

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
MARCH 20, 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 Ahrens Vice Mayor Hill
St. Lucie County:	Commissioner Coward Commissioner Grande Mayor Christensen
Martin County:	Commissioner Smith Commissioner Hayes Mayor Christie (Alternate)
Palm Beach County:	Commissioner Marcus Commissioner Koons Commissioner Vana Vice Mayor Brinkman Vice Mayor Dr. Priore Mayor Golonka Vice Mayor Lowe (Alternate) Vice Mayor Pinto (Alternate) Commissioner Brown (Alternate) Councilwoman Webster (Alternate)
Gubernatorial Appointees:	Susan Caron Laurence Davenport Kevin Foley Richard Hurley Ramon Trias
Ex-Officios:	Ann Benedetti, SJRWMD Lois Bush, FDOT
Council Staff:	Michael Busha Sandy Gippert Liz Gulick Stephanie Heidt Terry Hess Peter Merritt Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

PUBLIC COMMENT

Rosa Durando noted the great progress that has been made by the counties and cities in developing approved growth management plans. She stated that growth does not pay for itself, and the proliferation of development, whether needed or demanded, in her opinion, was solely the discretion of developers and their connections to elected public officials. She stated that the overdevelopment has affected not only the tax base, but the environment as well. She noted a study by Woody Wodraska, a previous Deputy Director of the South Florida Water Management District, that called for a link between regional planning councils and the water management districts in order the have intelligent planning. She asked that Council make intelligent planning decisions and that bad planning examples could be found in Palm Beach County.

Alexandria Larson expressed her desire for more ethics and disclosure in politics. She stated that density and intensity have caused the problems we are experiencing today with the overbuilding and overgrowth. She noted her disdain that she was unable to get answers at a recent Water Resources Task Force meeting on the elevations for areas of Palm Beach County experiencing flooding.

AGENDA AND CONSENT AGENDA

Commissioner Smith moved approval of the Agenda and Consent Agenda. Staff requested that Item 5B, Minutes February 9, 2009, be pulled for modification. Commissioner Smith amended his motion to include removal of Item 5B. Commissioner Marcus seconded the amended motion, which carried unanimously. **Motion**

Items remaining on the Consent Agenda were: 5A, Financial Report – January 31, 2009; 5C, Boynton Beach Comprehensive Plan Amendments DCA Ref# 09-1; 5D, Lake Clarke Shores Comprehensive Plan Amendments DCA Ref#09-1ER; 5E, Lake Worth Comprehensive Plan Amendments DCA Ref#09RWSP-1; and 5F, Intergovernmental Coordination and Review Log.

MINUTES – FEBRUARY 20, 2009

Staff noted the draft minutes were modified in order to clarify Council discussion with respect to the Development of Regional Impact process under proposed Senate Bill 360. Commissioner Marcus moved adoption of the minutes as amended. Commissioner Smith seconded the motion, which carried unanimously. **Motion**

ANNOUNCEMENTS

Staff noted there would be a Budget/Personnel Committee meeting immediately following the Council meeting to review a proposed budget amendment for the 2008-2009 Fiscal Year.

Staff provided information with respect to a Transit Oriented Development Charrette that will be taking place March 20 – March 27. The charrette will focus on a location for a Tri-Rail station in

Palm Beach Gardens. Flyers with event information were distributed to Councilmembers and made available to the public.

**RESOLUTION SUPPORTING THE INCLUSION OF THE INTERCITY RAIL
COMPONENT OF THE FLORIDA EAST COAST (FEC) CORRIDOR PROJECT AS PART
OF FLORIDA'S ECONOMIC STIMULUS PLAN**

Commissioner Marcus moved adoption of the proposed resolution. Mayor Golonka seconded the motion.

Motion

Staff noted an addendum to the Resolution. This addendum was requested by the St. Lucie Transportation Planning Organization's Director, Peter Buchwald, and includes a Whereas clause to identify station locations in Vero Beach, Stuart, Fort Pierce and West Palm Beach. Councilmember Trias thanked staff for this additional clause noting the efforts that have been made previously to have a Fort Pierce station location. Commissioner Marcus amended her motion to include the addendum presented by staff.

**Amended
Motion**

Nancy Amerson of Commercial Contracting Development noted for Council that her firm was originally selected in 2002 to design and build the station location in Stuart before the funding was withdrawn for the project. She provided exhibits illustrating the proposed master plan.

Commissioner Koons requested staff contact Debbie Hunt, the Assistant Secretary for Intermodal Systems Development at the Florida Department of Transportation, to request the inclusion of a Fort Pierce station in the new state long-range plan.

Commissioner Smith noted a presentation by George LeMieux, former Chief of Staff for Governor Crist, at the Martin County Economic Council meeting at which passenger rail service on the Florida East Coast Corridor was identified as a project of interest. Commissioner Koons stated Mr. LeMieux's firm was awarded a million dollar contract to enter into negotiations with the Florida Department of Transportation and the Florida East Coast Railway. He reported that there still needs to be a funding source identified. Commissioner Smith expressed his appreciation of the support of the Governor on this issue.

Commissioner Solari asked if there were any financial analyses for funding the rail service once the stimulus dollars are spent. Staff noted the only financial analysis was Amtrak's estimation of the cost of the construction. Commissioner Solari stated that he would find it difficult to support spending large amounts of money on mass transit as the low density in Indian River County does not call for it. Staff noted that this project is being funded by the federal government and would be an Amtrak operation.

Chairman Wheeler called for a vote on the motion, which carried with Commissioner Solari dissenting.

**UPDATE ON WATER SUPPLY FACILITY PLANNING – PRESENTATION BY LINDA
HOPPE, LEAD PLANNER, SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

Staff noted this agenda item is in response to a Council request to provide a status report of the Region's statutory requirement for local government water supply facility planning.

Ms. Hoppes, Lead Planner at the South Florida Water Management District, provided a presentation to Council on the status of water supply planning in the Region. Her presentation provided background on the statutory requirements as well as a status report on the progress of Martin, St. Lucie and Palm Beach County local governments in submitting their plans.

Commissioner Marcus asked which five local governments noted in the presentation had not yet submitted their plan. Ms. Hoppes clarified that although these local governments have not yet submitted plans, the Water Management District has been in contact with them and they are working internally to provide the plans. She stated the municipalities that have not yet submitted plans are Briny Breezes, North Palm Beach, Ocean Ridge, Palm Beach Shores and South Palm Beach.

Commissioner Hayes noted this planning is focused on consumptive use and utilities. He asked if the critical areas of the natural system have been identified and what is being done to mitigate the impacts to the natural systems. Ms. Hoppes stated that the District does reservations and minimum flows and levels. She stated a recently completed environmental report contained the information Commissioner Hayes requested and offered to provide this report to him. Commissioner Hayes expressed his concern not one reservation has been promulgated and indicated he would be willing to speak to the District Board.

Commissioner Koons warned that if these plans are not done and adopted, local governments will not be permitted to make amendments to their comprehensive plans. He stated this planning requirement presents a good opportunity for certain areas to cooperatively address issues such as stormwater, potable water and wastewater. He said the County could not enforce the requirements, but could serve as a facilitator for the municipalities. He asked staff to provide a status report on the water supply facility planning to Council every three to four months.

Under Public Comment, Rosa Durando thanked Commissioner Hayes for his comments and concerns. She stated there is abundant information on this issue that is available from the water management district. She noted a report by the District in the 1980s summarizing the water conditions in not only Palm Beach County, but all of south Florida. This document forecasted the depletion of the surficial aquifer that was the major water supply for the region. She stated there needs to be calculations done, on paper, of the impacts to Palm Beach County if conditions continue between the refuge, the coast, and the Hillsboro and C-51 canals. She stated that the stormwater treatment areas are inadequate and need to be increased. She noted there needs to be more due diligence in cleaning up the water supply and more attention paid to water supply and water quality.

Commissioner Marcus stated she has been experiencing difficulties in getting answers from the District on the impacts U.S. Sugar will have to the stormwater treatment areas. She stated she is relying on citizen involvement like that of Ms. Durando to assist in getting responses from the District on such issues.

Commissioner Vana asked how the regional planning council might be able to work with the water management district. Staff noted the regional planning council does work with the various agencies such as the Water Management District and the Department of Transportation, but the only legal requirement to work together is during the Development of Regional Impact process.

Alexandria Larson stated stormwater treatment areas must be at least 1,000 acres to work. She indicated that individuals need to cease watering their lawns during this drought. She stated that her neighborhood has an abundance of water because they are not using the water for irrigation. She stated water supply is a serious issue in South Florida and the Department of Environmental Protection and the South Florida Water Management Districts are not doing due diligence. She expressed concern that there are plans to build a new rock mining pit that will be a cost burden to the taxpayers.

Commissioner Vana asked if Council has gone on record requesting interagency planning between the regional planning councils and the water management district be made part of new legislation. Staff indicated the Regional Councils Association, the League of Cities, the Association of Counties have all gone on record that there needs to be collaboration, even to the point where there should be a state land planning agency these organizations come under so before permits are issued, before roads are built, or health department buildings are built, there is a complete picture for land use.

Commissioner Marcus stated she testified on a panel many years ago with respect to including water resources as part of the comprehensive plan review process. At that time, the district was supportive, but some of the counties and cities did not want another regulatory review that would slow down the development process.

Commissioner Koons stated he has been trying unsuccessfully for three months to schedule a meeting between Martin County, Palm Beach County and the Water Management District to discuss regional water systems. He asked if staff could help facilitate this meeting, possibly immediately following a Council meeting.

UPDATE ON GROWTH MANAGEMENT LEGISLATION

Staff updated Council on Senate Bill 360 and House Bill 7049.

Commissioner Marcus requested the letter sent to Governor Crist and Senator Bennett be forwarded to Senator Atwater. She indicated she had spoken with Senator Atwater and indicated concerns with respect to the current Development of Regional Impact process and Transportation Concurrency Exception Area language and the definition for urban areas. Staff indicated the letter had been copied to the entire legislative delegation for the Treasure Coast Region, including Senator Atwater, and all committee members.

Commissioner Marcus indicated Senator Deutch has agreed to propose revisions to the bill that will strengthen the urban service language and retain the Development of Regional Impact process. She noted the Association of Counties will be attending Legislative Day next week to voice these concerns as well.

Vice Mayor Dr. Priore noted that the League of Cities will also be attending the Legislative Day and will support provisions to address extrajurisdictional issues through the Development of Regional Impact process; oppose mandatory Transportation Concurrency Exception Areas without clarifications and oppose the once a year limit to the comp plan text amendments.

Mayor Golonka asked what would be the best source for getting updates on the proposed legislation. Staff indicated the Senate and House website are very informative and easy to use, but

may not be updated daily. Staff also indicated Councilmembers could contact Council staff anytime. Commissioner Marcus offered Todd Bonlarron, the County Legislative Affairs Director, could be contacted for information as well. Commissioner Vana stated the House and Senate website also show how each committee member voted. Vice Mayor Dr. Priore indicated the League of Cities website provides alerts and regularly lists the League's position on the issues and the pros and cons of the issue. Commissioner Smith indicated the Association of Counties' website is very explicit and up-to-date.

Staff indicated Senators Gelber and Rich were the two dissenting votes on the Senate Ways and Means Committee. Commissioner Vana suggesting contacting these Senators' offices as they would have more knowledge on the vote.

Under Public Comment, Rosa Durando stated that if this legislation is successful, there will be no substantial review of proposed development. She suggested looking at the intent of the legislation and who is sponsoring it to understand why this legislation is being proposed. She expressed her concern there is no clear demarcation between the urban service area and the rural service area. She noted there needs to be more public support for sensible growth management. She stated that water is the biggest issue and will be even bigger in ten years.

Alexandria Larson stated she believes the comprehensive plan for Palm Beach County was destroyed long ago, citing the overgrowth and overbuilding as evidence. She asked that local officials get the citizens involved and asked for more outreach programs informing the citizens of what is going on in their communities. She noted this would be the perfect time, as building has been slowed, to step back and evaluate what is currently available and do more comprehensive planning.

Commissioner Vana noted when she was in Tallahassee if there were unwanted provisions in a bill, they made these public. If the public was convinced that a provision was bad, the Senators were less likely to support it.

Councilwoman Webster asked who initiated this legislation and what is the rationale for eliminating comprehensive planning and what is the alternative if the bill is passed. Staff indicated the bill was sponsored by Senator Bennett. It was noted one of the beliefs is the problem with the Florida economy is the onerous growth management regulations and if some of these regulations are eliminated the economy will rebound. The rationale for eliminating the Department of Community Affairs is to reduce government by consolidating operations.

Commissioner Marcus stated the Senate President had formed an economic stimulus committee and several of those Senators were contacted by the chambers and home builders stating there needed to be less regulation if building were to continue. She noted that in speaking with Senator Atwater's policy person, he firmly believes that if traffic concurrency is eliminated, building will ensue and this will result in economic activity. She indicated she had told him this would be growth that would be at the expense of the taxpayers and those in the adjacent communities who would be adversely affected by the additional traffic on their roads. She stated the bill is also an opportunity to weaken growth management.

Commissioner Solari stated this bill is using the idea of economic stimulus to justify changes in growth management. He states the Indian River County Commission does not agree with this and

has passed a number of resolutions dealing with state and local government. He stated that local issues should stay local. He said the legislation should be used to determine the quality of growth, not to promote or stop growth.

Sharon Waite concurred with Ms. Larson's request for more disclosure and dissemination of information to the public. She noted in 2004 she and Ms. Larson wrote and distributed flyers to their community to make sure everyone was informed of the facts of the Scripps project. She stated she is in favor of the regional planning councils, the Development of Regional Impact process and oversight.

Stella Rossi concurred there needs to be state oversight. She stated the Department of Community Affairs, regional planning councils and the other agencies are necessary to oversee growth management in the state.

COUNCIL MEMBER INFORMATION EXCHANGE

Councilmember Davenport noted the U.S. Treasury Department is sending the Director of Community Development Financial Institutions to our region to discuss how their financial assistance programs may benefit South Florida and promote regional economic recovery. He stated the visit is tentatively scheduled for April 16, 2009.

STAFF COMMENT

None

CHAIRMAN'S COMMENT

None

ADJOURNMENT

There being no further business, Chairman Wheeler adjourned the meeting at 11:00 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 March 20, 2009 meeting of the Treasure Coast Regional Planning Council.

Date

Signature