



Council Minutes

January 9, 2006
10:00 a.m.

REPRESENTATIVES PRESENT

Chair, Mr. Robert Kersteen, Gubernatorial Appointee, Pinellas County
Vice Chair, Ms. Jill Collins, Gubernatorial Appointee, Hillsborough County
Secretary/Treasurer, Commissioner Scott Black, City of Dade City
Mr. Richard Albrecht, Gubernatorial Appointee, Pasco County
Councilwoman Mary Alvarez, City of Tampa
Mayor Larry Bustle, City of Palmetto
Commissioner Bill Dodson, City of Plant City
Mr. Julian Garcia, Jr., Gubernatorial Appointee, Hillsborough County
Dr. Lois Gerber, Gubernatorial Appointee, Manatee County
Mr. Housh Ghovae, Gubernatorial Appointee, Pinellas County
Reverend James T. Golden, City of Bradenton
Mr. Kenneth Hoyt, Hillsborough County Gubernatorial Appointee
Ms. Angeleah Kinsler, Hillsborough County Gubernatorial Appointee
Commissioner Deborah Kynes, City of Dunedin
Deputy Mayor Bob Langford, City of New Port Richey
Mayor Mary Maloof, City of Treasure Island
Commissioner Bob Matthews, City of Seminole
Councilmember Janice Miller, City of Oldsmar
Councilwoman Carlen Petersen, City of Clearwater
Commissioner Mark Sharpe, Hillsborough County
Ms. Barbara Sheen Todd, Gubernatorial Appointee, Pinellas County
Commissioner Jane von Hahmann, Manatee County
Mr. Philip Waller, Gubernatorial Appointee, Hillsborough County
Commissioner Kenneth Welch, Pinellas County
Councilman Earnest Williams, City of St. Petersburg
Ms. Kathleen Wolf, Gubernatorial Appointee, Pasco County
Ms. Janet Kovach, SWFWMD
Ms. Brenda Williams, Department of Environmental Protection

REPRESENTATIVES ABSENT

Commissioner Harriet Crozier, City of Largo
Commissioner Robert Daugherty, City of South Pasadena
Mayor Ward Friszolowski, City of St. Pete Beach
Mr. Michael Guju, Gubernatorial Appointee, Pinellas County
Commissioner Ken Halloway, City of Temple Terrace
Commissioner Peter Nehr, City of Tarpon Springs
Vice Mayor John Phillips, City of Gulfport
Commissioner Steve Simon, Pasco County
Councilman Ed Taylor, City of Pinellas Park
Vice Mayor Keith Zayac, City of Safety Harbor
Mr. Bob Clifford, Florida Department of Transportation

Ms. Michelle Miller, Enterprise Florida

OTHERS PRESENT

Kenn Ashly, Principal Planner, EHA, Inc.

Tim Bently, Senior Planner, Wilson Miller

Shawn College, Executive Planner, Hillsborough Planning Commission

John Healey, Planner, Hillsborough County

Ron Jandon, Senior Planner, Wilson Miller

Rick MacAulay, Senior Planner, City of St. Petersburg

Trisha Neasman, Planner, SWFWMD

Jim Shimborg, Attorney, Holland Knight

Mike Reynolds, Planner III, City of Clearwater

Debra Zampetti, Attorney, Figurski and Harrill

STAFF PRESENT

Mr. Manny Pumariega, Executive Director

Mr. Roger Tucker, Legal Counsel

Mr. Avera Wynne, Planning Director

Ms. Suzanne Cooper, Principal Planner

Ms. Lori Denman, Administrative Assistant

Mr. John Jacobsen, Accounting Manager

Ms. Betti Johnson, Principal Planner

Ms. Wren Krahl, Manager of Admin./Public Information

Mr. Bill Lofgren, Principal Planner

Mr. John Meyer, Principal Planner

Mr. Greg Miller, Planner

Mr. Patrick O'Neil, Senior Planner

Mr. Charles Rogers, Planner

Mr. Gerald Smelt, Principal Planner

Mr. Michael Spina, Senior Planner

Ms. Jessica White, Senior Planner

Ms. Sue Young, Recording Secretary

Call to Order - Chairman Kersteen

The regular meeting of the Tampa Bay Regional Planning Council was called to order by Chairman Kersteen on January 9, 2006 at 10:06 a.m.

Chair Kersteen introduced the new representatives from their governmental entities: Commissioner Mark Sharpe from Hillsborough County, Commissioner Ken Welch, Chairman of the Pinellas County Commission, and Councilman Earnest Williams from the City of St. Petersburg. Chair Kersteen went on to present Commissioner Morroni with a TBRPC pen and thanked him for his great input during his service.

Commissioner Morroni thanked the Council and stated it was a great experience serving on this body for the past year. Pinellas County shows its commitment to TBRPC by having their Chair serve on the board.

Commissioner Ken Welch will be the representative for 2006, and Ms. Barbara Sheen Todd was the representative for 2004. During his tenure as Chair for Pinellas County in 2005 he was the representative for Pinellas County. The County is always working with other organizations such as the TBRPC. Former Chair Jane von Hahmann and Mr. Pumariega had a successful year. People are still talking about the Regional Hurricane Forum. This is what the TBRPC does, we are supposed to lead the way for Florida. In closing, Commissioner Morroni wished the Council a really happy and successful 2006.

The Invocation was given by Ms. Barbara Sheen Todd, followed by the pledge of allegiance.

Roll Call - Recording Secretary

A quorum was present. No voting conflicts were filed.

1. **Approval of Minutes** - Secretary/Treasurer Black
The minutes from the December 12, 2005 meeting were approved. (von Hahmann/Alvarez)
2. **Budget Committee** -Secretary/Treasurer Black
The Financial Report for the period ending 11/30/05 was approved. (Hoyt/Maloof)
3. **Consent Agenda** - Chairman Kersteen
The consent agenda was approved. (von Hahmann/Hoyt)
4. **Item(s) Removed from Consent Agenda and Addendum Item(s)**
ADDENDUM ITEMS:
Agenda Item #4.A.
Manatee County submitted an amendment which was received subsequent to the mail-out. Due to timing established by the Department of Community Affairs for the submission of Council Comments, it is necessary for the amendment to be considered at this time.
Local Government Comprehensive Plan Adopted Amendment Report, DCA #05-2, Manatee County was approved. (Black/Todd)

Agenda Item #4.B.
Local Government Comprehensive Plan Proposed Amendment Report, Pinellas County DCA #06-1 was pulled from the Agenda to be considered at a later date. (Black/Todd)
5. **Review Item(s) or Any Other Item(s) for Discussion**
6. **Presentation on Affordable Housing and Workforce Housing by Stan Fitterman**
Mr. Fitterman provided an overview of Florida's system of providing affordable housing units. He emphasized the types and quantities of units that have been developed with the Sadowski Housing Trust Fund dollars and provided an example of employer assisted housing programs.

Housing prices in Florida have gone up dramatically faster than incomes. During the last year housing prices in this state went up 25%, while incomes went up approximately 4%. Economically,

that does not make sense. What is happening in Florida is that people with money from outside the state are buying houses in Florida. This drives up the price of the houses, not the people who are working and earning a living in Florida. As a result, a lot of the folks who are working in Florida, the healthcare workers, school bus drivers, janitors, teachers, sheriffs, and some of the lower paid professionals can no longer afford to live in the communities they serve.

The 1992 State Legislature approved the Sadowski Affordable Housing Act, which added \$.10 per \$100 worth of value increase to the doc stamps, with another \$.10 being moved over in 1994. As a result, Florida has a dedicated revenue source to address affordable housing. The money goes to every large city and every county in the state of Florida with a minimum of \$350,000 going to each county. Even the smaller counties in the state get at least \$350,000. Seventy-five percent of the funds have to be used for construction. Sixty-five percent of the funds have to go to home ownership. If you build a house that someone is going to buy, that counts toward the construction and the home ownership. Realtors make their money by selling houses. As a result, we have a program that does two things: it creates housing for people below 120% of the median and it pumps money into the economy. Thirty percent of these funds must go to help people who are earning less than 50% of the median; 30% must go to folks earning less than 80% of the median. The rest of the funds could go to people earning up to 120% of the median income.

Our program is based on local governments determining what their housing problems are, what their housing needs are, and designing programs locally to meet those needs. Housing needs in rural Gilchrist county are very different from the housing needs in Tampa and Miami. The SHIP program is market driven. The local government, with SHIP dollars, are making up the gap between what it actually costs in the market to produce and what people earning 80% of the median can afford to pay. For example, someone earning \$40,000 a year can qualify for approximately a \$100,000 mortgage. Houses in Tampa Bay are hard to find for less than \$150,000. The SHIP program lets the private sector build houses. The public sector makes up that difference between what someone can afford, a \$100,000 mortgage, and what it costs the market to produce a \$150,000 house.

There are 115 communities in Florida with SHIP programs; 102 of them have purchase assistance programs of some kind. The private sector builds, the real estate market sells the houses, the lenders make the loan, and the public sector comes in with that difference between what someone can afford and how much the market is producing. In 2002 /2003 the purchase assistance strategy throughout the state produced approximately 5,000 units of affordable housing under the SHIP program in one year.

Another very popular aspect of the SHIP program is the owner-occupied rehab. A lot of people retire in Florida and a lot of them outlive their pension. As a result, there are a lot of folks who own their own house and can no longer afford to maintain them. Eighty-six of the 115 communities have owner-occupied rehab programs where they go in and fix the houses for people to make them safe and affordable. Almost always, in very large numbers, these are aimed at elderly people.

Other good aspects of the SHIP program include very low administrative costs; less than 10% of all SHIP funds go to administration. As a result, there is not a big bureaucracy and a large number of people employed by these programs. The Florida Housing Finance Corporation monitors these people every year to ensure they are spending funds consistently with the rules and regulations.

The framers of the legislation realized that putting \$200,000+ a year on the streets needed to have someone out there making sure folks know how to spend it. As a result, the Florida Housing Coalition provides training and technical assistance to local governments helping structure their programs in a way that will meet the needs of their community. The coalition also works with non-profit developers to help them package their deals, and teach them the real estate development process. We also teach a series of 18 workshops on the real estate development process and on the SHIP program. We have a core curriculum for people who are new to housing and an advanced curriculum of courses for people who have at least five years of experience or who have completed our core curriculum.

Before moving on to address employer-assisted housing Mr. Fitterman opened the floor to questions regarding the SHIP program.

Questions & Comments:

- Mr. Garcia: The worst problem seems to be the rapid increase in housing value in this area.
- Mr. Fitterman: What has happened in Florida is that housing prices are up 25% per year, and in the Tampa Bay region that amount is 36% per year. Income has gone up approximately 4% - 5%. As a result, a family making \$40,000 per year can afford about a \$100,000 mortgage. If houses are \$150,000 that means the local representative comes in with a \$50,000 subsidy. If houses are \$180,000, that means they will have to come with \$80,000.
- Ms. Todd: What is the total budget?
- Mr. Fitterman: Total funds for the SHIP program received last year was approximately \$243 million. Actual amount collected on that trust fund was closer to \$6 million. Two hundred of it went to hurricanes, the other \$200 million is sitting there, never appropriated, and never swept into General Revenue for other needs. This year the amount estimated to be collected is \$900 million. Florida Housing Finance Corporation's budget recommendation was \$243 million, which is what the governor initially wanted. There is a very strong push to have the entire amount allocated for housing, which is the reason it was collected. Builders and realtors feel like they were taxed and wanted guarantees that it was going to be put back into the building and real estate industry.
- Ms. Todd: How do you determine how the money is allocated? Do you have a concept of how many individuals have been helped so far?

Mr. Fitterman: The allocation is based strictly on population. The number of people who have been helped, through 2003/2004, is 124,000. In the ten years the program has been around, since 1992-1993, the allocation has been \$948 million total. The number of home ownerships and units assisted is 123,620.

Mr. Waller: Where is the difference?

Mr. Fitterman: This year the money is sitting there. In past years it has been swept into General Revenue.

Ms. Todd: With the school formula there is an FTE, a matching. Is there anything like that being considered? Pinellas County is talking about establishing some type of a trust fund that can be recognized and rewarded.

Mr. Fitterman: There is not. There is a complicated political issue surrounding that. Realtors are opposed to local trust funds, especially if they come off a doc stamp. Local governments don't have the resources necessary to make sure their trust funds goes into housing.

Reverend Golden: Why can't we recognize that population alone is not adequate? The median income is less than \$100,000.

Mr. Fitterman: The more people there are in a community, the more legislators they have. The Association of Counties felt very strongly that there should be a minimum amount for counties. There certainly are housing issues in Liberty County and Taylor County, some very poor parts of the state. It is based on population because more money goes to where most of the people are.

Reverend Golden: How can we change the system?

Mr. Fitterman: The biggest way that we can fix this is if the money that was set up by the Legislature 10 years ago is a dedicated revenue source for housing and goes to housing. We are talking this year about over \$900 million in the trust fund. Our allocation is \$243 million. \$700 million was raised for housing and all of it is going to go to housing as it stands right now. The reason this program was tied to doc stamps is because doc stamps are tied to the cost of housing. If the cost of housing starts to rise rapidly, historically, incomes won't keep up with the cost of housing. As a result, as housing costs go up, the money in the local trust funds goes up so they can provide that \$100,000 worth of subsidy. There are ways now that local governments are looking at community land trusts and shared appreciation where someone can't take that \$100,000 worth of subsidy, sell the house in five years when it's gone up 30% a year and cash out. Full funding would make it more fair.

Reverend Golden: The communities should have some control over the money.

Mr. Fitterman: My colleague, Michael Davis, is meeting with the chair of the Education Committee on January 10 and appears to be ready to support full funding. This will be the first year since 2000 that full funding would be realized.

Mr. Fitterman: We encourage additional money raised, as Commissioner Welch is working on in Pinellas County such as through inclusionary zoning, not be part of their housing trust fund, because it would be triggered by all the SHIP requirements.

Commissioner von Hahmann: Manatee County has a plan, as most counties do, to deal with their SHIP dollars. I have asked my legal department to look at the governing legislation that handles the Sadowski Fund and see if there is any way to challenge how the state is spending it. Preliminary results are that there isn't, which leaves them open to be able to allocate a certain amount and then shift the dollars to the General Fund. This is a lesson for the state legislature that is going to have to come through us as a local governing body and make sure our constituency gets to know their legislators since they are the ones who vote them into office. We need to make sure these dollars come down to the local level. If developers are getting SHIP funds, they have to meet certain criteria we have set up in our plan. They also have the ability in local government, which we are doing in Manatee County, to set up through the development community deed restrictions to hold the property before they are allowed to sell and realize that appreciation. I would like to see those dollars shifted immediately to where they need to go.

Mr. Fitterman: There is \$200 million sitting in the trust fund that was never appropriated for housing, but was never swept into General Revenue for anything else.

Commissioner von Hahmann: I would also like to see us look at a different formula like Reverend Golden is talking about, because the counties that are high growth with high growth rates of appreciation are huge donor counties to areas that are highly populated, like Orange County, Hillsborough County, Miami-Dade. They are not seeing the appreciation some of the middle sized counties are seeing. Their workforce, even their executive force, are moving and living in our counties and commuting to their counties. In order to provide for these people we should be provided some increase in dollars available regardless of our population.

Mr. Fitterman: I think the first fight is to get full funding. Once we get that nailed down, then take a look at the redistribution formula. We are moving toward a

legislature that really gets it. Having the housing advocates go there and talk to legislators is not effective. When local governments, when the people in this room go, they do listen, they do hear you.

Mayor Bustle: Regarding residential rehab, we have experienced a problem with people not wanting to use that money because then they must begin paying taxes, perhaps, on a home, or they have to repay the money at some point in time. Have you experienced that problem? Are you aware of it? What can be done?

Mr. Fitterman: Some. A lot of it. We can certainly work with your staff to see how the program is structured. A lot of talk goes to how the programs are structured, how they are marketed, how they are explained to people. There are certainly communities around the state where people are very concerned that local government is going to try to come in and take their house away from them. On that aspect, especially with the elderly, just help them to understand how the program is structured and how it works, how they wouldn't have to pay it back until they pass away or until they sell the house. Also, I don't think we have really seen people's appraised value go up markedly because usually the type of repairs being made are routine maintenance, not the type of repair that would drive up the appraised value of the house, such as adding a room. I would be happy to talk with your housing staff to take a look at the program to see how it is structured and what might be changed.

Reverend Golden: Is there a model we have developed that tracks building or some type of methodology for this? There ought to be some systematic way in which we can approach the theory or formula for Manatee County. There must be some methodology that we could begin to test this.

Mr. Fitterman: It would be more looking at a supply model where you are taking a look at places that are going to need housing. Brevard County on the east coast is a great example of that; they are desperate for supply right now. Part of what is driving up their housing cost is a lack of supply. They would be looking at this program more as a supply, where we are going to try and provide supply where it is needed. As we increase supply we will also level off prices, as proposed right now, which is a demand model. It is more a demand style allocation formula now as opposed to a supply side, which you are proposing. It has been such a fight to get full funding, no one is looking at the allocation formula.

Mr. Hoyt: I think what my colleague is saying is that there are other priorities that aren't very far down on the list. We need to get to them very quickly. The last time I had the opportunity to read the Sadowski Annual Reports and everything

that was going on with this, one of the major short-comings is that we lack the basic data in order to carry out the mission. I can see this in the allocation of money. You say the program is simple, and it is. We have a pot of money and we have a lot of people, they happen to be organized into counties. So if we divide it up, that's how we send the money out to the counties. What I think Reverend Golden is saying is that it is much more complicated than that. And the solution we need is more sophisticated than that. What Sadowski is saying is that we need much better information in order to make the kinds of decisions we must make, not only about where to put the money, but what kind of money and under what terms. I think what we are saying is that those other things have to rise up to a high enough priority to get action and get some different outcomes than what we have been getting, even if we could all agree that the first step is to get full funding.

Mr. Fitterman:

The Shimberg Center at the University of Florida is working hard to pull the data together. We are working with them to come up with an affordability index for every county in the state. We will look at what people earn in different professions, how much housing is costing, and what the gap is. Tomorrow and Wednesday we are holding a workshop on research we have done on how the funds have been spent, what has been done, and what they have accomplished. One of the things we have found over the last few years is that people are not looking at that gap between what houses cost and what people make. There is virtually no relationship between the difference, between what people can afford, and how much subsidy people are providing. Since we have been preaching that for two years it is starting to change. People are starting to look at what houses cost and what people can afford. But for a number of years people were just leaving their subsidy amounts where they were, even though housing costs were going up. As a result, they just kept helping higher and higher income people. Once we took a look at that data and said, "Look, folks, you need to take a look at what people earn and what houses cost and decide who you want to help and base your subsidy on that." We are starting to see some change. Now there is some 25% relationship between those amounts. Part of our job is to get that analysis and get that out to the local government staff so they can make informed decisions and database decisions.

Mr. Garcia:

We need to look at other issues. Full funding is very important. It is getting to the point in many of these high increase cost areas in the state where the subsidy will be almost 100%, almost half the price of the house. There was a very good article in the St. Petersburg Times last week on the zoned property on the East and West Coast where, because of regulations, the price of building lots has skyrocketed. Whereas, in what they call flatland America, we don't see the same price increases we see on the two coasts of the United

States. We also need to look at different ownership types. And we have to look at something that nobody wants to look at, and that is increased density. We could increase density to lower costs of the unit. The price of land dictates the cost of the unit.

Mr. Fitterman:

Without a doubt. I passed out an article on a shared appreciation model. Based on the percentage of the houses, the local government puts in 50% of the cost of the house. The local government gets their original investment back plus 50% of the proceeds. As a result, the local government has extra funds to go help the next family. Another variation of that is something called a community land trust, where a non-profit is involved and they actually own the land and the resale amount is capped. So it is kind of a hybrid between rental and ownership. It is not the true ownership that we all know and love in this country, but it is one higher than rental.

Ms. Collins:

There is a lot of misunderstanding about the program and its function. I would encourage all local governments and elected officials to utilize the resources of the Florida Housing Coalition. They can do so much to improve the program. It is not so much what the state is doing but how it is administered at the local level. I would urge people to get with Stan and have them hookup with your community development department.

Mr. Fitterman went on to discuss employer-assisted housing.

There are numerous formats of employer-assisted housing. There are some very inexpensive ones, such as making employers aware of programs in existence. Local governments have done this by working with the school board, the sheriff's office, local hospitals, and major employers to let them know what programs already exist that their employees can take into account. We have worked with the Bonita Bay Group, a large developer in Southwest Florida. They have a program whereby they give their employees \$5,000 toward the purchase of a home. Bonita Springs Housing Development Corporation, a non-profit developer in that part of the state, developed a subdivision and marketed it to Bonita Bay's employees. So, in addition to having SHIP funds and home funds in a sub-division to make them affordable, the folks also have a \$5,000 deferred payment loan that they only pay back if they sell or if they quit working for the company during the five years after they received it. The City of St. Petersburg has a teacher housing strategy; they have SHIP funds set aside just for teachers, limited to instructional staff.

Just north of Titusville there is a hospital that owns a large tract of land. One of my colleagues is working with them to set up a community land trust, a non-profit developer, that would develop housing on that land for various income levels in order to provide housing for their support staff and their nurses. Hospitals are having a major problem finding staff, especially the lower paid staff, because these people don't make enough money to be able to live there. This hospital is actually considering taking a large tract of land it owns to have it developed for its employees. We are working out some of the details with them, what happens when people leave, if they quit the hospital but want to keep living there. Do they have to pay some of the assistance back? How long do they stay?

Nationwide the only real data we have is a 1998 study done by Fannie Mae. There is not much indication that things have changed. At that time only 8% of the companies they surveyed had employer-assisted housing programs and 80% of the total survey respondents, which were all human resource directors and CEOs of well known companies, said that the availability of affordable housing had no negative impact on their recruitment and retention of labor. In other words, most companies out there do not see a connection between recruitment and retention of labor and the cost of housing. As the companies get bigger, that understanding of the relationship went up. Of the companies with between 5,000 and 15,000 employees, 18% saw this as an issue. For the companies with over 15,000 employees, almost 25% of them saw that there is a relationship between their ability to get employees and the affordability of housing.

One of the interesting things I found is that advocates of employer assisted-housing understand that commuting is a problem for employees. Employers around the country provide carpools, vanpools, and transit vouchers. If people live closer to where they work there wouldn't be a commuting problem. There is at least some sense that the housing folks just haven't done a good enough job helping employers make that connection. Employers understand that commuting is an issue; they don't understand that the reason people are living 45 minutes out from their job is because they can't afford to live close to work.

Questions & Comments:

Reverend Golden: People dream about cutting the grass on Saturdays. They can't do that in attached housing. Most people want a house that they can walk all the way around.

Mr. Fitterman: As housing costs have gone up in parts of the state, especially Dade, Broward, Palm Beach Counties, attached housing has become a more acceptable form of ownership. There are parts of the state where it is not. However, as prices have gone up people have realized that they can either buy an attached home or they can continue to rent. People make sacrifices to live certain places all over this country. If you want to live in Manhattan and you have to work for a living, you are going to sacrifice space. If you want to live in Miami and you have to work for a living, you might have to sacrifice having a house and a yard. But you are right, there are parts of the state where that has not happened at all. It started in the Keys and it has worked its way up the coast. Attached housing became more acceptable in Dade County and then people moved to Broward. Five years ago in Palm Beach County no condos were being done in their SHIP program; now it's almost all they do. But there are some people who still want a separate house.

Chairman Kersteen thanked Mr. Fitterman for speaking at the Council meeting.

7. **Council Members' Comments** - Chairman Kersteen

8. **Program Reports**

A. **Agency on Bay Management (ABM)** - Mayor Mary Maloof, Chair

The full Agency on Bay Management will meet on January 12th, 2006. On the agenda are: current and proposed beach nourishment projects of Pinellas County, the Piney Point facility closure and discharge, and comprehensive planning for Tampa Bay's National Wildlife Refuges. All are welcome to attend.

- B. Clearinghouse Review Committee (CRC) - No Report**
- C. Local Emergency Planning Committee (LEPC) - No Report**
- D. Emergency Management - No Report**
- E. Legislative Committee - Commissioner Deborah Kynes, Chair**
Agenda Item 8.E.1. OPPAGA Boundary Study

Chairman Kersteen looked over an email from Mr. Pumariega dated December 22, 2005, directed to Mr. Larry Novey and wrote a memo which was distributed. Chairman Kersteen referred to page 1 of his memo, item A. where it states: "Encourage the Hillsborough, Manatee, Pasco and Pinellas County Commissions to pass Resolutions supporting the present makeup of the Tampa Bay Regional Planning Council."

Commissioner Jane von Hahmann stated Manatee County has sent a letter. The Florida Association of Counties (FAC) has also taken a stand. We didn't get as specific as our RPC letter; we stated that we didn't feel from a government standpoint that those who will be affected should not be having discussions. That was a recommendation from FAC as well.

Chairman Kersteen asked if she thought it would be correct for her to ask her commission to pass a resolution and also encourage the big cities to adopt similar resolutions. If we obtain resolutions from smaller cities, that would be a bonus and tend to push our position over the top. The more support we have the more gravity we have to push this through. Upon receipt of the resolutions, the Council would transmit them to our Legislative Delegation, Governor Jeb Bush, OPPAGA, Speaker Bense, and Senate President Lee.

Chairman Kersteen further stated the water management districts follow watersheds, not political boundaries. If our agency boundaries were to be made coterminous with the SWFWMD, our influence would extend well beyond the Tampa Bay Area and the commonality we share. Counties southeast of the Tampa Bay area are closely related to farming and cattle interests, not necessarily tourism, industrial/commercial development. Although our collective interests would greatly expand with the addition of the southern counties presently included in SWFWMD, our interests would also be greatly diluted. Additionally, such a pairing could bring disparate interests to the same common table of discussion, which could result in disharmony.

Chairman Kersteen listed uniting factors of the Tampa Bay area which included Tampa Bay, boating/shipping interests, tourism, industrial hubs (Tampa & Manatee harbors), Pinellas, Pasco, and Manatee counties are the bedroom communities for the Tampa Bay business

market. Hernando County has become a new bedroom community since the construction of the Veterans Expressway. Other uniting factors include the Tampa International Airport which services seven counties (Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk and Sarasota counties). Chairman Kersteen would advocate adding Hernando, and Sarasota counties, but that is not my intent. I think we have to look at status quo and protect what we have. If something comes about, accept it. However, as Manny pointed out several times during our discussion, if they combined the West Florida and Apalachee the traveling distances would be such that you couldn't expect a quorum to show up because they would have a two hour travel time. Likewise if we were to include Hardy County in our RPC that would be a long trip.

The Tampa Bay Partnership, which services the same counties, is another major uniting force. Each county/city offers different amenities which together make the Tampa Bay area a stronger economic generator. Commonality is a major factor in solidifying the Tampa Bay area as one homogeneous community.

Chairman Kersteen said he hopes he wouldn't see any opposition to each county, each city that participates pass a resolution and send them into this office as soon as possible so that we have our position communicated and we are unanimous in our feelings relative to the makeup of the Tampa Bay Regional Planning Council.

Commissioner von Hahmann: You would want the resolutions to come back to TBRPC to be distributed?

Chairman Kersteen: Yes, it gives us more power in our position.

Mr. Tucker: It would be better for them to send it in and provide us with a copy.

Reverend Golden: Given the moment, I would like a formal action to be taken by the Council itself. **Motion to fashion a Resolution from the Tampa Bay Regional Planning Council which includes all of the above. (Golden/Miller)**

Mr. Hoyt: I would like to speak to the larger issue since it is embodied in the motion. My feelings on this subject are well known. What strikes me in reading the OPPAGA document is it absolutely fails to make the case for why the changes ought to be made. There is no data about cost savings, simplification of procedures, about anything. There is nothing, there is no case presented. But there is a case presented by the government - our cities, counties, and agencies. We are the government in this instance and our consent is required. Those who are making the rules at the higher level, which in

this case is the state of Florida, need to take into account the wishes and desires and evidence presented by the municipalities and the counties and other types of things. That has to be an important part of this resolution, that we are asserting the right to have our consent and in this particular case we chose not to give it. There is no case and yet we make the case why we like to work with one another, why we want to remain whole and keep the relationships that we have and have worked on for over 40 years to build and create. As the Chairman says, if it ain't broke, don't fix it.

Reverend Golden:

We are creatures of the statute and if it appears that this is a run around to amending the statute, I think that we not only need to have the consent of the government, but we also the consent of the institution that will be affected. We are a statutorily created institution and it would appear that without the benefit of the legislature actually amending the statute in the same manner with which we were created.

Chairman Kersteen:

In your motion it would be an intricate part of it to name all of the cities and counties that have also sent resolutions.

Mayor Bustle:

Would it be possible to email these findings so we can expedite the resolutions? Secondly, if we are not successful, what would be the timing in terms of Manatee being removed?

Commissioner von Hahmann:

From what I understand the OPPAGA report is recommending that a workgroup be formed to look at these options for redesigning. We do have some opportunities. They have not shown any data on cost deficiencies that would be incurred with a realignment, they have not shown any cooperation from the standpoint of transportation dollars or whatever dollars might be generated by this realignment. That is key. They are placing the burden of proof on this body. Manny and I were talking earlier and I would like to know who is driving this to begin with. What RPCs or MPOs are having issues that they felt like they needed to have all of this redesigned? I know it wasn't the Manatee MPO, it wasn't my FDOT district director.

Reverend Golden:

It was the developers who complained about the complex maize of bureaucracy that they have to go through in dealing with entities. It seems to me that the only place where those kinds of problems arise as it relates to developers would be Manatee County. All of the other counties and boundaries are

consistent. If I were to hazard a guess it would be those developers who find it difficult to come to the Council, SWFWMD, and the various places they need to go. I think that is backwards in terms of who drives this train.

Mr. Hoyt:

I don't know if everybody remembers when Senator Bennett spoke to the Council, but basically he said what they really want is a single building in which all of these organizations (FDOT, RPCs, WMDs) are housed and the developer needs to run in the front door and go out and start his construction. That was the genesis of all of this.

Commissioner Kynes:

In all fairness, since SWFWMD is an integral part of this proposal that Janet Kovach would like to speak to that.

Ms. Kovach:

I'll be representing by own beliefs, and not those of SWFWMD. I think the state is pushing for a state water board. It seems to be taking away control at the local level. I'm not sure if it is trying to make it easier for developers, I can just tell you that I think the streamlining process is being driven by private interests, a very small consolidated group. I attended a meeting where Representative Trey Traviesa's aide was speaking about Senator Bennett's bill and marching forward. Regional Planning Councils provide very integral oversights to regional projects that you would not get from local governments.

Chairman Kersteen:

The motion carried unanimously.

Agenda Item #8.E.2.

The Legislative Committee met in December to discuss the two shell Senate Bill 360 glitch bills that have been filed by Senator Bennett. One will be to make technical corrections to last years bill and the other is a super glitch bill that could make significant changes. The two glitch bills are SB126 and SB130. Senator Bennett has also filed SB132 and SB136 related to housing.

The agenda mail-out included highlights of the 44 page DRI SB1020, which was also filed by Senator Bennett. In your Council folders your will find a copy of staff's initial analysis to the bill. The draft bill includes some changes that will be detrimental to the DRI process. Senate staff, Tom Yateman, has indicated to FRCA that a stakeholder's workshop is going to be scheduled in the near future.

The committee discussed the recent Kelo vs. New London Eminent Domain Supreme Court decision that has created adverse public reaction in nearly every state Legislature and in the United States Congress. We are planning on having a speaker at the February Council meeting to provide an update on the issue.

The committee directed staff to send letters to the Hillsborough, Manatee and Pasco Legislative Delegation in opposition to the Gateway Areawide DRI Local Bill. Included in your folder is a copy of the initial and the follow up letters. We have also included a copy of the letter from Senator Fasano acknowledging receipt of our initial letter to the Pinellas County Legislative Delegation.

Key Committee Assignments, broken out by each of the RPC Districts and the TBRPC 2006 Legislative Issues are located in your folders.

Commissioner Kynes called on Mr. Gerald Smelt, Principal Planner, to speak about the glitch bill.

Mr. Smelt stated that these are still shell bills and there is nothing available on them as yet.

Reverend Golden referred to attachment 8.E.2. Highlights of proposed SB 1020, Pages 28 & 29 where it states “Any Development in an area granted an exception from the concurrency requirements for transportation facilities which has met the requirements of s.163.3180(5)(b)-(g), including the requirement for proportionate fair-share mitigation for transportation facilities, and which has been adopted into the comprehensive plan is exempt from the provisions of this section.” My question is, would that language have anything to do with helping or not helping the Gateway Areawide and Gateway Centre DRIs?

Mr. Smelt: You could make the argument that they are related. This is saying you have to meet concurrency.

Reverend Golden: So you not only have to deal with the Gateway Area special act, but there are provisions in the proposed bill by Senator Bennett that we know is trying to accomplish the same thing. At some point we need to have a legal analysis of what is being proposed.

Mr. Smelt: This is a bill. This is SB1020, the DRI bill.

Commissioner Kynes: The Legislative Committee is going to meet February 3rd at 9:30 a.m. And will have a comprehensive report on SB1020, and we will begin to understand what are not shell bills and what are being filed.

Reverend Golden: I think that this is another way that they are trying to accomplish

something and I would not want to wait to see if this comes out of committee.

Vice Chair Collins: Does the Gateway bill have a Senate sponsor yet?

Mr. Smelt: I haven't seen a House Bill yet.

Mr. Hoyt: The key point that you are making Reverend is that one is dressed up like a sheep and one is dressed up like a tree but they both are going to do the same thing. If you are going to fight one, you better fight the other.

Mayor Bustle: It occurs to me that maybe we need to put an addendum regarding OPPAGA in our very nicely done 2006 Legislative Issues that addresses the matter we have been talking about. Make that one of our legislative priorities. This is such an important issue.

Mr. Pumariega: As Commissioner Kynes commented in her report on SB1020 – there is supposed to be a workshop in Tallahassee however, the date and time are not known as yet. Staff did an initial analysis that was provided to you in your folders this morning, opposing that particular issue brought up by Reverend Golden. I can't tell you if they will take action on this before the February meeting, but we will keep a close eye on SB1020.

Vice Chair Collins: I think we need to see the entire bill before taking any action so we can see the context better. Maybe there is more to it than we think.

Commissioner von Hahmann: The Legislative Committee was provided a full copy at the last meeting, but you can go on-line and download this. It is a topic that should have a long conversation. We still have time to develop some very strong statements.

Commissioner Kynes: Do we know who our speakers will be regarding Kelo vs. New London Eminent Domain Supreme Court decision at the February Council meeting?

Sec/Treasurer Black: I'm still working on that.

Ms. Kovach: I have a recommendation regarding OPPAGA. I think it would be prudent for the RPC to send a letter saying if a work group is established we would like a seat as a stakeholder as a part of that work group.

Reverend Golden: Motion to add to the previous motion (Golden/Miller).

F. Regional Planning Advisory Committee (RPAC) - No Report

G. Telework Tampa Bay - No Report

H. Economic Development - No Report

I. Regional Domestic Security Task Force (RDSTF)

Mr. Mike Spina, TBRPC Senior Planner, stated the RDSTF planner will be working closely with TBRPC and the RDSTF to coordinate development of the regional Incident Management Team (IMT). This would include Manatee County. This team will be comprised of first responders who will train together and deploy as a unit in the event of an incident in the region or State. The team would draw from agencies throughout the region, so that in the event of a deployment, no one agency or jurisdiction would be too taxed by having a lot of responders gone. These positions are being funded through the Florida Division of Emergency Management.

9. Other Council Reports

10. Executive/Budget Committee Report - Chairman Kersteen - No Report

11. Chairman's Report - Chairman Kersteen

Mr. Kersteen said he hopes everyone is comfortable with their committee assignments. If there are any problems with any of those, please contact Manny or myself. He wished everyone a happy new year and looks forward to this coming year being a very productive one.

12. Executive Director's Report - Manny Pumariega

Mr. Pumariega stated he is looking forward to working with the new members during the upcoming year and he welcomed them as board members.

Adjournment: 11:38 a.m.

Next Meeting: February 13, 2006 at 10:00 a.m.

Events Calendar: Located in Council folders.

Sue Young, Recording Secretary

Robert A. "Bob" Kersteen, Chairman

