

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
NOVEMBER 21, 2014**

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 Turner  
  Council Member Adams (Alternate)

Martin County:                 Commissioner Fielding  
  Commissioner Scott (Alternate)  
  Commissioner Krauskopf  
  Commissioner Thurlow-Lippisch (Alternate)

St. Lucie County:               Commissioner Perona

Palm Beach County:            Commissioner Valeche  
  Mayor Golonka  
  Councilman Hmara (Alternate)  
  Councilman Guyton (Alternate)  
  Councilman Norris (Alternate)

Gubernatorial Appointees:   Michael Davis  
  Michael Houston  
  Tobin Overdorf  
  Reece Parrish  
  Peter Sachs  
  Kelly Smallridge  
  Steven Weaver, Sr.

Ex-Officios:                    Lynda Westin, South Florida Regional Transportation Authority  
  Kathy LaMartina, South Florida Water Management District  
  Larry Hymowitz, Florida Department of Transportation

Council Staff:                 Michael Busha  
  Phyllis Castro  
  Kim DeLaney  
  Anthea Gianniotis  
  Liz Gulick  
  Stephanie Heidt  
  Peter Merritt  
  Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum is present.

### **AGENDA APPROVAL**

Chairman O'Bryan indicated the Nominating Committee had met prior to the Council meeting to recommend a slate of officers for 2015. He called for a motion to add this to the Agenda under Chairman's Comments. Commissioner Krauskopf moved approval of amending the agenda to consider the Nominating Committee recommendation. Mayor Golonka seconded the motion, which carried unanimously.

**Motion**

### **ANNOUNCEMENTS**

None.

### **CHAIRMAN'S COMMENTS**

Chairman O'Bryan stated that the Nominating Committee's recommendation for the 2015 slate of officers is as follows: Chairman – Commissioner Mowery; Vice Chairman – Councilmember Michael Davis; and Secretary/Treasurer – Commissioner Jacqui Thurlow-Lippisch

Commissioner Fielding moved approval of the recommended slate of officers. Councilmember Houston seconded the motion, which carried unanimously.

**Motion**

### **COUNCIL MEMBER UPDATE**

Commissioner Valeche stated that the Palm Beach County Board of County Commissioners (PBC BOCC) has taken a preliminary vote to leave the Treasure Coast Regional Planning Council (TCRPC) and join with the South Florida Regional Planning Council (SFRPC). He indicated since that time, most of the municipalities have either passed resolutions or written letters to the PBC BOCC affirming their commitment to stay with TCRPC. He noted that Council staff and Vice Chairman Mowery have met with the various commissioners and assembled a fact sheet and the pros and cons of the proposed move. He noted that the pluses far outweigh minuses, so he is hopeful that with the information provided and the fact that the municipalities do not want to move, the county will take a final vote to remain with TCRPC.

Chairman O'Bryan noted that Commissioners Taylor, Vana, and Burdick are not present, because they are attending the Florida Association of Counties legislative conference in Tampa Bay.

Councilman Hmara stated that the Village of Royal Palm Beach had adopted a resolution the previous day strongly opposing changing the membership from TCRPC. He updated Council members on the parcel of land the village has wanted to sell. He stated that the village has hired a realtor and they have put together a request for proposal on the parcel. He noted that the village has spent a lot of time developing a conceptual site plan, so there will be no uncertainty about what the village's intent is for the development of the property.

Councilman Guyton stated that the City of Riviera Beach has also forwarded a letter supporting staying with TCRPC and it is his hope the county will choose to remain with TCRPC. He noted that the marina development is moving forward with the demolition of the buildings completed, and a private developer has started negotiations with restaurants to locate in the marina.

Council Member Adams noted that the City of Sebastian held a workshop for residents to provide their comments on the All Aboard Florida (AAF) Draft Environmental Impact Statement (DEIS) in October. He noted the City will be submitting their response to the DEIS on December 2, 2014.

Commissioner Thurlow-Lippisch noted that the Town of Sewall's Point is relatively small with 850 homes, but half of those homes are located in flood zones. She stated that the town received a federal grant to raise twelve of the homes, which are located in a relatively affluent community. She noted that it has been controversial and difficult, but she stated it has also been interesting and offered her knowledge and experience to other Council members.

Councilman Norris indicated that the Village of North Palm Beach has also passed a resolution asking the county to reconsider their preliminary vote to leave TCRPC. He noted that the Village has a lot of redevelopment occurring in the U.S. 1 Corridor and thanked Council staff for their guidance and assistance in helping to make all those things occur.

Councilmember Houston offered his public congratulations to Governor Scott on his reelection.

Councilmember Sachs stated he has just returned from Tallahassee and the legislature appears to be very pleased with the Governor's re-election. He stated that he is also happy about his wife's re-election to the Florida Senate.

Mayor Golonka indicated that the U.S. Coast Guard held a hearing at the Town of Jupiter regarding the railroad bridges. She stated she was very impressed with the caliber of comments made at the meeting and believes the comments were very helpful in terms of pinpointing actual experiences boaters have had with the conditions of the bridge and difficulties with the dangerous currents there.

Councilmember Overdorf reported that Florida Atlantic University is traveling to the arctic to conduct a research study. He noted that a lot of the work is being done out of Harbor Branch, which makes this a true regional effort.

Chairman O'Bryan welcomed Councilmember Turner from the City of Vero Beach.

Commissioner Valeche invited everyone to the Boca Bowl, which will be held on December 23, 2014 in Palm Beach County.

Councilmember Davis stated that while he appreciates Commissioner Taylor's concerns about where Palm Beach County should reside in terms of planning councils, he is strongly opposed to the move and hopes that the PBC BOCC will read the information staff has put together and recognize the move would be a mistake.

Councilmember Sachs stated he concurs with Councilmember Davis' support of staying with TCRPC.

Chairman O'Bryan thanked all the Council members for their support of TCRPC. He noted that there has been a lot of dialog with the Palm Beach County commissioners, and he believes that staying with TCRPC is the best option for the county. He noted that staff has said that it is always good to look at what you are doing to ensure it makes the most sense, and from the dialog that has occurred it appears that the best option for the county is to stay with TCRPC.

Ms. LaMartina reminded Council members that the deadline for the solicitation by the water management district for their cooperative funding program for storm water, water quality, alternative water sources, and water conservation projects is today. She noted that upcoming meetings are: the Water Resources Advisory Commission (WRAC) on December 4<sup>th</sup>; a budget workshop on December 10<sup>th</sup>; the Governing Board meeting on December 11<sup>th</sup>; and a WRAC special recreational issues workshop on December 15<sup>th</sup>. All meetings will be held at the District's West Palm Beach headquarters.

Mr. Hymowitz indicated there have been two new appointments at the Florida Department of Transportation (FDOT) District 4. Stephen Braun has been promoted to Planning and Environmental Engineer, replacing Gus Schmidt; and Amy Goddeau has been promoted to Modal Development Administrator, replacing Nancy Ziegler.

Councilmember Smallridge reported there has been a tremendous amount of new development in Palm Beach County, especially construction in the area of mixed use. She indicated that there has been interest from logistic distribution and financial services companies primarily from the northeast that want to relocate to the county. She stated there are three distribution centers that are seriously considering moving to the county, with each of those creating 400 jobs and creating a significant taxable investment. She indicated that each of the facilities will cost approximately \$90-100 million.

Chairman O'Bryan recognized Representative Magar. Representative Magar indicated delegation meetings have been scheduled in both Martin and Palm Beach counties for individuals to present any local bills or issues. She stated she would provide the dates, times, and locations.

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

J.P. Sasser stated he represents One Florida Foundation, which advocates for a state-wide water policy, because they feel that is the best way to address all the water issues. He indicated that Council members are being asked to approve the proposed Martin County amendments based on no adverse effects on local resources, consistency with Council's Strategic Regional Policy Plan (SRPP), and consistency with the comprehensive plans of other local governments. He stated that with a quick read it passes all of those criteria, but septic tanks have a proven adverse effect when located adjacent to water sources, especially open water sources. He pointed out that the SRPP has not been updated in a decade. He also stated that the City of Stuart, Indian River County, St. Lucie County, and Palm Beach County are all moving away from septic tanks, because they recognize the problems they cause. He asked Council to consider sending the amendments back to the drawing board. He said that at the Martin County transmittal meeting, it was very clear and publicly stated that it is not about the health of the Indian River Lagoon or the St. Lucie River, it is about

controlling growth. He stated growth should be controlled by passing laws to control growth, not by avoiding septic tanks. He stated that you can have a rural lifestyle and still have sewer services.

Nyla Pipes with One Florida Foundation stated she wanted to dovetail Mr. Sasser's comments, noting their biggest concern is that the amendments go around the comprehensive plan when addressing the secondary urban service areas. She stated it will be years before the comprehensive plan is again looked at and re-written, and what could happen in the secondary urban service areas in the next decade bothers her. She noted that everyone else along the lagoon is being very proactive and working as hard as they can to get off septic tanks. She asked, on behalf of One Florida Foundation and all the other residents along the lagoon, to send this back to the drawing board to look at this particular issue.

### **CONSENT AGENDA**

Chairman O'Bryan indicated there is a request from Councilmember Overdorf to pull Consent Agenda Item 8F, Martin County Comprehensive Plan Amendment No. 14-2ESR, for discussion. Commissioner Fielding moved approval of the amended Consent Agenda. Councilman Norris **Motion** seconded the motion, which carried unanimously.

Items remaining on the Consent Agenda were: 8A, Financial Report - September 30, 2014; 8B, Minutes -October 17, 2014; 8C, Brownfields Cleanup Loan with the Fort Pierce Redevelopment Agency; 8D, Town of Cloud Lake Comprehensive Plan Amendment No. 14-1ESR; and 8E, City of Vero Beach Comprehensive Plan Amendment No. 14-1ESR.

### **MARTIN COUNTY COMPREHENSIVE PLAN AMENDMENT NO. 14-2ESR**

Councilmember Overdorf noted that Council reviews local comprehensive plan modifications to determine if the amendment has an adverse effect on regional resources and facilities identified in the SRPP, and the extrajurisdictional impacts that would be inconsistent with plans of other local government within the region. He stated that this amendment will affect the ability of multiple agricultural facilities, both large and small, to function, by reducing the opportunity to employ individuals in the region and the opportunity to farm existing agricultural lands. He said that it has been stated that this amendment is about the river and the environment; however there are zero provisions within the amendment to remove septic tanks from areas that may flow into the river and actually contains specific provisions that prohibit the extension of water and sewer to existing homes adjacent to the Loxahatchee River. He stated this amendment treats the landowner in western Martin County with over 600 acres the same as a landowner adjacent to the river with one-half acre, which does not make sense. He stated he is addressing this, because he cares about jobs in the region, being able to produce food locally, and both the Loxahatchee River and Indian River Lagoon. He noted that this amendment affects the entire region by restricting the ability of agricultural owners to use their land and does nothing to remove harmful sewage flows into our rivers. He asked Council members to implore Martin County to go back to the drawing board and re-write this amendment, and to realize the value of locally grown food, and truly do something good for the environment by taking septic tanks out and away from our rivers.

Councilman Guyton asked for the Martin County Commissioners to provide comments on the proposed amendment.

Commissioner Scott indicated that she voted in favor of transmittal of the amendment. She stated that there is no greener constituency than the people of Martin County, who whole-heartedly endorsed this and vote their will on this time and time again. She stated there is no paradox in this comprehensive plan amendment as the opponents want Council to believe. She stated that it is ironic that the pro-growth constituents use river protections and water quality to advance their interests. She stated that she is the commissioner who mentioned growth in the discussion at the transmittal hearing, and asked if anyone believes that growth and water quality are not intimately connected. She stated that the argument that sewer would be better for the environment in the secondary urban service district is in her opinion quite specious and is meant to detract from the real issue, which is environmental protection. She stated that Martin County is working hard to identify and address the septic problems, but not by opening up the county to further development. She said the county did well with the old comprehensive plan, which the commission is trying to restore. She stated that to say the amendment is economically unsound for the county is wrong, to say that it is environmentally paradoxical is wrong, and she asked that Council see the objections for what they are. She asked Council members to let Martin County continue to protect what they have from unrestrained growth, development, and the desecration of their natural resources.

Commissioner Fielding stated that the numbers reveal that Martin County has the fewest number of septic tanks of any of the surrounding counties. He stated that they are focused on trying to accomplish the removal of those systems and are developing a program that will not cause financial distress for the various communities. He indicated the county is moving forward on a consolidated effort with their community redevelopment areas (CRA) on projects for storm water, utilities, and engineering projects so that they might be more efficient. With respect to agriculture, he stated that his family has been in agriculture for a very long time, and that one of the things that is important for agriculture to be viable is the ability to afford to buy land. He stated the county is trying to support agriculture to make it a real venture, rather than a side hobby. He indicated that the Institute of Food and Agricultural Sciences at the University of Florida is engaged in forming a small farm market. He noted a farmer's market will occur soon at the Seminole Inn in Indiantown for local farmers to sell their products. He stated that if we want to expand production in small farms with various niche items, the way to do that is have a market.

Commissioner Scott indicated that when she was on Council several years ago representing the Town of Jupiter Island there were two Martin County commissioners that were in support of a project in the secondary urban service district known as Bridgewater. She stated that she watched as they persuaded Council that it was a good thing for Martin County to allow sewer and water to be run to that project. She stated that convinced her that having services in the secondary urban service district, then there is no urban service boundary. She stated in Martin County that protection is cherished and the current comprehensive plan amendment is consistent with that and does nothing to undermine it, which is what the opponents are trying to do.

Councilmember Overdorf stated that he is not using growth and did not use that word in his discussion. He stated that this is about existing landowners, not people who are trying to buy farms. He stated his primary concern is that the county is treating landowners that are on septic tanks and adjacent to the river the same way as large landowners. He stated he is just asking the Martin

County commission to go back and look at the waterways that are being affected by this decision. He stated that if they want to control growth that is their decision. However, he asked that they find a way to deal with the septic tanks on the river. He stated the commission has an opportunity to have locally grown agriculture from existing landowners, but they are being handcuffed by the inability to even have workers housed on their property. He stated that he believes this is against a landowner's rights under the Right to Farm Act. He stated he believes the county is setting itself up for a lawsuit or other action, and he would rather see protection for the river by using this opportunity to take septic tanks off the river. He noted that he is not the only one that believes this, stating that it has been said at previous Council meetings that septic tanks and rivers do not mix. He stated that he just wants to have a cleaner river and this is also an opportunity to have locally-grown food and allow the agricultural owners use the land they currently own.

Commissioner Fielding indicated that he has extensive experience with farming and one of the things that was fortunate for him was that labor was available locally. He stated that one of the main problems a farmer will face is if he houses the labor on-site. He stated that it is not with harshness that those concepts are retained, but rather with good will that the county looks at how to accomplish purpose without causing complications that just become untenable.

Commissioner Scott stated that she admires and respects Councilmember Overdorf in many ways, but they are on opposite sides of the ongoing political struggle in Martin County. She stated that Councilmember Overdorf is an appointee from Tallahassee, but she and Commissioner Fielding are elected representatives of the people of Martin County. She indicated that they have measured this, listened to the people, taken all the opposition into consideration, and voted to transmit this amendment because they believe it is in the best interest of not only Martin County, but the Treasure Coast and the State of Florida as well.

Commissioner Valeche noted that there have been concerns in the past with the St. Lucie River and the number of homes in Martin County on septic. He stated that he would like to see added to this the ultimate goal to get people off septic in the areas near the rivers. He suggested that the county could look at making agriculture and single-family homes two distinct entities. Commissioner Scott stated that one of the problems she has with Council's way of doing things is that complicated issues are brought up before Council and not all members fully understand what is occurring. She stated the current amendment is more complicated than it appears and is about two different things, the restoration of size limits on septic capacity and whether or not to expand urban services beyond the urban service boundary. In terms of septic, she stated the county is engaged and will have their strategic planning meeting in December where the issue of conversion of septic to sewer within the residential areas, and within the urban service district, will be a major focus.

Commissioner Solari stated he supports the Martin County commissioners and it always causes problems when Council tries to do too much with one specific issue. He stated he is willing to take the commissioners at their word that this is about the urban service boundaries, and this is the decision of the people and the commissioners of Martin County. He stated he supports the removal of all septic, but that is an extremely expensive process that all counties must address. Commissioner Solari moved approval of the staff recommendation. Commissioner Fielding seconded the motion.

**Motion**

Councilmember Weaver stated that Councilmember Overdorf has stated that the present comprehensive plan amendment does not address the septic tanks along the river. He asked if anything can be said to counter that observation. Commissioner Scott stated the statement is simply incorrect. Chairman O'Bryan indicated Martin County's comprehensive plan maintains a strong commitment for consistency with SRPP policies related to septic tanks and the protection of regional water bodies, and that staff has identified other areas of the comprehensive plan that address the septic tank issue. Staff noted the Martin County comprehensive plan identifies areas for removal of septic tanks, and they are developing plans within their CRAs, which are located along the lagoon and estuary systems.

Chairman O'Bryan thanked Mr. Overdorf for bringing this up for Council discussion. He stated that he believes that the fact that Council is a diverse group representing a lot of different jurisdictions and constituents, and these types of discussions add to the process, because different ideas can be discussed and debated. He stated what he enjoys most about local and regional bodies is that these discussions can occur in a professional and business-like manner. Upon being put to a vote, the motion carried with Councilmember Overdorf opposed.

### **ALL ABOARD FLORIDA DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Staff presented an overview of the AAF project and the DEIS process. Staff indicated that the conclusions contained in the staff report are that the AAF project represents the potential for significant improvements to the FEC railway and substantial impacts to the region's transportation network; land use patterns; natural, physical and social environment; and the economy. Staff noted that the DEIS does not provide sufficient data and analysis in several key areas for a thorough analysis at the regional land local levels. Staff reviewed broad recommendations from the report, which addresses data deficiencies and includes a more thorough analysis of project costs, benefits and mitigation measures and alternatives. Staff also noted the recommendation to establish stronger measures to mitigate local and regional concerns to provide a better balance among competing forms of transportation. Staff outlined specific recommendations to land use; transportation; marine navigation; transit systems; public safety; noise and vibration; hazardous materials and solid waste; historical and cultural resources; environmental justice; and economic conditions. Staff recommended that Council approve the report and authorize its transmittal to the Federal Railroad Administration (FRA) as part of the public record.

Chairman O'Bryan thanked staff for their hard work on reviewing the DEIS and producing a very detailed document in such a short time. He stated he would like to go through the report by category and called for Council member comments on land use.

Councilmember Davis stated he wants to make a general comment on the process. He indicated he supports the staff recommendations, but in his experience Council should not rely on the 30-day period before the final EIS. He stated that very little happens during this period and he recommends that Council request a meeting with the FRA to ensure they fully understand all the comments and recommendations before the final EIS is released.

Commissioner Valeche asked staff for an update on the status of AAF's private financing request, because he is concerned that the entire EIS process will be stopped if they announce next month that

they have secured financing and are withdrawing their Railroad Rehabilitation and Improvement Financing (RIFF) loan application. Staff indicated that two separate entities are involved with the financing for this project. The FRA is the agency that reviews the RIFF loan application, and the U.S. Department of Transportation (USDOT) deals with the private activity bonds (PAB). Staff stated that as long as the RIFF loan application is active, the EIS process must continue. If the RIFF loan application is withdrawn, the default review then for a PAB is divided amongst the various review agencies. Staff noted that the USDOT has indicated that before a PAB can be offered, regardless of whether there is an EIS or not, the issuance is contingent upon the permits being issued by all the relevant federal agencies. Staff noted that from review of the project, there does not appear to be any permits required for impacts on the bridges, because that activity is considered substantial rehabilitation and falls below the permit threshold. Staff indicated there have been requests for clarification of the process, but in the absence of the EIS it is a very scattered process.

Chairman O'Bryan stated that Indian River County's legal staff has looked into this as well and the authority to issue these tax-free bonds actually comes from the federal level, so it is their understanding that because of that federal level involvement, the National Environmental Policy Act (NEPA) process, and the EIS process, still apply. He indicated they are also trying to determine if the PABs can be legally used for this project, because there are specific limitations on how the money can be used. Those limitations do not include purchasing locomotive or passenger cars, or installation of new tracks.

Councilmember Davis clarified that the trigger for the requirement of a NEPA document is whether or not there is a federal action required, such as a permit or funding. He stated that with this project there is both. He stated the real question is what type of NEPA document is required. He stated that the requirement for an EIS is if there is significant federal action, which has already been determined, because they are requiring an EIS principally on the funding. He indicated that since the determination of significant has already been made, and the funding were to no longer be required, he is not sure the significance determination will still be made solely on the issue of federal permitting.

Councilmember Parrish asked if alternative station sites for the three northern counties have been selected. Staff indicated that over time each of the counties has participated in the Amtrak FEC corridor discussion and have locally identified station locations. However, there are different operating characteristics associated with Amtrak service and high-speed rail service, so there would need to be additional local discussions on where those stations would ultimately be located. Councilmember Parrish asked if the storage track location has been confirmed. Staff indicated that over time the location of a storage track has been shown in different locations. One location is through the Town of St. Lucie Village, which would eliminate access for residents getting into and out of the town when trains are stored there. Staff noted that other locations have been discussed by FECI, however those data are not part of the DEIS.

Councilman Guyton asked if a station site has been identified in Palm Beach County. Staff stated that the site has been selected in West Palm Beach, and FECI recently broke ground on that property and has additionally acquired adjacent property. Councilman Guyton asked if the property is public or private. Staff stated that FECI has acquired all the required property and submitted plans to the city, noting that the development of a railway station falls outside of local government review process. Staff indicated that the development of the station has already begun and there have been

closures of crossings at Datura and Evernia Streets, which is why the recommendation for a connector road is included in the staff report.

Commissioner Scott stated that Martin County staff also did a superb job at putting together their report in such a short period of time. She asked if anyone has synthesized all the reports that are being done by all the various local governments, and if it would be appropriate for Council to endorse and adopt the comments of all the member bodies. Staff indicated that one of the roles of the regional planning council is a clearinghouse for all the local government comments. All comments that are forwarded to the regional planning council are included in the Council report. Staff noted that since this project does run through the four counties of the region, Council may want to take Councilmember Davis's suggestion to organize all the particular issues and concerns into a single document and either as a group of elected officials and/or staff, take those comments directly to the FRA.

Commissioner Scott stated that there should be a comparison done to see if the reports are unified on any issues, noting that one of the things Martin County has identified is the problems with the safety of the bridges. She stated that synthesizing all the information will help to determine all the issues.

Chairman O'Bryan stated that Indian River County has also done a very comprehensive report. He said that he does not believe this is something that can be accomplished by the December 3<sup>rd</sup> deadline, but may be something that can be done before either the supplemental or final EIS is released. Commissioner Scott stated that she believes it would be more effective to have a loud voice at this point. Chairman O'Bryan stated that it is also effective to have hundreds of individual reports, rather than just one. Staff noted the two regional meetings that were conducted in October were to identify all the local issues that could be raised to the regional level.

Councilmember Overdorf asked Commissioner Krauskopf if a letter has ever been sent to Mr. Nicoletti from AAF regarding the parking spaces in the city and that the project would not be expanding into those spaces. Commissioner Krauskopf stated that to the best of his knowledge, that has only been communicated orally by AAF and no written statement has been received by the city.

Commissioner Krauskopf moved approval of the staff recommendation with the addition of requesting a meeting with the appropriate agencies to deliver not only Council's report, but a collection of local government reports and the alternatives noted by staff. He stated that he would also like to request a minimum 75-day review period for the final EIS similar to that which was granted for the DEIS. Councilmember Weaver seconded the motion.

**Motion**

Commissioner Solari stated that going to Washington D.C. is a good idea and staff could coordinate with the three county attorneys to compile a manageable presentation. Then individuals can be identified to present all the comments. Chairman O'Bryan noted that representatives from Indian River, Martin, and St. Lucie counties met regarding this project. He stated that they are planning to bring to their respective boards a request to organize a meeting sometime in January for the three commissions to get together. He stated that this might be a good time to invite the FRA here.

Councilmember Sachs asked why Palm Beach County was not included in the meeting. Chairman O'Bryan indicated that the three northern counties have all passed resolutions opposing the AAF

project. He stated that from everything that they have heard, West Palm Beach and Palm Beach County are in favor of the project. Commissioner Valeche said he would not go so far as to say that they are in favor of the project, they have just not discussed it as the other counties have. Chairman O'Bryan indicated that the three northern counties emphatically oppose the project and their discussions will be the process going forward to kill the project. He stated that he would welcome Palm Beach County's participation and apologized if he is mistaken regarding Palm Beach County's attitude toward the project.

Councilmember Sachs commended staff for producing an excellent report, noting that this is one of the best examples of why the Council should exist. He stated that this is an example of protecting an entire region and whether or not we oppose the project, he believes it is a mistake to focus on what may be happening on one street in one city. He stated that Council's strength is in knowing that we have done a comprehensive review and identified a lot of concerns. He stated he supports the motion and suggests that Council focus be regional and let the local issues be handled by the various local governments. He indicated that even if Palm Beach County is not exactly in agreement with the other counties, this is a great opportunity to work together. He added that it is not the time for Palm Beach County to be considering leaving this Council.

Mayor Golonka concurred that it would be good to include Palm Beach County in any discussion of the northern three counties. She stated that even within Palm Beach County there are different levels of concern between the northern, central, and southern portions of the county. She suggested adding a reference to the fact that the FRA should review the Coast Guard study when it is published as part of their analysis. She also suggested that a third-party structural analysis of the bridges should be provided. With respect to pedestrian and bicycle circulation, she noted there is discussion of fencing. She indicated that some of the communities have installed landscaping as a means to deter pedestrians and for beautification. She asked if there could be a recommendation that the local governments not be required to pay to lease the right-of-way for landscaping. With respect to noise and vibrations, Mayor Golonka noted that the Jupiter Medical Center is very close to the tracks, and she suggested that all medical centers along the rail corridor be evaluated.

Mayor Golonka asked for clarification of what staff means by taller, wider openings for the bridges. Staff noted that there have been concerns expressed regarding the possibility of raising the Loxahatchee River Bridge, which would require a long slope for freight trains and closure of grade crossings at either end of the bridge. Staff indicated that during a marine navigational meeting, the suggestion was made to widen the openings by moving pilings so that more boats could transit when the bridge is open or closed, and also narrowing the profile of the bridge itself. Staff stated that the recommendation is not to raise the height of the bridge, but to increase the aperture through which the boats travel.

Chairman O'Bryan clarified that the motion should include: clarification of the wording for the bridge openings; inclusion of a structural analysis of the existing bridges; a request that local governments not have to pay to lease the right-of-way for landscaping; and an evaluation of noise and vibration impacts for medical structures located near the railway. As the motion maker Commissioner Krauskopf agreed to these amendments. As the seconder of the motion, Councilmember Weaver also agreed.

Commissioner Fielding suggested that two alternatives that could be included in the report would be moving the service to either the CSX railway, or to the Turnpike. Staff indicated that those alternatives are presented in the DEIS, and were determined not appropriate for the provisions of this service. Commissioner Solari noted that a previous study that looked at passenger rail found that the FEC tracks were the worst choice and that the Turnpike and I-95 were significantly better options. He stated that the DEIS did not do a serious review of these alternatives, which he and all the citizens of Indian River County support as alternative routes. Chairman O'Bryan asked staff to rephrase the wording to strongly emphasize the need to go back and look at those alternatives.

Councilmember Davis stated that he supports the staff recommendations and the modifications made by Mayor Golonka. He indicated that as a general matter, he is supportive of AAF, which he believes could be good for the region. However, he stated that he has great concern, because he does not believe that the project will be successful without the support of the northern counties. He said that the issues need to be resolved and it is incumbent upon AAF to pay attention and seriously work to resolve these issues. He concurred with Councilmember Sachs that this is illustrative of the great value of regional planning and the regional planning council. He said that Council members should leave the meeting proud of their collaborative effort and for a moment taking off their municipal hats and looking at the concerns of the entire region.

Commissioner Thurlow-Lippisch indicated that she is struggling with the discussion, because the people she has come in contact with are completely against this project, yet it appears Council is in essence planning for it. She stated that is realistic, but she asked if there is any way for Council to incorporate the comments of local groups that are opposed to the project. Chairman O'Bryan noted that the staff report does include quite a few attachments of correspondence that has been received from the public. Staff noted that in addition to the report, there are supplemental packages that will be forwarded that contain an assemblage of correspondence and resolutions from local governments and agencies, and the public. Commissioner Thurlow-Lippisch asked if the public is aware that they can send their comments to Council. Staff indicated that from the abundance of communications that have been received, it would appear that the public is aware of this option.

Councilman Guyton indicated his support of the staff comments. He noted that there has been a diversity of opinions expressed with respect to this project, and because we live in a democracy we are all allowed to express our opinions. He stated that as an elected representative, if it is determined that this project will have a positive impact on his constituency, he will definitely support it. He indicated that the City of Riviera Beach is still doing their evaluation and have not taken an official position, but if it is determined it will benefit the city then he will be in full support, which does not dismiss the concerns of others that may be negatively impacted by the project.

Chairman O'Bryan thanked Councilman Guyton for his comment, stating that, as Councilmembers Sachs and Davis have expressed, Council members need to juggle multiple responsibilities, because they have to look at an issue one day from the local perspective, and then are asked to look at it from the regional perspective the next day. As with the discussion regarding the Martin County comprehensive plan amendments, he stated that it is good to have these discussions, express opinions, and be respectful of others.

Councilmember Weaver stated that the AAF project will have very few positive economic impacts for the northern three counties. He noted that there is one exception and that is the opportunity to raise the bridge at Taylor Creek.

Mayor Golonka stated that after listening to the concerns expressed by Council members, she would like to modify the opening sentence of the conclusion. She stated that the comment appears to be positive and suggested changing the wording to say that there will be negative or substantial impacts to the region.

Commissioner Valeche indicated he needed to leave and wanted to go on record as supporting the staff recommendations.

Under public comment, Mayor Abby Brennan from the Village of Tequesta thanked Mayor Golonka for her comments noting that they both share the same issues with the Loxahatchee River Bridge. She also thanked staff for a very balanced and comprehensive report. She stated that the Village of Tequesta is most concerned with the public safety issues and the potential for increased freight. She noted that in the village there are three exits to the east, and if a freight train is unable to get over the bridge all three exits are blocked. She stated that she had attended meetings regarding the project in both West Palm Beach and Stuart, and wanted to speak with the engineer who is in charge of the mechanisms of the bridge. She stated she wanted to try to understand the comments that they are making that an average 20 minutes crossing on the Loxahatchee River Bridge will be reduced to 12 minutes. She stated she was unable to talk to him, so she emailed Ali Soule of AAF to get the engineer's contact information, because the village has always taken the position that they are willing to work with FECI and AAF, especially regarding the safety issues. Ms. Soule sent a formal response saying she could not speak to the engineer and her alternatives are to either drive to the St. Lucie meeting and attempt to speak to him there, or put her questions in writing. Mayor Brennan indicated she did forward her comments in writing, but has not received a response. She stated that the village is attempting to work with AAF, but she is finding inconsistency with their concept of working together. She stated that she agrees with all the comments that have been expressed in the report.

John Walker of Jupiter thanked Mayor Golonka and all the Council members for their comments. He stated that he is in support of all the comments. He stated that he has background in this kind of work, and commended staff for their report. He stated that Commissioner Solari is on target with his strong recommendation regarding the alternatives that are being examined for passenger rail service going to the west. He stated this would also create increased benefits to the southern part of Palm Beach County and also for Miami-Dade and Broward counties. He indicated that if it is really important to have a good, fast rail system, then that system should be as good as possible and would be much more attractive to users if it went directly from West Palm Beach to Orlando. He stated that would address issues in the central and southern parts of county. He noted that there is little discussion in the staff report regarding local air quality issues. He stated that he was recently at a Town of Jupiter Council meeting and the town staff indicated that their modeling shows that Jupiter will experience 4,000-foot long traffic queues because of stoppages at the crossings on Indiantown Road. He said that this is almost a mile long traffic jam that will occur several times a day not only in Jupiter but throughout the county. He indicated that this creates a localized air quality issue when there is traffic idling and then accelerating, especially for diesel vehicles which produce the greatest amount of mutagenic and carcinogenic emissions. He stated that there is a lot of commercial

activity on Indiantown Road and other arterials, and there is no discussion of this in the DEIS. He asked if staff comments could include a very strong emphasis from this perspective.

Chairman O'Bryan provided the following summary of the motion: Submit the staff report with: a request for a face-to-face meeting with the appropriate FRA representation; have stronger wording to emphasize the alternate routes that were highlighted; request for a 75-day comment review of the final or supplemental EIS; an updated marine study should include the coast guard study; structural analysis of the bridges should be included; local governments should not be required to pay to lease the ROW for landscaping; in addition to the impact of vibrations on historical structures, vibration impacts to medical structures near the rail corridor also should be evaluated; insert the word "adverse" in the first sentence of the conclusion to read "substantial adverse impacts upon..."; and the traffic study should also look at the accumulated emissions when the traffic is backed-up and idling.

Commissioner Krauskopf and Councilmember Weaver agreed with the motion as presented. Upon being put to a vote, the motion carried unanimously.

### **PUBLIC COMMENT**

Mr. Sasser stated that he is speaking as the former Mayor of Pahokee and a lifetime resident of Palm Beach County. He stated he wants to address the discussion of Palm Beach County withdrawing from the TCRPC. He stated he has had the sincere pleasure of working with staff on several projects and he wishes to thank TCRPC for all their assistance to the City of Pahokee. He stated that at the October PBC BOCC meeting, the commissioners asked their staff to look into continuing with TCRPC. He stated one of the concerns expressed was that the interests were too diverse and the county should look to the SFRPC where the transportation demands, growth management and water issues are more in line with Palm Beach County. He stated that he wants to go on record saying that Palm Beach County should really consider this decision and consult with the cities. With respect to the Martin County comprehensive plan amendments, he stated the comment was made that the report will now be transmitted to the Florida Department of Economic Opportunity (FDEO) in Tallahassee. He stated that he was recently at a five-county regional meeting and it was made very clear that if the local governments do not clean up their septic tanks, FDEO will do it for them. He indicated that the caveat is that when they come in they take total control of the comprehensive plan and the local government will have no control over what happens. He stated he believes that when they receive the report, the message will be that it is now time for them to come to Martin County and clean up the septic tanks.

### **STAFF COMMENT**

Chairman O'Bryan noted Representative Magar's delegation meetings will be held in Martin County on December 8<sup>th</sup> from 9:00 am to noon at the Stuart City Chambers; and in Palm Beach County on December 15<sup>th</sup> from 2:00 pm – 5:00 pm at the Children's Services Council located at 2300 High Ridge Road in Boynton Beach.

**ADJOURNMENT**

There being no further business, Chairman O’Bryan adjourned the meeting at 11:53 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 November 21, 2014 meeting of the Treasure Coast Regional Planning Council.

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Date

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Signature