

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
APRIL 18, 2014**

Acting Chairman Davis 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 Solari  
  Mayor Adams  
  Councilmember Fletcher

Martin County:                 Commissioner Haddox  
  Commissioner Fielding  
  Commissioner Thurlow-Lippisch (Alternate)  
  Commissioner Smith (Alternate)

St. Lucie County:               Commissioner Lewis

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

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

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

Council Staff:                 Kate Boer  
  Michael Busha  
  Phyllis Castro  
  Kim DeLaney

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**

Acting Chairman Davis called for a motion to approve the agenda. Mayor Ferreri moved approval of the agenda. Vice Mayor Burdick seconded the motion.

Commissioner Solari stated that he would like to make a motion to change the agenda based on information he recently received regarding the All Aboard Florida (AAF) project. Mr. Saberson indicated that in order to add an agenda item that had not been scheduled there needs to be reasonable cause. Commissioner Solari indicated the request is based on information that was received the previous week, and had just been discussed at the Indian River County Board of County Commission meeting on Tuesday. Mr. Saberson stated he could provide the update as part of the Council Member Update. Mayor Ferreri indicated he would accept that as an amendment to his motion. Vice Mayor Burdick accepted the amended motion, which carried unanimously. **Amended Motion**

Mayor DuBois questioned why there was no discussion on the motion to amend the agenda. Acting Chairman Davis indicated that Commissioner Solari would be providing his update during the Council Member Update. Mayor DuBois asked for clarification of what specifically would be added to the Council Member Update. Commissioner Solari stated that he intended to ask for a motion related on the AAF project in order to focus Council activities related to the project.

Councilwoman Gerwig asked why a motion and vote were necessary when the Council Member Update was already on the agenda. Mr. Saberson indicated that the item is usually for providing information. Councilwoman Gerwig asked if the motion was necessary because Commissioner Solari would be asking for a Council vote. Mr. Busha indicated that the request was being made in order to request a Council vote.

Mayor Ferreri stated that as the maker of the motion he was not sure there could be a vote until he heard the information being provided. Mr. Saberson indicated that in order to reconsider the previous motion, a Council member on the prevailing side would need to make a motion.

Vice Mayor Burdick moved to reconsider the motion to amend the agenda. Councilmember Fletcher seconded the motion, which carried unanimously. **Motion**

Mayor Ferreri indicated that he is open to considering adding an agenda item; however he stated it is difficult to determine if there can be a vote until after the information is heard and it has been

determined if more information and research is required. Mayor Taylor stated she is also concerned with adding an item to the agenda without prior information being provided to all Council members.

Mayor DuBois stated that it is appropriate during the update for a Council member to look for consensus to add an item to a future agenda. He said he feels it is inappropriate to add items to the agenda that have not been advertised unless it is of dire importance. Commissioner Solari indicated his request is of dire importance. Mayor DuBois stated that an emergency would be an issue of life and safety, noting there was no smoke coming out of the room. Commissioner Solari stated at the March Council meeting the Vice Chairman had said the comments from the AAF representatives were disingenuous. Commissioner Solari stated that a lot of the information that has been provided with respect to the project has been incorrect. He stated that there is information that is not being provided to the public and elected officials and the project is moving quickly. Acting Chairman Davis asked Commissioner Solari to bring up his concerns under Council Member Update, at which time Council members could consider a motion.

Vice Mayor Burdick moved approval of the agenda as presented. Mayor Ferreri seconded the **Motion** motion, which carried unanimously.

### ANNOUNCEMENTS

Staff indicated there is a request from Stephanie Austin for speakers to not stand too closely to the microphone when speaking because this makes individuals difficult to understand.

Staff noted information is provided in the Communication Package regarding a ribbon cutting ceremony in Fellsmere on May 7<sup>th</sup> for the Florida Organic Aquaculture.

Staff also noted the Florida Regional Councils Association and the Florida Chamber Foundation recently launched a new economic scorecard website. The website provides information on eighteen different metrics related to employment, education, population, and demographics for the eleven different regions in the state. The next phase will provide information by county.

Staff congratulated the Marine Industries Association of South Florida and the Barcelona Cluster Nautic for their recent international agreement that will advance the role of the marine industry at the local, regional, national, and international levels. In attendance to endorse the agreement were Barcelona Mayor Xavier Trias, Miami-Dade County Mayor Carlos Gimenez, Broward County Commissioner Suzanne Gunsburger, Palm Beach County Mayor Priscilla Taylor, and Martin County Commissioner Ed Fielding. Mayor Taylor indicated that international trade is the second largest industry in Florida, and it is important to expand that industry in the region.

Staff noted that there are several copies of correspondence in the Communication Package related to the AAF project. Of particular note is the letter from Commissioner Solari to Rusty Roberts that contains some very good questions related to corporate structure, engineering, and the financial aspects of the project.

Staff noted the next presentation in the City of Delray Beach Town Hall Lecture Series would be on April 24, 2014, with Donald Shoup presenting information to towns and cities on how to address parking and the associated costs.

Staff noted that Council members have been provided copies of a letter from the Indian River County Chamber of Commerce asking for an additional 45 days for the AAF draft EIS review; and a letter from the City of Lake Worth requesting assistance for obtaining funding for quiet zones. Staff indicated that Palm Beach and Broward counties have been working on quiet zone construction for the last twenty years as it relates to freight and not solely the AAF project. Staff noted that concerns of the different counties are varied through the region with respect to the AAF project. Staff stated a copy of an email from Councilmember Gilmore from the City of Sebastian was also disseminated to Council members and would be read into the record at the appropriate time.

### **CHAIRMAN'S COMMENTS**

Acting Chairman Davis indicated he would like to address the inconsistencies at recent meetings on how Council takes public comment. In particular, he asked if Council members wanted to address, as a matter of policy, the ceding of minutes. He stated that it is important to get public comment in a consistent manner, and called for discussion to get a sense of how Council members would like to proceed.

Councilwoman Gerwig indicated that in Wellington the public is permitted three minutes and not allowed to cede their minutes. She asked if Council had a written policy to address public comment. Mr. Saberson indicated that there was no written policy. He stated that is at the discretion of the board on how to proceed, and that the Sunshine Laws only require there be a reasonable opportunity for public comment. He stated that if Council members are going to set a policy, then what has been allowed in the past should continue for the current meeting, and the new policy should be instituted at the next meeting. Councilwoman Gerwig asked if there has been previous Council discussion on developing a procedure. Mr. Saberson indicated this has not been previously discussed.

Mayor Taylor stated that in Palm Beach County the public is given three minutes each to speak. She stated that she felt it is unfair to the rest of the public if one person is allowed extra time because they have been given someone else's three minutes.

Mayor Ferreri stated that public comment is good, however in the past the comments have run long and been repetitive, which has resulted in the loss of a quorum. He stated that in the City of Greenacres the public is not allowed to cede their minutes. The City allows individuals to submit, in writing, their position on an issue. If time allows, that is then attached to the agenda and they are allowed to provide a synopsis at the meeting. He stated that currently Council's process is not fair to the items that appear later in the agenda that will not get the full attention of Council, and the other members of the public.

Commissioner Solari stated that in Indian River County the public is allowed to speak as long as they wish on an agenda item. He stated the attitude of the county is that the board is there to listen to the people. He stated that for some people it is difficult to speak in public, so Council ought to make the process as easy and welcoming as possible. He stated that he felt it is in the best interest of our democratic system to allow the public to speak in any manner and as long as they want.

Commissioner Fielding made a motion for Council to adopt the standard procedure that an individual has the right to speak for the designated three minutes. Mayor Taylor seconded the motion.

Mr. Saberson asked if that would be effective at the current or next meeting. Commissioner Fielding stated he would defer to Council members on that point.

Mayor Golonka stated that she remembers being nervous the first time she addressed Council, but she believes that public comment is set up so that Council can hear from each individual person. She stated every individual has the right to speak, but they do not have the right to speak without limit. She concurred with Mayor Ferreri that individuals can submit additional information, and that she believes that the more someone speaks, the less likely the audience is to listen to them. She stated it is better to be succinct and submit the details in writing. She stated she supports the motion and would prefer to see the policy instituted immediately.

Councilmember Weaver stated that no matter what Council decides about the length of time that individuals are allowed to speak, he believes it is important to note that one of the consistent criticisms of Council, and the municipalities that comprise it, is that they do not embrace and are not listening to the dissenting opinions. Councilwoman Gerwig noted that Wellington had conducted a 27-hour long public hearing at which extensive public comment was received. She stated that three weeks later it was being said that no public comment was permitted at the meeting. She stated that she is responsible for reality, and not individual perceptions.

Councilman Guyton asked if the motion is to only allow three minutes to each individual and not allow the ceding of minutes. He stated that he could support that motion because there needs to be set parameters so a meeting can run efficiently. He said that may not sit well with some, but it is necessary in order to be respectful and mindful of the audience and Council.

Commissioner Solari requested the motion be amended to move public comment to the beginning of the agenda. Commissioner Fielding indicated that was not part of the dialog. Mayor Ferreri indicated that public comment at the end of the agenda is to provide the public the opportunity to bring forward items not on the agenda. He noted that public comment is also taken during each agenda item that requires a vote.

Vice Mayor Burdick called the question. Acting Chairman Davis indicated that it is clear that all Council members want public comment that is meaningful and efficient. He stated that there is a motion to allow public comment for three minutes per individuals, and not allow ceding of time to other individuals. Mr. Saberson suggested that this be made effective at the next Council meeting. Commissioner Fielding indicated that his motion did not specifically address when this would be effective. However, since Mr. Saberson thought it would be more appropriate, Commissioner Fielding indicated he would defer to the procedure being implemented at the next meeting.

Commissioner Lewis concurred that there is some stress involved with public speaking and individuals may not be prepared. She stated she supported the three minutes, but felt it is only fair to implement the new procedure at the next meeting.

Upon being put to a vote, the motion carried with Commissioner Solari opposed.

## COUNCIL MEMBER UPDATE

Commissioner Lewis reported that the St. Lucie County Commissioners went to Washington after the last meeting. She stated that the delegation did not seem to be aware of what is occurring here and that people are getting organized against the AAF project. However, she said they are willing to look into the issue and support the region. She stated that the most interesting meeting was with the Department of Transportation, because the gentlemen at that meeting were not aware there was unhappiness and discontent that was occurring throughout the region. She noted the representatives indicated that extending the comment period would be a good thing.

Commissioner Solari stated that this is why he considers his current requests regarding the AAF project to be an emergency. He stated that his request is based on a conversation he had with Mr. Rusty Roberts on April 10, 2014. He indicated it was then discussed at the Indian River County Board of County Commissioners (IRC BOCC) meeting the previous Tuesday and it was the wish of the IRC BOCC that Council rescind the previously approved memorandum because they believe there needs to be a more focused approach. He stated that the other reason this is an emergency deals with the extension of the Federal Railroad Administration public comment period from 45 to 90 days. He stated the next Council meeting may not be until after comment period begins, because no date has been given for the release of the EIS. He stated that it was the wish of the IRC BOCC to have Council focus on asking the Governor and every municipality and county to make the request that the comment period for the draft EIS be extended. Also, the IRC BOCC wants Council to support the type of information requested in his letter dated April 10, 2014 to Rusty Roberts and focus on getting the necessary information to make a reasoned and rational decision about the AAF project and its impacts on our communities.

Commissioner Solari indicated the letter was not comprehensive, but an attempt to hopefully begin a fruitful dialog with AAF. He stated that in his conversation with Mr. Roberts and his political consultant, they basically did not have many answers, and it was quite clear they knew very little about the financing aspect of the project. Commissioner Solari suggested that going forward we spend more time with the chief financial officers and chief executive officers of All Aboard Florida, LLC and the Fortress Investment Group.

As a third request, Commissioner Solari asked for approval to instruct staff to investigate the federal regulations as they relate to sealed corridors and high speed rail. He stated it is his understanding that the Florida Department of Transportation (FDOT) has never adopted regulations for speeds above 79 miles per hour (mph). He said it was also his understanding that the federal government, through the FRA, has developed sealed corridor regulations for high speed rail. He stated that it may be appropriate to ask FDOT, both directly and through the Governor's office, to adopt the federal high speed regulations for Florida rail systems, because of the significant public safety concerns with high speed rail. He stated he also had a conversation with Mr. Wise from FDOT on a bus tour the day prior to the meeting. He stated that he is not sure if it is accurate, but he took away from the conversation that FDOT is aware of the sealed corridor issue, and FDOT understands the investigator's report for the southern portion indicates AAF will be responsible for putting in the sealed corridors. He noted that this is no more than a feeling he got from FDOT. He stated that Mr. Wise had commented there were a couple of high speed trains that were not required to put in sealed corridors, but those were started before the federal regulations were in place. He stated he would like to get Council's support, and offered that in the form of a motion.

**Motion**

Mr. Saberson indicated that this is a non-voting item on the agenda. Commissioner Solari indicated he is confused, because the item on public speaking is also not on the agenda, and he is asking his item be considered an emergency item. Mr. Busha stated that Commissioner Solari is only asking for Council to consider his request, asking for Commissioner Solari to summarize his three requests.

Commissioner Solari stated that the request is to: 1) rescind the previous letter sent by Council and focus on asking the Governor, and every county and municipality, to join in to have the FRA comment period for the draft EIS extended from 45 to 90 days; 2) support the type of information requested in his April 10, 2014 letter to Mr. Rusty Roberts to try to get the dialog started and the information regarding engineering, corporate structure and financing; and 3) request Council staff research the federal regulations regarding sealed corridors to determine if it would be appropriate to request FDOT adopt the regulations. He stated this would result in AAF being responsible for putting into place sealed corridors, making the idea of quiet zones moot.

Acting Chairman Davis agreed that extending the comment period is a good idea, and certainly the FRA has that authority. However, he questioned the importance of asking for Council to rescind its previous recommendations. Commissioner Solari indicated he never said it is important, but it is his belief that given the timeframe, it is best to focus on engineering, corporate structure, and financing rather than the dozen different points identified in Council's previous letter. Commissioner Fielding stated it would be more appropriate to send another letter rather than try to erase the past.

Commissioner Valeche stated he would like more specificity of what is in the letter Commissioner Solari sent to Mr. Roberts. Staff indicated the letter began on page 37 of the Communication Package. Commissioner Solari stated that one of the biggest problems is the corporate structure of AAF. Commissioner Valeche asked why that is a problem. Commissioner Solari stated that there is a lot of talk, at least in his community, that the purpose of the AAF project is not passenger rail, but to maximize the wealth of Fortress Investment Group, which has several different companies throughout the world involved in moving freight, especially through the Panama Canal and the ports of Miami and Fort Lauderdale. He stated the community does not understand why all this is being done through a small passenger rail train, especially when there has been no successful passenger rail train in America in years. He stated the feeling is that this is actually a smoke screen to get federal money to double track the line along the east coast of Florida for the benefit of freight with the knowledge that there is a high degree of probability that the passenger rail system will fail soon afterward. He stated that private equity firms take on one or more companies, maximizing their structure to build wealth and then sell off those companies. He stated this is the expectation of a lot of people in Indian River County. With the absence of any financial information, it is reasonable to speculate that the Fortress Investment Group will load up the debt onto AAF, maximize the wealth of a dozen other Fortress companies, and be indifferent if AAF fails. He stated that in addition to the corporate structure questions, there are a lot of basic financial questions to understand whether the project is actually meant to provide some benefit to our communities, or simply to maximize the shareholder wealth of the Fortress Investment Group.

Acting Chairman Davis stated these are legitimate questions to be asked under the correct venue and with the right people at the right levels of the organizations. He stated that there is potential to get consensus from Council members on requesting a 45-day extension to the comment period. He asked if staff knew when the draft EIS would be released. Staff indicated FRA staff continues to

indicate a March/April timeframe. Acting Chairman Davis stated that the consensus could be to have staff put together something on behalf of Council to request the 90-day total comment period. He stated it would also be appropriate to staff to investigate the sealed corridor and regulation issues. However, he stated he is not sure that it is the will of the Council to rescind the previous Council comments.

Mayor DuBois indicated he would support the request to ask the Governor to extend the public comment period and authorize staff to do further work on the sealed corridors. He asked for clarification on the rescinding of the previous letter and the April 10, 2014 letter to Mr. Roberts.

Commissioner Solari indicated he would amend the motion to not rescind the previous letter, but would keep his request regarding his April 10, 2014 letter, because he believes this is the type of information that is needed. Acting Chairman Davis asked Commissioner Solari to restate his motion. Commissioner Solari stated that his motion is to get Council support to ask the Governor to request that the FRA comment period for the draft EIS be extended from 45 to 90 days; get Council support to request the type of information in the April 10, 2014 letter to Rusty Roberts of AAF to start the discussion of getting the type of financial, engineering and corporate structure information needed by elected officials to fulfill their fiduciary duty; and request staff investigate the federal regulations for sealed corridors for high speed rail and possibly request FDOT adopt those regulations which would, in his understanding, make the quiet zone issue moot. Commissioner Haddox seconded the motion.

**Second**

Commissioner Solari stated that by putting the letter on the agenda he hopes to give more focus to the issue. He stated that any municipality or commission that does not want to use the letter, does not have to, but he is trying to move things along a little faster and this letter might trigger some other questions that might need to be asked. He stated he is trying to get AAF to understand that this is the type of information that the elected officials need to make certain decisions and he believes that under the circumstances the public has the right to know.

Councilwoman Gerwig stated if the request is to get to the motive of the company, she does not see how these questions will help get to that motive. She stated that a feasibility plan that shows if ridership would be supported is needed. She asked if there is information that shows they do not think passenger rail will be successful. She stated that she would need to be shown that there is no reasonable expectation that passenger rail could succeed for her to be convinced of whatever motive they are being assigned. Commissioner Solari stated that he is unconcerned with their motive, however, the public is very concerned with their motive. He stated that as an elected official he cannot tell them that they are right or wrong or what their motives are, but if he could get the financial information, he could determine if the project makes sense. He stated that based on what he has seen in different *Florida Trend* articles, the total revenue for AAF is projected to be \$143 million. Based on conversations with Mr. Roberts, Commissioner Solari stated that the interest rate for the \$1.6 billion loan is about 5.75 percent, which would be about \$80 million. He noted that leaves them with \$63 million. He stated that a reasonable plan would suggest they must pay something to FECEI for use of the easement, which he indicated would leave maybe \$20-30 million. He stated that is not enough to operate a rail system of 32 trains a day.

Commissioner Valeche indicated a lot of information is proprietary, and there may not be any duty, and possibly no will, for the company to disclose a lot of the information being requested. He stated

that although they are not competing for the service, they may not wish to disclose internal details related to costs and benefits that are for their own benefit. He stated it is their money at risk because this will be a loan that will require repayment, and not a grant. He stated he is not prepared to ascribe intent to them that they are just doing this as a ruse.

Councilmember Overdorf stated that he did not see a problem with requesting the commenting period be extended. However, he indicated he could not support taking the elements of the April 10<sup>th</sup> letter and saying that it is from the entire Council when previously approved recommendations have already been submitted. Additionally, he stated that this is a private business and they have the right to keep their records as they see fit. He stated any individual or board has the right to request the extension of the commenting period and to have all their questions answered as part of the EIS process without going through Council. He stated that he has no issue with the portions of the motion to extend the comment period and request staff research the sealed corridor issue. However, he said he felt that the portion of the motion regarding the April letter was more of a mandate and he could not support that. Commissioner Solari stated there are three reasons he wants to include the letter in his motion; 1) time and again Mr. Busha has said we have a more effective voice if we operate as a region; 2) he is not sure if the EIS would look into the financials of the company; and 3) although they are a private company, they clearly now want assistance at the federal, state, and local levels and that gives the elected officials the responsibility of getting some basic information to determine if there is some possibility of success. He stated that a \$1.6 billion loan from the federal government is a subsidy, and it is his understanding that the FRA often does not look at the financial aspect as they should. He stated it is his belief that it is tax payer money to which we have an acute responsibility. Councilmember Overdorf noted that Commissioner Solari continued to use words that are not definitive and that he could not support a motion that is based on suppositions.

Councilmember Guyton stated that he agreed with Councilmember Overdorf that Council should not take the position of one member local government. With respect to requesting the financials, he noted that we live in a capitalistic society and if someone takes out a loan, then they are responsible for that loan. He stated that there are individuals at the federal level who review the loan documents and it is their responsibility to ensure the applicant is in a position to pay. He stated that he is more concerned with how the project will impact his residents. He stated he would like the discussion to be focused on how this project will benefit the communities and the economy of the region. He stated he did not wish to adopt one person's position, because not everyone has the same concerns.

Mayor Golonka stated that she does not disagree with the questions Commissioner Solari wanted to ask, but she questioned whether they are appropriate at this time and if Council is the correct agency to be asking those questions. She stated this needs to be scheduled as an action item for a future meeting and she could not support sending these questions at the current time. She indicated that this item was referred to as an emergency and she does not believe that it is. She stated it is an update and the vote was to consider this as an update, which does not allow for public comment. She stated she is concerned that there has been a lot of comment on the item and questions whether or not there could be a vote. Mr. Saberson indicated that if Council members wished to take a vote on the motion, then public comment should be heard.

Acting Chairman Davis asked if the item could be tabled to allow the guest speaker to make his presentation. Mayor Ferreri motioned to table the discussion to later in the agenda. Vice Mayor Burdick seconded the motion, which carried unanimously.

**Motion**

**FUEL TAX PRESENTATION BY MARK REICHERT, ASSISTANT EXECUTIVE  
DIRECTOR, FLORIDA TRANSPORTATION COMMISSION**

Mark Reichert presented information on how transportation infrastructure is funded in Florida and about the fiscal challenges faced by the state. He indicated transportation in Florida is funded by a combination of federal, state, and local fuel taxes; fees on annual vehicle registrations, the initial registration, and vehicle titles; a \$2.00 per day rental car surcharge; and a share of documentary stamp taxes. The state's toll facilities are primarily supported by tolls and concession earnings. Taxes on the sale of motor-fuel accounted for two-thirds of the transportation revenue receipts in FY 12/13. Federal fuel taxes accounted for approximately 1/3 of the non-toll receipts in FY 12/13. The maximum tax that can be levied on a gallon of gasoline or gasohol in Florida is 54.7 cents per gallon, and 55.7 cents on diesel fuel.

Mr. Reichert indicated the federal highway trust fund is currently being supplemented by general revenue transfers and is projected to run dry this August unless Congress comes to the rescue. About \$35 billion flows into the highway trust fund each year while \$54 billion flows out. If Congress does not address this issue in a timely manner, there will be almost no new federal obligations next year and the negative impact to the transportation work program will be immense.

Mr. Reichert noted over the past few years, transportation revenue generated from fuel sales in Florida has declined as a result of impacts from both an economy in recession and the influx of more fuel efficient vehicles. Between 1990 and 2005, fuel consumption increased an average of 3.4 percent each year. Since then it's decreased an average of 1.3 percent each year. Fuel consumption today is equal to the amount of fuel we were consuming in 2003. One would assume that as the economy continues to recover from this recession and the demand for gasoline and diesel fuel increases, transportation revenue generated from the sale of fuel will also increase. However, there are changes in personal driving habits, federal regulations and the automobile manufacturing industry that have a profound effect on the state's ability to raise sufficient revenue from the sale of fuel to support the state's transportation infrastructure.

Mr. Reichert stated the difference between the investments that are needed to address the mobility needs of the state and the available funding on just the Strategic Intermodal System portion of the state's transportation infrastructure, through 2040, is estimated to be \$131.2 billion in 2010 equivalent dollars. Continuing to rely on the fuel tax as our primary transportation revenue source will not close this unfunded gap. Presently, only 43 percent of the Department's budget is dedicated to capacity improvements to the state's highway, aviation, rail, seaport, transit and intermodal systems; and 57 percent is dedicated to operations and maintenance, product support, and debt service. Since the Department's top priorities are safety and preservation of the system, the percentage dedicated to capacity improvement will only get smaller as fuel tax receipts continue to decline.

Councilmember Sachs thanked Mr. Reichert for his presentation. He indicated that in the State of Israel and also in Denmark a very state-of-the-art electric car system has been installed. He stated that there is an electric grid system that allows individuals to pull into a garage where a robot takes out the battery and replaces it with a charged battery, taking no more time that it would to fill up a tank of gas. He noted that this is adoptable for smaller countries where people do not frequently

travel long distances. He stated they are billed only for their use, much like a cell phone plan. He asked if this is something that had been considered here, and if this is the wave of the future. Mr. Reichert indicated that there are currently inductive parking spaces where an individual can pull their car into a space to recharge the vehicle's battery. He stated this has been implemented in some areas around the country. He also noted that there have been advancements in the development of autonomous vehicles. He stated some car companies believe that by 2020 they will have these types of cars available for purchase. He stated that although there is a lot of fear about allowing vehicles to drive themselves, it will actually make a better use of the transportation facility because cars can be trained to follow closely and use less space, which will help with congestion. He stated a lot of changes are coming, and he does not believe anyone knows exactly where we are going just yet.

Mayor Ferreri stated he has driven an electric car for two and one half years every day except when traveling out of the car's range. He stated that he believes the problem really is that the federal government has not addressed the gas tax since 1993. He stated that addressing it at the federal level as other countries do would get rid of the local and other taxes, and the car companies would make more efficient cars because people would demand them. Also, if someone wanted a less efficient car, then they would have to pay for it. He stated that even though people driving alternative vehicles will pay less than the road tax, they are generating savings on the environmental side. He stated the system as it exists is going to fail because of its own doing and because it is regressive. He said we need to look at simpler plans in order to solve the current problems. For the future, he stated we need to look long range and there needs to be more use of mass transit options. He stated that if you charge what it really costs to maintain the roads and the gas tax, and give those with more efficient vehicles a break, people will tend to move in that direction.

Acting Chairman Davis asked if Mr. Reichert could provide a copy of his presentation to Council. He stated the presentation clearly points out a policy dilemma that needs everyone's engagement. Mr. Reichert indicated everyone is free to have the presentation. Staff stated it would be made available on Council's website.

Under Public Comment, Alex Larson asked why we do not go after the gas companies and their massive profits. She stated that \$4 a gallon for gas is insane, noting that when President Clinton was in office gas was \$1.40 per gallon, but costs rose when an oilman was put in office. She stated the core problem is the oil companies. She noted a recent article that stated BP's profit rose four hundred percent. She called this greed. She stated the reason this is allowed to occur is because the lobbyists pursued our elected officials to never say a word. She stated that driving electric cars is also not a good solution, because that makes us more dependent on Florida Power and Light Company who will raise the rates. She stated that whether it is federal, state, or county, it is all the tax payer money and the middle class is being severely impacted. She stated we need to go after the core problem, which is the greedy oil barons. She stated the oil and power companies are Ponzi schemes. She expressed her hope that FDOT and everybody else starts paying attention and goes after the crooks at the top.

### **COUNCIL MEMBER UPDATE**

Commissioner Fielding stated that Martin County is changing focus and has discussed using Community Redevelopment Agency, utility and engineering monies to move forward in addressing septic and water issues and deferring beautification issues.

Councilman Guyton indicated that the City of Riviera Beach had their ground breaking ceremony for the new marina project on April 10<sup>th</sup>. He noted that after the recent successful voter referendum to change the city charter to allow for the project, a law suit had been filed challenging the vote. However, a judge has rule in the city's favor and the city is moving forward with the project.

Mayor Golonka indicated that there had been a meeting held the previous evening in Jupiter about the AAF project. She stated that approximately 600 people from Vero Beach to Palm Beach were in attendance. She stated that there was not a lot of new information, but commended staff for providing a clear explanation of the process and agency responsibilities. She noted that the Jupiter Inlet District is conducting a survey related to the number of boats going under the bridge, as well as other data. She stated this is ongoing and should be helpful. She indicated the Florida Inland Navigational District might be looking into doing that type of data collection in Stuart as well.

Councilmember Tinsley stated she wanted to say kudos to Mayor Abby Brennan from Tequesta for organizing the event. She stated that although there was not a lot of new information, there were a lot of people present that had no knowledge of the project, and the workshop was very important to provide the public with information and updates. She indicated that a lot of people believe elected officials have voted for this project, so it is important to provide the public with the correct information. With respect to Commissioner Solari's motion, she stated that she is in agreement with increasing the public comment response time for the EIS process, but stated that there are questions other than those in the letter that require more information. She stated she agreed that it is important to ask FDOT to require the safety recommendations of the FRA for high speed trains, because making that a requirement rather than a recommendation will force FECI to put in the safety infrastructure that is needed. She stated that she would support the extension of the commenting period and having staff do more research on the high speed regulations because those items would benefit everyone.

Commissioner Thurlow-Lippisch of the Town of Sewall's Point thanked Council for the opportunity to introduce herself. She stated that her mother is an historian and one of the stories she told her was that Henry Flagler had intended building the railroad line through Sewall's Point, but he could not obtain the rights-of-way. The tracks were then put in Stuart. She stated that the Town Commission together believes in rail, but does not support the AAF project as it is today. She stated that Congressman Murphy has mentioned the possibility of the trains going west in Palm Beach. She indicated that would be preferred.

Commissioner Szerdi indicated that in addition to the letter that had been provided with respect to supporting the TIGER grant application, the City of Lake Worth had a resolution that was being amended to remove a number of references to supporting the AAF project at this time, and request to have east/west connectivity considerations be added to make this project more usable and beneficial to all the cities that will not be getting a particular stop.

Mayor DuBois indicated he had attended the grand opening of Florida Power and Light's Riviera Beach plant. He stated this is an important part of our regional infrastructure and he is pleased to see it up and working.

Councilwoman Gerwig indicated that the application to host the 2018 World Equestrian Games in Wellington has been withdrawn due to a conflict with sponsorship of the event and sponsorship of the Winter Equestrian Festival.

Councilmember Overdorf stated that he wanted to publicly thank Governor Scott for coming to the region and meeting with several individuals to discuss possible resolutions for the issues with the St. Lucie and Loxahatchee Rivers, and Lake Okeechobee. He stated that the Lieutenant Governor and the Secretary of the Florida Department of Environmental Protection were also present and there was open and frank discussion with several different groups and community members. He thanked the Governor for taking the time and a sincere public interest in potentially solving this problem with an overall comprehensive plan.

Acting Chairman Davis asked if there is any additional discussion with respect to Commissioner Solari's motion. Commissioner Valeche asked for the motion to be restated. Commissioner Solari indicated that the motion is to get support from Council to ask the Governor to support a request to have the FRA comment period for the draft EIS extended from 45 to 90 days, and to suggest that every county and municipality join in that request; to support the type of information requests contained in his April 10, 2014 letter to Mr. Rusty Roberts of AAF, which basically focuses on information he believes is needed for elected officials and the community related to corporate structure, engineering, and finances; and to request staff investigate the federal regulations for sealed corridors for high speed rail. He stated it is his understanding that FDOT has never adopted regulations for speeds over 79 mph and that the FRA has these types of regulations. He stated it may be appropriate to ask FDOT, both directly and through the Governor's office, to adopt the federal high speed regulations for Florida rail systems because of the significant public safety concerns for high speed rail. He asked for a roll call vote.

Commissioner Fielding asked if the motion is to propose quoting the exact information contained in the April 10<sup>th</sup> letter. Commissioner Solari stated that would seem to be the easiest, simplest, and clearest path forward. He stated that in his view, and that of the IRC BOCC, this is a very reasonable request given the impact that this project is having on the public, and given the public safety and environmental concerns.

Mayor Ferreri stated concern that a precedent was being set if this is allowed to go to a vote. He stated that he believes a Council member has the right to ask the Chairman, with consensus of the group, to request a letter be sent, but it should be limited to the extension of the commenting period from 45 days to 90 days. He indicated that he did not think the rest of the request was a crisis, and that the information needed to be disseminated and studied before a vote could be taken. He stated that if members are allowed to bring up an item at every meeting for a vote, Council business on the agenda will never be done. He stated that he does not believe that it takes a formal action of the Council to request staff send a letter on behalf of Council to the Governor. He stated that if the precedent is set, then Council will be at the whim of every member and every local issue from an outside group, and it will be difficult to stay on the agenda and run an efficient meeting. He suggested Commissioner Solari ask for the extension request and indicate that the letter is available for anyone who wishes to use it, or request it be put on the next Council meeting agenda.

Acting Chairman Davis concurred with the concerns regarding the efficiency of the meetings. However, he stated that since there had been extensive discussion, he suggested continuing to a

vote. Mayor Ferreri proposed an amendment to the motion, recommending it be withdrawn and Commissioner Solari request a letter be crafted by the Chairman or staff and sent on Council's behalf to the Governor to request the extension of the commenting period, and that this item be added to the next Council meeting agenda.

Mr. Saberson indicated that there is a motion on the floor at the present time. Mayor DuBois stated that he wanted to continue discussion. He stated what Mayor Ferreri said is consistent with what was said at the beginning of the meeting regarding Council members having the opportunity to ask for consensus to add an agenda item to a future meeting.

Councilwoman Gerwig asked if Commissioner Solari is requesting having Council craft regulations for the sealed corridors. Commissioner Solari stated that was not his intention. Councilwoman Gerwig asked for that portion of the motion to be restated. Commissioner Solari indicated he wished to request Council staff to investigate the existing federal regulations for sealed corridors for high speed rail. He stated he is very careful to say that it is his understanding that FDOT has never adopted regulations for speeds above 79 mph, and it is also his understanding that FRA has developed sealed corridor regulations for high speed rail. He stated he is suggesting that it would be appropriate to ask the FDOT, both directly and through the Governor's office, to adopt the federal high speed rail regulations for Florida rail systems because of the significant safety concerns of high speed rail.

Mayor Taylor stated she is concerned that Council members are not ready to take a vote. She stated she could support the request for the extension, but she felt it is not the right time for a vote on the other items. She questioned why a vote is even being considered on a comment agenda item. Acting Chairman Davis stated that the item was presented as an emergency item and it was agreed that Commissioner Solari could bring up the item under Council Member Update and propose a motion.

Mayor Taylor stated she wished to call the question. Acting Chairman Davis concurred that he also has concerns with the comments in the April 10<sup>th</sup> letter and he is not prepared at this time to support that in the motion. He called for a vote on the motion. Mr. Saberson noted that public comment needed to be heard before a Council vote could be taken.

Councilmember Brinkman stated that she is not comfortable with what is occurring. She stated that it is not right to have an action item put under the comment section of the agenda, when the public had no idea there would be a vote. She requested that the motion be withdrawn.

Acting Chairman Davis stated that the options are Commissioner Solari can withdraw his motion, or a vote may be taken and those uncomfortable with the motion can vote against the motion. Councilmember Brinkman noted that members of the public that may have wanted to speak on this item were not properly notified that it would be on the agenda. Acting Chairman Davis indicated this item was brought up in the context of an emergency that could not wait until the next meeting.

Under public comment, Ms. Larson noted that a vote had been taken with respect to public comment without receiving public comment. She stated that the reason public comment was moved from the beginning of the agenda is because one person from the public annoyed someone. She stated she had been asking for public comment to be at the beginning of the agenda for five years. She stated that she and others come to the meetings to provide information, indicating that by the

public coming to participate, it validates Council and makes it valuable. With respect to the AAF project, Ms. Larson stated that the Palm Beach Post published an article that stated the request for money has gone from \$1.5 billion to \$2.5 billion in the last month. She stated she did not agree with those wanting to move the trains to the west, stating she did not want this and would not allow it to happen. She stated the project is a fiasco and suggested that there needs to be a public vote. She stated that trains have not worked since the 1960s. She asked that this and the price of the project be carefully considered. With respect to requesting the Governor to extend the comment period for the EIS, she indicated that the Governor does not control the EIS process.

Commissioner Haddox stated that he wished to withdraw his second of the motion. He stated that since this project is moving quickly and has stimulated a lot of interest and discussion, it needs to be on every Council meeting agenda so it will be open for motions.

Commissioner Smith stated that the problem with having an item added to the agenda is that Council members are not provided with background information and recommendations from staff. He stated that if a Council member wishes to have an emergency item added to the agenda, then it needs to be submitted to staff for the Chairman and staff to determine if it is an emergency and prepare background information so there can be articulate conversation on what is being brought forward for consideration. He stated that having the AAF project on every agenda is fine, but there needs to be backup and staff analysis provided so all Council members understand what is being presented.

Commissioner Solari stated that he had sent the information to staff as soon as it was available and it was his belief that he had staff support with respect to the letter. He indicated he was surprised that this was so controversial given the coming EIS and that so many people are saying that this rail project is a done deal. He stated he sees his request as no more than a very polite request to get needed information.

Mr. Saberson called for a second to Commissioner Solari's motion on the floor. Since no second was offered, Mr. Saberson indicated that the motion was dead.

Mr. Busha requested authorization to have staff contact the Governor and local governments within the region to encourage the adoption of the 45 day extension. Additionally, he asked for approval to research the sealed corridor issue and encourage FDOT to adopt the more stringent standards of the FRA in terms of safety for high speed corridors.

Commissioner Smith suggested that in the future, as the executive director, Mr. Busha should have recommendations prepared to offer to Council members if there is an item that must be dealt with in a timely manner. He noted that a lot of time and discussion had been consumed on this one item. He stated that for the future if there is an item brought to staff and deemed an emergency, then staff needs to do some research and have recommendations ready to present. Mr. Busha indicated that this project, as well as Commissioner Solari's requests, will be on the May agenda. Councilmember Weaver stated that Commissioner Solari had provided a lot of information that needs to be included in the backup documentation at the next meeting for review and consideration.

## PUBLIC COMMENT ON CONSENT AGENDA ITEMS

None.

### CONSENT AGENDA

Mayor Taylor moved approval of the Consent agenda. Mayor Ferreri seconded the motion, which carried unanimously.

Items on the Consent Agenda were: 8A, Financial Report – February 28, 2014; 8B, Minutes – March 21, 2014; 8C, City of Riviera Beach Comprehensive Plan Amendment No. 14-1ESR; and 8D, Intergovernmental Coordination Review Log.

**Motion**

### RESOLUTION FROM INDIAN RIVER COUNTY REQUESTING NAME CHANGE ON SEVEN50 DOCUMENTS

Council staff indicated Indian River County has adopted a resolution requesting the name of the Seven50 resource document be changed, and any future documents accurately reflect the number of counties participating in the Seven 50 process. The resolution indicates Seven50 is supposed to stand for “seven counties, 50 years,” but this is now a misrepresentation of the facts given that three counties have withdrawn from the process.

Staff noted the draft report prepared for this agenda item presents background information on the Seven50 project, and an analysis of the partnership withdrawals. The report concludes the name Seven50 provides an accurate description of the seven-county planning area addressed by the Sustainable Communities Initiative grant. The name reflects the geographic area identified as the Southeast Florida Region, which includes Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, and Indian River counties. The Seven50 plan includes a seven-county transportation model; a seven-county sea level rise inundation assessment; and a seven-county leadership assets map. The Seven50 data warehouse and other planning tools apply to the entire seven-county area. The Seven50 project has partnership members and supporting organizations in all seven counties. Staff recommended that Council should continue to support use of the name Seven50, and the Seven50 website should maintain an updated list of the partnership members and the members that have withdrawn from the process.

Staff indicated that Richard Gillmor, Councilmember with the City of Sebastian, sent an email dated April 17, 2014 in favor of keeping the name Seven50. Mr. Busha read the email from Councilmember Gillmor into the record as follows:

*Good Afternoon Mr. Busha; I wanted to let you know that the City Council of Sebastian is in favor of keeping the name 7/50 and that they asked if I would speak at the Indian River County Commission meeting on the 15<sup>th</sup>. I did indeed speak in favor of them pulling their request to change the name of the Plan. Some of our points which I attempted to make with the County Commission were #1 the 2 largest cities in Indian River County, Sebastian, the most populated city, and Fellsmere, the largest city in square miles, want to be involved with the 7/50 planning process as it goes forward. #2 That we feel like the old cliché’ “If you’re not at the table, then you’re probably on the menu.” Holds true and we do want to*

*be at the table. And finally #. 3 The fact that the Southeast Region encompasses more than 6 million people now and projections put us at 9 million by 2050. Why would we not want to responsibly plan for this kind of growth? Best Regards Richard Gillmor Councilmember City of Sebastian*

Mayor DuBois moved approval of the staff recommendation. Commissioner Solari indicated that before a motion could be made, he wanted to present his side.

Commissioner Solari stated that at the start of the grant process Seven50 was called by the name of the Sustainable Communities Initiative. He said that political and community groups never signed up for the Seven50, they signed up for the Southeast Florida Regional Partnership Sustainable Communities grant. He stated that the first year of the grant did not go well and that at the March 16, 2012 Council meeting, Councilmember Ramon Trias said that the “project dispensed \$700,000 with no results so far.” Commissioner Solari stated that a comment had been made at the budget meeting prior that Council meeting that “they have squandered most of a million dollars.” He stated that it was his understanding that the first \$700,000 to a million dollars had been used to pay the staff salaries of the South Florida Regional Planning Council and not to do the work that was called for by the grant. He stated that he wrote Mr. Busha to see if his understanding of the matter was consistent and said that the reply was that the letter was accurate and captured the mood and concerns of the executive committee and the Treasure Coast Regional Planning Council during the six months prior to March 30, 2013. He stated that at the March 16, 2012 Council meeting, Marcela Cambor said that staff was thinking of giving the plan a new identify and there had been some challenges regarding management and the budget. He said that in June of 2012 the Southeast Florida Regional Partnership staff unveiled to the Sustainable Communities Executive Committee the edgy and flexible name, Seven50. He said that staff noted the name Seven50 describes all counties equally. Commissioner Solari stated that after the votes of the county commissions of Martin, St. Lucie, and Indian River counties as well as a number of municipalities, that that there is no longer equal participation. He stated that in his view, a major failure of the Sustainable Communities Initiative was that it was a staff-driven process with little input at least from this regional planning council. He stated the only time there was even significant comments by the Treasure Coast Regional Planning Council regarding the plan was October 17, 2014 at the joint meeting in Dania, when the plan had only been available a couple weeks, and participants admitted to having read little if any of the plan.

Commissioner Solari stated that Indian River County discussed the idea of a name change in December of 2013. He quoted from a December 17, 2013 TCPalm article quote, “Marcela Cambor Seven50’s Project Director said that the name wouldn’t be changed as long as the effort is supported by groups within all seven counties such as the cities of Sebastian, Port St. Lucie or Stuart.” He stated that he thought this was a policy decision and the final decision should be that of Council as a voting body. He stated that at the September 26, 2013 St. Lucie County Planning and Zoning meeting, a Seven50 staff person said that the region needs a business plan, however the plan has no economic analysis or financial analysis, and no costs associated with the different items. He stated that there is no way to prioritize based on the economic values or benefits of one action as opposed to another. He stated it was interesting that with no discussion before this Council that he is aware of, that the document was changed to a research tool and that is how it is described in today’s staff memo discussing changing the name of Seven50. He stated that he believes that if the staff can change the purpose of the grant from a business plan for economic prosperity to being a research

tool with no Council discussion, and if the staff can change the name of Sustainable Communities Initiative in response to the initial management and budget challenges, then given the withdrawal of three counties, changing the name again is a very reasonable request. Commissioner Solari made a motion that the name Seven50 be changed back to its original name, the Sustainable Communities Initiative.

**Motion**

Mayor Ferreri, as the Chairman of the Executive Committee, stated that the grant was co-sponsored by the two regional planning councils which encompass the seven-county region. He stated that it is not a grant application from the seven counties, or the 50 cities, it is a regional plan. He stated that the work product covers the seven counties as it was intended in the original grant, and the three counties that do not want to be part of it can do whatever they want. With respect to Commissioner Solari's comments on the spending of the grant money, Mayor Ferreri stated that South Florida Regional Planning Council is the agent for the grant and they are responsible for the spending and funding of the grant. He stated there were concerns and those were voiced, but there is legal support that every rule and procedure was followed. He stated that the name of the plan is moot because it has already been submitted and it is just a tool that counties can use if they wish, it is not a governing document.

Mayor Adams noted that the City of Fellsmere is the largest geographical city in Indian River County. She stated that she is a little offended that Indian River County does not feel that Fellsmere represents the county enough to keep the Seven50 name. She stated this does not give credit to city residents, who are also Indian River County voters. She stated that the City of Sebastian, which is the largest city by population in the county, feels that same way. She stated that if the county does not want to participate that is fine, but Fellsmere and Sebastian do want to participate. She stated that the plan is a valuable tool and contains nothing that requires the county to participate. She stated the name is not a literal representation by each county, but a geographical representation and if the County wants to get out that is their prerogative, but Fellsmere is still participating. Councilmember Weaver stated that if Mayor Ferreri's comment that the name change will really have no impact, that perhaps Council can accommodate Commissioner Solari's request. He stated that there are more implications to this document than just a planning tool. He stated there is going to be long term transportation and housing funding implications if cities are not consistent with the plan, and they will not be able to get funding as easily. Mayor Ferreri indicated that if a local government or agency participated in the grant they would get bonus points when applying for a grant. He stated there would be no penalties for those not participating.

Councilmember Weaver stated that as an example St. Lucie County may want to six or eight lane a road in the future, but that is not consistent with the plan's focus on development in South Florida.

Acting Chairman Davis called for a second to the motion. Councilmember Weaver seconded the motion. Mr. Saberson indicated there are requests from the public to provide comment.

**Second**

Ms. Larson stated that the worst thing about Seven50 is the fear. She stated that somewhere we have lost our way and that in her county the comprehensive plan has been thrown into the garbage can, kicked and set on fire. She stated the plan was done by surveying the entire county, and if Seven50 had done that then there would be a much more comfortable atmosphere. She stated that at the first meeting she attended for the Seven50 plan no one was even considering the environment or global warming. She stated it was disturbing that things such as arts and culture were before the

environment, and water, which is the most critical thing in Florida. Ms. Larson questioned why we have to allow three million more people to move to Florida. She stated we do not have the resources to sustain all those people. She stated that she does not care what the name of the plan is, it is not the plan that everyone wants for Florida. She noted that she has lived in Florida since she was two years old and she remembers when the canals were not polluted. She asked why there is a plan to accommodate three million more people when we are being told we cannot accommodate the current population. She stated that future initiatives need to get more public input and she believes that more people's opinions need to be considered.

Anne Kuhl stated that regardless of what the plan is called, the website needs to clearly show both sides of the discussion. She stated she believes that the federal grants will only steer you the way they want you to go and may not be what we want here. She stated the public needs to be involved every step of the way. She stated the people that are opposed to the Seven50 plan need to come up with a platform and say that they do not want to follow the agendas of their perspective city and counties agencies and pick out those projects that are offensive in their area. She said that if a regional program puts all the burdens on one county, and all the benefits go to another county, then people need to speak up. She stated it is not the name people disagree with, they disagree with being steered in a direction that does not fit their lifestyles and decreases their quality of life. She urged people to look at the entire agenda and go after the items that are offensive. She stated she hates the word charrette, saying it is just a charade where someone knows the answers and the questions and leads you to the answer. She stated we need to determine our own future and not let someone steer us down a path we do not want.

Acting Chairman Davis stated there is a motion on the floor to change the name of the Seven50 plan. Mr. Saberson indicated that the South Florida Regional Planning Council was the actual grant recipient and while this Council can call it by another name, the South Florida Regional Planning Council is not obligated to change the name.

Commissioner Solari stated the reason for bringing this to Council is to be more transparent, and indicate that three of the counties have withdrawn from participation. He stated that this was brought to the executive committee and it was dismissed. He stated that when you are trying to build support for a project, you do it in a way where some support already has been indicated. He stated that if the name was changed when there were budget and management problems, then it should be simple to change the name back to the Sustainable Communities Initiative.

Councilmember Weaver stated that he knows the vote is largely symbolic, however he wants to show support for the efforts of Indian River County.

Upon being put to a vote, the motion failed by a vote of fifteen to five.

## **LEGISLATIVE MATTERS**

Staff provided an update on House Bill 703 and Senate Bill 372, which are related to growth management and have impacts to home rule authority and water management matters for the region. Staff indicated that these bills have been temporarily postponed. Staff noted that the Gubernatorial Committee has requested staff also track House Bill 1055. This bill, being sponsored by Representative Mayfield, proposes a way for local governments to offer a more efficient, cheaper

solution to move individual homes off septic and onto the public sewer system. The bill did not receive support from the Agricultural and Natural Resource Committee, but there is a current attempt to have it amended to another bill.

Staff asked for support from Council members and the Gubernatorial Committee to communicate with the Governor regarding regional planning council funding. It was noted that there are several state mandates for Councils and because the Governor has vetoed that funding for the last three years, it makes it difficult to provide services to the local governments. Staff recommended that Council authorize staff, in consultation with the Gubernatorial Committee, to monitor House Bill 703 and Senate Bill 372 and immediately alert Council members if there are any actions with respect to those bills; transmit a letter of support for the enactment of House Bill 1055; and authorize the Governor Scott appointees to attend any meetings with Governor Scott scheduled by the Florida Regional Councils Association with respect to restoring state appropriation for regional planning councils.

Commissioner Fielding moved approval of the staff recommendations. Commissioner Valeche seconded the motion. Councilmember Weaver encouraged Council members to bring forward any matters of concern that are going to be in front of the state so a Council position can be considered. A vote on the motion passed unanimously.

**Motion**

### **FLORIDA REGIONAL COUNCILS ASSOCIATION UPDATE**

Staff noted there is extensive information provided in the agenda packet regarding the regional planning councils in Florida. As this was an informational item, no presentation was made; however staff asked if there were any Council member concerns or questions.

Commissioner Fielding stated that it is essential to recognize the importance of the forum that is provided at the Council meetings and the vital services Council provides for the local governments, especially the smaller local governments. He encouraged Council members to support the regional planning councils in any way possible.

Acting Chairman Davis noted that he attended the Florida Regional Councils Association annual conference and he stated that there is a great value in the cross pollination of discussion between the eleven regional planning councils.

### **PUBLIC COMMENT**

Tom Rising noted that concern for the AAF project is growing, not only for the public but also for Council. He stated he is concerned about the path the project is taking and the lack of information being provided. He asked Council to consider Commissioner Haddox's recommendation to add this project to every meeting agenda going forward. He stated that since the information is coming out sporadically and every week there is something new, he would like to see more frequent meetings so the group can evaluate what is being presented and be able to make good decisions for everybody along the east coast. He commended Commissioner Solari for his proactive efforts, offering strong support for his comments and decisions. He encouraged everyone to be proactive on this issue. He indicated he had attended the meeting in Jupiter, noting that the survey being done by the Jupiter Inlet District reported that just last month over 6,000 boats went through that bridge area. He stated

that what is alarming in the report is that the average length of time the bridge is closed is 9.5 minutes. He agreed that the passenger trains would be shorter, but the longest length of time recorded was 1 hour and 21 minutes, showing a great range of time that the bridge is down. He stated he has been sending out information regarding the car trestle bridge that cannot open when there is an 8 minute warning period to clear the boats out of the area for the bridge to close. This adds 8 minutes to the 19 minutes for the bridge closure, which total 27 minutes. He stated that his information is fairly accurate and asked for Council support of a similar study being proposed in Stuart by the Florida Inland Navigational District in order to determine all the potential impacts.

Staff indicated there will be an item on every agenda to discuss the AAF project. Acting Chairman Davis stated it needs to be an update. Commissioner Smith stated that he does not mind an update every meeting, but there needs to be backup if Council will be asked to take a vote.

Ms. Larson stated that the saddest thing she has witnessed growing up in Florida is the destruction of our quality of life and that is what is happening. She stated that at a West Palm Beach meeting recently, when discussing a proposed giant condo, a Commissioner stated that no one was guaranteed a view. She stated everyone came to Florida for a certain quality of life. She stated that she has witnessed some serious things at the past Council meetings, giving the examples of Thaddeus Cohen, former Secretary of the Florida Department of Community Affairs, saying he wanted to get rid of all the trailer parks, and a Council member representing a county where he did not live. She stated that we are being inundated by developers and there is not room to develop 12 and 20 story buildings. She stated she recently walked through downtown Stuart, and that is how Florida once was with little one and two story shops, and now we have massive condos in Miami-Dade and Broward counties. She stated she wants to avoid that for our region, but the developers are moving up the coast. She stated that she does not want to see Florida completely destroyed. She stated that if global warming is a fact, she questioned how the northern counties will accommodate everyone from the south when they are under water. She stated that overdevelopment has destroyed the counties to the south.

Gale Baker stated that she hates to beat a dead caboose, but she appreciates everyone's comments on the AAF project. She indicated that she had provided information. She stated that she lives in a small town that is literally cut in half from east to west by the railroad. She stated the hospitals are on one side, and every delay for the emergency vehicles and things such as hurricane evacuation is endangering lives. She urged the commissioners of every township and in every county up and down the Treasure Coast to seriously look at this project and how much it will cost the residents to pay for somebody else's folly.

Lynn Sammuli stated that Blackrock hedge fund started with the group we call Fortress. They were then joined by UBS Bank and others from Goldman Sachs to put in money and start buying things. He stated they went public in 2006 to gain more money. He stated they saw a big opportunity out west because Vancouver British Columbia was getting the Olympics and needed money. He said they set up another company and did a leveraged buyout to fund all this stuff that was going on, but ran short of funding and started selling off the company's venues, one of which was the Whistler Mountain venue that was to be used for the Olympics. He stated they also funded a company to build the athletic village in Vancouver and they were going to fund \$875 million dollars to do that. They then decided they did not have the money and Vancouver needed to come up with \$450 million dollar to finish the project. He stated that is the way Fortress operates. He stated they do not

have much skin in the game and always come out ahead, which does not seem to bother them, because they are a profit center in business to make money. He stated that they have now bought the Florida East Coast rail line and they need to improve it, which will cost them a lot of money. He stated they decided to set up this passenger train and get the government to fund the improvements, and then plan to let the passenger train go broke. He stated that you wonder why a private corporation would set up a company that they know cannot make a profit, and then expect us to pay for it and somehow they will wind up with the track. He cautioned Council members to beware.

Gayla Tanner said if you stop the loan, you will stop the train. She offered her support of Commissioner Solari and anybody else with the common sense who wants to stop this use of taxpayer money. She stated it angers her that AAF touts their company as being private, but they are getting a federal loan with taxpayer money with no obligation to allow the bank or anyone else to determine if they can repay the loan. She stated that is the first question that should be asked.

Phyllis Frey noted she had displayed charts to help Council members understand the corporate structure of Fortress. She stated the information is on the internet. She stated that she wanted to say for the public record that the City of Sebastian has stated through their attorney that they are no longer a member of Seven50, yet Councilman Gillmor now wants to submit for the public record that they are a member of the Seven50. With respect to AAF, she stated she would like to note a statement by Mr. Rusty Roberts at a recent meeting that AAF is a private company and not obligated to provide financial information. She said that he is wrong. She stated they have applied for a \$1.5 billion loan of public money and now the figure is \$2.5 billion. She stated she attended the meeting in Jupiter and asked the panel where the extra billion dollars came from, but no one knew. She stated we have the right to know. She stated a March 21<sup>st</sup> memo from Council staff indicated that economic competitiveness was the priority of the AAF project. She stated that in order to understand whose economic competitiveness we are talking about, we need to review passenger trains in Florida and that they have never turned a profit, but are hemorrhaging money at \$200 million dollars a year. She stated we are not expected to believe that AAF will come along and for the first time in history make a profit. She stated that the talk about economic competitiveness is about the benefits to Fortress and its subsidiaries involved in shipping freight, which is all one package ready to rip up the State of Florida with four tracks. She stated she does not believe the small towns should be making the sacrifices, and the Treasure Coast forfeited for this kind of project. She said that there are other solutions and this is not a fait accompli. She paraphrased Commissioner Scott's statements at the last meeting regarding the irony of the Flagler Railroad having once given life to Florida, and now it is going to kill it. She stated that not only are the financial costs going up, that also the human costs, while home values are declining. She stated the other implication is the traffic and congestion this project will cause.

Ms. Frey applauded Council for agreeing to put this project on every agenda, because the public needs the facts. She stated that talk about the project advancing the quality of life, it is on behalf of Fortress and not the people of all the towns along the Treasure Coast. She stated that the project will destroy our brand through noise, vibration, sleepless nights, shutting down crossings, rerouting roads, buildup of traffic, delay to waterway commerce, and interruption of our daily lives. She stated this will be a mobile industrial complex constantly moving through every day and every night. She stated that the AAF and FRA engineering field reports state that they are not obligated nor will they pay for the sealed corridors. She stated the cost for these corridors is \$47 million for the southern portion, and over \$100 million for the northern portion, and they are saying they are

not going to do it and it will be up to us if we want that kind of protection. She stated the cities, counties, subdivisions, neighborhoods and business have all written resolutions not in support of the AAF project and she is approaching 10,000 signatures from individuals who are against the project. She stated that it is questionable that Council is working in the best interest of the public when it goes to Tallahassee to lobby for stops in our towns that have not been asked for, and she asked that Council stop intervening on her behalf. She asked that Council stop interfering and reporting they know what the public wants. She stated that so far, Council has been 100 percent wrong about what the public wants and if Council wants to be right then it should retract support of the AAF in writing to the Governor. She stated that we have not even begun to imagine how this project will negatively affect our lives. She asked that Council not alter the minutes to reflect just the opposite of what is being said.

Thelma Komo, a resident of Port St. Lucie, indicated that she had not planned to speak, but she is concerned about the financials of the AAF project. She stated that as a taxpayer of Port St. Lucie, she and her neighbors have a \$40 million bond on their shoulders from a failed project. She stated that a developer tried to sell a white elephant to Martin County and when they failed they went to Port St. Lucie offering over 1,100 jobs. Once they got the bond the developer built the building and then left. She stated that instead of being called Digital Domain, it is now called Tradition Studio. She stated that this building was almost sold last year but the deal was not made. She stated that she recently paid her federal taxes, which she stated will in part pay for the \$2.5 billion loan request of AAF. She stated that her local taxes will pay for the safety requirements that are going to be imposed. She asked that Council learn from the past and not be taken again. She cautioned that the constituents in the room are going to have to pay for the entire package when the company is not able to pay back the loan.

K.C. Taylor stated that she is with Florida Not All Aboard. She noted that a couple Council members said we do not have the right to look at the financials of AAF because they are private and it is proprietary. She stated that it is correct that they are a private company, and we did not have the right until they applied for funding with our taxpayer money. She stated we have the right to know if they are going to be able to pay back the loan. She stated that she understands that a train depot has been an initiative for a lot of years. She stated that perhaps Council members need to go back and speak with their constituents and see if they still want that depot. She stated that it may have been what people wanted twenty or thirty years ago, but there is now an overwhelming majority that do not want the train depot. She stated that she agrees with Commissioner Solari 100 percent and thanked him for his concerns, and indicated she would like Council to forward his letter. She stated that this is a huge concern for the public. She stated that the train tracks were built over 125 years ago and the town sprung up around it. She indicated she spoke with an FRA representative that said in the last five years there have been 84 trespassing fatalities, 79 percent of which were in south Florida. She stated that was before having 100 mph trains traveling through our communities. She stated that adults and children will trespass and it is a real concern that the company has indicated they do not want to pay for the upgraded safety requirements to protect the residents. She stated that she has not heard of one benefit from the project for the Treasure and Space coasts and asked why we should fund something that will hurt our community and boost the bottom line of a New York City hedge fund on an adventure that has not proven profitable in decades.

Bill Biggs, operator of Riverwatch Marina in Stuart, stated that he is one of the thousands of businesses and residents located west of the St. Lucie River, Loxahatchee, and New River bridges.

He stated there will be devastating financial impacts based on AAF's proposed train schedule. He stated that he is shocked that more people are not outraged with the lack of information being provided. He stated that Council has not been provided financial information regarding the project so there is no idea of the financial viability of the enterprise, yet we are looking to lend them \$1.5 billion. He stated that Commissioner Solari has every right to request financial information. He stated he wanted to talk about the train bridge closings since that has the most direct impact on his family and business. He stated that George Gentile with the Jupiter Inlet Navigation district made a great presentation of his findings regarding the bridge opening and closings. He encouraged Council to invite Mr. Gentile to present his findings. He stated that we know All Aboard Florida plans to have north and south bound trains passing over the bridges once an hour. He stated that two trains at 19 minutes apiece, is 40 minutes. He said that if you then add one of the scheduled freight trains, the time is over one hour. He stated that it is very conceivable that the bridges could be closed for hours on end. He stated these are facts and encouraged Council to be proactive. He indicated he asked Mr. Rusty Roberts at the Stuart Chamber of Commerce meeting about the bridge closing schedule, but Mr. Roberts evaded the question, saying it would be in the EIS. He also stated that Mr. Hall from the realtor board should be invited to present how property values declined in Atlanta when they are adjacent to railroad tracks.

Acting Chairman Davis thanked everyone for their comments.

#### **STAFF COMMENTS**

Staff indicated that a call was made to the FRA regarding the timeframe for the draft EIS, which is now scheduled to be released in May to June. The agency assured staff they will not release the EIS until they are confident all public comments have been received and are sufficiently addressed.

Councilmember Houston asked if Council staff will be participating in creating questions that come from Council with respect to the EIS. He stated he presumes that each municipality will provide their own comments, but asked if there is a template that can be used, because there has been a lot of discussion with respect to the financial information of the project. He stated that in all the years he has been involved with the EIS process, he has never heard any discussion of financial information. He asked if that is part of the EIS process, and what other elements will be addressed. He asked if the local governments will provide comments and questions, and then funnel those through staff to be summarized and brought to the entire Council. Mr. Busha indicated that staff will do an analysis of the entire document and provide analysis of the responses and provide conclusions. During that process, additional questions will be developed to put forward to the FRA as they are preparing the final EIS and their findings. At the same time, all the local governments will be reviewing the EIS. He indicated Council is the clearinghouse for all the comments and staff's job is to collect all the comments and attach those, unfiltered, to the staff report and recommendations. He offered staff assistance in reviewing the EIS to any local government that cannot afford to hire an expert. Additionally, he stated that he has been asked to hold a meeting with all the commenting agencies to determine what their concerns might be with the EIS. Councilmember Houston asked if that would be a public meeting. Mr. Busha indicated that it would be a workshop for all who want to participate. The process is for staff to do an analysis with recommendations to be brought to Council. During that process, staff will gather responses and questions to include in the analysis. He stated that with respect to the financial information, we can request the information from the FRA; however, they may say that it is beyond the scope of the EIS.

Acting Chairman Davis indicated he has worked on several EISs and what normally happens is that comments are submitted and they have to respond to those comments in the final EIS. He stated that it would be helpful to request a meeting with the FRA so that all the local governments in the region can provide comments and make sure their concerns are fully understood.

Mr. Busha stated that staff is developing a section on Council's website as a central clearinghouse for all official AAF project documents. Official documents and correspondence, as well as information about the project will be available. He asked that everyone send information to be posted and shared.

Acting Chairman Davis asked that Mr. Busha and Mr. Saberson clarify the internal process for handling requests for emergency items on the agenda and provide a brief presentation at the next meeting.

### **ADJOURNMENT**

There being no further business, Acting Chairman Davis adjourned the meeting at 1:06 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 April 18, 2014 meeting of the Treasure Coast Regional Planning Council.

---

Date

---

Signature