

## PROFILE

### Beach chamber chairman Wayne Pathman predicts water...

As new chairman of the Miami Beach Chamber of Commerce, Wayne Pathman says he's trying to be more proactive, engage more people and associations and do more outreach to give people a better understanding of goings-ons in the community.

Mr. Pathman is concerned with the budget for the new Miami Beach Convention Center and how much the city will spend. He said the city should also consider reaching out, with the chamber's help, to the community and try to explore creation of a hotel connected to the convention center.

An attorney, Mr. Pathman is well-versed on land and water issues. He heads Pathman Lewis's Land Use, Zoning, and Environmental Law Section and represents businesses, developers and individuals before administrative and regulatory bodies at the municipal, state and federal levels in land use, zoning and environmental matters.

Mr. Pathman believes water is going to be the biggest business the world has ever seen over the next 10 to 20 years. Everything from potable water and irrigation to dealing with flooding and sea level rise, he said, will be at the forefront of Miami's environmental concerns.

The biggest water issue he said we're facing is what he considers the tip of the spear: flood insurance, which could even affect the way banks operate.

As for our infrastructure, he said there's always the opportunity for growth because of the new understanding of densification. Denser urban environments are highly promoted around the world, he said, and Miami should follow suit.

When he's not at work, Mr. Pathman enjoys being active, collecting rare sports memorabilia and being involved in the community.

Miami Today reporter Camila Cepero interviewed Mr. Pathman in his office at Pathman Lewis.

**Q: How is Miami Beach changing, and what is the Miami Beach Chamber of Commerce doing to change with it?**

**A:** Obviously, the community changes over years. The chamber plays a role, especially for the business community.

We do outreach to the business community to get them more engaged in the chamber and vice versa. Our three vice chairs, Robin Jacobs, Madeleine Romanello and Josh Levy, are tasked with meeting with business associations, like Washington Avenue, Lincoln Road, Ocean Drive — and they helped form the new business association of 41st Street — to try to engage more business people in the activities that the chamber does and tell them how the chamber can work for them.

We try to develop better relationships throughout the city for important projects like things we're dealing with related to Zika, issues related to sea level rise, the development of the convention center, the redevelopment of Lincoln Road, and we try to bring the community together.

**Q: What direction are you trying to take the chamber in?**

**A:** I'm trying to engage more people and associations within the chamber and do more outreach to bring people into the chamber so that we have a better



Wayne Pathman, managing partner of Pathman Lewis, sees Miami Beach's pump program as only a temporary solution and raises cost and environmental concerns.

### The Achiever

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understanding of what's going on in the community.

We just started a millennial council, which has been very successful and had over 100 people attend the meetings they've had so far. Many businesses are always inquiring about how to get engaged with the millennial council, because that's a target market for businesses, so that's been very productive.

We also have a new stakeholder's group where we invite business leaders and stakeholders to engage together on business issues, whether they are government issues or issues that deal with the city. Zika is coming around the corner again as we get into mosquito season, so many restaurateurs, hoteliers, are very concerned about what our proactive marketing is, how we are going to let the world know that we're open for business and that this is not something that's of epidemic proportions.

I'm trying to create more positive engagement with the chamber. We have done more outreach to businesses and we have sponsored events so that people become familiar with new businesses as well existing businesses on Miami Beach.

We're very proactive in our education program, which we also think is important. I want to see further outreach so that the community knows that the chamber is very actively working with their children and helping schools become better.

We have held forums dealing with the economic impact of sea level rise on businesses so that they get engaged and understand that this is something that is coming, something that the chamber is very active in and wants to inform them about.

The difference in my administration so far, which has only been a few months, has been more outreach, more engagement, and moving in some different directions to engage groups that have not been particularly engaged in the chamber and letting them know what the chamber does.

**Q: You mentioned the chamber's involvement in the new convention center. What are your thoughts on it?**

**A:** The prior chairperson, Michael Goldberg, sat on the convention center board and was very proactive in that. The chamber has been a big supporter of the renovation of the center.

Unfortunately, one component that was important was the hotel, and that did not get approved by the voters. That could have a negative impact if there's no hotel.

The convention center is vital to the economy of Miami Beach, but I think that one needs to be concerned about the budget for the convention center and how much money the city will be spending in terms of bonds — not only the actual bonds but the interest that's paid — and what it's going to cost.

They also need to see if they can reach out, with the chamber's help, to the community to see if there's a hotel concept that will be connected to the convention center.

Studies that the city has engaged in have shown that a hotel attached to the convention center is important to attract the right conventions. That needs to be relooked at, and the chamber has been very supportive of initiatives to try to reevaluate and see how the chamber can help the city get a hotel for the convention center.

**Q: What are the biggest water and land use issues that Miami and South Florida are going to be facing?**

**A:** Water is going to be the biggest business the world has ever seen over the next 10 to 20 years — everything from

potable water and irrigation to dealing with flooding and sea level rise.

Miami Beach is unique in that it's a barrier island. Most of it is manmade and dredged and made up of lime stone and muck.

During king tide season and heavy rainfall there are times when the city has flooding. The city has made great strides in dealing with that with its pump program, raising of roads and continuing to explore mitigation and resilience solutions.

However, I don't think the pump program is the answer. It's a temporary solution and is necessary in some areas where there is frequent flooding, but there is no guarantee that the pumps will be the ultimate solution. There is no guarantee that they will always work.

The cost for the pump program I think will exceed the original budget once they put in all the pumps that they had talked about early on. There are concerns for the environment with the pump program that some of the educational institutions like the University of Miami, FIU and also NOAA have addressed the city commission on, in terms of bacterial impact from the outfall into the bay or other issues that need to be looked at, especially if you end up having 60 to 90 pumps running at one time.

You find a solution and it could create another problem. Sometimes the raising of the roads is necessary, but it also creates problems for surrounding properties — once you raise the crown of the road, you have slopes into people's property, which could create flooding in the future.

The city has already been experiencing that, but they are diligently trying to work through it with the chief resiliency officer Susy Torriente, who does a terrific job.

Unfortunately, Miami and Miami Beach and Miami-Dade County are ground zero for dealing with the economic impact of sea level rise, and we're quite far from finding resilient solutions because there is so much more to do. Miami Beach has taken the initiative to change things in code, like raising the base flood elevation or permitting developers or builders to raise it from 1 to 5 feet and not have it count toward the height limitation.

It's not an issue government can solve by itself. Business leaders need to be engaged and there needs to be working together in finding solutions in adapting new zoning codes or even potentially changing the building code in Florida.

I had the pleasure a couple of years ago of going to the Netherlands and one thing I took away was not only seeing what they're doing in technology and development, but that they have water boards comprised of business leaders, residents and government officials and it makes them more efficient in trying to get projects done. It's not always 100% smooth, but they understand that if they don't deal with water there they don't have a country.

Another issue is the potable water. How much of our drinking water supply will be affected by rising seas? I think that for the time being the water supply is safe. We have known for years, long before we even started talking about sea

### ...will become biggest global business ever in next 20 years

level rise, that salt water was impacting our aquifers, and once an aquifer goes salty there is no solution to allow us to continue to use it as a potable water source.

It's definitely a concern, and Miami-Dade County and the South Florida Water Management District are dealing with those issues. That's also part of the restoration of the Everglades as well as dealing with Lake Okeechobee, where a great deal of our water supply comes from. But new ideas also need to be employed that deal with capturing more fresh water and pushing salt water out.

Many types of technology can help keep your potable water clean, but when you're up against Mother Nature, she doesn't care what the rules are, she's going to do what she wants to do.

One of the other things we are impacted by with regards to water is that 40% or more of Miami-Dade County — not Miami Beach and not much of Miami, but the county and other cities within the county — is still on septic tank and have septic drain fields, and septic tanks and drain fields will be some of the first areas that will be impacted by salt water intrusion.

Salt water is a contaminant and it will eat through the tanks and it doesn't do well in the drain fields. So the county has the task, eventually, of converting people off of septic tanks onto sewer, but it's very expensive. I've heard that the cost is estimated to be \$4 billion to \$8 billion to get everybody off of septic. That might not include the cost each property owner has to pay to tap into the sewer line. That can run from \$5,000 to \$25,000 or more depending upon the distance and the difficulty in construction. So you have to start dealing with how those people are going to pay that and should there be some credit to them, let's say on their property or personal income taxes.

Just dealing generally with flooding, which is something we deal with now from heavy rainfall, not really from sea level rise, except for king tide season.

When you have heavy rainfall, discharge of that water is sometimes not possible, either because the water table in the bay is so high or the canals that are charged with doing that are flooded.

The biggest problem we're facing is what I consider the tip of the spear: flood insurance. Flood insurance, which is governed by the National Flood Insurance Program and administered by FEMA, borrows its money from the Treasury. Unfortunately, they are not a good borrower — they never pay the money back. The National Flood Insurance Program is between \$25 billion and \$27 billion in the red from money that they have borrowed but not paid back.

The program is designed to provide residential property owners a maximum of \$250,000 worth of insurance and commercial property owners \$500,000. What FEMA learned after Hurricane Sandy is that that amount is clearly not enough to rebuild.

That's going to change banking because banks that give mortgages on commercial and residential property are going to be more concerned about their collateral and hesitant to give a 30-year mortgage in the next four or five years because that would take the mortgage out to 2050 and beyond, and they may be very concerned about their collateral that may be underinsured.

I think they'll require excess insurance. For example, if you had a \$2 million home and the bank said they wanted 30% coverage of the value, you would have to go out and buy that \$600,000. But you can only get \$250,000 from the federal government, so then you have to go out in the private market and buy the other \$350,000. It's going to be expensive for both, but it will escalate every year, so if you can't get the insurance or it's too expensive, you could be in default of your mortgage.

**Q: Is the continuous growth of development in Miami sustainable? Can our infrastructure handle all of the commercial and residential building**

**for the next 5, 10 or 20 years?**

**A:** There is always the opportunity for growth because today there's better understanding of densification. More dense urban environments are really highly promoted throughout the country, really throughout the world, and other parts of the world are much more dense than we are because they eat, work, live, play in the same area, which is what we're starting to do.

Thirty, 40, 50 years ago was suburbia. Today is about more urban and dense development. There is a lot of opportunity to continue to grow and develop, and we're seeing that Miami is a great example.

You can hear people, if you research the records 10 years ago, say, "Oh we're overbuilt." And if you remember in 2008 when the condo crisis happened, they said we had a 10-year supply of condos. Well, we sold out in two years and we just built 10,000 more.

Densification is something that's embraced now by a lot of architects, designers, engineers, planners and even government to create more dense environments so people don't have to travel long distances and clog our roadways to get to where they want to go.

**Q: Have you ever represented a developer that wants to move forward with a project but you're personally hesitant because of the environmental impact? How have you handled that?**

**A:** We work at the mercy of the client. We're there to represent their interests. What I typically try to do is educate them about those issues, what needs to be done, or what they should consider. They ultimately have to make that decision.

But the ultimate driver of that is really the government, who has either building codes or zoning codes that require you to do certain things. I can say, "Look, this is what the code says, this is what you should do." I tell them if it's important. It depends on where they're building, too. In some areas it doesn't make sense because they're on high ground or it's

not an area that floods, but I do ask them to consider LEED issues, energy issues.

If there's an environmental problem, I of course advise them that they should do some testing first or they should inquire about something.

Today lots of associations and interests groups are trying to get developers to build projects differently, and we engage them in conversation to try to come to a common ground.

I haven't had the situation yet where I tell a client I wouldn't represent them because they wouldn't follow my advice on doing something that I thought was necessary. It's not my place to do that. I can only suggest. If it was illegal or something, then I would walk away from representing that person.

**Q: What do you enjoy doing when you're not at work?**

**A:** I play a lot of basketball — three times a week. I fish with my son.

I have a sports collection of very rare uniforms. In 1996 they announced the 50 greatest NBA players and I'm collecting the game uniforms of all 50 players. I have 38 so far. I have Wilt Chamberlain's rookie uniform from 1959 and I have Michael Jordan's rookie uniform. I also have his 45 uniform, when he changed his number, and you look at the two uniforms and you see that he put on 40 pounds or more.

I do a lot of active service and I serve on some boards, like at the Children's Museum.

I try to spend a lot of time with my family, although the kids are growing up, so it's more like, "Dad, can I have some money?" I like to spend time with my wife and spend time traveling. I have a home in Colorado and I like going out there and being with nature for a little bit and getting away from the cities and all the noise. I bike a lot out there, and I kayak a lot.

I like everything outdoors and sports. Sports are always number one for me. I always want to be doing something active if I can, until I can't.