

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
MAY 16, 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  
  Mayor Adams  
  Councilmember Fletcher

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

St. Lucie County:               Commissioner Lewis  
  Commissioner Mowery  
  Commissioner Perona

Palm Beach County:            Mayor Taylor  
  Commissioner Valeche  
  Councilwoman Gerwig  
  Mayor DuBois  
  Mayor Golonka  
  Councilmember Brinkman  
  Vice Mayor Hmara (Alternate)  
  Councilman Guyton (Alternate)  
  Councilmember Tinsley (Alternate)  
  Councilman Norris (Alternate)

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

Ex-Officios:                    Gary Ritter, South Florida Water Management District  
  Lynda Westin, South Florida Regional Transportation Authority

Council Staff:                 Michael Busha  
  Phyllis Castro  
  Kim DeLaney  
  Anthea Gianniotis  
  Liz Gulick

Stephanie Heidt  
Dana Little  
Peter Merritt  
Barbara Stefancik  
Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum is present.

### **AGENDA APPROVAL**

Councilmember Fletcher moved approval of the Agenda. Commissioner Haddox seconded the **Motion** motion, which carried unanimously.

### **ANNOUNCEMENTS**

Staff noted that Council is conducting a public design workshop in the City of Boynton Beach on Saturday, May 17, 2014. Staff indicated the city is currently engaging with its citizens to explore redevelopment opportunities in their downtown area. Staff noted that Council has worked with the city since 1992, and Council members are encouraged to attend the workshop.

Staff noted an upcoming summit of the Urban Land Institute in Orlando on June 12-13, 2014. The summit, *Moving Florida Forward*, will provide attendees the opportunity to connect with experts and practitioners from real estate private practice, public sector, and academia in order to create sustainable, thriving communities.

Staff indicated that correspondence was provided with respect to the City of Fellsmere comprehensive plan amendments, which is on the consent agenda. Staff noted Indian River County is requesting to be provided the opportunity to review and comment on any proposed amendments to the Villages of Fellsmere development. Staff indicated the city has agreed to put a policy in their intergovernmental coordination element that the county and other adjacent local governments will be provided the opportunity to review any large development proposals in the city.

Staff noted that written public comments from John Walker regarding All Aboard Florida (AAF) have been distributed to Council members.

Staff indicated that a webpage has been developed on Council's website regarding the AAF project. The webpage contains the most current information about the project as well as reports, correspondence, documents, and a timeline for the Environmental Impact Statement (EIS) process.

Staff noted that Council's Urban Design Director, Dana Little, is leaving to take the position of Director of Planning and Zoning for the City of Delray Beach. Mr. Little has been with Council for over eleven years, and been an outstanding employee in moving Council's mission forward. Commissioner Smith asked if there could be a vote to not allow him to leave. Mr. Little stated that it has been a great pleasure and honor to work for Council. He stated he first began working with the

Council in 1992 in Tequesta, and since that time the mission has been unwavering, constant, and direct. He encouraged Council members to become more involved in Council's activities.

### **CHAIRMAN'S COMMENTS**

Chairman O'Bryan noted that for the last year Senator Negrón has worked extremely hard on the Lake Okeechobee releases and their impacts to the Indian River Lagoon. He stated that during the recent legislative session, Senator Negrón stood firm on his promise to fund projects to provide immediate relief to the impacts, and because of his efforts there is \$220 million in the budget that has been presented to the Governor for these projects. He asked that Council give consent to send a letter to the Governor asking him to fully fund all the lagoon projects in the budget.

Commissioner Fielding moved approval of sending a letter to Governor Scott in support of the funding for the lagoon projects. Vice Chairman Mowery seconded the motion, which carried unanimously. **Motion**

### **COUNCIL MEMBER UPDATE**

Commissioner Solari indicated he would provide comments under the AAF update. Commissioner Fielding noted that a meeting regarding this project was held the previous evening with the assistance of staff.

Vice Chairman Mowery indicated there is a recent circuit court decision that will allow for taxing of city-owned marinas. He stated that this will cause rippling effects as it relates to other municipal entities and municipal operations. Commissioner Perona stated that the City of Fort Pierce will be appealing the decision.

Commissioner Valeche stated that there was a recent Florida Department of Transportation (FDOT) meeting regarding the department's plan to raise PGA Boulevard between the C-18 Canal and the Beeline Highway. He noted that there is considerable opposition to this project. He indicated that the road is below the control level of the water in this area, so there is flooding during heavy rain events. Additionally, the project will improve the flow within the Loxahatchee Slough, which is on both the north and south sides of the road.

Councilman Guyton noted a recent citizen-approved initiative to allow private development on public land in the City of Riviera Beach. He stated that the vote passed with the support of seventy-three percent of the residents, was immediately challenged, and a judge ruled in the city's favor. He stated that now there is an appeal pending and the city is working through that process. However, the project for the city marina is moving forward and will be a regional destination point.

Councilwoman Gerwig indicated that Trader Joe's has opened a location in Wellington.

With respect to the FDOT meeting for PGA Boulevard, Council Member Tinsley stated it is her opinion that the contention and frustration from the residents is due to the fact that FDOT did not explain the options available and that the South Florida Water Management District (SFWMD) is raising the water levels adjacent to the boulevard, which will compromise the base of the road. She

stated the city will better explain the history at their Council meeting to help alleviate residents' concerns.

Commissioner Perona indicated that the City of Fort Pierce has just completed phase one of its Riverfront project. He stated the city spent \$20 million installing rock and sand in the river to mitigate storm surge. He noted that in phase two, which is currently underway, docks are being assembled in Jacksonville and will be barged to the city later this year. This will expand the marina and provide 250 slips and sheltered protection, which will be able to withstand up to a category three hurricane.

Councilmember Weaver noted that Fort Pierce is also benefitting from the first dredging of the inlet in many years, which will work toward reinvigorating the port.

Councilmember Overdorf stated that the Stuart Sailfish Regatta would be held on May 17<sup>th</sup> and 18<sup>th</sup> in Stuart. He noted that this is a regional, national, and international event. He thanked the Martin County Commission, the City of Stuart, the Martin County Fire Department, Martin County Sheriff's office, and the U.S. Coast Guard for all their assistance in organizing the event. He indicated that the event will feature several categories of racing, with boats traveling from 85-180 miles per hour. He estimated that local revenues from the event will be \$1.5 to 2 million. He provided information and flyers to Council members.

Chairman O'Bryan stated that in Vero Beach the previous weekend the U.S. Navy Blue Angels had performed. He noted that these pilots do two-year tours, and then return to active duty protecting our country. Commissioner Valeche indicated that during the national sequester, the Blue Angels performance had been suspended and expressed his pleasure that the program had been restored.

Gary Ritter, attending for ex-officio member Kathy LaMartina, stated he is the SFWMD Intergovernmental & Outreach Representative for the Okeechobee Service Center. He noted that the district's executive director is moving forward with completing projects. He stated that the Kissimmee River restoration project is in its final phase, and will allow more storage on that watershed and restore higher levels of water in the upper channel lakes, which directly impacts discharges from Lake Okeechobee. He noted that there is a public/private partnership in the Fisheating Creek basin for the Nicodemus Slough that will eventually store almost 64,000 acre feet of water. He indicated that other water storage projects underway are the Lakeside Ranch, which can store about 1,800-2,000 acre feet; and Nubbins Slough in Okeechobee County which holds 800 acre feet. Additionally, the district has another project on Lake Hicpochee to do spreader swales which will increase water storage in that watershed.

Chairman O'Bryan indicated Congressman Murphy would be arriving at 10:30.

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

Alexandria Larson stated she is concerned with the "locust situation" in the State of Florida. She said she is not picking on Delray Beach, but she is concerned that too much density is occurring in the eastern part of the county. She indicated that she read an article from the Smithsonian Institute about how concrete contributes to greenhouse gases. She stated that whether someone believes we have global warming or not, or if the sea level is going to rise, Florida is in a big load of trouble.

She stated that if a hurricane like Andrew were to hit in our area the winds would not be forgiving to these huge high rises and waterfront condos. She stated that we cannot do twenty-four units to the acre all the way to Lake Okeechobee. She indicated that the original use for the Constrained Roadways at a Lower Level of Service (CRALLS) designation was only intended to be used for Dixie Highway. However, now these roadway designations exist throughout the county. She asked for Council members to not allow developers too much density. She suggested that builders should have to put up surety bonds so that in ten years when there is flooding, the builder will have to assist the homeowners with mitigation.

### **CONSENT AGENDA**

Commissioner Krauskopf moved approval of the Consent Agenda. Commissioner Fielding **Motion** seconded the motion, which carried unanimously.

Items on the Consent Agenda were: 8A, Financial Report – March 31, 2014; 8B, Minutes – April 18, 2014; 8C, City of Delray Beach Comprehensive Plan Amendment No. 14-1ESR; and 8D, City of Fellsmere Comprehensive Plan Amendment No. 14-1ESR.

### **LAKE OKEECHOBEE UPDATE – PRESENTATION BY PAUL GRAY, AUDUBON FLORIDA EVERGLADES RESTORATION PROGRAM**

Dr. Paul Gray presented an update on Lake Okeechobee and discussed the current challenges with the Herbert Hoover Dike (HHD) rehabilitation, releases into the lagoons and estuaries, and controlling the phosphorus levels in our waterways. He noted a consensus report on the dike that was published in 2007 and total agreement of all the reviewing agencies that the safety of the dike cannot be guaranteed if the water level of the lake is above 17 feet. He indicated that although it is not desirable, during rainy seasons the Army Corps of Engineers (ACOE) must dump water from the lake as a matter of human health and safety. Dr. Gray stated that Audubon strongly supports repairing the dike so that higher water levels can be maintained and provide some relief to the estuaries and give some flexibility for emergency events. He noted that drainage is also an issue, and there needs to be more water caught upstream from the lake to maintain water levels. Also, we need to identify more areas for storing water so excessive dumping is not necessary.

Dr. Gray indicated phosphorus concentration is a major concern. He noted that phosphorus levels dropped in three drought years leading up to 2012. He stated the levels can also be reduced with lower flows and having cleaner water, which will show some short-term improvements. He stated that one of the challenges is that we have a really big legacy load of phosphorus that is in the watershed. Also, we are continually bringing in more phosphorus through fertilizers from farming. He indicated that the Florida Department of Environmental (DEP) is developing a Basin Management Action Plan to study issues such as fertilizer use, and how to do water farming.

Dr. Gray also noted that fixing the dike, the Central Everglades Planning Project (CEPP), the Kissimmee River Restoration project, reducing imports of phosphorus into the Okeechobee watershed, and distributed water management methods are all ways to mitigate the challenges we have with Lake Okeechobee and our estuaries.

## CONGRESSMAN PATRICK E. MURPHY

Chairman O'Bryan welcomed Congressman Murphy, noting that in February he attended a lagoon meeting in Indian River County with Congressman Murphy and asked him to give an update on what is happening in Washington related to Lake Okeechobee and the discharges in the lagoon. He indicated that since that time, there is the much more pressing federal issue of the AAF project, and the Congressman may want to speak to that issue.

Congressman Murphy thanked Chairman O'Bryan and Mr. Busha for inviting him to speak to Council. He noted that he had originally intended to talk about the jobs plan roll-out, which is successful because of the cooperation between local, state, and federal governments to align along the same initiative to grow our economy. He indicated that he would be happy to speak to the AAF project as well as CEPP and the Water Resources Development Act (WRDA), because there is a lot of confusion with these projects. He noted that the press has sensationalized a lot of what has been occurring in the last couple weeks and he wants to make sure there is clarity. With respect to the AAF project, he stated that there have been several meetings that he has attended, and he believes that as we are learning more about the project, there is a lot more concern. He noted that AAF representatives had attended a forum organized by Commissioner Fielding the previous evening. He stated that he understands that they did not answer many of the questions, deferring to the EIS that will be coming out soon. He stated that everyone is anxious for the EIS, but his gut feeling is that it will not provide many helpful answers. He stated that they have ignored the Treasure Coast and a lot of Palm Beach County, and all the benefits of the project will be for Miami and Orlando. He stated that as the representative in Washington for this region, he will do his best to make sure that all concerns are heard and addressed. He indicated that number one on his list of concerns is safety, and making sure that AAF meets the utmost safety standards. He stated that he met with Secretary Foxx a few weeks ago to address quite a few issues, and safety was one of the main ones discussed. He stated he does not believe that individuals in Washington understand our local communities, and they are visioning more densely populated areas such as Boston, New York, and Washington DC. He noted that those trains travel through industrial areas and through tunnels and bridges and it is a much different environment than we have here with our schools, restaurants, shopping, and the way of life of our communities enjoy all the way up the coast along the railway corridor. He reminded everyone that FEC has a 100 foot easement and in places like Stuart they can take away valuable parking. He stated local governments need to prepare for what could happen if that easement is taken away. He noted that we also want AAF to meet the guidelines of the Federal Railroad Administration with respect to safety.

Congressman Murphy stated that he is also very skeptical with respect to the increased revenues from the project that are being predicted for the area. He noted that there may be an increase in areas such as Miami and Orlando, but for the local areas there will be additional costs to upgrade quiet zones, and ongoing maintenance costs associated with higher speed trains. He stated AAF needs to be accountable for those costs. He also noted that we want to make sure that the noise pollution is at a minimum. Additionally, he stated that real estate values will be affected by not only the noise of the train horns, but also from the vibrations of the rumbling of the trains. He indicated that he continually hears of real estate sales being lost, or put on the back burner, because people do not know what is going to happen with the project.

Congressman Murphy noted that another important issue that needs to be addressed is with respect to the bridges. He stated that for many in the area our quality of life is based around our environment and our ability to go boating and out on the water whenever we choose. He indicated that the Loxahatchee and St. Lucie bridges are predicted to be down 30-45 minutes of every hour. He stated that we need to evaluate the number of boats going in and out of the inlets every day and he believes there is a really strong case with the coast guard, who will be going on tours of the inlet to assess the openings and how many boats are using these inlets. He noted there are safety concerns if several boats are backed up waiting for the bridges to open. Also of concern is the inability of emergency paramedics to be able to get to an accident east of the bridges. He stated that this is literally life and death for people. He stated there needs to be continued outcry from the community of all the concerns with the project. He indicated he will continue to raise his voice and shine a light on these issues, and encouraged everyone to continue to highlight concerns for their specific area.

With respect to the Railroad Rehabilitation & Improvement Financing (RIFF) loan for \$1.2 to 1.6 billion that AAF has applied for, Congressman Murphy stated we need to make sure that the review period for the draft EIS is extended, because we need as much time as possible. He indicated that not a single passenger train in our country has made its own money and all have required subsidization by either freight, real estate, or government. He stated that as taxpayers, we have to make sure that if the loan is granted, that the company will be able to repay. He indicated that his understanding is that AAF submits their loan request to the Federal Railroad Administration (FRA) of the U.S. Department of Transportation and it is then sent to a third party that independently reviews the application considering collateral, the time period, interest rates, and the amount of money being requested. He stated that it is unfortunate that there is no way anyone else, not even the chairman of the Transportation Committee, is able to see those documents. He noted that he understands that it is a private company and they have their own interests, but he believes it is important as taxpayers to have a chance to look at the documents, especially because of some of the failed loans that have occurred in recent history. He stated that even if it is not completely open to the public, there should be an independent committee that should analyze the numbers to see if the company can stand on its own two feet. He said that freight and real estate should not be subsidizing the project. He indicated that the worst case scenario would be that they are granted the loan, they build the passenger service and then in three to four years they default on the loan. He stated that this would leave the federal government with some passenger cars, and he questions what they could do with those.

Congressman Murphy noted that the company has real estate and several acres of land that they are developing, and we all know that the Panama Canal is expanding, which is obviously going to lead to more freight coming through Florida. He stated this freight does not need to be coming through the easternmost tracks. He stated that it makes sense that the vision for Florida and development in the next ten to fifty years should be freight traveling on the western tracks of the CSX, regardless of whether AAF is to occur. He indicated that we are not going to be able to stop the expansions of Port Everglades and the Port of Miami, but if shipping cargo back and forth is going to occur, it needs to be done to the west so it does not disrupt all the traffic and commercial activities of our communities.

Congressman Murphy stated that we are all anxious to see the EIS, engineering reports and any financial information. He indicated this will be occurring over the next several months and he

stressed the importance of the community working together and continuing to voice and highlight all the concerns with this project. He stated that it is important to have a strong, united message, because having thousands of signatures will be more powerful than only a few.

Congressman Murphy stated there is a lot of confusion regarding WRDA. He indicated that this water bill, which Congress recently passed for the first time in seven years, is a really big win for our community. He noted that the bill includes the authorization of four key projects that amount to \$1 billion. The projects will clean, filter, and send water south. He noted that one of the concerns is that the SFWMD is getting ahead of the federal government. This bill frees up \$400 million to the SFWMD to move ahead on some of their projects. Also, WRDA will clean up some of the red tape and bureaucracy, and allow for better agency communication. He indicated that there has been a lot of work done with Senator Nelson and all the state representatives, and strong support from both sides of the aisle.

With respect to CEPP, Congressman Murphy indicated that this is a \$1.9 billion project that will not begin for fifteen years, because there is a certain sequence of events that must occur. There was a push to include CEPP in the current water bill, however that was not successful. He noted that CEPP will be included in the next water bill, and that should not affect its expected completion date. He stated that everyone needs to stay focused on the importance of these water projects. He indicated that he has been working with Congressman Rooney to have the Kissimmee project completed. This will allow more water to be stored up north and the flow to the lake to be lessened. He also indicated that things are progressing with the C-44 and Ten Mile Creek projects. He noted that none of these projects are cure-alls, however they all add up to make a difference at the end of the day, and every gallon of dirty water that we can prevent from going into the estuaries is a win. He indicated that when the Ten Mile Creek project is finished, it will be put into the hands of the SFWMD. He noted that there are a lot of other projects that have been going on for years, and there are efforts to realign the ACOE and SFWMD to get the most efficient and effective projects done and plan for the future. He stated that there needs to be focus on the projects that will have an immediate impact, because the region's economy is based on the local environment and quality of life. He stated that he is working in Washington to make that connection, whether it is beach renourishment, inlet dredging, or preventing harmful discharges, because all those things have a direct correlation to our local economy. He stated that every dollar spent on beach renourishment comes back ten to one, and every dollar spent on Everglades restoration comes back three to one to our economy. He stated that these types of projects provide good returns and are smart investments.

Congressman Murphy stated that it has been an honor to serve for the past sixteen months, and he has enjoyed getting to know and work with everyone in the region. He noted that he is ranked in the top five percent of most independent voters in Congress, and that he does not look at any legislation and do what the party leaders say, but assesses it in terms of how it is going to affect our community, the state, and the country. He stated that he will continue to counsel with everyone to listen and get advice, because elected officials need to do a better job of working together and listening to their constituents. He thanked Council for the opportunity to speak and offered to answer any questions.

Chairman O'Bryan thanked Congressman Murphy and called for Council member questions.

Commissioner Smith thanked Congressman Murphy and noted that Senator Nelson's representative was also present. He indicated that when the study on the dike was initially done following Hurricane Katrina, it was rated as one of the worst dikes in the nation, and received a lot of attention from the federal government. Unfortunately, what has happened through the years is that progress has been made and the percentage rate of failure has decreased, so the attention to continue with the project has waned. He noted that fixing the dike should remain our number one priority. He thanked Congressman Murphy and Senator Nelson for all their assistance.

Congressman Murphy agreed with Commissioner Smith, stating that it is important to keep educating everyone on the importance of repairing the dike. He noted that the HHD is at the bottom ten percent of all dikes in the country as to its susceptibility for failure. He stated that it is the second largest lake in the continental United States and that if it were to breach, it would be a disaster for all of south Florida. He indicated that the number one mission of the ACOE is to protect everyone against a possible breach. He noted that there have been calls to have the SFWMD manage the dike, but the district has indicated that is not something they want to do. He noted that the ACOE and SFWMD are continually consulting on the discharge schedule. He stated that the ACOE has been asked to re-evaluate the schedule in light of the rehabilitation that has been done in the last decade on culverts and strengthening the dike. However, he stated that it is only as strong as the weakest link, and that until it is completely done, the ACOE does not believe that more water levels can be increased. He stated that he has asked the ACOE to do an engineering study to determine if more water can be held, especially during the rainy season, because even an extra six inches could make a very big difference. He stated that we have to keep our foot on the gas and keep appropriations coming to get the dike in the condition that it should be.

Councilwoman Gerwig asked who will be reviewing the RIFF loan, and if there is any Congressional oversight on the loan request. Congressman Murphy indicated that the U.S. Department of Transportation, Secretary Foxx, and the FRA have complete control over the loan approval process. He stated that there is no vote in Congress, but he believes that by applying for the RIFF loan it has opened up doors to Congress being able to raise some concerns with the project. He indicated that when the AAF project was first proposed, it was to be done with all private money. However, with the loan request it is clearly not just private money. He estimated that the loan will be forty to fifty percent of the total investment. He noted that the state has made a \$213 million investment in the hub being built at the Orlando Airport. He stated that this hub is to have four tenants, but currently AAF is the only one. He stated that although the loan decision is at the cabinet level and Congress does not have a vote, they will keep meeting with Secretary Foxx and sending him all the local concerns. With respect to the project switching to the CSX line, Councilwoman Gerwig asked if that would need to be initiated by FEC. Congressman Murphy stated that there are two private companies, CSX and then Fortress, which owns AAF and FECI, and they are competing companies. He indicated that concerns him, because with the upgrades that are being done for the proposed passenger rail, FEC will now be able to run freight at a higher speed, which gives them a competitive advantage over CSX. He stated they will be able to tell their customers that they can run freight at 40 mph instead of 25 mph, which will mean longer and more trains. He stated that he believes that if there is ever a time for there to be a deal between the two companies, it would be now. Councilwoman Gerwig asked if that could be done through loan control. Congressman Murphy indicated that there is no precedent for this, but the more active we are at raising concerns and trying to get stipulations and educate individuals such as the governor, president, and Secretary Foxx, the better off we will be down the road.

Chairman O'Bryan stated that he understands the confidentiality because this is a private business, but he asked if it was possible to know the third party that is doing the underwriting and if they have experience with billion dollar loans. He also suggested that we should be able to demand that the collateral that is offered for the loan be liquid, marketable, and must have excess value of the project. He stated that putting up passenger trains or tracks and easement as collateral for a passenger project that fails does not have much value. Congressman Murphy agreed. He stated it is his understanding that Deloitte and Touche, one of the largest accounting firms in the world, will be doing the loan review. He stated his understanding from Secretary Foxx is that it basically goes to a lock box and the entire process is completely confidential. He stated that he believes that if the number of trains being proposed were to change, that would throw off the loan financials and projections. He stated that Congress does not have any say, but we need to keep interjecting ourselves and make sure that all the parties involved understand the local concerns.

Mayor Golonka stated that with respect to the CSX, one of the very important recommendations that came out of Council's comments is the condition that a freight rationalization study be done that would look at all freight coming out of the ports, and not only for rail. She indicated that we need to push the State, where a framework for these studies is currently being done, to look at different regions for issues of how to transport freight in the future and improve the transportation system. She stated we need to use this as a chance to lobby the state and federal government, because this loan is our only opportunity to provide input. She thanked Congressman Murphy for his efforts on this project.

Commissioner Krauskopf thanked Congressman Murphy and stated that he believes the most effective and sobering thing would be if a requirement could be made for first subordination of physical assets, other than trains. He stated this will immediately indicate if AAF is serious about fulfilling their requirements.

Vice Mayor Hmara thanked Congressman Murphy for his efforts with the Federal Emergency Management Agency (FEMA) flood maps. He noted that there has been a lot of collaborate work at the municipal and county levels on this issue and asked if there is any updated information. Congressman Murphy stated that there is no current updated information. He indicated that the Biggert-Waters bill that passed several years ago addressed the \$27 billion debt in the flood program, but did not make sure that there was a affordability study and remapping. What occurred is 3,000 to 4,000 percent increases in insurance premiums, but due to public outcry, fixes were done, and there is now a cap of 18 percent on increases. Congressman Murphy stated he continues to push for remapping and addressing issues such as second homes and commercial properties to make sure that the rates cannot hamper our economy or real estate markets. He stated the remapping will take some time, and we have to make sure that FEMA, the state, and local agencies work together. He indicated that FEMA uses maps that are fifty years old, when most of Florida was not even developed. He noted that a recently introduced bill will allow the private sector to enter into the market, and he believes that competition is critical in order to keep costs down. He stated there have also been efforts to get a companion bill in the Senate.

Chairman O'Bryan thanked Congressman Murphy for taking time to speak to Council and address the AAF project and the communities concerns about safety, quality of life, impacts to the marine industry, financial issue of the loan and freight. He indicated that the update on WRDA and getting

the money to move forward with water-related projects is appreciated, because this is a very important issue for our region.

**LAKE OKEECHOBEE UPDATE – PRESENTATION BY PAUL GRAY,  
AUDUBON FLORIDA EVERGLADES RESTORATION PROGRAM (continued)**

Commissioner Smith stated that we need to collectively stay focused on the rehabilitation of the dike. He asked Dr. Gray to comment on the restoration with the Kissimmee River and the reduction of phosphate levels. He asked if there is a corollary between what has occurred thus far and what we expect to be happening with the rest of the restoration. Dr. Gray indicated there has been a little reduction, but there probably will not be much, because most of the nutrients that get into the Kissimmee River go to the bottom of the river. He noted that the water coming out of Lake Kissimmee is actually of good quality, so it is expected that the river will remove some of the nutrients. However, this will not have much of an effect on Lake Okeechobee. Dr. Gray noted that once the project is done, it will give another 100,000 acre feet of storage in the system. He stated they are going to raise the Kissimmee lakes, and the floodplain will be full with a week's worth of harmful dumps, so incrementally the project will help. He noted that when the water comes out of Lake Kissimmee it is usually about 70 or 80 parts per billion, and by the time it gets into Lake Okeechobee it is about 180 parts per billion, so most of that comes from the lower part of the river, below the restoration area.

Councilmember Weaver asked if the private property owners considering participating in the water farming should be worried about the sediment fallout and the potential for this legacy phosphorus to have long-term effects on their properties. Dr. Gray indicated that the water farming project is a distributed water management effort that is new and this is one of the questions. He stated that they have found that when water is stored on property, usually they do not get a phosphorus reduction in their water quality, so usually they are just paid to store the water and keep it out of the waterways. He stated that they are still determining if a polluted property can then take up nutrients because it is saturated, and when the property is no longer used for farming, will it then be a nutrient source as well. Councilmember Weaver asked if the concept of water farming without all the information is risky. Dr. Gray said that the good thing is that we are still doing pilot projects, so they are still learning from these first projects and will be doing modeling to determine the results and costs of water farming. Councilmember Weaver stated it is his understanding that Dr. Gray felt we still need the dike, even though his presentation indicated the intent to return the flow out of Lake Okeechobee back to its historic flow. Dr. Gray indicated that it is important to have a safe dike, in that way there is more management flexibility with the lake. He stated that as much as we would like to think of the lake as an eco-system, it is our biggest water management feature and we need it for flood control during hurricanes and droughts.

Commissioner Valeche asked if anyone has surveyed and determined if subsidence is occurring, especially in the Everglades Agricultural Area (EAA). If not, does CEPP contemplate all the pumps and other devices that would need to be built to restore the southward flow. Dr. Gray indicated that the EAA is composed mostly of organic soils that form under the water. He stated that when this dries out decay begins and that currently the EAA along the southern rim of the lake is roughly a ten foot elevation, which is down from its original twenty feet. He stated that the lake is at fifteen feet, so there is a five foot head. To the south, Water Containment Area 3 (WCA3) is a bit higher than the EAA, so when water is taken out of the EAA, they need to use pumps. He stated this is a costly

engineering issue. Commissioner Valeche asked if there is going to be a surprise when the flow is restored and then it is realized that there needs to be massive pump structures. Dr. Gray stated that it should not be a surprise, because there will just be water storage there, and if the bottom drops lower, this will just allow for more storage. Commissioner Valeche stated some engineering needs to be done to not just store the water, but to keep it flowing. Dr. Gray stated that is correct. He indicated that now the water goes to the WCA3 through Storage Treatment Area 3/4. He stated that another reservoir is proposed to be built that will mostly do pumping, since the restoration of the movement will need to be done artificially, because the elevations have changed.

Councilwoman Gerwig asked what the optimal water level is for the lake in terms of commercial, recreation, and fishing, and how does that relate to the current level. Dr. Gray indicated the optimal level for the lake is between 12.5 and 15.5 feet. He stated that we really want to be within six inches of that, or 12 to 16 feet, depending on the season. He stated that below 12 feet there are navigational problems with the boats and boat ramps, and above 16 feet we start drowning out the plant community. Councilwoman Gerwig asked who is responsible for the maintenance of the dike. Dr. Gray indicated that the ACOE owns the dike and is solely responsible for its maintenance. He noted that the most likely failure would be a leak that eroded and dropped the dike. Hurricane surges are also a concern, but less of a threat than having the lake really deep and have leaks develop. He stated that the ACOE is responsible for finding and patching leaks, which essentially saves the dike. He noted the ACOE is currently doing a safety study that should be out this summer.

Councilmember Houston requested that Dr. Gray's presentation be made available on Council's website. He stated that one of the things in the presentation that is disturbing is that the phosphorus levels continue to increase and questioned why this is happening. He asked if it is related to agriculture, crop changes, or different use of phosphorus. Dr. Gray stated with agriculture there is a build-up over time and we cannot tell the farmers to quit fertilizing, because then they will not be able to grow their crops. He stated that we need to find ways to contain the nutrients on the farms, noting that one project was to construct a dike around dairies in order to keep the nutrients on-site and not go into the waterways. He stated that this is still very new and expensive, but they are still doing research and studying how to use this type of technology. Councilmember Houston stated that he has heard from those in agriculture that there are more effective ways to apply phosphorus that limits spread. He asked if this has made a difference. Dr. Gray noted that the net import has been decreasing over the past two decades, so it is more efficient in a lot of ways. Also, the cattle ranchers have learned that they really do not need to use phosphorus. Dr. Gray noted that it is not only agriculture, but cities also have waste streams, and a lot of nutrients from solid waste also get dumped into the watershed. He noted there are efforts to start making energy out of the solid waste.

Chairman O'Bryan indicated that although this is not an action item, he would allow public comment that is specific to the update and presentation.

Michelle McGovern from Senator Nelson's office stated she had prepared to give an update on WRDA, however since Congressman Murphy provided information she indicated she concurs with his statements. She noted that the water bill on the Senate side is in committee, and details of the proceedings could be accessed on the Senate website. She reported that Senator Nelson had a successful hearing on sea level rise. With respect to the dike, Ms. McGovern stated that the this was proposed to be a twenty-year project, and to answer Commissioner Smith regarding the priority of the dike, the Senator's office would like for this to remain a priority, but the reality is that priority is

based on safety risk. Although the HHD is considered one of the riskiest structures in the country, as rehabilitation continues the rating may go down. She stated that the dike rehabilitation and the Everglades are Senator Nelson's number one priority.

Ms. Larson stated she attends meetings at the water management district and DEP and wished to talk about Lake Okeechobee and some of the reasons why it has so much phosphorus. She stated that the reason the levels have continued to rise is that we all have waste streams, and we do things like ocean outfall, and now they want to do deep well injection. She stated she is concerned with water farming, because the farmers are polluting the water and now we are paying them a lot of money to keep water on their land, but eventually that water will be released. She stated this should concern everyone, because this is done with tax payer money. She said this is a pilot project, with no science behind it, and yet we are holding water that is very laden with all kinds of nutrients. She said we need to start thinking out of the box. She indicated that Palm Beach County wants to build a reservoir and sell water to Broward and Miami-Dade counties, but she questions what will happen when Palm Beach County runs out of water. She stated that she has been coming to Council meetings for twelve years to present information. She encouraged Council members, as leaders of their communities, to go to the water management district and ACOE meetings to listen and learn. She expressed concern regarding the public comment part of the Council meetings.

Drew Martin indicated that he is with the Loxahatchee Group of the Sierra Club, and also serves on the Palm Beach Soil and Water Conservation District. He indicated that he is not speaking on behalf of the district. He stated that he really appreciated Dr. Gray's presentation, calling him a great steward of the Everglades. He stated he supports what Dr. Gray does to protect the environment for the bird population, because bird watching is a large economic driver and attracts a large number of tourists to Florida. He noted a recent science meeting he attended where a presentation was done with respect to a group of scientists from the University of Florida who are working on the idea of phosphorus uptake. He said they are learning that you can use a lot less phosphorus, which is really important, because there is currently 1,000 square miles of dead zone in the Gulf of Mexico because of our excessive use. He stated these scientists are looking at best management practices, which they are continually working to improve, however the improvements are not occurring fast enough. He also noted that the use of septic tanks by individuals living on the lake and in the tri-city area of Palm Beach County are producing a lot of sewage that is contributing to the problems. He stated the subsidence that Commissioner Valeche mentioned is a huge issue and no matter how much we fix the dike, we will continue to let land subside, creating a huge differential. He said that one of the big problems is what has happened with the Kissimmee River. He indicated that there have been changes in Orlando that have caused water to flow much quicker, and if you have a huge head of water rushing down into the lake no matter how solid the dike is there will eventually be a breach. He said that every environmental factor needs to be addressed, because just fixing the dike will not solve all the problems that may occur with a catastrophic event.

J.P. Sasser stated he is very offended with the comment by Mr. Martin with respect to the central sewer systems in the Glades region. He said that Palm Beach County has spent a great deal of money to correct all the problems, unlike Martin County that has over 40,000 septic tanks located on the Indian River Lagoon and are taking no steps to correct their problems. He said that in Martin County's latest land use plan it is stated that they accept the responsibility for the algae bloom in the lagoon during the summer of 2013 due to the short-comings of their septic systems. With respect to the AAF project, he noted there is a lot of focus being put on the widening of the Panama Canal. He

stated the least expensive way to ship freight is on large container ships. He asked why they would go from the Panama Canal to Florida to unload freight and then use expensive trucks and trains to continue up the east coast. He said companies are looking to use the widening of the canal as an opportunity to make money, and he believes AAF is one of those companies. He stated that Dr. Gray is the only person who is providing all the facts with respect to the Indian River Lagoon and the whole water system. He indicated it took over 100 years for us to create the problems and hopefully it will not take that long to correct it. He stated he attends a lot of meetings and gave Council credit for all its wonderful work.

Commissioner Fielding stated that what was said regarding Martin County is not generally accepted as factual.

### **ALL ABOARD FLORIDA UPDATE**

Staff provided an update on the AAF project and presented a list of the subject areas that should be considered in the EIS process. Staff recommended that Council approve the following actions: 1) prepare correspondence to Florida East Coast Industries requesting data related to corporate structure, engineering, financial, and economic details similar to those raised by Indian River County in its correspondence dated April 10, 2014; 2) prepare correspondence to Governor Scott and local governments in the region requesting appeals to the Federal Railroad Administration to extend the public comment period for the draft Environmental Impact Statement from 45 to 90 days; 3) prepare correspondence to Florida Department of Transportation requesting implementation of the safety recommendations as described in the Federal Railroad Administration On-Site Engineering Field Report, Part I; 4) coordinate a regional workshop, following initial local government reviews of the draft Environmental Impact Statement, with the Federal Railroad Administration and relevant federal agencies; and 5) prepare correspondence to the Federal Railroad Administration as an addendum to Council's previous correspondence, highlighting the proposed impacts to the Town of St. Lucie Village and identifying potential mitigation measures.

Chairman O'Bryan noted that AAF has indicated they are willing to increase the public meetings from six to eight. However, it is his understanding that the meetings will not be for public dialog and comments will be submitted in written format.

Commissioner Solari asked if the fare structure is being set so it is not less than what is needed to pay back the loan. Staff indicated there is language in a non-compete agreement between AAF and Tri-Rail that the fares will be no less than what is established by the FRA to meet the minimum obligation under the RIFF loan. Commissioner Solari stated he did not understand how a business can go forward with a fare structure that is not based on a marketing plan. He stated it makes no financial sense to basically plug in a number based on the needs of covering the loan. Staff indicated that once a signed copy of the non-compete agreement is received, it will be forwarded to Council members.

Councilmember Weaver asked if staff has analyzed the reported proposed ridership levels to see if they are realistic. Staff indicated that although this data has been requested, it has not been released by FECL. Councilmember Weaver noted that the EIS process does not really address the financial impacts to the communities. He asked if there will ever be a chance to review both the positive and negative financial impacts of the project. Staff stated that it is hopeful that Congressional attention

to this project will open doors to issues beyond what is required in the EIS process. It was noted that the EIS process comes from the National Environmental Policy Act, and does not address the economics of proposed projects. However, the EIS process does give the opportunity for broader dialog, and with congressional and legislative attention, perhaps more doors will be open that otherwise would not exist. Councilmember Weaver stated that if the ridership levels that are reported are unrealistic, it undermines the whole basis for the loan and loan repayment. Staff noted that, as Congressman Murphy indicated, a third party reviewer for the RIFF loan will be the only entity to have knowledge of the data, because it is proprietary and there is no requirement that it be released in a public forum.

Councilmember Weaver asked if the cities that the train will be passing through have any legal authority to slow down the trains to address the safety concerns and impacts to their communities. Staff indicated they are not aware of any regulations that cities can impose on the operation of the train track within the rail corridor.

Chairman O'Bryan indicated that Rusty Roberts had addressed the ridership study at a presentation in Vero Beach, describing it as a high-quality, investment-grade ridership study. Mr. Roberts did not give details other than AAF believes that the project will be profitable if they are able to capture even a single digit percentage of the millions of visitors in Orlando and Miami.

Commissioner Fielding asked if Mr. Roberts would be available to make comments. He stated it would be useful for him to give some information about what was discussed the previous evening. Chairman O'Bryan stated this was not scheduled for the agenda, but invited Mr. Roberts to address Council if he wished.

Mr. Roberts stated that he would be available to answer any questions and requested to provide comments to the action items being presented. He stated that with respect to the recommendation to authorize staff to request FDOT require AAF to follow the sealed corridor requirements, he indicated that AAF has already agreed to that recommendation and is in discussions with FDOT, so he does not believe there is a need for staff to send a letter to FDOT. With respect to the request from several cities regarding an extension of the public commenting period for the draft EIS, he noted that AAF, as the petitioner, has requested that the FRA extend the public comment period to 75 days. This will give the public an additional thirty days. He stated that the FRA is amendable, but the decision has not yet been reached regarding the time period. He stated that AAF has been in discussions with Mayor Thiess regarding the third track in St. Lucie Village. He stated that this track is not planned for storage and is intended to be an active track used as a passing area. He said there is no intention to stop trains in that area, and he will reach out to the Mayor again to make sure he understands. He also indicated that there are no current plans to cancel the lease of the parking spaces in the City of Stuart. He stated they are still in the process of planning for that area, and currently they are planning to add the additional track further to the west side of the corridor in that area. He stated he wanted to clarify that AAF is only one of four tenants at the Orlando airport intermodal station. Chairman O'Bryan stated that it would be good public relations if AAF would agree to the 90 day commenting period. Mr. Roberts indicated that request would be passed along to the decision makers.

Commissioner Solari noted that in a Press Journal article about the AAF project, an FRA representative seemed to be extremely receptive to AAF's request to extend the commenting period

to 75 days; however, they basically ignored the public and elected leaders throughout the Treasure Coast on the same request. Mr. Roberts indicated he believes this is because AAF is the petitioner. He stated Commissioner Solari deserves the credit for AAF requesting the extra 30 days, because he is the one who asked for the company executives to consider this extension.

Councilmember Weaver asked if FEC is partnering with AAF on this project. Mr. Roberts indicated that FEC is a freight railroad, and is owned by the same company as AAF, so they are sister companies. Councilmember Weaver asked if there is any possibility of collateralization of the corridor as part of the underwriting of the loan. Mr. Roberts noted that, as Congressman Murphy had indicated, there is an independent financial analyst who will be looking at the collateral that is being offered and if it will be enough to approve the loan. He stated that collateral includes land in the corridor, the easement rights, land in Fort Lauderdale and West Palm Beach, a very large track of land in downtown Miami, and the rolling stock. He noted that the rolling stock is not being purchased with the RIFF loan. He stated that the whole project value is about \$2.5 billion, so in addition to the \$1.5 billion RIFF loan, the company is putting in hundreds of millions of dollars of its own cash and equity into the project. Councilmember Weaver asked if the corridor has been proposed as part of the collateralization of the loan. Mr. Roberts stated that is his understanding. Councilmember Weaver noted that in the event of default the federal government would own the corridor.

Councilwoman Gerwig stated that she would like to see the recommendation to send a letter to FDOT regarding the requirements of the sealed corridors remain as part of the motion, because that reinforces Council's desire for these requirements. Chairman O'Bryan agreed.

Commissioner Fielding thanked Mr. Roberts for providing information. He noted that at the meeting the previous evening FDOT had stated that the CSX and FEC are at the highest levels of talks regarding freight on the CSX. He expressed his disappointment that the Coast Guard had not provided much information regarding the bridges other than based on their analysis the bridges will be closed 9 out of the 16 operating hours. He also noted that the property appraiser has indicated that she has begun evaluating properties within 400 feet of the corridor. Commissioner Fielding moved approval of the staff recommendation subject to further discussion. Councilmember Weaver seconded the motion.

**Motion**

Under public comment, Bill Biggs of Riverwatch Marina and Boatyard in Stuart, noted that this is the third time that he has addressed Council. He stated that in the past he spoke about the devastating financial impacts that will occur given the proposed FEC train schedule across the St. Lucie River bridge. He stated that similar impacts will occur to the marina industry in Fort Lauderdale and the project will have huge impacts to all the residents of Palm City, Stuart, Tequesta, and those that live on the waterways. He said he believes the estimate that the bridge will be closed 9 out of the 16 operating hours is conservative, based on his experience over the last thirteen years. He stated that one of the problems is that FEC has refused to even discuss mitigating the impacts of the bridge. He stated he believes the train belongs out west. He stated that the marinas in Riviera Beach and Fort Pierce would be frustrated if all of a sudden they lost all their ocean access after they had spent tens of millions of dollars. He stated that Council members all belong to communities, counties, and cities, and every time there is a real estate development there is a public input period and the opportunity for issues to be resolved between the developers and the public. He stated it appears that everyone is powerless to get FEC to the table to negotiate and

mitigate the problems. He stated that as part of FEC's plan, they intend to lease the right-of-way along the Beachline Expressway that connects Melbourne to Orlando. He suggested that everyone lobby their local and state representatives to get them to rescind that lease, so FEC will be forced to come to the table. He stated he has collected over 10,000 signatures from those who oppose the project. He said AAF is a bad plan for the Treasure Coast and should be moved out west.

Chairman O'Bryan indicated that in order to not lose a quorum for the vote, he would like to allow public comment that relates directly to the motion on the floor regarding the five specific staff recommendations, and then, after a vote is taken, the public comment would continue.

The following members of the public indicated they would defer their comments until after the vote: Anne Kuhl, K.C. Traylor, Rosemarie Wilson, Laura Henning, and Drew Martin.

Ms. Larson stated that she had some questions, because she said Congressman Murphy stated the project is going to fail, and then he said to move the project west. She stated that she does not want to see the project moved west, and does not want it at all. She said she believes that it is a waste of money and 32 trains a day is a big thing to deal with, because this is basically just a high-speed train to Disney and Orlando, which affects all of us. She stated she is concerned that Council would come to a consensus to move it elsewhere.

Upon being put to a vote, the motion carried unanimously.

Under continued public comment, John Walker thanked Council for distributing his email. He gave Commissioner Solari kudos for his leadership on this issue and helping him to personally understand the big picture, especially with respect to the widening of the Panama Canal. He stated he believes it would be in the public interest for Council to form a task force on this issue and to be led by Commissioner Solari. He stated that he has heard a lot of discussion on the negatives of fast passenger trains and initially he was also opposed. He stated that there is a risk of a Pyrrhic victory, and he does not believe that the status quo with respect to freight here on the Treasure and Palm coasts is particularly good. He noted that we could defeat the passenger service with the potential improvements such as quiet zones and crossing improvements, but still get double or triple the current freight levels with no improvements. He stated that he appreciated that the freight rationalization is a key part of this issue. He noted that there has been a lot of discussion of moving the freight west, but he offered that there is also the option of moving the freight east to the ocean. He indicated that Marine Highway 95 is the existing Atlantic shipping corridor, running parallel to the I-95 corridor, all the way from Florida to the Canadian border. He said this is one of the rare issues that everyone in Washington agrees on with the 2007 Marine Highway legislation that received support from the U.S. Department of Transportation bureaucracy, which was strengthened in 2010. He stated that this indicates that two very different political regimes saw value in supporting coastal shipping. He stated that Congressman Murphy said his first concern is safety. By using coastal shipping, Mr. Walker stated that safety is not an issue as it would be for the fast passenger trains. He said that moving the freight in the marine highway system would have tremendous benefits over the status quo. He indicated that he has been in discussions with Dr. Frances Bohnsack at the U.S. DOT offices in Miami, and she has expressed an interest in meeting with Council members. He said Dr. Bohnsack suggested that the local transportation agencies and local governments should look into getting TIGER grants for 2015 to support the development of infrastructure and policies.

Anne Kuhl offered some documents she has found related to AAF. She referenced an article found on [www.miamitomorrownmagazine.com](http://www.miamitomorrownmagazine.com) entitled, *The Big Plans to Downtown Miami*, which is an FDOT freight mobility study for downtown Miami. She also referenced *Cargo 2040 Southeast Florida Regional Freight Plan – Project Update*, which was given by Cambridge Systematics, Inc. to the Miami-Dade Metropolitan Planning Organization. She stated that in these documents, they mention that there is a delicate balance between freight and the passenger lines. However, it says that AAF will add double track capacity for freight. She said that on the [miami-dade.gov](http://miami-dade.gov) main page for the Port of Miami it reads: “PortMiami and the Florida East Coast Railway (FEC) are gearing up to help shippers make the most of the coming Post Panamax Era with the re-introduction of on-port, on-dock rail service. Restored tracks will connect the Port to the Hialeah Rail Yard with links to the national rail system, making PortMiami the most efficient entry point for goods flowing from Asia to the Southeastern U.S. and beyond.” She noted there is no mention of exports, questioning how that will help jobs in our country. She stated she also found information about the “Miami free trade zone,” which she states caters to foreign companies coming to Miami to promote their products to be shipped through our country. She asked if we really want all this freight coming through south Florida. She stated she agrees with moving the freight to the east, but does not agree with moving it to the west. She said there are other ports that have received money to improve their services, and everything does not need to come to Miami. She also noted that there was a recent conference that focused on perishables and that Miami has geared up for cold storage transportation. She asked how that will help our agricultural industry if we are going to bring in cheaper products from other countries. She stated this project is a bait and switch and will only help Miami and not the Treasure Coast.

K.C. Traylor with Florida Not All Aboard stated she wanted to speak to the funding of the train. She stated there is an excellent article regarding the AAF project, providing the following quotes: “Fortress Investment Group’s \$3.5 billion bet on Florida has proved a money loser so far, and it’s Miami to Jacksonville freight railroad is loaded with debt.” Randal O’Toole with the Cato Institute said, “I am skeptical whether it can possibly work.” Rick Geddes, director of Cornell University’s Program in Infrastructure Policy said, “Optimism bias inevitably inflates passenger counts for rail proposals.” Ms. Traylor indicated that she had attended the forum the previous evening where the question came up about what AAF would do if the RIFF loan is denied. She stated that she believes Mr. Busha stated, as well as others, that they could get the money overseas. She said she posed this question to a commercial lending expert and he laughed, saying he believes that they are trying to sell mortgage-backed securities at almost hard equity rates, which is a very high risk to fund, because they are losing money to the tune of \$200 million per year and the revenue from freight is declining. Ms. Traylor indicated that no one is going to pour money into this venture that is losing so much money. She stated overseas money is more expensive, and they are ultra conservative in their lending practices, because their economic circumstances are not as stable as in the United States. She stated that the only crazy money for this project is in Washington DC and we need our elected officials to make sure that this project is viable before they spend one penny of our tax dollars on it.

Rosemary Wilson stated that there is far more to the train agenda than trains and train stops. She referenced the upheaval and destruction of our cities and our way of life, noting that our nation is pumping billions of dollars into rail development nationwide. She stated that the federal government does not know or care what destruction this will bring to our seaside towns and the

problem is no one is connecting the dots. She stated there is a method of operation with most top-down Washington programs including Common Core education, smart meters, land grabs, and now trains. She stated that there is a ready and waiting plan quietly being implemented by unelected, unaccountable bureaucrats and various local and regional entities are coopted to promote the plan, but they forgot to notify the people. She stated that the plan for this project was announced two years ago, and she is convinced that the federal government and AAF do not care if this is freight or passenger train service, because they just want the updated infrastructure in place. She stated that south Florida new urbanists from Dover Kohl and Partners boast on Twitter that they will steer where the next 3.1 million citizens coming to Florida will live. She stated that with only six percent of the U.S. land developed, there is no shortage of living space; however, it appears that there is a serious and concerted effort to regulate how and where we will live and travel in the future. She stated that Miami planners have told us that transit oriented development is moving up what they call the ladder of squabbling towns, but they forgot about the people. She indicated that her message to AAF is reroute their obsolete train tracks away from our towns.

Laura Henning from Palm Beach Gardens stated that quiet zones are not quiet when there is a bullet train screaming through crossings at 110 mph generating up to 100 decibels of noise. She said that AAF proponents have said it will last just the length of time of a red light, but noted that it will be 32 times a day. She stated that a train expert working with Not All Aboard Florida told her railroad companies are not bound to quiet zones, and train engineers can blow their horn four times per crossing if they feel it is necessary. She indicated that she has spoken with several business owners close to the tracks that run parallel to A1A. She noted that on Hood Road the manager of a student tutoring service was alarmed, saying that kids need a private place to study. She also spoke to a receptionist of a ballet school who said we do not need more trains, and the owner of a consignment shop who is concerned with safety said her old brick building is just yards from the tracks and shakes when the freight trains rumble past. Ms. Henning stated she worries about the old Halloween costume shop that is just yards from the North Lake crossing, and the glass hot houses of a plant business across the street. She said she shudders at the thought of the vibrations that the AAF bullet train will create. She said she fears for the 83 year old gentleman that lives near the tracks and has operated a fruit and vegetable stand for thirty years yards near the Richard Road crossing. She asked how these owners will be able to carry on their business under these circumstances. She also noted that several residents will be affected, noting a resident of a large, condo community on A1A near the tracks that told her his building shakes when the trains pass. Also, there are several homes that are on the service road parallel to A1A whose yards back up to the tracks. She stated that this project will negatively affect thousands of lives.

Mr. Martin noted for everyone that recycling containers are provided in the meeting room, but paper products should not be placed in these containers. He stated that he is very concerned that the AAF tracks currently go through Jonathan Dickinson State Park and there are going to be significant impacts that will occur to the park with the additional trains. He questioned why there would be 32 trains. He indicated that projects usually begin with perhaps 5 or 6 trains a day to determine what the ridership will be. He stated that this is obviously because there is a loan request and they claim 32 trains is how they are going to pay back that loan. He does not think that this has been given serious consideration, because high-speed rail in places like Japan are on elevated tracks. He stated that trains are not expected to travel at such high speeds at ground level. He said the tracks and set asides were designed for trains that travel at 25 mph, not 100 mph. He also stated he does not believe that anyone has a clue about what kind of traffic problems this project will create with

respect to traffic, because all the communities rely on east-west traffic. He noted that apparently the local governments have no control over this process, and the real concern is this project will have local impacts, but the decisions are being made elsewhere. He stated that he does not oppose high-speed rail or trains, but he does not know how this is going to be done in the next year.

## **LEGISLATIVE MATTERS**

Staff indicated that the Gubernatorial Committee and Council had requested that during the past legislative session staff monitor House Bill 703 and Senate Bill 372, which address growth management, environmental permitting, the DRI process, and contain provisions that are not favorable to local governments. Staff also followed House Bill 1055, which proposed allowing a conversion of on-site septic systems to a central system through a more efficient and inexpensive method. Staff indicated that all of these bills failed and were not forwarded to the Governor.

Staff indicated that both the House and Senate allocated \$2.5 million in their budgets to be distributed to the eleven regional planning councils to fund state-mandated programs. Staff noted that for the past three years, Governor Scott has vetoed this funding. Staff stated that a meeting is scheduled with the governor's chief of staff and gubernatorial appointees, as well as the president of the executive directors committee for the Florida Regional Councils Association, to discuss the funding allocation. Staff stated that there is no action being requested, but if Council members felt strongly, it would be helpful for them to send a letter to the Governor asking him to not veto the funding. Staff noted there would be further discussion of this at the Gubernatorial Committee meeting following the Council meeting.

Commissioner Fielding stated he would like to authorize sending a letter to the Governor from Council that would support the funding for the regional planning councils. Councilwoman Gerwig said she supports the motion, but questioned if there was quorum. Commissioner Fielding indicated that if a quorum is not called for, then it is not necessary. Commissioner Solari stated that the item is not on the agenda for a vote. Chairman O'Bryan indicated that the backup for the Legislative Matters specifically references funding. Staff stated there is a quorum. Commissioner Fielding encouraged Council members to also send a letter from their respective local governments. Upon being put to a vote, the motion passed unanimously.

**Motion**

## **PUBLIC COMMENT**

Ms. Kuhl stated that she felt it is ironic that Palm Beach, Broward, and Miami-Dade counties have formed a climate compact agreement, and all the science that supports sea level rise indicates these counties will be affected, yet a lot of proposed development and growth is on the waterfronts. She said there is a huge amount of investment being made on the waterfronts, and two more nuclear reactors are being proposed at the Turkey Point Power Plant. She said she feels this is a contradiction to the support for the climate compact. She also noted that Microsoft recently picked Miami as the site for their new state-of-the-art training facility on the MacArthur Causeway. She said she finds it contradictory and they should either support the compact or not.

Mr. Martin, representing the Sierra Club, complimented Council on its work and expressed his appreciation. He stated that when we talk about Lake Okeechobee and the issues with drainage and the loss of wetlands, he hopes that we look at the large developments, because this is why we have

all the water running into the estuaries. He said that every time we build with cement, there is no place for the water to go. He stated that if new development were to use environmental green technologies, then there will not be runoff and the subsequent impacts. He indicated that he is involved in the Lake Worth Lagoon Initiative on plastic waste, noting that recently in the news it was reported all the garbage in the ocean is making it difficult to find the missing airplane believed to have crashed in the Pacific. He encouraged everyone to use less plastic, or recycle it, but not throw it in the garbage. He also encouraged staff to use more cups with water and eliminate plastic water bottles.

Ms. Larson stated the most unusual thing she has dealt with for the past twelve years is erroneous information. She stated that there are permits that are involved with all projects such as the AAF, and the first place to go to get a development approved is the SFWMD, which covers sixteen counties. She noted that the AAF project was required to get the permitting in Miami, Broward, and Palm Beach counties. She stated that it is not SFWMD's fault; however, commissioners and council members of the various cities believe that if a project has been granted a permit, then it must be good. She stated drainage permits are the ones that are very detrimental. She stated that on the west coast of Florida they are drilling for oil, and most of the land in the Picayune strand was taken by the ACOE and DEP through eminent domain. She stated that this happened to one of her friends, and cautioned it can happen to any homeowner in Florida. She stated that individuals can own the mineral rights on someone else's property and drill when they choose. She stated when she looks to the future she is sad, because we should not be drilling or fracking anywhere near the Everglades, noting a recent article in the Sun Sentinel regarding this issue. She stated that she and Rosa and Drew have always come to and spoken at the beginning of the Council meetings in order to bring up issues important to Council. She stated she now feels that some Council members do not want to hear from the public. She indicated that she has been diligent to be forthright and honest, and hopes this will be taken into consideration with respect to allowing public comment. She said she is not trying to offend Council members, but bring forth helpful information.

#### **STAFF COMMENT**

None.

#### **ADJOURNMENT**

There being no further business, Chairman O'Bryan adjourned the meeting at 12:47 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 16, 2014 meeting of the Treasure Coast Regional Planning Council.

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Date

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Signature