Lajoie, Corinne | City of Dania Beach |
| • Loftus, Heather | Town of Southwest Ranches and City of Tamarac |
| • Stevens, Marcia | City of Deerfield Beach |
| • 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:

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|----------------|--------------------------------|
| • Baron, David | City of Sunrise |
| • Wight, Lisa | Broward County School District |

2. Addition(s) to the September 2, 2010 Agenda

Chair Eichner asked if there were any additions to the September 2, 2010 agenda. Glenn Amoruso said he had distributed a hand out that he would like to talk about which includes the revisions to the tools, objectives and policies related to the new Public School Facilities Element (PSFE) for when he gives the

Evaluation and Appraisal Report (EAR) update. Lisa Wight requested that the Mid-Year Report and the 2010 Annual Status Report be added to the agenda under New Business. Chair Eichner added both items under New Business Item No. 6.1 and 6.2.

3. Approval of Minutes – June 3, 2010

Sharon Williams made a motion to approve the minutes from the June 3, 2010 meeting. Ben Ziskal seconded the motion, and the motion passed unanimously.

4. Subcommittee Reports

There were no Subcommittee Reports.

5. Old Business

5.1 Status of the Second Amended Interlocal Agreement (ILA)

Lisa Wight advised that the District Educational Facilities Plan (DEFP) will be adopted at the September 7, 2010 School Board meeting. She said that regarding the Second Amended ILA, notice was received by the Department of Community Affairs (DCA) that the Agreement was found to be in compliance, a notice of intent was published on August 13, 2010, and that the 21 day appeal period will end on September 3, 2010. She said that once the appeal period ends, implementation of the Second Amended ILA will move forward. Additionally, she said that with the next update of the support documents, all figures will be based on gross capacity, and those cities which did not adopt the Agreement should be aware that all documents that the School District and the County will be preparing for the annual updates to the Facilities Element will be based on the new Level of Service Standards (LOS). Discussions followed regarding the effective date for the Second Amended ILA, Municipal Comprehensive Plans, and Home Town Democracy. Chair Eichner requested on behalf of the SWG that the School Board Attorney give a written opinion giving the cities direction, and she also suggested that each municipality contact their own City Attorney for an opinion.

Glenn Amoruso said that the County does annual updates to the maps, the data analysis of the support document of the School Element as well as the Capital Improvements Element. He said this year the County will also be revising the policies as it relates to the new LOS and incorporating the new policies so there will be consistency between what the policies say and the data analysis that supports the new policies, and will be adopted into the County Comprehensive Plan by December 2010. Lorri Hall made a motion requesting the School Board attorney to draft an opinion in the next 30 days relative to the Second Amended ILA regarding updating Comprehensive Plans and the Facilities Elements, and the process for LOS. Mike Ciesielski seconded the motion for discussion. Discussions followed regarding the motion and Amendment 4. Lisa Wight clarified that the motion is requesting a written opinion from the School Board attorney regarding how to manage the approval process for applications during the interim period when the LOS is one figure for the School Board and something different for the cities within the next 30 days. A vote was taken on the motion, and it passed unanimously.

5.2 Feedback from the August 18, 2010 Oversight Committee Meeting

Chair Eichner said that the main focus of the Oversight Committee meeting had been an appeal by the City of Coconut Creek for the School Board to re-review a Mitigation Agreement that had been entered into with the City of Coconut Creek, the School Board and Broward County. Chair Eichner explained and gave details on the issue and said that the Superintendent had recommended not to amend the

Agreement. She said that the Oversight Committee requested that the School Board hold a Workshop to discuss the issue, and she advised that the Workshop was being held September 2, 2010 at 12:30 p.m. She said that a presentation on the Student Generation Rate/School Impact Fee Study Update was the other main item discussed at the Oversight Committee meeting.

5.3 Age Restricted Units

Chair Eichner advised that the issue of age restricted units was discussed at the last SWG meeting because the School Boundaries Department had discovered that there were students coming from age restricted units. Lisa Wight suggested that this item be deferred until Chris Akagbosu and/or the School Boundaries Department are present to address the issue, and the SWG agreed.

5.4 New Collocation Facilities

The Municipalities had no new collocation facilities to report.

6. New Business

6.1 Mid-Year Report

Chair Eichner advised that the Mid-Year Report was emailed in the back-up material. Lisa Wight explained that in the 2009 Annual Status Report on Implementation of the Amended ILA there were several violations to the Agreement, and the Mid-Year Report was completed to address what was being done to address the violations. She said the Report will be listed on the agenda for the October 2010 Oversight Committee meeting. Chair Eichner went through the Report as follows:

- Section 8.2 – Cities updating their Land Development Regulations (LDR) to incorporate the terms of public school concurrency. The City of Tamarac said they are scheduled to take action on September 7, 2010. No one was at the meeting from the City of Pompano Beach.
- Section 8.2(b) – Cities who did not provide quarterly reports. Lisa Wight said that if any cities have corrections or updates to the 2010 Quarterly Reports, to please advise the School District.
- Section 8.6 – Same as above
- Section 8.11 – Same as above
- Section 8.13 – Same as above

Ms. Wight advised that most of the issues and violations are related to reporting issues, and that any changes or updates should be emailed to Linda Houchins.

6.2 Annual Report

Chair Eichner said that a Subcommittee had been formed to work on the 2010 Annual Report. Mr. Wight pointed out that the highlighted blue sections in the Report are reminders that those sections need to be looked at before the Report is finalized and are not violations. She also said that the Summary at the beginning of the Report will be included in the final draft. Mr. Amoruso went over the highlighted sections of the 2010 Annual Report as follows:

- Section 3.1, page 8 – Present projections will be used until the 2010 census comes out
- Section 7.3, page 10 – Technically not a violation, just a running count until December 2010
- Section 8.1, page 14 – Language added that violations are due to the timing issues of the cycles and timing of availability of the data
- Section 8.2(b), page 15 – Quarterly reporting issue

- Section 8.6, page 18 – Quarterly reporting issue
- Section 8.7, page 19 – Scriveners error adopeted to adopted
- Section 8.11 (a) and (b), page 20 – Quarterly reporting issue
- Section 8.13(c), page 22 – Add comment of timing issues and uncertainty with respect to Amendment 4

Ms. Wight advised that the SWG will vote on the Report at the December 2010 meeting, and the Report will be presented to the Oversight Committee for their vote in April 2011. Chair Eichner said she thinks it is imperative that the SWG get legal direction from the School Board attorney. Discussions followed regarding timing issues and adding language that non-compliance is due to timing issues. Ms. Wight said that the above comments would be made to the 2010 Annual Report and the final draft will be brought back to the SWG in December 2010.

6.3 Update on Broward County and Municipalities Evaluation and Appraisal Report

Mr. Amoruso said that at the last meeting of the EAR, a letter of understanding was submitted to DCA, and DCA did not have any comments. He said the County recommendations will be completed on major issues by next week, and a workshop will be scheduled with the Broward County Planning Council the first week of October 2010 to present the draft recommendations to the cities and interested parties. Additionally, he said that a meeting will be scheduled with the Planning Council in approximately November or December 2010 with a draft EAR, a Local Planning Agency meeting in January 2011, and transmittal to DCA in February 2011. He advised that the schedules and back-up materials are available online, and comments can be left on the website.

Mr. Amoruso handed out draft language which the County will be using to update the School Element and Capital Improvement Element. He said it mirrors the changes that are in the Second Amended ILA that was adopted by the School Board in February 2010 and changes the LOS to 100 percent of gross capacity. He advised that this is also available online. Discussions followed regarding adoption dates. Mr. Amoruso advised that the new LOS of 100 percent gross capacity will not become effective until all the Comprehensive Plans from the municipalities that are party to the Second Amended ILA have been adopted. Lengthy discussions followed regarding timing issues, Statute 163, capacity problems, and getting a written opinion from DCA.

6.4 Update on Student Generation Rate/School Impact Fee Study

Ms. Wight advised that the Amended ILA requires an update of the Student Generation Rate/School Impact Fee Study every three years. She said that the Consultant who is preparing the update of the Study is Duncan/Associates. Additionally, she advised that a series of meetings have taken place and concerns have been addressed regarding the changes in the rates and the methodology used to determine the rates. Written comments will be distributed to the Consultant for his response. She said there is a public workshop scheduled for September 7, 2010, and she said it is important for the SWG Members to attend the workshop. Rick Buckeye, who was part of the Standing Committee, commented that he also feels it is important for the members of the SWG to attend the public workshop, and said he has concerns that some increases in the Study seem to be very high. Discussions followed regarding the process involved, the timeline, and the huge increase in fees. Chair Eichner said that both Skeet Jernigan, on behalf of the Economic Development Council, and Truly Burton, on behalf of the Builders Association of South Florida, spoke at the Oversight Committee and raised major concerns regarding the methodology, assumptions, projections, costs and data used in the Study.

6.5 Concurrent Approval of Site Plans and Plats

Lisa Wight talked about an issue regarding the local process for zoning and site plan approvals. She said that the School District is receiving site plan approvals for projects that the District has not reviewed for public school concurrency. Discussions followed regarding site plan and plat approvals and expirations. Ms. Wight commented that she wants to make sure the School District is receiving accurate information.

7. Next Staff Working Group Meeting

7.1 December 2, 2010 (Regularly Scheduled Quarterly Meeting)

Chair Eichner advised that the next SWG meeting is scheduled for December 2, 2010.

8. Adjourn

Ben Ziskal made a motion to adjourn the meeting. Mike Ciesielski seconded the motion, and the meeting was adjourned at 11:20 a.m.

Respectfully submitted by:



Shelley Eichner, Chair



Linda Houchins, Recording Secretary