

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
DECEMBER 12, 2008**

Chairman Hershey called the meeting to order at 9:30 a.m. and welcomed everyone to the meeting. She led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Commissioner Wheeler Commissioner O'Bryan Mayor Abell Mayor Adams Council Member Aherns
St. Lucie County:	Commissioner Coward Commissioner Grande Mayor Christensen
Martin County:	Commissioner Smith Commissioner Hayes Mayor Christie (Alternate)
Palm Beach County:	Commissioner Marcus Vice Mayor Brinkman Mayor Ferreri Vice Mayor Lowe Mayor Golonka Commissioner Brown (Alternate)
Gubernatorial Appointees:	Kevin Foley Sue Hershey
Ex-Officios:	Karen Smith, SFWMD Lois Bush, FDOT
Council Staff:	Kate Boer Marlene Brunot Michael Busa Kim Delaney Sandy Gippert Liz Gulick Stephanie Heidt Terry Hess Dana Little Peter Merritt Greg Vaday
Council Attorney:	Roger Saberson

The Director announced a quorum was present.

PUBLIC COMMENT

Alexandria Larson expressed her desire to have transportation updated in Palm Beach County with focus more on road safety than developer demands.

AGENDA AND CONSENT AGENDA

Commissioner Smith moved approval of the Agenda and Consent Agenda and requested Agenda Item 11, Coordination with the Florida Department of Transportation, South Florida Regional Transportation Authority, and the Region's Metropolitan Planning Organizations, be continued to the January meeting. Chairman Hershey indicated there were requests to pull items 5E, 5H and 5I from the Consent Agenda. Commissioner Smith amended his motion to include the removal of Consent Agenda Items 5E, 2008/2009 Hazardous Materials Emergency Preparedness Grant Agreement; 5H, Lake Worth Comprehensive Plan Amendments DCA Ref#09-1ER; and 5I, Loxahatchee Groves Comprehensive Plan. Mayor Ferreri seconded the motion, which carried unanimously.

Motion

Items remaining on the Consent Agenda were: 5A, Annual Audit – Fiscal Year 2007-2008; 5B, Financial Report – September 30, 2008; 5C, Financial Report – October 31, 2008; 5D, Minutes – October 17, 2008; 5F, Designation of Hazardous Materials Awareness Week – Resolution 08-04; 5G, Golf Comprehensive Plan Amendments DCA Ref# 08RWSP1; 5J, Manalapan Comprehensive Plan Amendments DCA Ref#08RWSP1; 5K, Palm Springs Comprehensive Plan Amendments DCA Ref#09-1; 5L, Royal Palm Beach Comprehensive Plan Amendments DCA Ref#08-2ER; 5M, St. Lucie County Comprehensive Plan Amendments DCA Ref#09-1; 5N, Tequesta Comprehensive Plan Amendments DCA Ref#09-1ER; 5O, Wellington Comprehensive Plan Amendments DCA Ref#08RWSP-1; and 5P, Intergovernmental Coordination and Review Log.

2008/2009 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT AGREEMENT

Staff noted for Council that this reoccurring, annual grant is funding for hazardous materials training and awareness to promote first responder awareness, operations and technician level training in the region.

Alexandria Larson expressed her concern that this grant is based on modeling. She stated that Florida Power and Light Company will be transporting by truck 18.9 million gallons of diesel through her neighborhood and she would like to see more than just modeling done.

Staff noted that this grant provides information through the Emergency Planning Right to Know Act of 1986 on all hazardous chemicals with respect to storage and transportation. Staff stated that the Environmental Protection Agency is aware of the diesel storage at the Florida Power and Light plant.

Commissioner O'Bryan moved approval of staff recommendation. Mayor Christensen seconded the motion, which carried unanimously.

Motion

**LAKE WORTH COMPREHENSIVE PLAN AMENDMENT
DCA REF#09-1ER**

Staff provided a summary of the amendments which are related to the City's Evaluation and Appraisal Report.

Alexandria Larson questioned the City's policies with respect to eliminating overcrowded conditions and density bonuses. She stated that it appears that the definition of infill in Palm Beach County has become tearing down low income housing and building condominiums in their place and asked that more be done in the way of refurbishing rather than rebuilding.

Commissioner Smith moved approval of staff recommendation. Mayor Adams seconded the motion. **Motion**

Staff noted that the City's proposed policies are appropriate as they promote higher density housing to accommodate affordable housing for low and moderate income members of the community. Staff noted a comment within the recommendations for the City to strengthen their provisions on where, how and when density bonuses are provided.

Chairman Hershey called for a vote on the motion, which carried unanimously.

**LOXAHATCHEE GROVES
COMPREHENSIVE PLAN**

Staff noted this is the Town's initial comprehensive plan. Staff referenced recommendations of improvements on policies relating to the location of public schools, connectivity, and intergovernmental coordination.

Alexandria Larson expressed her concern with a proposed equestrian trail on Southern Boulevard to connect the Town with Wellington and Royal Palm Beach. She also expressed her frustration that with respect to water conservation there is a contradiction when residents are expected to take measures such as low flow toilets, but golf courses are using millions of gallons of surficial water a day for irrigation.

Commissioner Smith moved approval of staff recommendation. Councilmember Foley seconded the motion, which carried unanimously. **Motion**

ANNOUNCEMENTS

Chairman Hershey noted she had attended an event at the new Port St. Lucie Civic Center and complimented the City on an outstanding job in creating such a beautiful center.

Staff presented Chairman Hershey with a gift of appreciation for service throughout the last year.

Staff noted that although there is a scheduling conflict in January with the Florida Regional Councils Association, staff would be attending the January Council meeting. Commissioner Smith stated he would prefer the Executive Director be at the Florida Regional Council Association's meeting. Commissioner O'Bryan concurred. Commissioner Coward noted that with the pending growth management legislation in the upcoming session, the Treasure Coast Regional Planning

Council should have input. He suggested that the Council meeting be rescheduled. Chairman Hershey suggested combining the January and February meetings. After discussion, Commissioner Smith moved that the January and February meetings be combined and held on February 20, 2009. Commissioner Coward seconded the motion, which carried unanimously.

Motion

Staff noted that the Florida School Board Association and the Treasure Coast Regional Planning Council would be sponsoring a planning workshop in early February for school district officials and superintendents. The workshop will focus on comprehensive plan amendments and infrastructure requirements for school concurrency.

Staff invited everyone to an open house and lunch at the new Council offices immediately following the meeting.

COUNCIL ORGANIZATION – MEMBERSHIP AND ELECTION OF OFFICERS

Mayor Abell noted that the Nominating Committee recommended the following slate of Officers for 2009:

Chairman:	Gary Wheeler
Vice Chairman:	Sam Ferreri
Secretary/Treasurer:	Ramon Trias

Commissioner Smith moved approval of the recommended slate of officers. Commissioner O’Byan seconded the motion, which carried unanimously.

Motion

Staff read the names of the new Councilmembers into the record and asked that the Chairman certify that they have been duly appointed.

PALM BEACH COUNTY

Regular Members:	Commissioner Karen Marcus Commissioner Jeff Koons Commissioner Shelley Vana
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Regular Member Altemates:	Commissioner Mary McCarty Commissioner Burt Aaronson Commissioner Jess R. Santamaria
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Municipal Members:	Vice Mayor Joni Brinkman (Village of Palm Springs) Mayor Samuel J. Ferreri (City of Greenacres) Mayor Karen Golonka (Town of Jupiter) Vice Mayor Dr. Carmine Priore (Village of Wellington) Mayor Maurice Jacobson (Town of South Palm Beach)
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Municipal Alternates:	Vice Mayor Fred Pinto (Village of Royal Palm Beach) Vice Mayor Retha Lowe (City of Lake Worth) Councilwoman Martha Webster (Village of Royal Palm Beach) Commissioner Terry Brown (Town of Ocean Ridge) Councilmember David Rosow (Town of Palm Beach)
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INDIAN RIVER COUNTY

Regular Members Commissioner Gary C. Wheeler
Commissioner Bob Solari

Regular Member Altemates: Commissioner Peter D. O'Bryan
Commissioner Joseph E. Flescher

Municipal Members: Councilman William Ahrens (Town of Indian River Shores)
Vice Mayor Jim Hill (City of Sebastian)

Municipal Alternates: Vice Mayor Suzanne Joyce (Town of Orchid)
Mayor Sabin Abell (City of Vero Beach)

MARTIN COUNTY

Regular Members: Commissioner Doug Smith
Commissioner Patrick Hayes

Regular Member Altemates: Commissioner Edward Ciampi
Commissioner Sarah Heard

Municipal Member Commissioner Finn Caspersen (Town of Jupiter Island)

Municipal Alternate Mayor James Christie (City of Stuart)

ST. LUCIE COUNTY

Regular Members: Commissioner Doug Coward
Commissioner Charles Grande

Regular Member Altemates: Commissioner Chris Craft
Commissioner Chris Dzadovsky

Municipal Members: Mayor Patricia P. Christensen (City of Port St. Lucie)
Commissioner Edward Becht (City of Fort Pierce)

Municipal Alternates: Councilwoman Michelle L. Berger (City of Port St. Lucie)
Commissioner Reginald Sessions (City of Fort Pierce)

GUBERNATORIAL APPOINTEES : Laurence Davenport (Palm Beach County)
Herman Baine (Palm Beach County)
Kevin J. Foley (Martin County)
Susan Hershey (Martin County)
Susan Caron (St. Lucie County)
Ramon Trias (St. Lucie County)
Richard Hurley (Indian River County)

Chairman Hershey certified that, as chairman of the Treasure Coast Regional Planning Council, the membership list attached have all been duly appointed according to Council rules.

Mayor Ferreri moved for acceptance of the 2009 Councilmembers as read by the Executive Director and certified by the Chairman. Mayor Christensen seconded the motion, which carried unanimously.

**BUDGET/PERSONNEL COMMITTEE
ANNUAL REVIEW OF COUNCIL'S EXECUTIVE DIRECTOR**

Commissioner O'Bryan summarized the Councilmember evaluations of the Executive Director reviewed at the November 24, 2008 meeting of the Budget and Personnel Committee. Comments included the Executive Director's strength in management, leadership, strong knowledge of the budget, obtaining refinancing of the construction loan, and the completion of the new building in a timely and efficient manner. One comment for improvement was to become more politically involved. Commissioner O'Bryan reported that the Committee agreed that the Executive Director's performance rating was outstanding, and is proposing a \$10,000 one-time bonus which will not increase the base salary; and a three percent flex benefit to be applied as the Executive Director deems appropriate.

Commissioner Marcus moved approval of the Committee recommendation. Commissioner Wheeler **Motion** seconded the motion, which carried unanimously.

**LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEWS
WEST PALM BEACH 08-2ER**

Staff provided an overview for Council of the proposed amendments and staff recommendations.

Khurshid Mohyuddin, Palm Beach County Planning, expressed the County's concerns with respect to the deletion of the State Road 7 and Roebuck Road extensions. County concerns have been provided to the Department of Community Affairs.

Mayor Ferreri asked if the City has requirements in the comprehensive plan, and that of other local governments, that would require a developer to build a road at the time of the development so the roadways are already in place when the need arises. He also noted current negotiations the City has at the Metropolitan Planning Organization level to prevent Jog Road from extending north. He stated that the City of Greenacres is experiencing overcrowding because the network is not connected. Although staff could not quote specific City policies, it was noted that the City is consistent with the statutory requirements for traffic concurrency as determined by the Department of Community Affairs. City staff had indicated at a Palm Beach County Intergovernmental Plan Amendment Review Committee fact finding panel that the proposed amendments would most likely be modified, but that the City Council make the final determinations.

Mayor Ferreri stated that future reviews should include how a local government will address development and redevelopment in the future. Staff indicated this would be done, especially when proposed comprehensive plan amendments clearly have multi-jurisdictional impacts.

Commissioner Marcus noted the County requires sign postings for future alignments and projects. Mayor Ferreri stated the City of Greenacres also has these requirements. Commissioner Marcus moved approval of staff recommendation. Commissioner Coward seconded the motion, which **Motion** carried unanimously.

RESOLUTIONS SUPPORTING ENERGY LEGISLATION

Staff noted this agenda item addressed supporting two legislative changes related to energy issues. The first change would provide specific authorization to regional planning councils to address energy and climate change issues in their Strategic Regional Policy Plans. The second change would remove the requirement of an application fee for parties filing an application for an alternate corridor for a transmission line proposed by an electric utility. However, staff noted that after discussion with the Executive Directors of other regional planning councils in the state, staff would like to withdraw this recommendation. The Executive Directors stated their reasons for not supporting these proposed language changes were: 1) that the Florida Regional Councils Association Policy Board should approve these changes first, before being adopted by an individual planning council; 2) a regional planning council should not propose legislation that will affect the other regional planning councils without the other regional planning councils' approval; 3) it would be a costly change for some of the regional planning councils because they would need to produce a new element for the Strategic Regional Policy Plan and they do not have the staff or budget; 4) it was not wise to open up the regional planning council legislation to changes because other undesirable changes could occur; and 5) some of the Executive Directors did not believe that authorization is necessary to adopt a new element in the Strategic Regional Policy Plan. Staff noted this last concern differs from the opinion of Council's attorney. Staff recommended bringing the resolutions back to the Energy Committee for discussion and possibly have an energy plan as a supplemental document, but not be adopted as part of the Strategic Regional Policy Plan. Additionally, staff noted that the committee can work with the Governor's Energy and Climate Change Commission on these issues.

Mayor Golonka noted that even if this had been presented to the Florida Regional Council Association's policy board, it still would not be successful. She asked if this could be brought before the board at the January meeting. Mr. Saberson noted that this has been previously presented to the Florida Regional Planning Council Association's board and for various reasons has not been supported. He stated that the statutes state the Strategic Regional Policy Plan will contain regional goals and policies that address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation; and may address any other subject which relates to the particular needs and circumstances of the comprehensive planning district. But, there is nothing to specifically address energy and climate change. He stated a general statement of rule making authority is not sufficient basis to adopt rules and the administrative procedure act has been severely amended to restrict an agency's ability to adopt rules.

Commissioner Marcus asked, referencing the Sunset Review of the Department of Community affairs, if there would be an opportunity for an expanded role by the regional planning councils within the next two years that could make climate change part of the Strategic Regional Policy Plan, notwithstanding the objections of the other regional planning councils. Staff noted that progress could be made working through the Governor's Energy and Climate Change Commission. Staff also noted that issues such as climate change and sea level rise are directly related to the Transportation and Emergency Preparedness Elements of the Strategic Regional Policy Plan. Staff stated key policies on environmental, transportation and land use issues could be incorporated into the plan through these elements.

Commissioner Coward expressed interest in the state energy policy as it relates to various alternative energy forms that can be applied. He stated he believes some of the state regulations

that are in place are preventing solutions from actually occurring in Florida. He noted a recent study that was commissioned by the Public Service Commission. Although he did not know if the full report had been completed, he noted that the draft report concluded that land based wind turbine was not commercially viable in Florida, and the best opportunity was actually decentralized solar on individual houses. He expressed his desire to have Council provide recommendations to the Public Service Commission with respect to state energy policy. He asked if the Energy Committee was addressing these types of issues and could make recommendations to Council. Staff indicated that the Energy Committee had been discussing these issues. Staff also stated a summary of the Public Service Commission's report would be provided to Council.

Commissioner Grande asked for clarification of staff's current recommendation with respect to the proposed resolution requesting the state legislature remove the requirement of an application fee for parties filing an alternate transmission line corridor. Staff noted the Executive Directors of the other regional planning councils criticisms also applied to this resolution. Staff stated that the Department of Environmental Protection had also been contacted during the development of the resolution and the Department does not support the change in the legislature. Staff stated that without the support of the Department of Environmental Protection, this may not be the best time to move forward with this resolution.

Commissioner Grande stated that with the increase in the fee it would mean an agency, such as the regional planning council, would not be able to propose an alternate transmission line simply because it could not afford the fee. Staff stated this issue could also be addressed through the Energy and Climate Change Commission. Staff stated that the Executive Directors of the other regional planning councils not only did not support the proposed resolution, but indicated they would move forward with resolutions against this. Staff suggested this could be brought to the Florida Regional Councils Association meeting in January for discussion. Commissioner Smith indicated it could be beneficial to discuss this at the policy board meeting in January because it will give the elected officials a chance to discuss the issue.

Alexandria Larson stated her belief that Florida Power and Light and Progress Energy do not want customers to save money because then they cannot pay the dividends to their stockholders. She stated by installing hot water heaters on homes there would be an immediate ten percent savings across the board and expressed her desire for county, state and federal agencies to make these mandatory. She stated that the transmission line fee is to discourage individuals from challenging power plants.

Commissioner O'Bryan made a motion to deny the recommendation in the report with respect to Resolution 08-05, and make modifications to Resolution 08-06 to be taken to the Florida Regional Councils Association meeting in January for discussion. Commissioner Smith seconded the motion and requested that Resolution 08-06 also be sent to the Florida Association of Counties to keep them informed. A vote was taken and the motion carried unanimously.

Motion

FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS SUNSET REVIEW

Staff made a brief presentation to Council. With the legislative initiated Sunset Review there has been widespread speculation with respect to the fate of the Department of Community Affairs. Growth management responsibilities may possibly being reassigned to the Department of Environmental Protection, the water management districts, or even the regional planning councils.

This agenda item was presented to generate Council discussion on what the role of regional planning councils may be in the future.

Commissioner Marcus stated she is chairing a committee for review with respect to the Department of Community Affairs. She stated it is the sense of the committee that there are those within the legislature that would like to do away with the Department. She said the committee has taken the position of support for the Department. She stated Commissioner Smith had expressed on a conference call his support for regional planning councils having additional authority and suggested that a Plan B should be created to offer options should the Department be eliminated.

Commissioner Smith stated he thought it was imperative that the Florida Regional Councils Association Policy Board have a clear concept of how the regional planning councils will function should the Department be eliminated. He cautioned that without a Plan B, oversight of growth management within the State will be decided by the legislature, and may not be what the regional planning councils intend.

Commissioner Hayes stated that although there are areas for improvement in the relationship between the Department and the regional planning councils, the Department plays a critical role in the state.

Commissioner Coward made a motion to have Council express a clear message in support of the Department of Community Affairs. Mayor Ferreri seconded the motion for discussion.

Motion

Commissioner Grande stated his support for the Department as he believes they serve a function that most likely could not be replaced at any level. He expressed his concern that if the State sees a Plan B, they will have more confidence in eliminating the Department. Commissioner Hayes concurred stating all Council comments should be under the umbrella of supporting and improving the current situation with the Department. Commissioner Marcus agreed that Council's position should be in support of the Department and the appropriate time to present a Plan B would be when the legislature makes the decision to eliminate the Department.

Commissioner Smith expressed his concern that if the decision had already been made to eliminate the Department, then the goal is to undo oversight which may not be in the best interest of the regional planning councils. He noted that with respect to tax reform the Florida Association of Counties talked about what was important to the Counties and made sure policy statements and plans were organized to have some input into what the legislature decided.

Staff noted to Council that within the last six to twelve months many of the issues raised in the Council Reports on comprehensive plan amendments to the Department have been included in the Department's Objections, Recommendations and Comments Reports. Additionally, there has been an effort by Department staff to communicate with Council staff during the review process. Commissioner Smith noted that the Department has not always been supportive of local governments when addressing extrajurisdictional impacts.

Alexandria Larson speculated that this whole process was started by our last Governor, Jeb Bush, because he did not want oversight. She stressed that the State needs oversight and cautioned that previously the legislature removed some of Council's authority with respect to growth management oversight.

Mayor Ferreri stated that there is an opportunity with the Florida Regional Councils Association to start to put together a plan should the Department be eliminated. He concurred with Commissioner Hayes' comments on improving the situation with the Department to enable Council to give stronger support to the Department. He stated this could be made as a separate motion to avoid confusion as to Council's position.

Chairman Hershey called for a vote on the motion on the floor, which carried unanimously.

Mayor Ferreri made a motion to approach the Department of Community Affairs to establish ways to improve the relationship between the regional planning councils and the department. Commissioner Marcus seconded the motion, which carried unanimously. **Motion**

FLORIDA ECONOMIC STIMULUS PACKAGE: GROWTH MANAGEMENT AND ECONOMIC RECOVERY FOR THE TREASURE COAST

As outlined in the staff report, Council was asked to consider sending a resolution to the Governor and Congressional Delegation requesting that federal aid to the states be directed towards projects that: 1) contribute to a "new economy" and jobs; 2) rebuild and improve existing public infrastructure (e.g., roads, schools, bridges, railroads, transit systems, etc.); 3) trigger redevelopment of existing towns, cities, and urban areas; 4) support sustainable, transit-compatible growth and development; and 5) move the nation towards energy independence and away from fuels that contribute to climate change and sea level rise.

Commissioner Marcus moved approval of a resolution incorporating the five points noted by staff. Commissioner Smith seconded the motion for discussion. **Motion**

Commissioner Smith stated that an agreed upon comprehensive list of projects for the Region would be more productive than each County trying to promote their own missions. Commissioner Marcus stated that it would not be possible to put together such a list in the remaining time of the meeting. Commissioner Smith stated that there could be identification of projects that are priorities for everyone such as those regarding CERP and transportation. Chairman Hershey stated this could be done as an agenda item for the next Council meeting.

Commissioner O'Bryan asked if Commissioner Marcus would amend her motion to incorporate a sub-committee consisting of Commissioners Smith, Wheeler, Marcus and Coward to put together a list of priorities to be submitted with the resolution. Commissioner Marcus indicated she would amend her motion to include the incorporation of the sub-committee. **Amended Motion**

Chairman Hershey asked that a municipal representative also be included on the sub-committee. Chairman Hershey asked for volunteers. Mayor Ferreri indicated he would serve on the sub-committee.

Alexandria Larson expressed her pleasure that Council is supporting infill projects and not the construction of new roadways.

Chairman Hershey called for a vote on the motion, which carried unanimously.

Commissioner Coward asked staff to provide an update on the Rural Land Stewardship Program and if Council would have the opportunity to provide input to the state on future rule making in the

coming session. Staff indicated a report would be provided to Councilmembers at the next meeting or via email.

COUNCIL MEMBER INFORMATION EXCHANGE

None

STAFF COMMENT

None

CHAIRMAN'S COMMENT

None

ADJOURNMENT

There being no further business, Chairman Hershey adjourned the meeting at 11:40 a.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the December 12, 2008 meeting of the Treasure Coast Regional Planning Council.

Date

Signature