

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
MAY 17, 2013**

Chairman O'Bryan 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 O'Bryan
 Commissioner Solari
 Councilmember Oatway
 Council Member Adams
 Mayor Fletcher (Alternate)

Martin County: Commissioner Fielding
 Commissioner Smith
 Commissioner Krauskopf
 Commissioner Haddox (Alternate)

St. Lucie County: Commissioner Mowery
 Commissioner Dzadovsky
 Commissioner Johnson (Alternate)
 Councilwoman Martin

Palm Beach County: Commissioner Burdick
 Commissioner Valeche
 Commissioner Taylor
 Mayor Abrams (Alternate)
 Mayor Golonka
 Councilwoman Gerwig
 Councilmember Brinkman
 Vice Mayor Pro Tem Andel
 Mayor DuBois (Alternate)
 Commissioner Szerdi (Alternate)
 Council Member Tinsley (Alternate)
 Vice Mayor Hmara (Alternate)

Gubernatorial Appointees: Michael Davis
 Kevin Foley
 Reece Parrish
 Peter Sachs

Ex-Officios: Ann Benedetti, St. Johns River Water Management District
 Laura Corry, South Florida Water Management District
 Lynda Westin, South Florida Regional Transportation Authority

Council Staff: Michael Busha
Phyllis Castro
Kim DeLaney
Anthea Gianniotas
Liz Gulick
Stephanie Heidt
Dana Little
Peter Merritt
Eloine Sabol
Joan Young

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

**PUBLIC COMMENT ON
CONSENT AGENDA ITEMS**

Ed Green, Village Manager of North Palm Beach, indicated the Village had provided a letter objecting to the U.S. Army Corps of Engineers proposal to use a portion of Lake Worth Lagoon known as Turtle Cove for seagrass mitigation activities. He noted the value of boating to the community and stated the concerns are related to the accumulation of silt adjacent to docks, impacts to existing sea life, impacts to navigation, encroachment on riparian property rights, and a possible decrease in property values. He requested the letter from the Village be included as part of Council's report on the Corps' proposal to deepen Lake Worth Inlet.

Staff recommended that the letter be attached to the report, which is included in the Intergovernmental Coordination and Review Log. Chairman O'Bryan indicated he would call for a motion to include the letter in the report during the approval of the Consent Agenda.

Donna Melzer, representing the Martin County Conservation Alliance, stated she believed it was ironic that the only adverse comments to the Martin County Comprehensive Plan Amendments were from the representatives of large land holders that are opposed to the regional policies that have been adopted. She stated they want to be able to do urban development in agricultural areas outside the urban boundary, which will result in negative impacts to natural resources. She noted the objections do not identify any inconsistencies the proposed amendments would have with the regional policies. She said the state has abandoned oversight of local plans and taken the position that local issues should be decided locally, which is what has been done in Martin County. She indicated these amendments have been going through the public process since September of 2012. She noted that claims that these amendments are illegal have no basis in law, and have been reviewed by the county attorney, planners and land use attorneys. She asked for Council to support the amendments as furthering regional policies.

Rosa Durando asked if Council, with respect to brownfield cleanup, had any oversight on superfund sites such as the one on Seminole Pratt Whitney Road. Chairman O'Bryan noted the current agenda item was for a brownfield cleanup site in Fort Pierce, and stated he would have staff contact Ms. Durando about concerns with the site in Palm Beach County.

With respect to the proposed Wellington Comprehensive Plan Amendments, Ms. Durando asked if the Acme Improvement District had been consulted when reviewing these amendments. She noted that a study was done a couple years ago that indicated Wellington had the dirtiest urban water discharge in sixteen counties. She stated it is not just a supply issue, but one of contamination and water quality. She noted recent reports of manatees dying from pollution. She asked if this was a topic that Council could address.

Chairman O'Bryan stated several local governments throughout the region are addressing water issues and take the issues with the Indian River Lagoon very seriously. He noted that the St. Johns River Water Management District has assembled a task force of approximately thirty different researchers to address these issues. Staff recommended an update on water issues should be placed on the July Council agenda. This item would address specific areas like the C-51 basin as well as the efforts being done from a regional perspective on water quality issues in the lagoons, estuaries, and the ocean.

Ms. Durando stated that Wellington had abandoned their best management practices and she requested the regional planning council recommend compulsory best management practices. Councilwoman Gerwig noted that Wellington had enacted best management practices for horse manure and fertilizer, offering to provide that information to Council.

Alexandria Larson also expressed concern with Wellington expanding without a study being done with respect to the water issues. She noted West Palm Beach does not have water, however 22 million gallons of water are missing each day from the M Canal, which she stated was probably going to the power plant. She stated the power plant is not using as much reclaimed water as they report. She stated the C-51 Reservoir project was scam. She stated she did not believe in the idea that the solution to pollution was dilution, which in her opinion was just mixing dirty water with clean water. She expressed her desire for Council to start looking at water issues.

Drew Martin, representing the Sierra Club, concurred with Ms. Durando and Ms. Larson. He requested that in the future there be an opportunity on the agenda to bring up issues not being addressed by Council. He noted that there have been a lot of manatee deaths in the Indian River Lagoon and the Caloosahatchee River. He stated he appreciated staff recommending the water issues be addressed at the next meeting.

AGENDA AND CONSENT AGENDA

Chairman O'Bryan noted a request from staff to reverse the order of Agenda Items 8 - Florida Power & Light Company Ten Year Power Plant Site Plan 2013-2022, and 9 - Memorandum of Understanding for Tri-Rail Coastal Link. Additionally, Councilmember Brinkman requested Item 5K, City of West Palm Beach Comprehensive Plan Amendment No. 13-1ESR be pulled from the Consent Agenda for a separate vote as her employer was the agency for the application.

Commissioner Smith moved approval of the reordered Agenda and the Consent Agenda with the removal of items 5K and 5L, Intergovernmental Coordination and Review Log. Commissioner Fielding seconded the motion, which carried unanimously.

Motion

Items remaining on the Consent Agenda were: 5A, Financial Report – February 28, 2013; 5B, Financial Report – March 31, 2013; 5C, Minutes – March 15, 2013; 5D, Brownfields Cleanup Loan with the Fort Pierce Redevelopment Agency Update; 5E, Town of Briny Breezes Comprehensive Plan Amendment No. 13-1ER; 5F, Village of Golf Comprehensive Plan Amendment No. 13-1ESR; 5G, Indian River County Comprehensive Plan Amendment No. 13-1ESR; 5H, St. Lucie County Comprehensive Plan Amendment No. 13-3ESR; 5I, Wellington Comprehensive Plan Amendment No. 13-1ESR; and 5J, Wellington Comprehensive Plan Amendment No. 13-1ESR.

Councilmember Foley moved approval of Consent Agenda Item 5K, City of West Palm Beach Comprehensive Plan Amendment No. 13-1ESR. Commissioner Mowery seconded the motion, which carried with Commissioner Taylor opposed, and Councilmember Brinkman abstaining. **Motion**

Commissioner Smith made a motion to attach the correspondence received from the Village of North Palm Beach to the report for Consent Agenda Item 5L, Intergovernmental Coordination and Review Log. Commissioner Fielding seconded the motion, which carried unanimously. **Motion**

NOMINATING COMMITTEE – APPOINTMENT OF OFFICERS

Chairman O'Bryan noted that at the March meeting there was a request for the Nominating Committee to meet and develop a recommendation to fill the vacant position of the Vice Chair. He reported the Committee met and was recommending Commissioner Tod Mowery, the current Secretary/Treasurer be advanced to the position of Vice Chair, and Councilmember Michael Davis be appointed as Secretary/Treasurer.

Commissioner Fielding moved approval of the Nominating Committee recommendation. Commissioner Taylor seconded the motion, which carried unanimously. **Motion**

SEVEN50 SOUTHEAST FLORIDA PROSPERITY PLAN UPDATE

Architect and Town Planner Andres Duany, principal of Duany Plater Zyberk and Partners, a town planning firm that together with Dover Kohl and Partners lead the Seven50 consultant team, presented an update to the Seven50 plan. Mr. Duany emphasized the following points:

- The need to create a plan that focuses on how others see the region. This is important in order to compete in a national and global environment. Within this context, Mr. Duany named a few regions, including Cascadia (Vancouver, Portland, and Seattle) that already have a regional plan and are successfully trading at a global level.
- The importance of creating economic development incentives, with a focus on reducing bureaucracy and cumbersome approvals to allow for increased investment and entrepreneurship.
- The region's geographic position within the center of the Caribbean basin, coupled with the advantage of having a seaport and major cargo airports highly coordinated. Mr. Duany described the opportunities that result from this coordination and strategic geographic area relative to trade with Central and South America, northeastern United States, the Mediterranean countries, and western Africa.

- The competition the region faces from countries like Panama, who are positioned similarly to Southeast Florida, but have aggressive economic development incentives already in place.
- The importance of furthering our education system, with a particular focus on addressing necessary issues to retain talent.
- The ease of developing a highly disciplined, first rate, multi-modal transportation system in this geographically constrained, linear region. This is key to allowing the ports, airports, hospitals, and colleges to work together.
- The importance of being prepared for unknown events.
- The concept of subsidiarity, which is the theory that decisions should be made by the smallest, most competent organization to ensure local decisions remain at the local level.

Mr. Duany talked about the history and tradition of regional planning in the United States since its inception. He highlighted the 1988 Stuart Downtown Master Plan and redevelopment process, and emphasized the importance to preserve our region's quality of life.

Mr. Duany concluded by emphasizing the Seven50 plan will identify issues of regional importance that need to be discussed, convene the necessary parties and levels of government, and have them talk to each other. Mr. Duany said the Seven50 plan does not have the ability to decide; it has the ability to convene. Existing levels of government will continue to make decisions.

Chairman O'Bryan asked for Council member questions and comments, noting they would all be heard then collectively addressed by Mr. Duany.

Councilwoman Gerwig asked how solar would fit as a component of alternative energy.

Commissioner Szerdi asked how the plan would address the issue of transit movement east to west.

Commissioner Taylor asked if the intention was for the regional planning council to adopt the plan, and how it will be implemented.

Mayor DuBois asked for an example of the ruthless capitalism that was referenced in the presentation. Additionally, he asked how this plan will be different and not end up on a shelf like previous plans.

Commissioner Solari stated he wanted to speak to the comment that the Tea Party is against planning. He indicated he has spent a lot of time with individuals who are against the Seven50 plan, and he has never heard it said that planning is not valuable. He stated that he believes the plan is inconsistent with the deeply held values of a majority of the people in Indian River County.

Commissioner Krauskopf inquired if it is too late to take advantage of the economic opportunities in the Caribbean, stating he recently traveled in the Caribbean and witnessed a strong Chinese financial presence.

With respect to the Caribbean and ruthless capitalism, Mr. Duany stated that he did not approve or disapprove of it, it was a fact. He noted High Point, North Carolina from his presentation as an example of how the Chinese were able to take over industry there. He stated that it is a ruthless

world and our competitors do not like us, so we cannot recede and must enter into the fray. He stated that he shares many of the same deeply held values as the Tea Party with respect to the policies of some governmental agencies, but the answer is not to ignore them, but interact with them to change their policies to be less oppressive.

Commissioner Solari stated that in West Chester County New York, they spent \$50 million re-writing their codes, but only when they sued the U.S. Department of Housing and Urban Development (HUD) were they able to institute changes.

Chairman O'Bryan stated that with respect to solar he would support a recommendation in the Seven50 plan to have increased amounts of renewable energy, such as solar, and then leave it to the local governments to decide how, or if, it gets implemented. He suggested this could be through methods such as solar fields or programs such as the Solar Energy Loan Fund.

Mr. Duany stated that solar would best be implemented locally on the houses, because the space required for the solar fields would be too expansive. He also noted that if the power is not going to be supplied by Florida Power and Light, then we would need trajectories for new power lines. He stated this was a good example of how subsidiarity works, because these decisions would need to be made at the state level in order to get implemented because there would be too much local opposition. He noted this also illustrates our inability to compete. In China, the process for permitting a solar field would be much easier and quicker than here.

Chairman O'Bryan stated that with respect to the east-west connectors, there will most likely be a broad policy of how to make those connectors more efficient, and then it will be up to either the metropolitan planning organization, or the local government to determine exactly how that goal will be implemented. With respect to Commissioner Taylor's question on adoption, he stated that will be driven at the local level, and will require the support of the local governing bodies.

Commissioner Szerdi noted that it is often difficult to address issues such as the east-west movement at the local level, and he is looking to this plan for guidance. Chairman O'Bryan stated that it is exactly what the plan will provide, recommendations on how to make those east-west connectors more efficient and user-friendly.

Councilmember Foley noted that the Seven50 executive committee is comprised of a cross-section from the counties of individuals representing governmental, public, and private entities. He stated he became a member because he wanted to be part of the solution and create a template to address the problems that are inevitably coming over the next fifty years.

Commissioner Taylor asked how the plan would be implemented, and if it is to be adopted then she stated the meetings should be held in the sunshine. Staff indicated that when the plan is finished, it will be circulated to the local governments, and regional and state agencies. The plan will be based on observations and trends from the data that is collected and analyzed and offer recommendations on how to address those trends and position this region to be more competitive in the future. Staff noted that all the meetings are advertised and open to the public. Staff noted that the next Seven50 Summit will be held at the Palm Beach County Convention Center on June 19-21, and will be open to the public.

Commissioner Johnson stated that he did not know if Seven50 was or was not the way to prepare, but he said that we are currently in the position to provide an opportunity for the generations that follow to be more successful than ourselves. He stated there will be three million more people moving to our region by 2030, and we need to have the infrastructure in place. He said that Florida has the ability and capacity to create a transportation system that is second to none. He stated we should take advantage of every opportunity to create a vision and plan for the future that is beneficial for all seven counties, while keeping home rule in place.

Councilmember Davis stated that with respect to property rights and values, if we do not have a plan in place to protect our natural resources, all property values will be diminished. He stated that Seven50 is an opportunity to create a framework for local governments and elected leaders to make decisions on a broader context, and he was puzzled by the opposition to the plan.

Commissioner Fielding stated his belief that the reason Martin County became involved in the project was to make sure that input from the county's perspective would be included, and the outcome of the plan would be in line with the county's goals and objectives. He said there is no question that the 6.2 million people in the region will be significantly impacted by the approximately three million people who will be moving here. He stated that not planning for these impacts is neglecting our responsibilities to plan and move forward with opportunities that will allow us to prosper and be an accelerating economy that provides good jobs, good schools, and good homes for all the residents. He stated that his understanding is that we are gathering information and data to provide to local governments so that decisions can be made more objectively with greater interactive awareness and be prepared to address common concerns and opportunities for the future. One issue under discussion is that of a fiber optic system for the region. Commissioner Fielding pointed out the changes in lifestyles and the increasing dependence on high capacity communications technology and the need to ensure we have the systems in place. He stated that the Seven50 process is very important because it is a forum for open discussion and allows differing perspectives on a lot of issues to be heard and discussed.

Under public comment, Ms. Larson expressed her concern that she attended a Seven50 meeting and felt that it was very limiting to only be allowed to provide two words to describe the current and future of the region. She stated it was difficult to listen to Mr. Duany's presentation. She stated that there were very important items on the agenda that needed to be addressed. With respect to deepening the ports, she stated that we need to become more self-sustaining and not import, but manufacture items here, which will provide more jobs. She agreed with Commissioner Taylor that all meetings need to be open to the public.

Ms. Durando stated that in China there is a law that is the most restricting, which prohibits families from having more than one child. She stated that would never be something that would be permitted in America. She asked everyone to read two books, one by Marjory Stoneman Douglas, and Uncle Tom's Cabin. She stated that there is a carrying capacity on the land, and it is not political. She stated there are certain things that need to be examined with transparency and honesty, and it is not the fact that we lack political will, it is the fact that we have not recognized truly what the problems are and that we cannot solve all of the problems.

Phyllis Frey stated that she is a retired airline pilot and has spent her life based upon facts and data, not myths or conjectures, translated into performance. She stated that this country has offered her

every opportunity. She indicated that she did not agree with Mr. Duany's perspectives. She stated she understands globalism and regionalism, and she believes regionalism never ends well, citing Moscow and China as examples. She noted that Mr. Duany does not represent the will of the people, questioning where the six million people are that will have one voice. She stated that Seven50 is comprised of 200 unelected bureaucrats who under regionalism will reengineer our communities in a way that is unwanted and unvetted by the public. She stated that she believes the truth is that the plan will have sustainable communities that consist of clusters of low income, high density population, HUD-stacked and packed high-rises with demographic quotas. She indicated she was offended that Seven50 is attempting to use regionalism to decide how and where she will live. She stated she believes this plan will replace the single family homes with tiny, compressed living spaces. She noted all of this will be done without the public's knowledge and consent, but with their tax dollars. She said that the planners are promoting a regional tax base sharing, which through extreme tax measures will directly redistribute the money to these sustainable communities. She indicated that Mr. Duany will use the false science of environmentalism and work with the Environmental Protection Agency through their regulations to eliminate individually controlled air conditioners, wasteful irrigated lawns, and cars because they are no longer sustainable under the plan. She said that we will all be living near mass transit in these sustainable communities next to the rail system. She indicated she believes these sustainable communities will not promote jobs, will create massive governmental dependency, and erode capitalism in the community. She stated Seven50 bypasses the U.S. Congress, contravenes the U.S. Constitution, circumvents the state level, and takes away the decision making of the locally elected officials. She stated that she is not a member of the Tea Party. She asked Mr. Duany who is paying his salary and how much he makes. She stated that America is broke, and not one rail system in America operates at a profit.

Mayor Golonka requested the Chairman to ask speakers to not direct comments at a specific individual, but to the content of the presentations.

Drew Martin stated he was not for or against the Seven50 plan, but if he did not know anything about the plan, after hearing the presentation, he would be against the plan. He indicated language used in the presentation was inflammatory and insulting. He stated he was concerned with a comment in the presentation that you need small groups to make all the decisions. He agreed with Commissioner Taylor that the process is unclear and the way it was presented will not get the support from the public. He stated he did not like the term "ruthless capitalism" because we support a free market system, which he believes is not ruthless. He concurred with Ms. Larson that we need to manufacture more products here in the United States.

Chairman O'Bryan thanked Mr. Duany for his presentation.

MEMORANDUM OF UNDERSTANDING FOR TRI-RAIL COASTAL LINK

Staff provided a brief overview of the memorandum of understanding which is an agreement between Council, the Palm Beach Metropolitan Planning Organization, Broward County Metropolitan Planning Organization, Miami-Dade Metropolitan Planning Organization, Southeast Florida Transportation Council, South Florida Regional Transportation Authority, Florida Department of Transportation, and the South Florida Regional Planning Council. This memorandum of understanding will streamline efforts to re-establish passenger rail service on the

Florida East Coast rail corridor in Palm Beach, Broward, and Miami-Dade counties, improve coordination, and provide greater transparency for the public.

Mayor Abrams stated the proposed Tri-Rail Coast Link service will focus on shortening the runs and providing shuttle service by extending the service to the eastern tracks so when passengers get off the train they will be in the downtowns, eliminating the need for driving to many of the downtowns along the corridor. He noted that Tri-Rail is a commuter service, not high speed rail, that provides transportation for thousands of passengers traveling to school and work each day. He stated that the economic payback of this project will be that more people will be able to get to work who might not otherwise be able to reach these destinations. Also, this system will create more job opportunities up and down the line, thereby allowing more people to become productive, tax paying citizens. Additionally, this will lessen the congestion on I-95. He thanked staff for the hard work in coordinating this effort and bridging the gap between the three counties.

Councilmember Foley moved approval of the Memorandum of Understanding establishing Tri-Rail Coastal Link Partnership. Commissioner Smith seconded the motion, which carried unanimously. **Motion**

ALL ABOARD FLORIDA PROJECT UPDATE

Staff provided a brief update on the project, which proposes an express inter-city passenger rail service on the FEC corridor with four stations in Miami, Fort Lauderdale, West Palm Beach, continuing north to Cocoa, and traveling along a new track that will be constructed along State Road 528, the Beachline Expressway, into the Orlando International Airport. Currently, an environmental impact analysis is being conducted, and staff referenced a draft letter attached to the agenda report with comments on the environmental impact statement. The letter supports the project and addresses several issues that have been raised by various local governments and agencies. Staff noted that although the letter had been transmitted to meet the comment deadline, Council members could offer suggestions or ideas to be added to the letter.

Under public comment, Ms. Durando stated she believes this is the most impactful thing that has ever happened to South Florida. She asked who will decide the fares and the schedules. She questioned if the project was to move people faster, or open up more land for more congestion and development. She asked if it would be elevated through any of the populated coastal areas. She also asked who will be responsible for the liability of the train system. She expressed concern there is a possibility that this rail line will cross the state and have extremely adverse environmental impacts.

Chairman O'Bryan noted that Ms. Durando's concerns were addressed in Council's letter. He stated that a majority of the tracks are currently in place, with additional tracking in the same right-of-way except in the corridor from Cocoa to Orlando, which will be done in the State Road 528 right-of-way, and is being coordinated with the state. He stated the proposed service will run between Miami and Orlando, be comprised of 15-16 trains per day, operating between six in the morning until nine at night. He noted that trains will not run through the night. He indicated that the private company proposing the project will be responsible for the liability.

Ms. Larson wondered why, since train stations in Florida were shut down in the sixties, we want to now have train stations. She said that you cannot compare the train systems of other areas such as New York or Philadelphia, with a train system in Florida. She stated she believes that we are

accommodating a rail system to accommodate the port we are deepening. She stated she is opposed to this because she does not believe we should be importing from other countries, because this takes away American jobs. She stated that not everyone will want to live near and travel by train, so she asked that Council to try to find a balance.

Commissioner Fielding moved approval of the draft Environmental Impact Statement scoping letter and authorized its transmittal to the Federal Railroad Administration. Mayor Golonka seconded the motion. **Motion**

Commissioner Fielding asked if the request for including conduit for fiber along the route was addressed. Chairman O'Bryan indicated it was in the letter.

Mayor Golonka thanked staff for all the work being done to get passenger rail service back to our region. She stated there is a lot of excitement and optimism for this in many of the communities on the east coast. A vote on the motion carried unanimously.

FLORIDA POWER & LIGHT COMPANY TEN YEAR POWER PLANT SITE PLAN 2013-2022

Staff summarized the Florida Power and Light (FPL) Ten Year Power Plant Site plan and noted that the draft report concludes that the ten year site plan is inconsistent with the Strategic Regional Policy Plan, Goal 9.1, Decrease vulnerability of the region, to fuel price increases and supply interruptions. The ten year site plan is inconsistent because it continues to predict heavy reliance on two primary fuel types, natural gas and nuclear fuel. The draft report recommends that FPL adopt a more balanced portfolio of fuels that includes a significant component of renewable energy sources. The draft report encourages FPL and the State of Florida to continue developing programs to reduce the reliance on fossil fuels as future energy sources, increase conservation activities to offset the need to construct new power plants, and increase reliance on renewable energy sources to produce electricity. Staff noted that correspondence from the Palm Beach County Department of Environmental Resources Management related to concerns with the development and operation of the Riviera Beach Energy Center is attached to the draft report.

Under public comment, Mr. Martin, representing the Sierra Club, stated his concern that we are not seeing improvement in the distributed energy approach. He stated we need to look to the future, which he believes means net metering. He stated he agreed with the staff recommendations and encouraged Council to emphasize the need to have individuals install solar on their rooftops and then sell that back to FPL to defer the costs.

Ms. Larson stated that at a previous Council meeting Mr. Nick Blount of Florida Power & Light stated that solar was not viable in Florida. She believes that is because they cannot make money from solar that is on individual rooftops. She indicated that if everyone had solar for just their hot water heaters, there would not be a need to build more power plants. She stated that the plant near her house in Loxahatchee is generating twelve million tons of pollution that lands there because there is no breeze. She indicated that a couple years ago putting a solar hot water heater on your house would have cost \$2,000, but now with reduced governmental subsidies, the cost has gone up to \$4,000. She noted that in 1976 the University of Delaware had a full solar house. She stated the

cost has incrementally risen, because the power companies do not want to lose money. She thanked staff for the recommendations for solar in the report.

Mayor Abrams asked if he could make a motion to approve the staff report since his principal member was no longer present. Mr. Saberson indicated that would be acceptable.

Mayor Abrams moved approval of the report and authorized its transmittal to the Florida Public Service Commission. Councilwoman Gerwig seconded the motion, which carried with Commissioner Valeche dissenting. **Motion**

MARTIN COUNTY COMPREHENSIVE PLAN AMENDMENT NO. 13-1ESR

Staff provided a brief overview of the proposed amendment package, which included three amendments to the future land use map, and two text amendments. Of the five amendments, only one text amendment drew significant comments from the public and was the subject of several comments in the draft report. The text amendment includes major changes to the narrative, goals, objectives and policies in Chapter 1, the Preamble; Chapter 2, Definitions; and Chapter 4, the Future Land Use Element of the Comprehensive Plan. The proposed changes can be characterized as strengthening the provisions of growth management. No objections to the proposed amendments have been received from other local governments or agencies and no extra-jurisdictional impacts have been identified. However, Council has received many letters from citizens and organizations both in favor and in opposition to the text amendments in Chapters 1, 2 and 4.

Staff indicated the draft report includes a detailed summary of the concerns expressed by two citizens, Lee Weberman and Kenneth Oertel. Mr. Weberman objected to the requirement of the super majority vote included in Chapters 1 and 2. These sections require super majority vote for both transmittal and adoption hearing on critical issues, including changes that would increase the four story height limit, add more than 15 units to the acre in any land use, expand the urban service district, increase negative impacts on the estuary, adversely affect the water supply, and several other issues. Mr. Weberman indicated that he believes that Martin County actions on the super majority vote are invalid. He would support an Attorney General's opinion on this issue.

Staff indicated that Mr. Oertel raised concerns that the proposed text changes in Chapters 1, 2 and 4 will adversely affect property rights to citizens and inhibit agricultural operations, commercial development, and industrial development. Mr. Oertel's letter also indicated that the proposed plan amendments seek to establish regulatory authority over subject matters that are outside the county's authority, usurp regulatory jurisdictions of the state agencies, and conflict with state law.

The draft report concludes that Mr. Weberman and Mr. Oertel raised a number of important concerns related to the text amendments and their consistency with Florida Statutes. However, regarding impacts to regional resources, no adverse effects on significant regional resources or facilities have been identified. The report concludes that the proposed amendments are consistent with the Strategic Regional Policy Plan and will further several regional goals, strategies, and policies that strengthen protection of natural resources and regional water bodies, and discourage sprawl type of development. The conclusion of the draft report also contains several comments for Martin County to consider, such as simplifying the plan by eliminating some duplicate language;

simplifying the policy language by transferring some of the details to the Land Development Regulations; defining the term “orderly expansion” consistent with what is in the SRPP; and adding exceptions to the shoreline protection zone within the community redevelopment areas. Staff also noted additional correspondence received after the draft report was completed. Staff recommended Council approve the draft report, along with the additional correspondence, and authorize its transmittal to Martin County and the Florida Department of Economic Opportunity.

Councilmember Brinkman noted that in the conclusion there is a statement that the Department of Economic Opportunity should address these issues in the state review. She asked if it was being assumed they would address these issues, or is this formal request. Staff indicated there are a number of important issues related to consistency with the Florida Statutes, and it is expected that the state will address these issues as part of their review.

Commissioner Fielding made a motion to attach the additional correspondence to the staff report and authorize its transmittal to Martin County and the Department of Economic Opportunity. Vice Chairman Mowery seconded the motion. **Motion**

Under public comment, Mr. Martin, representing the Sierra Club, stated he supported the proposed amendments and the comments of Ms. Melzer, and did not agree with the comments opposing the plan. He stated the amendments are good, and requested Council approve them. A vote on the motion carried with Commissioner Smith dissenting.

Michelle McGovern from Senator Nelson’s office greeted everyone and thanked Council for its continued work in the Treasure Coast Region. She noted that she is located in West Palm Beach, but is available throughout the region from Palm Beach to Vero Beach and all the communities around Lake Okeechobee to assist in any way.

ANNOUNCEMENTS

Jason King of Dover Kohl & Partners, and representing the Transect Code Council, announced that TCRPC will be presented with the 2013 Groves Award at the 21st Congress for the New Urbanism (CNU) in Salt Lake City on May 29, 2013. The award is named in honor of Ken Groves, the late planning director of the City of Montgomery, Alabama. As a result of Ken Groves’ leadership, Montgomery began its journey back to prominence and sustainability. The Groves Award is one of the CNU’s highest honors. The jury selected TCRPC because of this organization’s long term leadership in furthering regional knowledge of transect-based planning and coding. Included in TCRPC’s transect-based accomplishments are the Towns, Villages and Countryside Plan, adopted by St. Lucie County, and the transect-based code adopted in 2006. Mr. King stated that the jury wanted to specially recognize that since 1989 TCRPC has been providing town planning and urban design assistance to local governments in the region, and more recently, in other areas of the state.

Mr. Busha offered his appreciation to Council stating that this award is because of the free-thinking leadership of the Board over the last twenty years that has allowed staff to provide a list of services that are valuable to local governments and complement their planning activities.

COUNCIL MEMBER INFORMATION EXCHANGE

None.

STAFF COMMENT

Mr. Busha encouraged everyone to attend the upcoming Seven50 Summit at the Palm Beach County Convention Center June 19-21, 2013. He noted the summit will be three days of taking public input that will help the plan be more valuable and useful for local governments.

CHAIRMAN’S COMMENT

Chairman O’Bryan thanked everyone for their patience through the long meeting. He stressed the importance of getting input from everyone on the Seven50 plan.

ADJOURNMENT

There being no further business, Chairman O’Bryan adjourned the meeting at 12:35 p.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 May 17, 2013 meeting of the Treasure Coast Regional Planning Council.

Date

Signature

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on May 17, 20 13 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Urban Design Kilday Studios, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item 5.K. City of West Palm Beach No 13-1ESR
The firm I'm employed by is the agent for the application.

5-17-13
Date Filed

Joni Brinkman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.