

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
APRIL 17, 2009**

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

The following members and alternates were present:

Indian River County:	Commissioner Wheeler Commissioner Solari Vice Mayor Hill Vice Mayor Joyce (Alternate)
St. Lucie County:	Commissioner Coward Commissioner Grande
Martin County:	Commissioner Smith Commissioner Hayes
Palm Beach County:	Commissioner Koons Commissioner Vana Vice Mayor Brinkman Mayor Ferreri Vice Mayor Dr. Priore Councilman Lowe (Alternate) Vice Mayor Pinto (Alternate) Commissioner Brown (Alternate) Councilwoman Webster (Alternate)
Gubernatorial Appointees:	Eduardo Balbis Peter Carney Laurence Davenport Michael Davis Kevin Foley Susan Hershey Richard Oujevolk Ramon Trias
Ex-Officios:	Ann Benedetti, SJRWMD Ron Bunch, Enterprise Florida Lois Bush, FDOT Jim Carnes, SFWMD
Council Staff:	Marlene Brunot Michael Busha Kim Delaney Sandy Gippert

Liz Gulick
Wynsum Hatton
Stephanie Heidt
Terry Hess
Dana Little
Peter Merritt
Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

PUBLIC COMMENT

None

AGENDA AND CONSENT AGENDA

Commissioner Smith moved approval of the Agenda and Consent Agenda. Mayor Ferreri seconded the motion, which carried unanimously. **Motion**

Items on the Consent Agenda were: 5A, Financial Report – February 28, 2009; 5B, Minutes – March 20, 2009; 5C, Fort Pierce Comprehensive Plan Amendments DCA Ref# 09PEFE1; 5D, Lantana Comprehensive Plan Amendments DCA Ref#09-1ER; 5E, Sewall’s Point Comprehensive Plan Amendments DCA Ref#09RWSP-1; 5F, South Bay Comprehensive Plan Amendments DCA Ref# 09RWSP-1; and 5G, Intergovernmental Coordination and Review Log.

ANNOUNCEMENTS

Staff noted the Energy Committee would meet immediately following the Council meeting and invited everyone to attend.

Staff stated there were a number of handouts. Commissioner Koons noted the letter to the Chairman of the Martin County Commission from Palm Tran, with the support of the Florida Department of Transportation, regarding a premium bus service from Martin to Palm Beach County. He noted this will eventually tie into the intermodal center being built adjacent to the train station in downtown West Palm Beach. This center will have the capacity to park eighteen buses and will serve as a center for transit services.

Staff noted a letter from Senator Haridopolos with respect to Council’s resolution advocating Amtrak service on the Florida East Coast Rail Corridor. The Senator’s letter indicates he will follow this matter.

Commissioner Smith noted that with respect to extending Tri-Rail service north there appears to be a second rail spanning the Intracoastal and questioned if this could be used for such a service. Commissioner Koons stated in order to meet Coast Guard standards, a higher bridge would need to be built. Commissioner Smith stated that as Amtrak service and Tri-Rail are being considered, this should be part of the discussion.

Staff provided a letter from former Councilmember Rick Hurley, a Gubernatorial Appointee who served 10 years on the Regional Planning Council.

Staff noted a letter from the Gerry O'Reilly, a Director of Transportation Development for District IV of the Florida Department of Transportation. The letter indicates the Department will be waiting for the Federal Railroad Administration to issue a strategic plan and interim guidance before identifying projects. Staff noted five resolutions have been received from local governments consistent with Council's resolution in support of the Amtrak InterCity Rail project. Letters were sent to all local governments between Jacksonville and Miami, chambers, economic development councils, and other agencies to promote support for this project. Staff encouraged all members to have their local governments pass this resolution.

Staff informed Council the Florida Trust for Historic Preservation will be presenting Council with an adaptive reuse award for the restoration of the Council office building. The Executive Director thanked Councilmember Trias and staff member Wynsum Hatton for their efforts in applying for this award. The awards event will be on May 15 and Councilmembers were asked to contact staff for information on attending the awards ceremony if interested.

Staff noted Council has submitted an application for a \$125 Million new market tax credit allocation under the New Market Tax Credit Program. If the application is successful, this will allow Council to finance various public and private sector community development and business projects in the region.

Staff thanked Mayor Ahrens for the letter from the Town of Indian River Shores supporting regional planning council funding. Staff noted the House and Senate proposed budgets both include funding the regional planning councils at last year's level of \$2.5 Million.

Commissioner Smith stated the legislative updates being distributed from the Florida Regional Councils Association have been very helpful.

It was noted staff from Senator Nelson's office would be coming to the meeting.

Staff stated Commissioner Brown was interested in serving on the Energy Committee. Chairman Wheeler appointed Commissioner Brown to the Committee. Councilmember Foley motioned to approve Chairman Wheeler's appointment of Commissioner Brown to the Energy Committee. Councilmember Hershey seconded the motion, which carried unanimously.

Motion

Staff noted the South Florida Water Management District, with the assistance of Commissioner Koons, would like to schedule a joint meeting of the District Board, and the Palm Beach and Martin County Board of County Commissioners immediately following the Council meeting on June 19, 2009. The tentative agenda would include discussion with respect to the L-8 Basin, activities with respect to Northern Everglades Restoration planning, the Loxahatchee River and that basin and the C-44 Canal. Staff encouraged everyone to attend and noted a similar meeting is being arranged by the North Central Regional Planning Council in conjunction with the St. John's River Water Management District and the regional planning councils. This meeting will promote a better understanding with respect to water resources issues, future projects and funding.

Staff also noted the May Council meeting may be canceled. Staff will notify Councilmembers as to the status of this meeting. Staff informed Council there will be a Budget/Personnel Committee meeting in May to review and make recommendations on the Budget for Fiscal Year 2009-2010 which will be brought to the June meeting for Council approval.

**BUDGET/PERSONNEL COMMITTEE
BUDGET AMENDMENT FOR FISCAL YEAR 2008-2009**

Councilmember Trias informed Council the Budget/Personnel Committee met and reviewed the proposed amended Budget for Fiscal Year 2008-2009. He stated the Committee approved the recommended adoption of the amended budget.

Mayor Ferreri moved approval of the Budget/Personnel Committee recommendation. Commissioner Smith seconded the motion, which carried unanimously. **Motion**

**H.D. KING POWER PLANT
BROWNFIELDS REDEVELOPMENT PROJECT**

Staff made a presentation to Council with respect to a sub-grant of \$100,000 being awarded to the Fort Pierce Redevelopment Agency for continued remediation and deconstruction of the HD King Power Plant site. Staff requested Council approve the execution of the sub-grant and authorize the Executive Director and Council's Attorney to enter into the sub-grant agreement, subject to final Environmental Protection Agency approval.

Jon Ward, Director of the Fort Pierce Redevelopment Agency, thanked Council for its support on this Brownfields project as well as the recent resolution supporting a light rail station in Fort Pierce.

Roger Saberson made Council aware the sub-grant agreement refers to a budget amount of \$125,000 in which the applicant is required to provide a twenty percent cost share to Council's eighty percent.

Councilmember Hershey asked staff to provide an update on all Brownfields projects and funding. Staff indicated this update could be provided at a future meeting and would include all the economic development programs.

Commissioner Coward made a motion to approve staff recommendation. Councilmember Hershey seconded the motion, which carried unanimously. **Motion**

RURAL LAND STEWARDSHIP AREA PROGRAM

Staff made a presentation on the Rural Land Stewardship Area Program. The staff report included background, overview and analysis of the program as well as concerns and recommendations of staff to be provided to the Florida Department of Community Affairs.

Councilmember Davis inquired how many times this program had been implemented in the State. Staff indicated only one time. Councilmember Trias indicated the program had been used one time successfully and one time unsuccessfully. He stated he believes there needs to be some type of alternative for dealing with smaller and larger increments of land. Staff indicated there are currently alternatives available to local governments in the statutes, such as purchase of development rights,

and transfer of development rights. Staff noted these programs also allow the local government to make choices and be creative in how the countryside is developed.

At this point of the meeting Senator Nelson's staff asked to speak. Michelle McGovern, Regional Director for Senator Nelson, noted that Chief of Staff Pete Mitchell was present to take questions and listen to concerns to be brought back to Washington.

Mr. Mitchell thanked Council for the opportunity to visit. He noted he was interested in getting feedback on the progress of the economic stimulus package.

Councilmember Davenport asked for the Senator's support in securing a New Market Tax Credit program and a Community Development Financial Institutes Fund for Florida. He stated that Florida has literally been left out of these most lucrative and beneficial projects, and the Senator's support would be much appreciated. Mr. Mitchell noted there have been some excellent proposals submitted by Florida, but no success in securing allocations. He stated there is a five member committee within the Department of Treasury that makes the allocation decisions and the Senator's office has placed some calls into the Treasury Department about the appointment process. He noted the Senator was recently appointed to the Finance Committee, which will have some influence with the Department of Treasury.

Commissioner Smith thanked Mr. Mitchell for assistance in the funding for the Indian Street Bridge construction.

Commissioner Koons noted regional efforts to have the State approve a dedicated funding source for Tri-Rail to the south and Amtrak service on the Florida East Coast Railway. He stated there is a great need for mass transit in the region and asked for the Senator's support in a \$2.00 car rental fee that would provide the matching dollars to secure federal funding for these projects. Mr. Mitchell indicated the Senator would be pleased to work with the local governments, the state legislature and the Governor on this. Mr. Mitchell noted it would be difficult to convince the legislature to raise taxes, but indicated that the Senator had written a letter in support for the Sun Rail, and he is a supporter of high speed rail. Commissioner Smith noted two to three years ago all of the County Commissions in South Florida unanimously supported this rail service.

Councilmember Balbis expressed his concern the State is struggling to find a way to deploy stimulus dollars with respect to water and sewer infrastructure projects. He stated the funding is funneling through existing programs and the ranking and prioritization of the projects appear to be more acute health risk projects and not truly stimulus defined projects. Mr. Mitchell indicated this is the first he has heard of this and asked if he meant the criteria does not match. Councilmember Balbis stated the criteria was set on the state revolving fund programs for a certain specific need, to help rural, financially distressed communities implement acute health risk projects. He stated these are usually smaller type projects and not the most stimulating with respect to job creation. Mr. Mitchell indicated he would look into this.

Commissioner Vana concurred with Commissioner Koons request, noting anything can happen during budget negotiations in the legislature.

Commissioner Brown asked if there was a possibility the State could get a federal homeowners pool catastrophic insurance fund. Mr. Mitchell indicated the Senator has filed the appropriate legislation

and has six bills concerning issues such as a National Catastrophic Fund all the way down to requesting the Federal Reserve do a loan guarantee. There simply is too much opposition from other non-hurricane prone states to get the Federal Government officially involved in funding for catastrophic loss. The Senator has a request into Mr. Bernanke asking if he would agree to guarantee the Federal Reserve would back up any kind of bonding the State might have to do in the event of a catastrophic event. Mr. Mitchell noted there is an \$18 Billion gap between the liabilities of the State's catastrophic fund and the cash that is available. The purpose of the request is to stabilize the market and see if, with that loan guarantee, private reinsurers and bonders will step forward. Commissioner Brown noted it is difficult to stimulate the housing market because obtaining insurance has become an enormous financial burden for potential buyers.

Councilwoman Webster also encouraged obtaining a dedicated funding source for mass transit initiatives. Mr. Mitchell stated he received this message loud and clear.

Under continued discussion of the Rural Land Stewardship Area Program Agenda item, Vice Mayor Dr. Priore asked if staff was aware of a position from the Florida League of Cities and Florida Association of Counties on the recommendations for modification. Staff indicated in the negative. Commissioner Koons indicated the Counties have been focused on the growth management legislation issues and not on this rule making process. Commissioner Smith indicated he could contact the Florida Association of Counties. Vice Mayor Dr. Priore indicated he wished to know where the cities stand on the issue before voting.

Commissioner Hayes asked for clarification on the size requirements of the program. Staff indicated the program eligibility was reduced to 10,000 acres from 50,000 – 250,000 acres to encourage more use. Staff further indicated that the promise of the program, which has been removed, was for all counties to be able to look at their entire western land area, their countryside, and make county-wide decisions that would be beneficial for the entire county.

Commissioner Coward stated he understood the need to consult with the Florida Association of Counties and the League of Cities, but asked if there was a time constraint in terms of submitting comments to the state. Staff indicated the state asked for comments two weeks prior. Commissioner Coward expressed his concern in getting the comments to the State in a timely manner. He indicated St. Lucie County had used this program and he supported the concept from the beginning, but was the only County Commissioner to vote against the final plan as it was presented by the developer. He stated that although this is a transfer of development rights program, what essentially happened was it did not only transfer development rights, but added a five hundred percent multiplier to the number of housing units allowed outside the urban service boundary. Additionally, once the units are transferred to the new town, there are no good guidelines in terms of urban form for building the town. He indicated his support of the staff recommendation, but expressed a desire to have it strengthened with an economic development component for job creation and emphasis on the need for fiscal neutrality so the current tax payers would not be required to subsidize the new town.

Councilmember Trias concurred with Commissioner Coward's concerns. He stated there needs to be clarity in the towns and the outcome of the process of how to address preserving the rural lands. He restated his concern that there needs to be an alternative.

Commissioner Grande indicated that although he was not a County Commissioner at the time of the program proposal in St. Lucie County, he was on the Zoning and Planning Board and voted against

the plan that was presented. With respect to Councilmember Trias' concern for an alternate plan, he said the answer lies in the transfer of development rights. He stated the Rural Stewardship program is actually an impediment to doing a transfer of development rights program which would accomplish controlling development in the rural areas.

Commissioner Solari concurred that the present rule is just an impediment to better planning. He stated that in the current slow growth environment, this would be an appropriate time to recommend elimination of this rule and develop a better process. He motioned to approve staff recommendation. Commissioner Grande seconded the motion for discussion.

Motion

Vice Mayor Dr. Priore expressed his concern of the total impacts to the local governments' abilities to carry out their responsibilities and maintain home rule rights. Staff indicated the recommendation does not remove any flexibility for a local government to be creative and use programs such as transfer of development rights, which does not require instruction from the State.

Mayor Ferreri stated that by approving staff recommendation, it would actually benefit home rule by allowing local governments to have more control over development. He said that the current plan gives benefits to only the developer. He referenced Commissioner Coward's comments with respect to the increased percentages and creation of sprawl. He expressed his concern that the component missing in both the Rural Lands and transfer of development rights program is a funding source to manage the preservation of the lands after development.

Vice Mayor Brinkman agreed that the program takes away from a local government's ability to regulate the form of the development. By approving staff recommendation, she indicated it would enhance home rule power.

Commissioner Koons expressed the need for the Council to make good planning decisions on a regional basis and not be pressured by the individual cities and counties into doing development that does not work for the region.

Commissioner Hayes observed that Councilmember concerns and comments being voiced were to strengthen the language of staff recommendation; to indicate density increases of this magnitude are unacceptable; and ensure the local government's ability to require good planning.

Commissioner Coward requested the motion maker amend the motion to include comments addressing the mix of land use and the need for fiscal neutrality to have growth pay for itself. Commissioner Solari stated he would support the economic importance, but wanted an explanation of fiscal neutrality.

Commissioner Coward clarified that fiscal neutrality is that the cost of development be borne by the developer, not subsidized by local tax payer dollars. He stated it was his belief that the existing tax payers should not be required to subsidize capital improvements for a new town five miles outside the urban service boundary. He reiterated that the mix of land use should not only be residential and commercial, but include employment opportunities to provide sustainability.

Commissioner Solari indicated he did not want to add a lot of language that would already put rules in place. He stated the present rule is an impediment to better planning and he would prefer to support staff recommendation and then build a better plan later.

Councilmember Foley indicated he supported the motion, but could not support a statement to fiscal neutrality without a clear definition. He noted that to say development must pay for itself it too multifaceted. He stated he does support development paying for itself and not burdening the existing community, but asked how should development such as Scripps, that does not burden but enhance the community, be handled.

Councilmember Hershey stated she supports staff recommendation and views this as a starting point for developing better planning. She offered that the business development boards as well as the counties need to provide input on this.

Commissioner Grande stated that as the seconder of the motion, he would reinforce the motion without amendment. He suggested Council instruct staff to forward the report and then develop alternatives. He stated Council is in the best position to make recommendations to the State on developing a positive rural stewardship program. Chairman Wheeler asked if there was disagreement with Commissioner Grande's comments on directing staff. There was none.

Commissioner Smith offered there could be direction to staff to review and consider a model toward fiscal neutrality incorporated into the motion. Chairman Wheeler suggested this would be better accomplished in a separate motion. Commissioner Smith added comments to the mix of land uses could be included in that separate motion.

Vice Mayor Dr. Priore stated he would support the staff recommendation and if the State determines there needs to be change, then have a motion to direct staff to offer alternatives.

Commissioner Vana expressed concern that directing staff to analyze economic feasibility may not be the best use of staff time and money and should be the responsibility of the individual municipalities and the legislature. Commissioner Smith indicated that there should be home rule, and the legislature should not dictate to the local governments.

Chairman Wheeler concurred with Commissioner Coward that this program does create urban sprawl at a higher density. He called for a vote on the motion, which carried unanimously.

Commissioner Smith made a motion to instruct staff to consider direction and language that would promote fiscal neutral policy and consider the mix of uses. Commissioner Coward seconded the motion and said to Councilmember Foley's comments on fiscal neutrality, this would entail identifying the costs of the development and having the developer pay for that. He noted that with respect to a development such as a Scripps, with the current rule there are no considerations for this type of development. He stated he wants to amend the rule to advocate for incentivizing the type of development that creates these types of uses. He stated his request for the amendments was not to eliminate the program, but to incorporate the missing economic pieces.

Motion

Councilmember Trias encouraged staff to work with Commissioner Coward to develop a presentation for Council for a better understanding of fiscal neutrality. Councilmember Foley agreed this would be beneficial. He noted that, as a developer, he has always worked within the rules, while maximizing the benefits of the land.

Commissioner Solari stated his motion was to limit any restriction for staff to be able to develop and make recommendations to the State for a better program. Commissioner Coward stated that since the Department of Community Affairs is in the rule making process, Council needs to identify the fiscal responsibilities as an issue that needs to be addressed. He stated that as governmental officials representing the local constituents, there needs to be consideration to the balance of private profit motives and the best interest of the public. The land use should not only benefit the developer of the project, but create a sustainable land form that pays for itself and is not a burden to the current tax payers.

Councilmember Foley reiterated that all development has occurred within the rules and is in fact necessary for homes, commercial and business. He stated he agreed in principle. Staff noted the report only addressed allowing implementation in 10,000 acre increments, and the establishment of minimal design standards for sustainable development. Staff offered comments could be included to address the mix of uses and fiscal impacts related to the rule making. Staff stated this would give the State flexibility if they do not take the recommendation to repeal the statute.

There was discussion on clarification of the motion. Chairman Wheeler asked Commissioner Smith to clarify his motion. Commissioner Smith indicated his motion would be to direct staff to look into appropriate language that would reflect a mix of uses and the fiscal impacts related to the program. As the seconder, Commissioner Coward indicated his concurrence with this motion. Chairman Wheeler called for a vote on the motion, which carried unanimously.

With respect to Councilmember comments on voting with the position of the League of Cities and the Florida Association of Counties, staff noted that while serving as a member of the regional planning council this may not always be the best course of action. As a Council of local governments, the fundamental consideration should be if the program is going to create a better place in the region, consistent with the Strategic Regional Policy Plan.

PALM BEACH GARDENS TRANSIT-ORIENTED DEVELOPMENT CHARRETTE MASTER PLAN PRESENTATION

Staff made a presentation to Council detailing the March charrette held in Palm Beach Gardens to identify a future transit station location. Residents, elected officials, business and property owners, and staff from the City participated during the week-long charrette which determined the central station location that is most advantageous for access, visibility, economic development potential, and multi-modal functionality.

Commissioner Solari asked the distance between the bus transfer station and stepping onto the train. Staff indicated it is approximately 150 feet. Staff noted the recommended location is able to accommodate a functioning bus transfer station of 18 buses.

Commissioner Koons noted that Council was selected to conduct this charrette due to the particular transportation and land use planning skill set of the staff. Councilmember Trias noted that there are also private companies that are in the same business. Commissioner Koons stated other agencies would be acceptable if these types of services are available.

UPDATE ON GROWTH MANAGEMENT LEGISLATION

As follow up to previous updates, staff provided an update to Council on a number of bills being considered by the legislature that have implications for the regional planning council and for growth management in the State.

COUNCIL MEMBER INFORMATION EXCHANGE

Former Mayor and Councilmember Maurice Jacobson thanked Council for his time of service on the Council. He commended Council and staff. He recommended making a documentary of how Council is comprised of various community leaders working together to address regional issues.

Commissioner Koons stressed the importance of the June meeting with the South Florida Water Management District. He stated it was important to discuss the needs of the region and work to get funding allocated for regionally significant projects.

Councilmember Foley reminded Council of the Energy Committee meeting and invited the new members to stay and become involved.

Mr. Bunch informed Council of an upcoming workshop by Enterprise Florida for updating the Roadmap for Florida’s Future, which is the State’s economic development strategy. The workshop will be held on July 23, 2009 in West Palm Beach. He invited everyone to participate and provide input on how the State reshapes its strategic plan with regard to economic development. He noted information would be provided to staff for dissemination to all Councilmembers.

STAFF COMMENT

None

CHAIRMAN’S COMMENT

None

ADJOURNMENT

There being no further business, Chairman Wheeler adjourned the meeting at 11:45. 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 April 17, 2009 meeting of the Treasure Coast Regional Planning Council.

Date

Signature