

Minutes of the Ninth Meeting of the
ENVIRONMENTAL JUSTICE TASK FORCE

DATE: March 24, 2009
TIME: 4:00 p.m.
PLACE: Sijan Conference Room
General Mitchell International Airport
5300 South Howell Avenue
Milwaukee, Wisconsin

Members Present

Nancy Holmlund..... WISDOM Interfaith Coalition
Vice Chair
Ness Flores.....Attorney, Flores and Reyes Law Offices
Joette HeckenbachCope Services, Ozaukee County
Lynnette McNeely Attorney, Law Offices of Thomas J. Awen; NAACP
Brian Peters Housing Policy Advocate, IndependenceFirst
Jackie Schellinger Indian Community School
Theresa Schuerman Walworth County Bilingual Migrant Worker Outreach
Willie Wade Alderman, City of Milwaukee

Guests and Staff Present

Dustin Block The Daily Reporter
John BoumanCitizen
Henry Hamilton NAACP Milwaukee Branch
Ryan W. Hoel..... Principal Engineer, SEWRPC
Gary K. Korb Regional Planning Educator, UW-Extension/SEWRPC
Catherine MadisonPolicy Analyst, UWM Center for Economic Development
Benjamin R. McKaySenior Planner, SEWRPC
Karyn Rotker..... Attorney, ACLU of Wisconsin
James RowenCitizen
Kori A. Schneider - Peragine Senior Administrator, Metropolitan Milwaukee Fair Housing Council
Kenneth R. Yunker Executive Director, SEWRPC

ROLL CALL

Vice Chairperson Holmlund called the meeting of the Environmental Justice Task Force to order at 4:05 p.m., welcoming those in attendance.

APPROVAL OF MEETING MINUTES OF OCTOBER 14, 2008, NOVEMBER 25, 2008, AND JANUARY 27, 2009

Ms. Holmlund noted that not enough Task Force members were present to constitute a quorum. Therefore, the minutes of the October 14, 2008, November 25, 2008, and January 27, 2009, meetings could not be approved or changed; however, she asked if there were any questions or comments. There were none.

PUBLIC COMMENTS

Ms. Holmlund asked whether there were any comments on the agenda or other Task Force business. There were none. Ms. Holmlund stated that there would be a chance for additional public comment at the end of the meeting.

DISCUSSION OF COMMISSION PLANNING EFFORTS CURRENTLY UNDER PREPARATION AND TIME SCHEDULES

Mr. Yunker directed the Task Force's attention to the handout entitled "SEWRPC Planning Efforts March 24, 2009" (see Attachment 1). Mr. Yunker stated that the handout was prepared as a response to a request made by the Task Force at its January 27, 2009, meeting and briefly reviewed the projects and schedules.

Task Force members raised the following discussion points and comments regarding the schedule:

1. Mr. Flores asked if public comments received on the water supply plan and the proposed socio-economic impact analysis of the water supply plan would be agenda items for future Task Force meetings. Mr. Yunker responded that a report would be prepared that will document all public comments and the Commission staff and the Regional Water Supply Plan Advisory Committee consideration of, and response to, those comments. He stated that the report will be provided to the Task Force for their review. He also stated that the draft socio-economic impact analysis of the water supply plan will also be provided to the Task Force for their review.
2. Mr. Flores asked why the county transit development plans are not considered "regional plans." Mr. Yunker stated that these plans are requested by the counties and are plans for the transit systems of the individual counties. Mr. Yunker added that the county that requests a plan also appoints the advisory committee that oversees plan preparation. In the case of the Racine County Transit Development Plan, Wally Rendon and Yolanda Santos Adams, both Task Force members, have been asked to serve on the Transit Plan Workgroup by the County.

[Secretary's Note: Sandy Milligan, Congregations United to Save Humanity, and Ana Ortiz, Human Services and Outreach Coordinator, Spanish Centers of Racine, Kenosha, and Walworth Counties, have been appointed to the Kenosha County Transit Planning Advisory Committee.]

3. Ms. Heckenbach asked if there is an Advisory Committee for the Milwaukee County Transit Development Plan. Mr. Yunker responded that an Advisory Committee has been appointed by the County Executive and the membership will be attached to the meeting minutes (see Attachment 2).
4. Ms. Holmlund asked what input SEWRPC staff has on these committees. Mr. Yunker responded that SEWRPC staff makes recommendations for membership to the counties; however, it is the counties that ultimately appoint members to the advisory committees. Mr. Flores asked if SEWRPC is obligated to staff the county transit development plans. Mr. Yunker stated that it is SEWRPC's role to assist the counties in the preparation of these plans.
5. Ms. Heckenbach asked if SEWRPC study meeting agendas and materials could be distributed to Task Force members. Mr. Yunker asked Mr. Korb to send all SEWRPC study meeting agendas, materials, and public meeting notices to the Task Force members. Mr. Korb responded that the

notices would be distributed via the list serve. Mr. Yunker then suggested that instead of sending all meeting materials to each Task Force member, SEWRPC advisory committee meeting agendas could be sent to Task Force members and individual members could request additional materials if interested in a particular advisory committee meeting agenda.

6. Mr. Flores asked when agendas for SEWRPC study advisory committee meetings are available. Mr. Yunker responded that the timeframe varies. Typically, it is about one to two weeks before a meeting; however, in some cases it may be less.
7. Ms. McNeely suggested that the Task Force could assign one of its members to attend each of SEWRPC's advisory committee meetings to provide the rest of the Task Force members with information from the various meetings. Mr. Yunker noted that Mr. Peters is a member of the Regional Housing Plan Advisory Committee.
8. Ms. Heckenbach asked if Task Force members could participate in SEWRPC advisory committee meetings. Ms. McNeely and Mr. Wade asked if Task Force members could participate even if they are not members of an advisory committee. Mr. Yunker replied that he would recommend to the Commission that any newly formed SEWRPC advisory committees include a Task Force member. He added that for existing SEWRPC advisory committees, a Task Force member could attend and participate in committee discussions.
9. Mr. Wade asked if Task Force member reports and discussion of SEWRPC advisory committee meetings could be included on future Task Force agendas. Mr. Yunker responded that future Task Force meeting agendas could include Task Force discussion of SEWRPC advisory committee meetings held since the last Task Force meeting.

Mr. Yunker suggested that the Task Force receive a briefing on, and discuss, the work of the Commission and local governments on the allocation of funding, and selection of projects, in the Milwaukee Urbanized Area with American Recovery and Reinvestment Act of 2009 (ARRA) funding. Ms. Holmlund agreed that the topic should be discussed.

Mr. Yunker explained that SEWRPC is the Metropolitan (Transportation) Planning Organization (MPO) for Southeastern Wisconsin and as such works with local governments including those of the Commission's Advisory Committee on Transportation Planning and Programming for the Milwaukee Urbanized Area (see Attachment 3) to consider the limited Federal funding that comes directly to the Milwaukee Urbanized Area, including the one-time funding opportunity provided by the ARRA. Mr. Yunker stated that \$67.2 million in ARRA funds have been available for capital transportation projects in the Milwaukee Urbanized Area, including \$38.7 million in Federal Highway Administration (FHWA) funds and \$28.5 million in Federal Transit Administration (FTA) funds.

Mr. Yunker stated that the Milwaukee Urbanized Area transit operators had already agreed to divide the ARRA FTA funding as they annually divide such funding, based on the amount of ridership and service provided by each transit system. Milwaukee County Transit System receives about 90 percent of the funding, and the other four transit operators split the remaining 10 percent.

Mr. Yunker directed the Task Force's attention to the ARRA funding from FHWA.

Mr. Yunker explained that the ARRA states that priority for ARRA funding is given to projects located in economically distressed areas. He distributed a handout that was provided to the Commission Advisory

Committee (see Attachment 4). Mr. Yunker noted the data prepared by SEWRPC staff, which is from census data and is more detailed than the County level data available from the FHWA. He noted Commission staff is currently trying to compile additional data, such as data that may be available from the American Community Survey (ACS). Ms. Schellinger stated that there are current employment and income data used by Federally Qualified Health Centers, which may be available. Mr. Yunker responded that SEWRPC staff is open to using any data.

Mr. Yunker summarized the discussion at the March 20, 2009, Advisory Committee on Transportation System Planning and Programming for the Milwaukee Urbanized Area meeting regarding ARRA FHWA funds. Mr. Yunker stated that the Committee was made aware that the ARRA FHWA funds available in the Milwaukee Urbanized Area are flexible. The funds could be used on capital projects for public transit, pedestrian facilities, congestion mitigation projects, arterial street projects, and bridge projects. He stated that as in the past, how to utilize the funds would be a decision made by the Advisory Committee. Mr. Yunker then reported that the Committee discussed using the FHWA funds on arterial street and bridge projects. Mr. Yunker also reported that SEWRPC asked the Advisory Committee if it had any suggestions for public involvement regarding ARRA funding, and there were none offered.

Ms. Rotker stated from the audience that she appreciates SEWRPC's work and suggested the use of U.S. Department of Labor unemployment data. She also stated that projects in communities that meet the economically distressed criteria per Department of Labor data should get top priority. Mr. Flores asked if there were any limitations for use of the ARRA funding. Ms. Rotker responded that they must be transportation projects, including transit projects, which can be completed in three years.

Ms. Holmlund asked if the Milwaukee County Executive would allow ARRA funds for County projects. Mr. Yunker responded that he believed that the County Executive had developed the following three criteria for accepting funds including: no local match requirement, no long-term financial commitment, and no new operating or maintenance costs.

Ms. Holmlund asked if the Task Force can participate in discussions regarding ARRA funding for transportation projects. Mr. Yunker stated that SEWRPC will keep the Task Force informed regarding the Advisory Committee on Transportation System Planning and Programming for the Milwaukee Urbanized Area meeting schedule. He then stated the next Committee meeting is scheduled for April 3, 2009, and they may be expected to discuss consideration of approval of the three remaining projects in the Milwaukee Urbanized Area approved by the Governor and the Wisconsin State Legislature Joint Finance Committee for ARRA funding in the Stage I solicitation (projects which would be under construction in 2009), including: 1) reconstruction with additional traffic lanes of CTH Q between USH 41 and Pilgrim Road in Washington County, 2) reconstruction with additional traffic lanes of CTH Y between CTH Q and STH 175 in Washington County, and 3) bridge rehabilitation of the River Road Bridge over Indian Creek in the Village of River Hills.

Mr. Wade stated that several projects in the City of Milwaukee are not eligible for ARRA FHWA funding because they are not Federal roadway eligible projects. Mr. Wade stated that the City of Milwaukee needs funding for local roadway projects that are not eligible for funding under the current ARRA criteria. Mr. Yunker stated that roadway projects eligible for funding must be on arterial streets and highways or collector streets. Land access street projects are not eligible. He stated that projects must be initiated within the 2009 to 2010 timeframe to receive funding. Mr. Wade stated that many potential projects located in the City of Milwaukee were not submitted for ARRA funding because they could not be completed within the necessary timeframe.

Ms. McNeely asked how an urbanized area is defined. Mr. Yunker responded that the U.S. Bureau of the Census establishes urbanized areas based on population density criteria.

Mr. Yunker noted that it is believed many more transportation projects in the Milwaukee Urbanized Area may be eligible for ARRA funding now that projects to be initiated in 2010 may be funded. Ms. McNeely asked if the statutes identify exactly what type of projects can be funded. Mr. Yunker replied that the ARRA funding is flexible.

Mr. Hamilton asked from the audience if the Advisory Committee on Transportation Planning and Programming for the Milwaukee Urbanized Area already existed or if it was newly assembled to consider projects for ARRA funding. Mr. Yunker responded that the Committee was appointed in 1975 when SEWRPC became the Milwaukee area's MPO. Mr. Hamilton stated that the current Committee membership is not diverse and asked if the Task Force could make recommendations regarding the Committee's membership to increase its diversity. Mr. Yunker responded that most of the appointments are made by elected officials -- five by the City of Milwaukee Mayor and five by the Milwaukee County Executive. Mr. Hamilton asked if the bridge rehabilitation of River Road Bridge over Indian Creek in the Village of River Hills was eligible for ARRA funding. Mr. Yunker responded that this project has been determined by the Wisconsin Department of Transportation to be eligible.

Ms. Holmlund noted the time and stated that the Task Force should move on to the next agenda item.

APPROVAL OF MINUTES OF THE OCTOBER 14, 2008, MEETING, NOVEMBER 25, 2008, MEETING, AND JANUARY 27, 2009, MEETING

Ms. Holmlund asked to return to agenda item number two, noting that enough Task Force members had arrived to constitute a quorum. Mr. Flores made a motion to approve the minutes from the October 14, 2008, meeting. Ms. McNeely seconded the motion and it was approved unanimously. Mr. Wade made a motion to approve the minutes from the November 25, 2008, meeting. Mr. Peters seconded the motion and it was approved unanimously. Mr. Flores made a motion to approve the minutes from the January 27, 2009, meeting. Ms. McNeely seconded the motion and it was approved unanimously.

REVIEW OF THE SCOPE OF WORK FOR THE REGIONAL HOUSING PLAN

Mr. Yunker stated that a copy of the draft scope of work for the regional housing plan had been distributed to Task Force members prior to the meeting and directed the Task Force's attention to the PowerPoint handout entitled "Regional Housing Plan Advisory Committee March 5, 2009," which provides a summary of the scope of work (see Attachment 5). Mr. Yunker used the PowerPoint handout as a guide for the discussion.

The following discussion points and comments were made regarding the scope of work for the regional housing plan:

1. Ms. Holmlund stated that a letter from Ms. Rotker to SEWRPC regarding the scope of work had been distributed to Task Force members and she asked if Ms. Rotker's suggestions had been incorporated into the scope of work. Mr. Yunker responded that a final draft of the scope of work is currently under preparation and will incorporate comments from the March 5, 2009, Regional Housing Plan Advisory Committee, from this meeting of the Task Force, and from Ms. Rotker's letter.

2. Ms. McNeely stated that the analyses described in the scope of work are all relevant to housing in the Region and asked if there would be any analyses regarding the effect of urban design on neighborhood crime and safety issues. Mr. Yunker stated that an analysis of this type could be incorporated into the work of the study. Mr. Wade stated that the City of Milwaukee has made efforts to diversify neighborhoods and this has had a positive impact on neighborhood crime and safety issues. Mr. Wade noted that there are new market-rate developments in the City of Milwaukee next to areas with subsidized housing. He stated that low-income populations should be located across the entire Region and not concentrated within the City of Milwaukee.
3. Ms. Holmlund stated that she is still concerned about how sprawling land use patterns in the Region may affect housing and suggested that an expert on urban sprawl be invited to speak at an upcoming Task Force meeting.

UPDATE ON PUBLIC TRANSIT -- REGIONAL TRANSIT AUTHORITY RECOMMENDATIONS AND RELATIONSHIP TO THE STATE BUDGET

Mr. Yunker stated that there had been a presentation and considerable interest regarding the topic of public transit at the November 25, 2008, meeting. As an update to that discussion, he stated that the Governor's proposed biennial budget includes a provision for the creation of a Regional Transit Authority in Southeastern Wisconsin and the budget will be under consideration by the State Legislature.

UPDATE ON THE REGIONAL WATER SUPPLY STUDY AND STATUS OF PROPOSED SOCIO-ECONOMIC IMPACT ANALYSIS

Mr. Yunker stated that SEWRPC will be seeking an independent consultant to conduct a socio-economic impact analysis on the regional water supply plan through a request for qualifications. The list serve will be used to update the Task Force.

FURTHER PUBLIC COMMENTS

Ms. Holmlund thanked the Task Force for their active participation, and audience members for their patience. She then asked whether those in attendance wished to comment. The following comments were made:

1. Ms. Madison noted that no analysis related to the current foreclosure problem is currently included in the regional housing plan scope of work. Ms. Madison stated that UWM Center for Economic Development research on the subject suggests that the home foreclosure problem in Southeastern Wisconsin may not be short-term and is having a disparate impact on low-income populations in the City of Milwaukee. Ms. Madison then provided a map prepared by the Center for Economic Development of the density of foreclosures in Milwaukee County. Mr. Yunker stated that the scope of work would be updated to address this issue.
2. Ms. Schneider-Peragine noted that the housing plan socio-economic impact analysis is listed after the recommendations section in the PowerPoint handout summarizing the regional housing plan scope of work. She requested that the socio-economic impact analysis section be moved ahead of the recommendations section, possibly under the housing discrimination analysis section. Mr. Yunker stated that the scope of work would be updated to address this issue.

3. Mr. Rowen requested that Mr. Yunker repeat the update on the water supply plan socio-economic impact analysis. Upon conclusion of the update, Mr. Rowen suggested that the timeline for Commission consideration of plan recommendations should be made available to the public. Mr. Rowen then noted that Mr. Biebel, SEWRPC Special Projects Engineer, had been quoted in a recent newspaper story about Underwood Creek accepting return flow from a proposed Lake Michigan diversion to the City of Waukesha. Mr. Rowen asked about the context of Mr. Biebel's quote. Mr. Yunker stated that the Commission would respond to this question in the meeting minutes (see Attachment 6).
4. Mr. Rowen asked how many SEWRPC staff members are involved in preparation of the regional housing plan. Mr. Yunker responded that there is a team of staff members working on the plan. Mr. Yunker stated that the housing plan is the primary project for some team members and other team members are currently working on multiple projects, including the housing plan. He then stated that a discussion of the staff that will work on the housing plan would be included with the meeting minutes.

[Secretary's Note: Nancy Anderson, Chief Community Assistance Planner, and Ben McKay, Senior Planner, are the primary staff members assigned to the regional housing plan project. Ms. Anderson supervises work on several comprehensive plans in the Southeastern Wisconsin Region, including multi-jurisdictional comprehensive plans for Kenosha, Ozaukee, and Washington Counties. Each plan contains a housing element that addresses housing problems such as the provision of affordable housing, including market-based and subsidized housing; accessible housing for persons with physical disabilities and other special needs; and housing discrimination. Ms. Anderson has also supervised work on local government comprehensive plans in Washington County and has several years experience with County and local zoning and subdivision regulations. Mr. McKay was the lead planner assigned to the Ozaukee County comprehensive plan, for which he drafted a housing element that addresses each of the housing problems listed above, and recently served on the City of Waukesha Ad Hoc Housing Mix Committee, which was assembled to analyze the current mix of housing structure types (single-family, two-family, and multi-family) in the City and make a recommendation as to the City's policy regarding future residential development.

Commission staff from the Land Use, Transportation, and GIS (Geographic Information Systems) divisions has also been assigned to the regional housing plan to provide expertise regarding data collection and analysis, regional transportation and transit issues, and mapping and data analysis using GIS. Ken Yunker, SEWRPC Executive Director, will provide direct oversight to the regional housing planning effort.]

5. Mr. Bouman stated that the scope of work should address housing and employment problems and the deterioration of housing values. He stated that many of the current housing programs only address low-income populations and there may be a need to address new housing problems facing

the middle-class that did not exist before. Mr. Flores stated that the plan may need to address the job situation unless the current economic climate improves soon. Mr. Yunker responded that current conditions will be taken into consideration; however, the plan will also focus on long-term recommendations.

6. Ms. McNeely asked how unemployment is calculated, given the issue of incarceration. Ms. Schuerman responded that only those persons without a job and currently seeking work are included in the calculation, while there are parallel issues of underemployment and people who have given up on seeking work. Ms. McNeely stated that unemployment statistics do not provide an accurate estimate of unemployment given these issues.
7. Mr. Hamilton asked if a goal of the Task Force is to ensure that SEWRPC Advisory Committee membership is diverse and suggested a need to diversify the Advisory Committee on Transportation System Planning and Programming in the Milwaukee Urbanized Area, particularly with regard to representation of African Americans.

ADJOURNMENT

Ms. Holmlund stated that the Task Force meeting scheduled for May 26, 2009, is the day after Memorial Day and may be inconvenient for some members. She suggested that the meeting date be changed to June 2, 2009. Task Force members in attendance agreed. Mr. Yunker stated that alternative locations on the southside of Milwaukee for future meetings would be discussed with the Task Force via the list serve. He also invited members of the audience to submit suggestions. Ms. Rotker stated from the audience that the Intermodal Station in Downtown Milwaukee has meeting facilities and is accessible by transit. Mr. Peters stated that the Cudahy Library is accessible by transit. A brief discussion also occurred regarding the possibility of changing the meeting day from Tuesdays to Thursdays, with the conclusion to stay with Tuesday for the next meeting. Mr. Yunker then confirmed with Task Force members that the meeting time would remain between 4:00 p.m. and 6:00 p.m. Ms. Holmlund thanked the Task Force and guests for their time and participation and declared the meeting adjourned at 6:10 p.m.

Respectfully submitted,

Benjamin R. McKay
Recording Secretary

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