

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
JUNE 17, 2011**

Chairman Trias called the meeting to order at 9:40 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 O'Bryan  
  Mayor Adams  
  Councilman Fletcher (Alternate)

St. Lucie County:               Commissioner Mowery  
  Commissioner Craft  
  Mayor Faiella  
  Commissioner Perona

Martin County:                 Commissioner Hayes  
  Commissioner Smith  
  Commissioner Scott

Palm Beach County:           Commissioner Marcus  
  Commissioner Taylor  
  Mayor Ferreri  
  Mayor Golonka  
  Mayor Pro Tem Dr. Priore  
  Councilman Lowe  
  Vice Mayor Norris  
  Commissioner Mitchell (Alternate)

Gubernatorial Appointees:   Kevin Foley  
  Bill Hall  
  Susan Hershey  
  Richard Oujevolk  
  Peter Sachs  
  Ramon Trias

Ex-Officios:                    Lois Bush, Florida Department of Transportation  
  Pam Mac'Kie, South Florida Water Management District  
  Mary Murphy, Florida Department of Environmental Protection  
  Ann Benedetti, St. Johns River Water Management District

Council Staff:                 Kate Boer  
  Michael Busha  
  Kim DeLaney  
  Eloine del Valle  
  Anthea Gianniotis  
  Sandy Gippert

Liz Gulick  
Stephanie Heidt  
Terry Hess  
Dana Little  
Peter Merritt  
Greg Vaday  
Joan Young

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

### **PUBLIC COMMENT ON CONSENT AGENDA ITEMS**

Alexandria Larson stated she wanted to speak in defense of Ms. Rosa Durando. Ms. Larson stated Ms. Durando was very depressed after the last meeting with respect to public comment. Ms. Larson asked Council to be patient with Ms. Durando and respect her.

For the record, Commissioner O'Bryan noted that the minutes of the last meeting reflect that Councilmember Hall had several very complimentary comments about Ms. Durando and Vice Chairman Foley echoed those comments. He noted that Council does recognize that Ms. Durando is a great resource, and that although Councilmembers may not always agree with her opinions, she was acknowledged for her extensive knowledge and contributions.

Marty Laven, representing the Marine Industries Association of the Treasure Coast, informed Council of the third annual waterway cleanup event on July 23, 2011. He noted information on the event could be found at [www.tcwaterwaycleanup.com](http://www.tcwaterwaycleanup.com), or by calling their Coordinator, Ms. April Price, at 772.285.1646. He also noted an editorial in the paper regarding refunding of regional planning councils, and stated he hoped for the refunding so the regional planning councils could continue.

Staff noted a copy of the editorial mentioned was provided for each Councilmember. Another article was distributed regarding Port Everglades and the potential arrangement with the Florida East Coast Railway to create an intermodal logistic center just outside the port. Additionally, staff provided Councilmembers with a flyer announcing a workshop being conducted by the Florida Department of Community Affairs on June 30, 2011 to review the recent changes to growth management legislation.

### **AGENDA AND CONSENT AGENDA**

Commissioner Smith moved to approve the Agenda and Consent Agenda with the removal of Agenda Item 10; South Florida Intermodal Logistics Center (SFILC)/US 27 Freight Corridor – Presentation by Jeff Weidner, Mobility Manager, Florida Department of Transportation. Mayor Ferreri seconded the motion, which carried unanimously. Staff noted Mr. Weidner could not be present and the presentation would be done at the September meeting.

**Motion**

Items on the Consent Agenda were: 5A, Financial Report – April 30, 2011; 5B, Minutes – May 20, 2011; 5C, 2011-2012 Contract with the Florida Division of Emergency Management; 5D, Palm Beach Comprehensive Plan Amendments DCA Ref# 11-1; 5E, Port St. Lucie Comprehensive Plan Amendments DCA Ref# 11D1; and 5F, Intergovernmental Coordination and Review Log.

### **PROPOSED BUDGET FOR FISCAL YEAR 2011-2012**

Staff noted there was a meeting of the Budget/Personnel Committee in May to review a proposed budget for Fiscal Year 2011-2012. At that time, there was a ten percent reduction in revenue from the previous year. In order to address that reduction, there was the elimination of one and one half staff positions. Subsequent to this meeting, it was announced that the Governor removed funding for regional planning councils from the State's budget. This meant a reduction in Council's budget of approximately \$233,000, or another ten percent. In order to address this new reduction, the proposed budget approved by the Budget and Personnel Committee has been further reduced by staff to reflect the following; one additional full-time position will be eliminated; the maximum two percent discretionary salary increase for employees approved by the Budget and Personnel Committee has been eliminated; salaries for all employees will be reduced by 5 percent; Council contribution to employee retirement accounts will be reduced by one-third; Council expenditures for health care coverage will be frozen at the 2010-2011 level; and the salary for Council's attorney will be reduced by twenty percent. Staff noted a recent award to Council of a one million dollar grant from the Environmental Protection Agency, which would result in the availability of approximately \$30,000 to \$40,000 per year for three years. This was not included in the amendment budget as there are on-going negotiations for the contract which will not be executed until August or September.

Commissioner Smith moved approval of the proposed budget as amended. Mayor Ferreri seconded the motion.

**Motion**

Commissioner Marcus asked where the Environmental Protection Agency money will be put into the budget once the contract is signed. She asked if it would be in salaries or benefits. Staff indicated that once the amount is known, then it will be determined where the money will be applied. Chairman Trias stated he preferred to let the staff decide where to apply the funds.

Mayor Golonka asked what the cost savings would be to discontinue providing paper copies of the agenda and making it available on-line only. Staff did not know the exact savings, but will provide this information to Council at the September Council meeting.

Chairman Trias called for a vote on the motion, which passed unanimously.

Councilmember Foley asked if the eliminated positions were vacancies. Staff indicated the position of one employee was eliminated; the other is Terry Hess, the Deputy Director, who will be retiring in September. Rather than hire someone to fill this vacancy, Dr. Peter Merritt will be promoted to the position of Assistant Director. Mr. Hess was commended and thanked for his contributions to the regional planning council over the last twenty-three years. Councilmember Foley noted the regional planning council has been run superbly well because of Mr. Hess' contributions and stated he could not think of a better choice to assume the position than Dr. Merritt.

Mr. Hess stated it has been a really rewarding twenty-three years working for the Council. He thanked the Councilmembers for their contribution and willingness to be on the Council and come to this regional forum to debate issues and problems in the region.

### **2010-2011 CONTRACT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS**

Due to funding being vetoed by the Governor, no contract agreement between the State and the regional planning councils is anticipated for Fiscal Year 2011-2012. Staff noted the purpose of this agenda item is to provide authorization to the Chairman to quickly execute a contract agreement should funding be restored.

Commissioner Hayes asked if staff had reviewed the structure for applications to be reviewed in light of the fact funding is not going to be available. Staff explained that there are sixteen statutory functions for regional planning councils contained in the Florida Statutes, but there is no provision for funding to carry out those functions.

Councilmember Hershey asked if this would mean Council would continue to perform those functions free for the State, if the Counties would continue to participate at a financial level, and if there was any conflict of interest with Development of Regional Impact reviews. Staff indicated there was no conflict and Council's work has always been by and for local governments.

Mayor Pro Tem Dr. Priore asked if there is a chance that the funding being awarded for the Brownfields work could be lost. Staff indicated no, unless for some reason the Environmental Protection Agency was to lose the funding.

Commissioner Marcus asked staff if Council has a policy that if a County does not pay, then those members are ineligible to vote. Staff indicated that there is a policy that addresses that in Council's interlocal agreement that was signed by the four counties in 1976. Commissioner Marcus asked if that policy would then apply to the State and restrict the Gubernatorial Appointees from voting. Staff indicated the Florida Statutes indicate that the Governor is authorized to appoint one third of the voting membership to the regional planning council, but there is no condition of funding. Mr. Roger Saberson confirmed this, stating it is extremely unlikely that Council would be able to take away the Gubernatorial Appointees' voting privileges that are granted by State law.

Councilmember Hall noted he had a conversation with the Governor's office last week on this topic and he asked if each municipality and each county have the same number of appointees to the regional planning council. He asked if was the proper way to handle things if Council is dealing with the issues that come before it, and there are an inadverse number of votes to effect the outcome. He questioned if it would be a better system to have one vote per municipality and one vote per county to keep the quality in the process. Mr. Saberson stated that in terms of the membership on the Council board, the four counties allocated membership along population lines. Staff indicated it is a representative vote and that the board would be too large if every city were represented.

Drew Martin of the Sierra Club expressed his concern for the loss of the Department of Community Affairs and the entire planning process in the State, as well as the future of the regional planning councils. He asked that the Councilmembers use their elective offices to convey the importance of

planning. He noted we do not want to go back to litigation where local governments are fighting their neighbors.

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

**Motion**

**FLORIDA POWER & LIGHT COMPANY  
TEN YEAR POWER PLANT SITE PLAN 2011-2020**

Staff indicated each year every electric utility in the State of Florida produces a ten year site plan that includes an estimate of future electric power generating needs, a projection of how those needs will be met, and disclosure of information pertaining to the utility's preferred and potential power plant sites. At the request of the Florida Public Service Commission, Council reviews the plan and provides a report with comments for transmittal to the Public Service Commission. The draft report presented to Council concludes that the Florida Power and Light Ten Year Power Plant Site Plan, 2011-2020 is inconsistent with Strategic Regional Policy Plan Goal 9.1, decreased vulnerability of the region to fuel price increases and supply interruptions; and Strategy 9.1.1, reduce the Region's reliance on fossil fuels. Staff noted the report urges Florida Power and Light and the State of Florida to continue developing new programs to: 1) reduce the reliance on fossil fuels as future energy sources; 2) increase conservation activities to offset the need to construct new power plants; and 3) increase the reliance on renewable energy sources to produce electricity.

Nick Blount with Florida Power and Light stated that over the last thirty years Florida Power and Light has become a national leader in conservation, has avoided the need to build thirteen medium-sized power plants in the service area, has improved power plant fuel efficiency and saved its customers billions of dollars. With respect to renewable energy, he stated Florida Power and Light feels that investing in renewable energy is good for Florida's environment and good for the economy of the State and the rate payers. However, without legislation in Tallahassee the utilities cannot build or buy additional solar energy generation. He encouraged Council to support legislation for renewable energy efforts.

Commissioner Smith asked Mr. Blount if he could provide Council with more information on what will be needed from Council and local governments in order to help promote the renewable legislation. Mr. Blount indicated the Company would be providing local officials in the service communities with information.

Commissioner Smith noted the new solar energy facility in Indiantown, stating it has been a remarkable success to both the tax base and energy production. Mr. Blount concurred the facility is good for the economics of the community and the creation of jobs.

Mayor Pro Tem Dr. Priore noted he had a problem with the inconsistent recommendation, which he believes is based on having no state regulation for a renewable portfolio standard. Staff indicated that it is important to take this position to apply pressure to the State Legislature to adopt a renewable portfolio standard. Councilmember Hershey stated we should not lose perspective, asking Councilmembers to not forget the successes such as the upgrading of the Riviera Beach Power Plant.

Commissioner Smith motioned to approve the staff recommendation and have staff provide a proposal at the September Council meeting with respect to recommendations to the Florida Legislature on a renewable portfolio standard. Commissioner Mowery seconded the motion.

Commissioner Taylor asked how the current drought effected planning for power plants. Mr. Blount stated each facility must be planned differently, but when going through the approval process for any generation plant, water supply and usage is one of the areas addressed.

Under Public Comment, Ms. Larson stated that she had been told at a meeting of the South Florida Water Management District three years ago that power plants would receive water before people. She commended staff for the recommendations contained in the report. She asked that solar be considered for homes, stating the University of Delaware had an entire house running on solar in 1976. She stated that Florida Power and Light reduced their maintenance program in 1990. Because of this, in the event of a significant storm individuals could be without power for days at a time. She noted that conservation starts at home.

Mr. Martin, representing the Sierra Club, expressed his appreciation for Council letting the public participate in the process. He stated his concern that Florida Power and Light is building too many power plants, which are not justified as the population is not growing. Power needs should be met through conservation. He agreed with Ms. Larson’s comment on solar on rooftops, because this would allow the consumer to sell the power back to Florida Power and Light, which would offset the cost for the customer to install the solar. He stated he appreciated Commissioner Taylor’s comments on water, because it does take a large amount of water to support a power plant.

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

Staff noted Eduardo Balbis, a former Councilmember, is a current member of the Florida Public Service Commission Board and has stated he would like to provide an update to Council on what the Commission is doing. Staff will contact him to make this part of the energy presentation at the September Council meeting.

**BROWNFIELDS CLEANUP LOAN AND SUBGRANT WITH THE WEST PALM BEACH COMMUNITY REDEVELOPMENT AGENCY**

Staff noted that in January of 2011, Council staff met with the West Palm Beach Community Redevelopment Agency to discuss the availability of financial assistance through Council’s Brownfield Revolving Loan Fund loan and/or subgrant for remediating a petroleum-contaminated brownfield site located within the Northwood area of the City of West Palm Beach. Staff noted the purpose of the agenda item was to seek authorization from Council to prepare and execute loan and subgrant documents necessary to provide funding to the Community Redevelopment Agency in the form of a \$160,000 no-interest loan and a \$30,400 subgrant to cover the estimated groundwater remediation costs for the property.

Mayor Ferreri moved to approve staff recommendation. Commissioner Smith seconded the motion, which carried unanimously.

Under public comment, Ms. Larson stated she believes that those who are responsible for leaving behind the mess should be held accountable for the clean up. She stated we should not have to

obtain grants or tax subsidies to clean up the messes left by business owners who have polluted the environment.

Staff noted that the Environmental Protection Agency has a large enforcement division that is tasked with locating and prosecuting offenders. If a responsible party is determined to have caused pollution on a potential Brownfield site, then they are not eligible to receive federal funding for Brownfield assistance.

### **HARMONY DEVELOPMENT OF REGIONAL IMPACT – PRESENTATION**

Staff gave a presentation on the Harmony Development of Regional Impact, which is located immediately west of the Florida Turnpike at the intersection of Pratt Whitney Road and Bridge Road in Martin County. The property is bordered by residential development to the north and northeast, the Florida Turnpike to the east, citrus groves, nurseries and 20-acre lots approved for residential development to the south, and pasture to the west. The site is approximately one quarter mile north of the proposed Hobe Grove Development of Regional Impact site.

Councilmember Hershey stated she would like to see the issues of student generation rate for this project; whether the schools will be public, charter, or a secondary university; and the proportionate share of mitigation for impacts be addressed by staff in the final report. Commissioner O’Bryan asked if staff could also provide a report on what the cumulative impacts would be of the entire Region’s approved Developments of Regional Impact in terms of number of people and trips.

Commissioner Smith asked if the Harmony and Hobe Grove Developments of Regional Impact would be reviewed as two separate projects, or would they be looked at together in terms of what is the best way for development in this area to happen relative to the Strategic Regional Policy Plan. Staff indicated that under the Development of Regional Impact process each project must be processed individually. However, staff indicated there has been discussion about looking at these two projects together to determine the cumulative impacts, especially as they relate to transportation. Staff stated that if the County is interested in making an intervention like this in this area, and expanding the urban service boundary, analyzing the impacts of the projects together would be more consistent with the Strategic Regional Policy Plan.

Commissioner Smith noted a Charrette done in 1994 that determined this area was a suitable place to have a town. He asked if there would be a separate work product from staff that would indicate if these should be connected or not, and what is most appropriate for this area of the County. Staff indicated that during some Development of Regional Impact reviews in the past there was a proposed alternative master plan from staff that would show what is consistent with the Strategic Regional Policy Plan. Commissioner Smith asked if this would occur for these proposals. Staff indicated that there would be no need for an alternative plan if the owners are willing to work with Council to develop a consistent plan. Staff reiterated that in order to follow the process, each of the projects needed to be looked at separately. At the same time, Council should consider that these are two large projects very close to one another, and decisions need to be made how to address both projects in the most effective way.

Mayor Ferreri concurred that it would be better to have the two projects working together to create a great project that is more complementary and less competitive with respect to infrastructure needs. In response to Commissioner O’Bryan’s request for an analysis of the Region’s Developments of

Regional Impact, he asked to see where each development is in their build out, and if what happened was consistent with what was proposed. He noted that two Developments of Regional Impact in the City of Greenacres had a much lower total rate of residential at build out than was proposed.

Commissioner Hayes stated he believes it would be a significant mistake to only look at this as two individual developments. This is clearly the rural area of Martin County. He said he believes it is the wishes of his constituency to keep this area rural in nature. This is an opportunity to do meaningful planning in this area, possibly through sector planning or as a rural land stewardship area. He stated we need to provide for the retention of agriculture and for some connectivity and mitigation for the destruction to the natural water systems. It would be foolish not to demand the landowners in the area work together and provide a sector plan, and that there be meaningful input and not have sporadic development throughout rural Martin County. Chairman Trias noted the St. Lucie County Commission prepared the Towns, Villages and Countryside guidelines in the northern half of the County, which deal with many competing interests and landowners.

Councilmember Foley stated his belief that it is Council's obligation to plan for the future of the Region. He said that one of the prime directives should be to make sure two contiguous projects blend together. He stated these two projects are an opportunity to create a living and working environment that was first envisioned in the early 1990s in this part of Martin County. He noted that Florida is not running out of agricultural opportunities, which exist in every county, although not to the same extent.

Under Public Comment, Ray Lavoie of Teco Peoples Gas/Teco Partners, a natural gas supplier, stated he would be available to address questions or concerns as these two projects moved forward.

Mr. Martin of the Sierra Club stated he is very concerned with the loss of rural lands and the nature of Martin County. He stated he believes there is no demand for these two developments. The urban service boundary has been established and that should dictate where the rural and the urban should be. Changing the urban service boundary would not only result in the loss of the rural characteristic of the area, but draw down the property values in the adjacent areas. He said the economy is not demanding this type of development which may produce vacant buildings that will then need to be incentivized in order to attract companies.

### **REGIONAL DEMOGRAPHIC PROFILE: 2010 CENSUS**

Staff made a presentation to Council, the first of a series of future periodic updates, reports and presentations on key information and trends drawn from the newly released Census 2010 data. This presentation was a brief demographic profile of the Treasure Coast Region, which provided data with respect to population counts for all municipalities in the Region, age, race and housing data.

Councilmember Oujevolk asked if it would be possible to take the Census information and overlay that over the approved developments within the area to determine growth trends.

**ORIENTATION SERIES ON MIX OF HOUSING: THE INTEGRATION OF VARYING BUILDING TYPES AND PRICE POINTS**

Staff presented the eighth installment in the Orientation Series. These presentations are to provide information on planning techniques and research to give Councilmembers additional insight and knowledge on how to promote sustainable growth in the region.

Commissioner Hayes expressed his satisfaction with the presentation. He asked if there could be a future presentation on how rural areas have grown and expanded.

**ANNOUNCEMENTS**

Staff noted the handout to Councilmembers regarding the Growth Management Workshop being presented by the Florida Department of Community Affairs on June 30, 2011. Staff noted registration had been closed, but there were attempts being made to accommodate the overflow. Councilmember Oujevolk noted that the workshop was being conducted in multiple locations throughout the state. There was much discussion by Council regarding accommodating those who wished to attend the workshop. Staff was tasked with determining if the workshop could be made available via webcast.

Commissioner Hayes stated he would like Council staff to look into a situation regarding the loss of public access to a beach in Jupiter. He stated that he believes a proposal to armor the beach and exclude all public boater traffic from the only access in the Loxahatchee River area is contrary to Council’s philosophy and planning. He asked staff to verify this and send a letter of objection to the plan.

Mayor Golonka stated that there is more to the situation and that the property is owned by the Coast Guard. She suggested that staff meet with the Town of Jupiter.

Chairman Trias asked staff to look into the situation.

**COUNCIL MEMBER INFORMATION EXCHANGE**

None.

**STAFF COMMENT**

None.

**CHAIRMAN’S COMMENT**

None.

**ADJOURNMENT**

There being no further business, Chairman Trias adjourned the meeting at 11:45 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 June 17, 2011 meeting of the Treasure Coast Regional Planning Council.

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Date

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Signature