

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
OCTOBER 17, 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
Martin County:	Commissioner Fielding Commissioner Thurlow-Lippisch (Alternate)
St. Lucie County:	Commissioner Lewis Commissioner Mowery Commissioner Perona
Palm Beach County:	Commissioner Valeche Vice Mayor Burdick Mayor Ferreri Mayor Golonka Councilmember Brinkman Mayor DuBois Councilwoman Gerwig Councilman Hmara (Alternate) Councilman Szerdi (Alternate) Councilman Guyton (Alternate)
Gubernatorial Appointees:	Douglas Bournique Michael Davis Michael Houston Tobin Overdorf Reece Parrish Peter Sachs Steven Weaver, Sr.
Ex-Officios:	Vicki Gatanis, South Florida Regional Transportation Authority
Council Staff:	Kate Boer Michael Busha Phyllis Castro Kim DeLaney Anthea Gianniotis Liz Gulick Stephanie Heidt Peter Merritt

Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum is present.

AGENDA APPROVAL

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

ANNOUNCEMENTS

Staff indicated there will be two workshops held to review the draft environmental impact statement (DEIS) for the All Aboard Florida (AAF) project. These will be staff-level meetings held in Jupiter on October 22, 2014 and in Fort Pierce on October 23, 2014. The meetings are being coordinated to provide a forum for the region to discuss the issues that the entire region has in common and concerns that the individual local governments may have with respect to the project.

Staff noted that a resolution from the Treasure Coast Council of Local Governments opposing the AAF project has been provided to Council members.

Staff also indicated they provided the *Complete Streets* policy from the Florida Department of Transportation (FDOT). Staff stated these guidelines are important for local governments to use to create streets that are more than just thoroughfares for cars, but ways to promote economic development. Staff noted that the Department may be developing some legislation on this topic and this may be a topic Council may want to also address in its legislative priorities.

CHAIRMAN'S COMMENTS

Chairman O'Bryan indicated he does not have any comments.

COUNCIL MEMBER UPDATE

Commissioner Valeche reported that the Palm Beach County Board of County Commissioners is considering switching from the Treasure Coast Regional Planning Council (TCRPC) to the South Florida Regional Planning Council (SFRPC). He noted that it was discussed at a recent meeting and he expressed that he and Vice Mayor Burdick both voted against moving to SFRPC. He stated he has discussed this with all the mayors in his district and they all wish to stay with TCRPC and are very complimentary of TCRPC staff.

Vice Mayor Burdick thanked Commissioner Valeche for his comments. She noted that she had not been present at the last meeting, but had read the minutes and thanked Council members for their perceptive dialog and questions regarding the Minto property.

Chairman O'Bryan asked Commissioner Valeche for an update on baseball in Palm Beach County. Commissioner Valeche indicated that a developer has approached the City of West Palm Beach and

wants to purchase the proposed site that has been identified as the most appropriate location for a stadium. The developer wants to pay the city \$14 million and plans to build townhomes, single-family homes, apartments, and five large industrial buildings on the site. The city must now consider if they want to sell the land and have a taxable property, or contribute the site to the county and remove it from their tax roll. Commissioner Valeche stated that the county staff and teams are working to determine if a better deal can be made between the county, teams, and the city.

Vice Chairman Mowery stated St. Lucie County is very supportive of baseball in Palm Beach County. He stated that it would be tough to lose baseball on the east coast. Regarding Palm Beach County's membership with the regional planning council, he stated that there are a lot of diverse communities represented on the TCRPC, but everyone has always worked well together and he believes it is important to remain solid in that approach. He stated that the group has been working well together for 38 years and he believes it should continue that way. He thanked Vice Mayor Burdick and Commissioner Valeche for the support.

Commissioner Perona noted that Fort Pierce is in phase two of their \$32 million marina project. He noted that \$20 million of rocks have been put into the water to provide reinforcement to the barrier islands against hurricanes. He indicated that the docks for this state-of-the-art marina are being built in Jacksonville and will be floated down to the city. It is expected the project will be done in the first part of next year.

Mayor DuBois stated that he had attended the Palm Beach County commission meeting and filled out a card in support of staying with TCRPC. He noted that there were several speakers in support of staying. He stated this is unfortunate and believes this decision should be turned around.

Councilman Hmara stated he also supports staying with TCRPC, noting his reasons are the quality of staff work and responsiveness and the interaction of Council members. He stated that he finds it interesting that diversity is touted as being a wonderful thing, but when it gets in the way people want to walk away. He stated that Palm Beach County has more in common with the northern counties than differences.

Councilwoman Gerwig indicated she was unable to attend the meeting, but she believes that from Wellington's perspective she identifies more with TCRPC and believes it is a better working situation. She asked for clarification of the county's decision. Commissioner Valeche stated that there has been discussion of splitting the county, but he does not believe that is a feasible option. He noted that Mayor Golonka is correct in her comment that if Palm Beach County wants to further its relationships with the southern counties, that already exists through Tri-Rail, the South Florida Regional Transportation Authority, and the Climate Compact. He stated the idea is that there needs to be relationships both to the north and south, because although the county's transportation needs may be more akin with the southern counties, the development needs are aligned with the northern counties. He stated that currently the county has relations on both sides, which covers a seven county area.

Mayor Ferreri indicated this would be his last meeting. He stated it has been a great 16 years and thanked Council for the opportunity to work on challenging projects such as Seven50. He noted that he had attended the county commission meeting and spoken in support of staying with TCRPC. He stated the county has more in common with this Council and there are many members of the

southern group that want to kill the whole planning council theory in South Florida. He concurred that there needs to be relationships both to the north and the south. He thanked staff for all their assistance that has been provided over the years to his city, noting that as a smaller city they may not have had the resources to solve some of their problems without the regional planning council. He stated that not only are the northern cities aligned with staying, but the southern cities as well. He said that if the county does stay with TCRPC, he would suggest moving the meetings around the region. He indicated that he would like for Commissioner Szerdi, his current alternate, to be the recommendation from the League of Cities to take his place as a full council member. Chairman O'Bryan thanked Mayor Ferreri for his service.

Councilmember Brinkman stated that she has also elected not to put in her application for reappointment. She stated she has enjoyed serving on Council, and noted that she has been recently appointed to the metropolitan planning organization board. She stated that she has enjoyed all the camaraderie and accomplishments of Council and respects the staff immensely. She indicated she has recommended her alternate, Councilmember Tinsley take her place as the full-time Council member, because of her years of planning experience.

Councilmember Sachs stated he also did not attend the county commission meeting regarding the alliance to TCRPC, and he can only speak to his experience. He indicated that he moved from New York to Miami several years ago, because he thought Miami Beach was Florida. He stated that after you have some experience living here you start to look north and he eventually moved north spending most of his adult life in Palm Beach County. He said at first he looked to the south for friends, social engagements, and culture, but gradually began to look north both socially and professionally. He stated that turning to the south is a reactionary move. He stated he agrees that the diversity of TCRPC is amazing and it is good to hear all points of view. He stated that he supports Vice Mayor Burdick, Commissioner Valeche and the local municipal officials in staying with TCRPC.

Councilman Guyton stated that the City of Riviera Beach provided a letter of support for TCRPC to the county. He stated the city's position is very clear and they are satisfied with the work staff has provided over the years, noting current work being done to draft a U.S. 1 Corridor Master Plan. He noted that all the bids have been awarded for the marina project and he is excited about the progress that is being made.

Commissioner Szerdi noted that the City of Lake Worth has not taken an official vote on the county's proposal to move, but he personally would support staying with TCRPC.

Commissioner Thurlow-Lippisch indicated she is filling in for Commissioner Krauskopf.

Councilmember Bournique agreed with Vice Chairman Mowery's comments on diversity.

Councilmember Davis stated that as the other gubernatorial appointee from Palm Beach County, he supports Councilmembers Sachs, Vice Mayor Burdick, and Commissioner Valeche and their comments. He stated he believes it would be a huge mistake for the county to move to the SFRPC. He stated he has had the opportunity to work with both councils and it is very different to the south. He noted that he is currently working with staff on a project that involves the Cities of Lake Worth and West Palm Beach, and the Town of Lake Clarke Shores. The project is to put a boat lift

structure on the C-51, which will allow nearly 2,000 land-locked boaters to have access to the intracoastal. He noted that this illustrates the effectiveness of staff in bringing together three jurisdictions creating a dialog that is very positive.

Commissioner Lewis indicated that the governor and cabinet had awarded the veterans' nursing home to St. Lucie County. She thanked everyone for their support of this project that will be beneficial to the entire region.

Staff reminded the Palm Beach County municipal members that the League of Cities meeting is the next Wednesday and if the issue of moving from the TCRPC comes up, they should provide their comments at that time.

Chairman O'Bryan welcomed Representative Magar and her aide Ann Buldoc, Mayor Brennan, and aides from Representative Harrell and Rooney's offices.

PUBLIC COMMENT ON CONSENT AGENDA ITEMS

Alex Larson stated that she is not picking on Port St. Lucie, but when it comes to amendments to comprehensive plans there needs to be careful decision making. She stated she is concerned because the city is saying that parcels of land smaller than 100 acres will be able to be rezoned for general use for placement of public facilities without having to update the master planned unit development zoning district. She stated that everyone is changing their comprehensive plans and easing the burden on developers. She stated that she believes the developers need to jump through as many hoops as possible, because of the issues we are facing such as water and land uses. She noted that to the south water is a big issue and that if climate change is real, we need to start changing the focus of building and start considering where to store water. She stated that water storage is going to be a tremendous problem in a very short time and she asked that all Council members consider this when making changes to their local comprehensive plans.

CONSENT AGENDA

Commissioner Fielding moved approval of the Consent Agenda. Vice Mayor Burdick seconded the motion, which carried unanimously. Items on the Consent Agenda were: 8A, Financial Report – August 31, 2014; 8B, Minutes – September 19, 2014; 8C, Village of Palm Springs Comprehensive Plan Amendment No. 14-2ESR; and 8D, City of Port St. Lucie Comprehensive Plan Amendment No. 14-3ESR.

Motion

RESOLUTION CONCERNING THE LEASE AGREEMENT BETWEEN THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY AND ALL ABOARD FLORIDA

Council staff presented an overview of the current lease agreement between All Aboard Florida (AAF) and the Orlando-Orange County Expressway Authority (Authority) to utilize a portion of the Authority's right-of-way along State Road 528 to construct the company's proposed passenger rail project. Staff noted that the lease agreement, executed in June of 2013, acknowledges the four planned AAF stations in Miami, Fort Lauderdale, West Palm Beach, and Orlando, but any new stops or depots between the Orlando and West Palm Beach stations will require an extraordinary review and determination by the Authority to protect system-pledged revenues for the Authority's

bonds. Staff review of this language is consistent with concerns raised by Senator Thad Altman, which indicate this requirement could require additional fees for any new stations and therefore present an extraterritorial tax on counties beyond the Authority's area of jurisdiction. Staff recommended that Council approve a resolution requesting Florida Governor Rick Scott direct the Central Florida Expressway Authority to strike the language in the lease agreement that imposes an extraterritorial tax on Treasure Coast counties.

Commissioner Fielding stated that he does not think the intention of the lease agreement is directed to Martin, St. Lucie, and Indian River counties, but rather, directed to the effects of ridership being diverted from SR 528. He stated he cannot imagine that there is a significant number of trips from the south traveling to Orlando on SR 528. He stated that in the lease it talks about competitively procuring the lease, which he stated is the furthest thing from the truth and they got a sweetheart deal, because they can do their due diligence and get their permits before they ever have to make a lease payment. He stated that he is opposed to the lease, but he does not think this is a particular point that Council should address. Chairman O'Bryan stated that a lot of people in Indian River County utilize the Orlando International Airport, using I-95 and then SR 528 to get there. He stated that if there was a train stop in Vero Beach, he would take the train to the airport and believes others would do the same. He stated that the crux of the issue is that a lot of the trips on SR 528 would be diverted to the trains if stops were available in their local communities. Commissioner Fielding noted that was a good observation, but stated that if the business plan is to travel from Miami to Orlando in three hours, additional stops would not allow for that kind of flexibility. Chairman O'Bryan stated the view is that this is a poison pill for getting additional service stops in the future, particularly when the ultimate decision is made by a bond counsel. He indicated that Senator Altman also feels the same. Councilmember Overdorf moved approval of the staff recommendation. Mayor Ferreri seconded the motion.

Motion

Commissioner Valeche asked how the methodology would be developed to determine if trips have been diverted to the trains. He stated that there are so many inputs that if traffic counts change, it would be hard to determine if the trains were the cause, or if something like a tourist boom could have caused higher traffic counts. He stated that this would be very imprecise, because there are so many factors that need to be tracked. Staff indicated that concern was expressed in the report and, because there are so many factors, it would be hard to know which an independent bond counsel might choose. Also, the Treasure Coast counties would not have representation in that decision making process. Staff stated that this appears to be an inappropriate exertion of the legislative delegation that has been conferred to the Authority. Chairman O'Bryan stated that he has contacted the chairman of the Authority, Commissioner Welton Cadwell from Lake County. He said he suggested there be some kind of a traffic count and if the number go below that number that could be an indication that they are losing ridership. He stated that is one option, but as it currently stands, the decisions will be made by a bond counsel with no recourse for anyone else. Commissioner Valeche noted that would not even be precise enough, because if the price of gas were to go to \$9 a gallon in the future, people may stop driving and take the railroad, so the drop in traffic would be caused by the inflated prices and not the railroad. Chairman O'Bryan agreed, noting that is why it is best to have the wording completely eliminated.

Mayor DuBois stated that there may be some aspect of the bond documents that helps pay for this road and that speaks to keeping some form of monopoly on the revenue generated. He stated that

with respect to the methodology, they would also need to count any other method of transportation to Orlando as well, such as plane trips.

Commissioner Fielding asked if this resolution could be interpreted as support for the AAF project, which would be against the strong opposition currently in the community. Chairman O'Bryan stated this is more of a precaution that if the project is approved and becomes viable, then the issue of additional stations is already addressed.

Mayor DuBois asked if part of the reason the northern communities are opposed to the project is because they do not see the opportunity for stations in their communities. Commissioner Fielding indicated that is a misperception. He stated that people are opposed because they believe this project will destroy the communities.

Councilman Guyton stated that he has heard rumors that AAF is pursuing private funding options and asked for an update on this. Chairman O'Bryan indicated that would be addressed under the AAF update agenda item.

Under public comment, Ms. Larson stated that she listens very carefully when she hears public officials say that it will be an inconvenience to them. She stated that she does not care if public officials are inconvenienced, because their fees are generally paid for by the tax payers. She stated that she is concerned that if the revenue to pay back the bonds is not there, then the money will have to come from somewhere else. She stated that if money from the roads is being used to pay back the bonds, this concerns her. She stated she has the same concerns as Commissioner Fielding, because of the strong opposition to the project.

Bill Biggs stated he is with the the River Watch Marina in Stuart, Florida and also a board member with the Marine Industries Association of the Treasure Coast (MIATC). He stated that several weeks ago MIATC met with representatives of AAF, including president Michael Reininger. He stated they outlined their plan for mitigating the navigational issues at the St. Lucie and Loxahatchee River bridges. He stated the highlight of their plan is that they have a sophisticated computer model that is going to synchronize the north and south traffic on the St. Lucie River Bridge and on the Loxahatchee River Bridge. He stated that MIATC has no confidence in their plans. He stated the most interesting part of their presentation was the plan to develop an iPhone application that would tell boaters when the bridge is going to close. He stated this demonstrates how little they know about marine navigation, because he believes this will cause hundreds of boaters from all different directions to race to the bridge before it closes. He stated this will be a major safety issue. He stated that MIATC has no confidence in this project and is very disappointed that the candidates for governor are not taking a position on this project. He stated he believes the best shot of mitigating the navigational issues is the current resolution. He stated that any public transportation system such as this relies on support from the State to become successful. He stated they need state support for accessing the space at the Orlando terminal and they need the state support for securing the lease on SR 528. He asked that Council add language to the resolution requesting that the bridge closures be limited to 15 minutes per hour at the St. Lucie and Loxahatchee River bridges, and if this is not done, penalties will be incurred.

Chairman O'Bryan noted that this resolution speaks to the specific lease agreement between the Central Florida Expressway Authority and AAF for SR 528. He stated that it would be more

appropriate to address the bridge issues under the AAF update. Mr. Biggs indicated that he understood, but asked if we really want to lease them a right-of-way in an expressway if they are not going to address all the issues that will affect the communities on the Treasure Coast. Chairman O'Bryan stated that the lease agreement already exists. Mr. Biggs stated that it was signed without having all the facts. Chairman O'Bryan stated that he agreed, but believes this resolution is specific to the lease agreement that deals with the SR 528 corridor and offered to address the bridge concerns under the update item. He asked if there was any further Council member discussion.

Mayor Golonka stated that if anyone is concerned that this could be mistaken for Council support of the AAF project, she suggested an additional whereas could be added that would state the resolution should not be construed as Council taking a position on the project. Commissioner Valeche stated that he did not think that should be added to the resolution. Upon being put to a vote, the motion carried with Commissioner Fielding and Commissioner Thurlow-Lippisch opposed.

U.S. COAST GUARD MARINE NAVIGATIONAL STUDY

Staff provided an overview of the navigational surveys being commissioned by the U.S. Coast Guard (USCG) to address issues that have been raised with respect to potential navigational restraints to the movable bridges within the AAF project corridor. The purpose of the surveys, which focus on the New River, Loxahatchee River, and St. Lucie railroad bridges, is to solicit comments from the public to determine if there is a need for the USCG to use its regulatory authority to open a rule making process to modify regulations that govern how the bridges perform. Staff indicated that this is separate from the DEIS process currently being done by the Federal Railroad Administration (FRA). Staff gave an overview of the Loxahatchee River and St. Lucie bridges, which included the historical and current uses by the railroad and the boating communities. Staff noted that while the DEIS contains daily traffic counts for boater use, both Martin County and the Jupiter Inlet District have been conducting separate counts, and there are significant differences in these evaluations.

Staff indicated that the DEIS notes that freight traffic is projected to continue moving forward, and whether or not the AAF project occurs, the amount of freight traffic will continue to increase over time, and the amount of bridge closures will increase as well. Staff stated the difference, as described in the DEIS, is that the AAF project proposes to make structural improvements and enhancements to the bridges and improvements to the technology by which the train operates. AAF has indicated it will install positive train control (PTC) technology that will track every train and every facility within the rail corridor, so that through a centralized dispatch, trains can operate more efficiently and be cued more effectively. The company can then sequence the trains so that one bridge closing could accommodate two trains crossing at once, and then the bridge would open again. Commissioner Valeche also noted that AAF has indicated that the proposed technology and infrastructure improvements will reduce the cycle time for a bridge to close, lock, and then open again from 20 to 12 minutes.

Staff noted that from an analysis standpoint, the project proposes some significant changes to the current conditions. Since the data in the DEIS is the only data that has been provided, Staff has consulted with the USCG, who indicated they have reserved their right to check the validity of the data. Staff noted the draft report contains several key points that Council has discussed in the past. These include: 1) how freight will increase the number of times the bridge is going to close and

open, so without the technology improvements the cycle times will not be improved; 2) the infrastructure and technology improvements will allow for the passenger and freight schedules to be synchronized; and 3) access constraints for the lifesaving vessel that is operated by the Village of Tequesta. Taking these issues into account, Council has in the past raised the prospect of substantially rehabilitating or replacing the two bridges. However, staff noted that is a larger issue for the USCG, and therefore, it is not the subject of the navigational surveys. These issues are being offered to the USCG so they can be considered as the process determines whether or not additional rule making should take place. Staff noted that with respect to the schedules and rules, the Code of Federal Regulations (CFR), as currently written, provides a schedule and sequence by which the bridges are to close and open. However, the CFR does not provide a quantity of time that is afforded the railroad to operate for its needs versus the balance of time the bridges are left open for navigation. Additionally, there are separate methods of control for railroad and vehicular bridges. Vehicular bridges are presumed to remain in the closed position and open when demand for navigation is presented, but railroad bridges operate in the opposite manner, remaining open until there is a railroad demand. Staff noted the three bridges being analyzed in the surveys are unique with different operating characteristics. Accordingly, as indicated by USCG, bridge regulations are considered on a case-by-case basis. The USCG is driven by its responsibility to maintain a reasonable right of navigation against the rights of the railroad to operate as a commercial enterprise.

Staff recommended that the comments contained in the draft report be transmitted to the USCG as part of the public record. Staff indicated they will remain engaged as the rule making process continues. Staff also noted that the USCG is anticipating the three public workshops will occur in November, but an adjusted schedule has not yet been published for those meetings nor a deadline for public comment been established.

Councilmember Davis noted that the two central tenants of the National Environmental Policy Act are to do a meaningful alternating analysis and identify ways to minimize and compensate for impacts that are unavoidable. He asked when the bridges were built. Staff indicated they were built in 1926 and 1928. Councilmember Davis stated they may be close to their design life, and asked if there is an estimate of the cost to replace the bridges. Staff indicated FDOT estimates the costs to be between \$90 – 100 million each. Councilmember Davis stated that is a lot of money, but not in light of the overall cost of the project, asking if there is an estimate to bring them up to standard. Staff stated that Florida East Coast Industries (FECI) has not provided an estimate for the cost of the improvements that are being proposed. The company has indicated that the PTC and other corridor improvements will cost approximately \$400 million. Councilmember Davis stated that he is generally supportive of the project, but the issues with the bridges are enormous and need to be mitigated.

Staff noted that the requirement for the PTC applies to new passenger rail service; however, it is not required for the existing freight operations to continue, and therefore, it would appear unlikely the company would be required to install PTC in the absence of passenger rail service. Councilmember Brinkman stated there needs to be analysis done to determine what the impacts of the increase in freight will be to navigation if the improvements are not made. Staff noted that the DEIS provides several levels of impacts. Commissioner Valeche indicated that data exists from five to six years ago when freight was higher. Staff noted the DEIS indicates by 2016, there is a forecast of 20 freight trains per day, with an increase of three percent annually thereafter.

Councilmember Weaver asked staff to provide a link to the CFR regarding bridge closures. Staff noted that is included in the staff report. Councilmember Weaver expressed his concern that the projections are indicating 10 hours of bridge closure per day, which will not be spread out over the 24-hour period. He stated that bundling the passenger and freight trains to cross together could potentially cause most of the closures to occur during the daylight hours, which would leave the bridge normally in the closed position at the time of greatest boating traffic. He asked if there is information about the times of day that freight and passenger trains will be using the railway. Staff noted that it would be expected to be higher during the daylight hours, offering to plot that over a 24-hour period to determine what can be expected during the day. Staff also noted that there is reference to this in the CFR.

Commissioner Fielding noted that because of the schedules that are being proposed, this area will see the impacts starting at approximately 7:20 in the morning and not ending until 10:20 in the evening. He stated that this is going to be an enormous amount of train activity experienced during the daytime. He expressed concern that the information that was provided through the DEIS is not accurate, noting the USCG has stated none of their data was used in the preparation of that report. He also noted the USCG meetings will go beyond the date that has been given to reply to the DEIS. He stated we need to encourage having a supplemental period to respond once the USCG information has been given. He stated that one alternative he finds appealing is moving more freight to the CSX. However, he noted that this has received strong resistance. He stated that this project is going to destroy Martin County.

Commissioner Valeche stated that he agrees with Commissioner Fielding. He noted that this project has been discussed for two years, and the grade crossings appear to be less problematic than the bridges, which may be insoluble at this point. He stated the best we can hope for is that the mechanisms get approved, and the bridge opening and closing cycles times will improve. He stated that people will adjust to the vehicular closings, but the marine industry is going to be highly impacted by this project. He noted that he worked for a short-line railroad, and with respect to the projected increase in freight coming from Panama, it will not be profitable for the company if they have to share the shipping revenues with other companies. He asked if the staff could do an analysis of how much of the projected increase in freight coming into the Port of Miami will be traveling on the FEC corridor. He noted that for years the railroad made large profits by supplying all the building materials for Florida. Chairman O'Bryan asked Commissioner Valeche how the shipping costs are assessed for containers that come through the port and travel on the rail line. Commissioner Valeche indicated that the railroad publishes a tariff. He stated the reason FECI has been so profitable is that they have a monopoly for the shipping on the east coast of Florida. Since they do not have competitors, shippers are held captive and have little ability to negotiate. He stated there are antitrust laws and various other things that control what the railroads can do in terms of pricing, but at the end of the day, if there is only one railroad, then the shippers are stuck with the prices.

Mayor DuBois asked if staff has a sense of what the volume was before 1968, when there was regular passenger and freight service. He noted that prior to I-95 being built, there was probably more reliance on the railroads. He asked if there is any modeling for how the two bridges operated in those days compared to what we are looking at now. Staff indicated that data has not yet been analyzed, but offered to check with the state rail office to see what type of historical data there is

with respect to both passenger and freight service through 1968, and the continuation of freight service from that time forward.

Staff noted the freight trains today are much longer than in the past, as detailed in the DEIS. Accordingly, in the staff report, it is recommended there be a requirement for bridge openings to be limited to only twice per hour and that all freight and passenger trains be schedule to cross simultaneously.

Mayor DuBois asked if there are plans to double track the St. Lucie River Bridge. Staff indicated that although there are no plans to double track that bridge, the recommendation has been consistent over time, that tracks on either side of the bridges can be double tracked to allow for trains to be staged so one closing accommodates both trains. Mayor DuBois asked if there is capacity on the bridge to double track. Staff indicated that according to FECI engineers, the St. Lucie River Bridge was originally constructed as a single track because there is not enough land area on either sides of the bridge to accommodate landing a second track.

Mayor Ferreri stated that there needs to be a study done on the carrying capacity for urban traffic versus train traffic and at some point there needs to be a way to limit how many trains are on the rail line. He noted that the report addresses the clearances and asked if the bridges could be raised. He stated this needs to be looked at because of the issue of the reliability of the bridges being able to open. He noted that there was a period of time that the New River Bridge was closed for weeks and required maintenance, so boat traffic was totally stopped during that time. He suggested that Council should be recommending more studies of this type, because right now there is an opportunity to set some controls for the future, and that once the company gets what they are asking for, they will be able to run trains up to 24 hours a day and there will be no controls in place to stop them.

Staff noted that the DEIS is a separate document, so the comments currently under consideration are geared specifically to the USCG marine navigational surveys. Staff indicated that the recommendation in the report is to request consideration of all freight trains crossing with a passenger train, because that is directly focused on a regulatory control that the USCG can exert over the bridge openings and closings. The DEIS will be addressed separately at the November Council meeting.

Councilmember Houston stated that one of the challenges of this project has been clarity. He noted the company has indicated that at least some of the freight traffic will be occurring during the regular parts of the day. He questioned the assumption in the report that the increased closings will only affect 43 percent of boaters. Staff stated that is one of the questions that has been raised with respect to the accuracy of the data. Staff indicated that it has been said that with the upgrades in technology that are being proposed for the passenger rail service, the bridges will be able to open and close more quickly, which is a positive for the marine industry. The counter to that is that there will be more trains, so there will be more closings and openings. Staff stated the DEIS indicates that with current conditions, about 25% of boaters tend to be stopped by the bridge at some point in their journey. With the projected schedule, the DEIS suggests that will increase to nearly 42 percent of boaters being delayed by the bridges. Staff indicated the number does appear to be low, based on discussions with various jurisdictions, but the data to justify the numbers has not yet been presented. Councilmember Houston asked if we will see the freight following the same pattern as the

passenger service. Staff stated Council has consistently indicated at every opportunity that AAF should be required to sequence the freight and passenger service to cross at the same time. However, because the freight and passenger service are operated by separate companies, this may not be possible. Councilmember Houston stated that it would make a big difference for boaters if they could be made aware of when the trains are coming.

Councilmember Davis stated he supports Mayor Ferreri's comments about getting more information. He stated that he is not convinced the new bridges are the way to go, because the infrastructure improvements that would need to be done on either side of the bridges. However, he asked if the clearance is raised to eight feet, would that accommodate a higher percentage of boaters being able to cross under the bridge. He asked what could be accommodated with an eight to ten foot clearance, what would be the costs, and what would the consequences of doing that be. Staff noted that approximately 85 percent of the registered boats in Martin and St. Lucie counties are 25 feet or less, so a majority of the boats would be able to cross if there is a 6.5 to 7 foot clearance. Staff noted that this is data that can be provided to the USCG so consideration can be given to having wider and taller bridges.

Commissioner Fielding stated the requested financing through the FRA is a federal subsidy, as are the private activity bonds (PABs) currently being considered. He stated that these bonds are said to be private, but they are offered through either state or county governments. Chairman O'Bryan indicated that the PABs must be sponsored by a state or county government to get the municipal tax-free status, but they are sold to private investors, with no financial obligation for the local government. However, it may tarnish the reputation of the local government if the bonds default. Commissioner Fielding stated there is at the very least a moral obligation for the local government, because people will be drawn to these bonds because they are sponsored by a local government. He stated that we can choose to exert political pressure to minimize those who might want to sponsor the bonds. He suggested doing a test run of a container from Miami to Jacksonville to determine the true impacts.

Commissioner Szerdi asked if the railroad has the rights over the navigable waterways. Staff indicated the right to navigation exists to the citizens, and the USCG is responsible for maintaining what is termed the "reasonable rights to navigation" for mariners. Staff noted there is a set of property rights that were conferred upon the railroad when the state granted the right to construct the rail corridor. However, staff indicated that it is unclear as to which rights prevail regarding the bridge conflicts – and the contrast between the rights of navigation and the rights of the railroad. The USCG has consistently indicated to staff that it is their responsibility to maintain reasonable access to navigation. Commissioner Szerdi asked that if there is a balancing that needs to be determined, will it be possible if there is insufficient information and data available. Staff indicated that the USCG has already documented that they are reserving the right to look at different data if they are not satisfied with what is currently available.

Commissioner Valeche asked what the proposed northern terminus is for the Tri-Rail Coastal link. Staff indicated that will be the Toney Penna station in the Town of Jupiter. Commissioner Valeche noted that this service will add an extra 50 trains per day to the FEC tracks in Palm Beach County. He stated that there needs to be focus on what our view is with respect to transit, because some have indicated that people want more transit options, but not everyone will be in favor of increased public transit, especially as it begins to inconvenience those not using it. He stated as elected

officials, there needs to be serious consideration given to what is acceptable to the constituents and if there is public support from these projects, especially given the potential impacts.

Mayor Golonka stated that she does believe there is support for Tri-Rail, but unfortunately, expanded Tri-Rail service would follow the AAF project, so the cumulative impacts will likely kill it. She stated that raising the Loxahatchee Bridge would require closing two major roadways or constructing a flyover, neither of which is acceptable to the Town of Jupiter. She stated that it would be hard to get public support for these types of changes, because they would change the character of the community and funnel more traffic onto roadways that are currently over capacity. With respect to the surveys, she stated it is very important for Council to comment on the inconsistencies between the data contained in the DEIS and what the preliminary studies from Martin County and the Jupiter Inlet district are reporting. She also stated that there needs to be mention of the increase in trains that will be condensed into the daylight hours.

Councilmember Weaver asked what the average time is at any point along the track it takes for a freight train to pass. Staff stated that the DEIS indicates a freight train takes between 1.7 and 4.6 minutes to pass at a grade crossing. Councilmember Weaver stated the synchronization of the passenger and freight trains cannot occur without the freight train slowing down, which will increase the amount of time it will take to cross. He stated that if the 16-minute cycle time is accurate for one train, and with the safety margin in between the two trains, it will be 20-22 minutes if they are coordinated, which will mean the bridges will be closed 45 minutes out of every hour. Staff stated that the DEIS indicates that AAF is already assuming 10 of the 20 daily freight trains will be crossing with a passenger train by 2016, and the data indicates that the cycle time will be 16 minutes for both trains to cross. Councilmember Weaver noted that whenever someone is presenting data, it will tend to favor them and that the three percent increase in freight a year seems to be conservative.

Chairman O'Bryan noted that the PTC depends on all factors clicking perfectly. He gave the example of how planes can be delayed because not everything occurs perfectly and there are outside factors that will affect the schedules. He stated it will take one glitch to throw the entire schedule off, and he would like to know how just one train running late will impact the whole day's schedule and the bridge closings. He asked if it would be appropriate to include Mr. Biggs' comments from the MIATC in the report under consideration. Staff indicated it would be the prerogative of Council to include those comments.

Commissioner Valeche stated that he was at a recent chamber of commerce breakfast where Mr. Kennedy from the Marine Industries Association of Palm Beach County (MIAPBC) and Mr. Reininger were present. He stated that the views expressed at that meeting by the MIAPBC are slightly different than what has been currently expressed. He asked for clarification of what the overall view is of the marine industry associations. Chairman O'Bryan suggested that Council request formal comments be forwarded from the various marine industries that can be included in our formal comments.

Chairman O'Bryan called for a motion on the staff's recommendation to transmit the draft report to the USCG. Commissioner Fielding asked if the various Council comments would be included. Chairman O'Bryan indicated that the comments are either already contained in the report, or they will be addressed at the November meeting. Staff stated that the key points that had been raised can

be summarized and added to the report. Chairman O'Bryan stated that in the past Council has been hesitant to pass wording that was not provided in writing. However, he asked staff to clearly summarize the comments for Council consideration. Staff provided the following summary: Request the USCG: 1) consider the entire history of the closing of the bridges from the beginning of time to the modern day; 2) analyze information with respect how train operations are clustered during daylight hours versus evening hours; 3) analyze how many different vessels could cross if the bridges are raised to various elevations; and 4) add reference to the two studies that are currently being done by Martin County and the Jupiter Inlet District.

Commissioner Fielding asked that there also be a request included to supplement the comment period since the USCG will be holding their hearings after the DEIS comments are due. Chairman O'Bryan indicated that the comment period is 75-days for the DEIS, and it is his understanding that there will be another 30-day comment period allowed once the final environmental impact statement (FEIS) is published. Staff noted that these are separate studies and that the current deadline for the USCG marine navigation surveys is November 1, 2014. However, since the workshops are being rescheduled to likely mid-November, that comment period is anticipated be extended past that timeframe.

Councilmember Davis noted that although there is technically a 30-day comment period provided for the FEIS, as a practical matter nothing usually changes in that 30 days, and he would recommend that all comments be provided now on the DEIS.

Commissioner Valeche noted that although AAF is jointly pursuing private funding options that would remove the requirement for the DEIS, they have indicated that they are still going through the process and getting public comment. He asked if staff has received a definitive answer on this. Staff stated the FRA staff has indicated that is true. However, staff noted the DEIS process is separate from the current marine navigation study that is currently being considered. This is a survey being conducted by the USCG and has its own public comment period separate from the DEIS. This process will involve the USCG conducting public workshops in November that will address if there should be action to change the regulations for how the bridges function.

Staff indicated it is their understanding that AAF intends to seek private funding while they are going through the Railroad Rehabilitation and Improvement Financing (RIFF) application process. However, without the RIFF loan application, there does not appear to be a requirement for a DEIS, and only a number of fairly disconnected permitting activities will be required for the project to proceed.

Chairman O'Bryan indicated the following will be added to the staff report: consideration of the entire history of the bridge closures; analysis of the clustering of the closures during daylight hours; analysis of raising the bridges to different heights; and analysis of the additional counts being conducted by other jurisdictions.

Commissioner Fielding moved approval of the staff report with the additional language as summarized by staff. Commissioner Valeche seconded the motion. **Motion**

Mayor Golonka stated that given the potential detrimental impacts to the communities within Jupiter and Tequesta, she cannot support the motion to recommend that the bridges be raised.

Councilwoman Gerwig stated that the motion is not necessarily to raise the bridges, but analyze alternate designs that would provide better clearance. She suggested re-wording the motion. Chairman O'Bryan indicated that the analysis would consider impacts to the communities.

Under public comment, Ms. Larson stated that at a recent Department of Interior meeting the SFWMD indicated they are using high school students to build their website. She stated she was concerned when she heard about the suggested GPS application for boaters. She asked who would be responsible for paying the \$400 million to raise the bridges. She stated that whether it is state, federal, or county money, it all comes from the taxpayers. She noted that the demand and need for transit in Florida is not the same as other states. She encouraged Council members to communicate with their constituents and listen to what the people really want when it comes to spending tax payers' dollars.

Chairman O'Bryan indicated that the \$400 million was for the cost of the overall PTC program and the cost for the new bridges would be \$90 - 100 million per bridge. To address Mayor Golonka's concerns, he instructed staff to add language such as "evaluate new technologies that could possibly raise the crossing without negatively impacting adjacent communities." Mayor Golonka indicated that would be acceptable.

Mayor Brennan from the Village of Tequesta thanked Council members for their comments. She stated that the missing link is that there is no ability to work with the freight company, FECR. She stated that even though there is a reference to freight in the DEIS, there is no connection. She stated the Village's resolution and position at this time is concern for the public safety issues. She stated that Mr. Reininger and Mr. Cumber have indicated that all the trains will be operated by the freight company. She indicated that the freight company will be able to determine the number of trains operating and the schedules. She stated that it is important to find a way to contact the freight company to ensure that they will be willing to work with us and provide needed information. She stated that she agrees with Mayor Golonka that raising the bridges would be difficult for the community. She indicated that she has spoken with AAF about replacing and/or raising the bridges, but to do this the trains would have to literally stop and freight would be diverted over to the CSX tracks, and that expense would far exceed even that of raising the bridges.

Chairman O'Bryan stated that there is a motion to transmit the staff report with the additional noted items. He confirmed with the motion maker and seconder that the additional clarification of addressing the elevations of the bridge were acceptable. There being no further discussion, Chairman O'Bryan called for a vote on the motion, which carried unanimously.

Chairman O'Bryan thanked everyone for their comments and input on this issue that is of great concern to all of our communities.

ALL ABOARD FLORIDA UPDATE

Staff provided an update that included several recently adopted resolutions and the publication of the *On-Site Engineering Field Report, Part 2, All Aboard Florida* from the FRA. Staff indicated that assistance has been offered to the metropolitan/transportation planning organization to help analyze the potential for quiet zones within communities. This has been done through the Palm Beach Metropolitan Planning Organization for local governments within the county. Staff also

noted, as Councilman Guyton raised earlier, that AAF has indicated that they are going to pursue PABs.

Chairman O'Bryan reported that the City of Sebastian held a public workshop on Wednesday to get comments on the DEIS, and there was an issue at the railroad crossing on main street that caused people, including AAF representative Rusty Roberts, to be delayed. With respect to the PABs, he noted that on the upcoming agenda for the Brevard County Board of County Commissioners there is an item to consider updating their interlocal agreement with the Florida Development Finance Authority to expand their interlocal agreement to allow an excess of \$7.5 million of PABs to be issued for AAF. He stated AAF has offered to pay for the Brevard County crossing maintenance for seven years in exchange for the agreement in the interlocal agreement. He stated that there have also been rumors that AAF may have also promised a stop for the Port of Canaveral as well. He stated he is not sure if Council would want to take any action, he just wanted to bring this up, because individual jurisdictions may want to address this.

Under public comment, Ms. Larson stated that she is greatly concerned that AAF is shaking a carrot at Brevard County. She said all these stops this will no longer be a high speed train. She stated that what is going on in Florida right now is ridiculous. She stated that she travels a great deal and what is going on is wrong and creating things that will bring in more people. She said she is most concerned about water supply and at the SFWMD district they are saying that Broward and Miami-Dade counties have no water and will be taking it from Palm Beach County to exist. She stated that she believes the train project should be kyboshed by the local elected officials. She stated that she is for moratoriums on building until we solve some of our problems.

Ms. Kuhl noted that page 1-7 of the DEIS under the section *Development of this Environmental Impact Statement*, reads: "As it has in the past, FRA has used a third party contracting process in preparing this DEIS. FRA does not have appropriate funds to support the development of EISs for RRIF loan applications. As a result, FRA requires the applicant to engage the services of a qualified consultant approved by FRA to assist FRA in preparing the EIS. Consistent with a memorandum of agreement among the parties, the third party contractor is paid for by AAF but reports to and takes direction from FRA." She stated she believes we need to have a study done by the opposing parties, because this would appear to be biased in favor of AAF.

Mr. Biggs noted that he is with River Watch Marina, a board member of the MIATC and also a member of the MIAPBC, of which Michael Kennedy is a board member. He stated that traditionally all the marine industry associations have focused under local markets in promoting boating and boat shows, and worked together on state issues. He stated that he has spoken with Michael Kennedy on a number of occasions and he believes the two local marine associations are aligned in their views. He stated that he has been encouraging moving the freight out west, and believes that is what Commissioner Valeche was speaking to with respect to Mr. Kennedy's comments. He stated that MIATC authored a resolution with the number one request being to route the rail traffic out to the Beeline Highway, go west of Indiantown, and then route it back to Fort Pierce. He stated that if that is done, all this discussion will have been moot, because there will not be any issues with the Loxahatchee River and St. Lucie River bridges. He noted that will not solve the issues north of Fort Pierce, or south of Palm Beach, but one action cannot be expected to solve all issues. He stated that during a meeting with AAF about this proposal, Mr. Reininger was not receptive to this suggestion and when the issue was pressed, he became angry and stated that he did

not want to work with his competition. Mr. Biggs stated that corporations work together all the time when it is in the common interest of the community. He stated that the resolution also includes a request for a fifteen minute maximum bridge closure to minimize all future impacts on the bridges. He noted that all of the Council members work with developers in their communities to try to minimize and mitigate problems associated with development, and this project should be no different. He said that someone from the State of Florida has to tell AAF that there will be severe problems with this project, and that it may take nothing more than giving them the right-of-way along Beeline Highway adjacent to the CSX tracks. Mr. Biggs stated that would be least expensive considering the impacts AAF is going to have on our region. He noted that attaching that type of language to the lease agreement for the SR 528 right-of-way may be the only way to force AAF to come to the table and address some of the issues. Chairman O'Bryan asked Mr. Biggs to provide staff with a copy of the resolution to include in the staff report next month.

With respect to the potential additional AAF stop in Port Canaveral, Mayor Ferreri stated it is his understanding that would be a separate train run. He said they are trying to build some business to transport individuals from the Orlando airport to the port. He stated that would be separate from the AAF service from Miami to Orlando.

Mayor Dubois indicated that he was under the impression that communities north of West Palm Beach did not want the AAF project because there was not benefit to them. He stated that he was surprised to learn that the communities would still not want the project if they had a station. He asked for a sense of what the people of the northern counties are most concerned with about the proposed project. Chairman O'Bryan stated that the Treasure Coast Council of Local Governments, which is comprised of Okeechobee, Martin, St. Lucie, and Indian River counties voted to oppose the project completely. He indicated that initially there was support, but as this process has progressed, that attitude has changed. He stated he personally feels that due to bad public relations and saying one thing but doing something else, AAF has lost credibility in the three northern counties. Councilmember Weaver stated that his perspective is that if the project does go through, it would be more of an advantage to have a station than to not have a station.

SUGAR HILL SECTOR PLAN

Staff provided an overview of the proposed comprehensive plan amendment for Hendry County, located in the region of the Southwest Florida Regional Planning Council (SWFRPC). Staff noted that at the September meeting, Chairman O'Bryan requested staff review the Sugar Hill Sector Plan to determine the potential impacts to ongoing efforts to restore the Everglades system. Staff indicated that although Council does not have a formal role in the review of this comprehensive plan amendment, because it is located outside the region, the Florida Department of Economic Opportunity (FDEO) is aware Council will be providing comments. Staff noted that FDEO is planning to issue an Objections, Recommendations, and Comments report on the proposed amendment by November 2, 2014.

Staff indicated that the proposed amendment is to adopt a sector plan for long-term planning. Sector plans are intended for substantial geographic areas that include 15,000 acres or more and are done through a two-step process. The first step encompasses adoption of a long-term master plan for the entire planning area as part of the local comprehensive plan, which establishes a general framework for future land use. The second step calls for adoption by local development order of two or more

detailed specific area plans that implement the long-term master plan. The Sugar Hill Sector Plan comprehensive plan amendment submitted by Hendry County is requesting approval of sector plan goal, objectives, and policies and a long-term master plan that establishes a general framework for the future land use.

Staff provided aerial maps of the property, which is mostly designated as Agriculture and is owned by U.S. Sugar and Hilliard Brothers. Staff noted that the Long Term Master Framework Map shows the proposed designation of six land use categories: Employment Center, Mixed-Use Urban, Mixed-Use Suburban, Rural Estates, Long-Term Agriculture, and Natural Resource Management. The sector plan proposes the development of 18,000 residential dwelling units and 25,000,000 square feet of non-residential development distributed among all of the proposed land use categories except the Long-Term Agriculture and Natural Resource Management areas. Staff indicated that the proposed Sugar Hill Sector Plan has a 46-year planning horizon from 2014 to 2060, with full build out of the 18,000 residential units expected to accommodate approximately 58,000 residents.

Staff noted that the SWFRPC report on the sector plan indicates the proposed amendment will produce extrajurisdictional impacts on transportation facilities in Glades County and the Cities of Moore Haven, Clewiston, and other areas in southwest Florida. Staff indicated that in the Treasure Coast Region, the sector plan is expected to impact transportation facilities in Palm Beach County and the Cities of Belle Glade, Pahokee and South Bay, with SR 80, US 27, and US 98 being the major transportation facilities that could potentially be impacted. Staff noted that a letter from the Florida Department of Transportation indicates the traffic analysis submitted with the application must be revised to adequately evaluate the transportation impacts of the Sugar Hill Sector plan.

Staff also indicated that the proposed sector plan has the potential to impact ongoing restoration efforts for the Everglades, because the Comprehensive Everglades Restoration Plan (CERP) is expected to utilize property south of Lake Okeechobee for storage, treatment, and the flow of water from Lake Okeechobee south to the Everglades National Park. This feature of the restoration plan is critically important for the Treasure Coast Region, because implementation of CERP will assist in reducing harmful discharges of freshwater from Lake Okeechobee. Staff noted that if we can reduce the freshwater discharges this will have a beneficial effect on major water bodies in the region including the St. Lucie River Estuary, Indian River Lagoon, and Lake Worth Lagoon, which are all harmed by discharges from Lake Okeechobee. Staff indicated letters from the South Florida Water Management District, Florida Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission all express concerns with the potential impacts for the proposed sector plan.

Staff noted that the draft report concludes the proposed Sugar Hill Sector plan amendment is inconsistent with Strategic Regional Policy Plan Regional Goal 6.9 protection and sustainability of the Everglades Ecosystem, and Goals 5.1 and 5.2 which are to reduce the vulnerability lives of property to disaster. Staff also noted that the draft report indicates this area should remain in agricultural use until such time it can potentially be utilized for Everglades restoration. Staff recommended approval of the report and authorization for transmittal to the FDEO and Hendry County.

Commissioner Thurlow-Lippisch indicated that she had attended the SWFRPC meeting to review this proposed amendment. She stated there was a very interesting presentation and that regional

planning council indicated they were unable to determine consistency due to the need for more information. She noted there appeared to be pressure to approve the amendment, because the area suffers from low unemployment and the county is looking for a better way of life. She stated it was also indicated to her that the Glades airport is a done deal, which she stated is related to the widening of the Panama Canal and the expected increase in cargo traveling through the state. She stated it is discouraging to think of Florida as a shipping lane and believes we should do everything to protect our beautiful paradise. She encouraged Council to not support the proposed sector plan.

Chairman O'Bryan called for a motion. Vice Chairman Mowery moved approval of the staff recommendation. Councilmember Overdorf seconded the motion for discussion.

Motion

Under public comment, Martha Musgrove, with Florida Wildlife Federation, urged approval of the staff report. She noted that the Florida Wildlife Federation has a large program in southwest Florida that includes protections for the Florida Panther and they have worked closely with Hendry County on two other sector plans within the county. She noted the county is very poor, but if all three sector plans are approved and actually implemented over the next 50 years there will be over 300,000 people living in Hendry County. She stated if that were to happen there will be extensive water issues that will be very expensive to solve. She stated that the current economy is agriculture and the development of the airport has been good. She stated there are plans to utilize the airport for exporting perishable crops such as flowers that are still grown in that area without having them go to Miami. She stated this will be a boost for the county and will not be a problem. She stated that everyone wants to develop an economic base in the county, but people also support the idea of Florida being a natural place that has plenty of places to store water.

Ms. Larson stated that the proposed sector plan in Palm Beach County was a complete failure that was kyboshed by the landowners. She stated the situation with Lake Okeechobee is bad, and that we need to return to the historic flow of the Everglades. She said that she believes it is a crime to want to develop the lands for more homes, because it is standing in the way of Everglades restoration, for which the tax payers have paid a lot of money. She stated that at a water management meeting last week they admitted that they have not finished one CERP project. She stated that water is connected to water which is connected to water, and Lake Okeechobee is a toilet because Orlando keeps flushing its toilet. She stated that we can no longer accommodate all the water for all the proposed developments.

Ms. Kuhl stated that the traffic implications of the proposed plan for the surrounding communities could be fatal for our area, especially for Palm Beach County and SR 80, which is already heavily traveled, and the building pressures in the western communities. She stated she understands that the area is poor, but her fear is that they have bought into the Miami plan with all the port expansion and plans to import through the state, and that will be detrimental to the agricultural community, because the imports could be in direct conflict with our farmers. She stated that we are investing huge amounts of money in infrastructure to accommodate the future cargo, and it will be to the benefit of the Miami-Dade area at the expense of the rest of the state. She stated they should look at doing one dwelling unit per twenty acres for people who are trying to escape the urban areas in the east and want a more rural area. She stated that there has to be a better solution as well with all the money that has been spent on Everglades restoration and to put something right in the pathway of future restoration projects does not seem like something that should be approved.

Commissioner Valeche indicated that he would be abstaining from voting. He stated that he is familiar with analyzing complicated development projects, but in this instance he does not feel that it is appropriate to vote without having heard both sides to get a complete picture. He stated that it is nice to talk about the environment, but there are people starving in this area of the state and there needs to be some type of economic activity. He noted the state has purchased land for restoring the flow way to the south of Lake Okeechobee and to the east as well. Chairman O'Bryan stated that he understands Commissioner Valeche's position, however it would be better for him to vote against the motion rather than abstain. Mr. Saberson indicated that Council members are required to vote on an item unless there is a personal conflict.

Councilmember Houston stated the staff report is good, but he is surprised with the last recommendation that the property should remain agriculture, which he believes goes beyond the analysis. He stated that this regional planning council, who is not sensitive to the economic needs of that area, should not be making that recommendation and, because of that, he will be voting against the motion.

Councilman Guyton concurred with Commissioner Valeche. He stated that at some point we need to devise a balance between the environment and the economic struggles of the human beings. He stated that there are many people who struggle on a daily basis for the most basic needs and there needs to be some humanity in our decision making.

Mayor Ferreri stated that he also has a problem with the conclusion stating it should remain agriculture. He stated that he has done a lot of work for Hendry and the Glades counties and they need some economic relief. He stated that the currently proposed sector plan is very ambitious and he agrees with the rest of the staff report. He stated that he would like to see the recommendation to remain agriculture removed, because Council should not be potentially depriving a region across the state of economic development without direct knowledge of their circumstances.

Chairman O'Bryan asked if Vice Chairman Mowery would amend the motion to delete the recommendation to remain agriculture. Vice Chairman Mowery asked for clarification from Commissioner Valeche of his concerns. Commissioner Valeche stated the situation for this area is dire and that the inland port might bring an employment center to the area. He stated that he does not believe that the environmental impacts to the southward flow are relevant to this discussion. Vice Chairman Mowery indicated he would accept the amendment to the motion. Chairman O'Bryan stated that the motion is being amended to accept the staff recommendation with the deletion of the very last sentence stating the area should remain agriculture. As the seconder, Councilmember Overdorf agreed. Chairman O'Bryan called for further discussion.

**Amended
Motion**

Councilwoman Gerwig asked for clarification that Council has no authority, but is just offering advice as a neighboring region. Chairman O'Bryan indicated that is correct. Upon being put to a vote, the motion carried with Commissioner Valeche, Councilman Guyton, and Mayor DuBois opposed.

LEGISLATIVE PRIORITIES 2015

Staff noted that Council and the Gubernatorial Committee has been working to develop Council's legislative priorities for 2015. The priorities, which were distributed at the September meeting, have

been broken into the following categories: developments of regional impact; Florida's enterprise zone program; conversion of septic to central sewer systems; state funding of regional planning councils; sober homes/recovery residences; restoration of the region's rivers, estuaries, and waterbodies; transportation; economic development; energy and climate resilience; and unfunded mandates. Staff indicated the categories are being used to focus on the regional issues that Council can support, because they are important to all four counties. Staff noted that one item that has been recently added is the suggestion for the legislature to consider establishing a summer Olympics task force to look at southeast Florida from Indian River to the Keys as a venue for hosting the summer Olympics in the future. Staff also noted that FDOT's *Complete Streets* policy initiative has also been added to Council's priorities list, because FDOT has decided that this is very important for the state's Strategic Intermodal System to ensure there is a balance of mobility and economic development.

Staff also indicated that there have been requests to organize and host a legislative breakfast for the region's delegates. This breakfast would be held on January 16, 2015 at 7:00 a.m. in Palm Beach Gardens and would provide the opportunity for delegates to speak with and get input from their constituents. Staff indicated that this is also the day for the January Council meeting, but perhaps the Council meeting could be moved to start at 10:00 a.m. in order to accommodate those that wish to attend the breakfast.

Staff recommended that Council approve its legislative priorities for distribution to all interested and involved parties in the region and authorize the Gubernatorial Committee to work over the next couple months to further finalize a legislative priorities document for Council. Staff also recommended that Council authorize staff to be an organizer and host for the Joint Professionals Societies Annual Treasure Coast Legislative Breakfast meeting for the region. Vice Chairman Mowery moved approval of the staff recommendation. Commissioner Valeche seconded the motion.

Motion

Councilmember Weaver noted that the legislative priorities list is a fluid document and requested that Council members bring forward their own items of concern they may want added.

Chairman O'Bryan stated that the document is well done and stressed the importance of finalizing it before the legislature committees begin their work. He stated that he would like to see the final list approved and adopted by the December meeting.

Commissioner Thurlow-Lippisch requested there be more specific language to address the issues with the Indian River Lagoon and how restoration efforts should be done. Chairman O'Bryan requested she provide staff with specific language that can be incorporated into the document for final adoption. Upon being put to a vote, the motion carried unanimously.

Mayor DuBois suggested that this list could also be incorporated into the county and local priorities lists.

H.R. 612: SAFE AND EFFICIENT TRANSPORTATION ACT OF 2013

Chairman O'Bryan indicated that the recommendation for this item is to direct staff to continue to monitoring the progress of this act and report back to Council as additional information becomes available. Vice Chairman Mowery moved approval of the staff recommendation. Mayor Ferreri seconded the motion, which carried unanimously.

Motion

FLORIDA CHAMBER FOUNDATION/REGIONAL PLANNING COUNCIL WEBSITE LAUNCH ON REGIONAL METRICS

Chairman O'Bryan indicated that there is a link to the regional metrics website for those Council members who are interested.

PUBLIC COMMENT

Ms. Kuhl stated that she wanted to discuss the EB-5 program, which is the Immigrant Investor Program administered by the U.S. Citizenship and Immigration Services. She said she has done a lot of research on this program and knows that it has been used in Palm Beach County for a couple projects, and for charter schools. She stated that she is concerned that people do not understand the program, which is similar to one in Canada that was canceled in 2013. She indicated that the primary investors in the EB-5 program are China, with Venezuela, Mexico, India and the Middle East investors also becoming more prevalent. She stated her concern is with the rules of the program and the minimum qualifying investment for someone to get a visa to the United States. She stated that these people are being promised they will get their investment back after three years of receiving their permanent green card and she wonders if we are facing another bubble of sorts with the EB-5 program, because people are looking at this as an investment opportunity for municipal projects. She urged caution and requested that there be more research done on this program. Chairman O'Bryan suggested Ms. Kuhl contact her local Congressman, because this is a federal program.

Ms. Larson stated that she is sad that her representatives left the meeting before public comment, especially when the Palm Beach County commission is trying to leave TCRPC. She stated that being aligned with Miami-Dade and Broward counties is egregious at best. She stated that she has attended meetings at the SFRPC as well as all the other planning councils in the state, and in her opinion TCRPC is the most professional and best staffed, with Council members that communicate and reach a lot of people. She stated she hopes Council members will go back to their local governments and stress the need to stay with TCRPC and not align with the counties to the south that are overbuilt. Chairman O'Bryan noted that Commissioner Valeche and Vice Mayor Burdick both voted against leaving TCRPC at the county commission meeting.

Ms. Musgrove thanked Council members for voting to uphold the strategic plan. She stated that as a resident of Palm Beach County she is very supportive of Council's legislative priority for conversion of septic to central sewer systems. She stated that she was a reporter and editor for the Miami Herald and the issue of literally wading in our own waste has dogged Florida for many years. She stated that the only way to get this done is to help people with the conversion from septic to sewer, suggesting a revolving loan fund to assist individual homeowners with the costs. She

stated she hopes that this will be the number one priority, because it will be very helpful in addressing the issues with the Indian River Lagoon.

STAFF COMMENT

None.

ADJOURNMENT

There being no further business, Chairman O'Bryan adjourned the meeting at 1:02 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 October 17, 2014 meeting of the Treasure Coast Regional Planning Council.

Date

Signature