

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 9B

From: Staff

Date: May 15, 2015 Council Meeting

Subject: Minutes – April 17, 2015

Introduction

The Minutes of the April 17, 2015 Council meeting were posted to Council's website on May 1, 2015 at [http://www.tcrpc.org/council\\_meetings.html](http://www.tcrpc.org/council_meetings.html).

Recommendation

Council should approve the Minutes of the April 17, 2015 Council meeting.

Attachment

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
APRIL 17, 2015**

Chairman Mowery called the meeting to order at 9:38 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<br>Commissioner Solari<br>Mayor Barefoot   |
| Martin County:            | Commissioner Haddox<br>Commissioner Thurlow-Lippisch  |
| St. Lucie County:         | Commissioner Mowery<br>Commissioner Lewis   |
| Palm Beach County:        | Commissioner Burdick<br>Commissioner Valeche<br>Commissioner Taylor<br>Commissioner McKinley (Alternate)<br>Councilwoman Gerwig<br>Mayor DuBois<br>Councilmember Tinsley<br>Councilman Hmara (Alternate)<br>Mayor Brennan (Alternate)<br>Commissioner Biggs (Alternate) |
| Gubernatorial Appointees: | Douglas Bournique<br>Michael Davis<br>Michael Houston<br>Tobin Overdorf<br>Reece Parrish<br>Peter Sachs<br>Steven Weaver, Sr.   |
| Ex-Officios:              | Lynda Westin, South Florida Regional Transportation Authority<br>Jill Creech, Florida Department of Environmental Protection  |
| Council Staff:            | Michael Busha<br>Phyllis Castro<br>Kim DeLaney<br>Liz Gulick<br>Stephanie Heidt   |

Dana Little  
Peter Merritt

Council Attorney: Roger Saberson

The Executive Director announced a quorum is present.

### AGENDA APPROVAL

Commissioner Taylor moved approval of the Agenda. Commissioner Valeche seconded the motion, **Motion** which carried unanimously.

### ANNOUNCEMENTS

Staff noted the Budget/Personnel Committee will be meeting on May 4<sup>th</sup> to consider a draft budget amendment to the 2014-2015 budget. Recommendations will be made to the full Council at the May 15, 2015 meeting.

Staff indicated that for the last two to three years the Florida Department of Economic Opportunity (DEO) has been providing grants to local governments who are interested in advancing economic development and planning initiatives in their communities. The grants typically are about \$25,000, but may be larger to do more substantial projects. The applications will be opening around May 1<sup>st</sup>. Staff will keep Council members and planning directors advised.

Staff provided Council members with thumb drives from the Florida Department of Transportation (FDOT) that contain the state's Red Book presentation. The Red Book is FDOT's list of roadways that will be overly congested by 2050-2060, based on a straight line growth projection. Staff stated the information can be very useful to the metropolitan/transportation planning organization staff, because there is a great deal of detail provided.

Staff noted that a pre-application meeting will be scheduled soon for a development of regional impact (DRI) in Commissioner McKinlay's district in Palm Beach County. In 2003-2004 this was the Indian Trails DRI, which had been withdrawn, and involves sections of land that surround Lion Country Safari.

Staff provided Council members with information regarding Amendment One, the Florida Water and Land Conservation Initiative, that was passed last year by a wide margin. This amendment will use a third of the revenue from doc stamps for water and land conservation projects throughout the state. The information shows how the Governor, House, and Senate propose to spend the tax payer money. Commissioner Burdick asked who are the sponsors of the Amendment One handout. Staff stated that is a not-for-profit group that was formed for the Everglades Foundation, Florida's Water and Land Legacy, the sponsors of the constitutional amendment.

Staff noted that Dana Little has rejoined staff and he has already run a charrette for the South Dixie Highway complete streets project. Staff read a letter commending Mr. Little for his work and presentation at the charrette.

## CHAIRMAN'S COMMENTS

Chairman Mowery provided an update on the search for a new Council attorney. He indicated that a Request for Qualifications has been issued with responses due on May 1<sup>st</sup> by 2:00 pm. He noted that the Budget/Personnel Committee will be working with staff to analyze and review the applications and make a recommendation to the full Council.

Chairman Mowery asked staff to provide an update on the Gubernatorial Committee. He noted that the committee is made up of all the appointees as well as four elected officials, one from each county. He stated that they will be presenting some fairly significant issues with recommendations for the full Council. Staff noted the Committee has been looking for ways for Council to become more engaged and improve its relationship with the legislative delegation. Also, it is a function of the regional planning councils (RPCs) to educate elected officials and the public on issues we are confronted with as a region. Staff indicated the Committee has chosen the issue of water resources. Additionally, the Committee would like Council to host legislative briefings in the region to get the Legislators opinions on how they felt this session went and the impact of the legislation on the local governments and others. Staff noted the Committee is also suggesting a briefing by Ron Book, the executive director of the Florida Regional Councils Association (FRCA), on how the legislation affects the RPCs. The Committee is also recommending a three or four part water resources educational symposium. Suggested titles for this are: *Future water supply – Are we going to be thirsty in 2030; Water farming – Is it worth it?; Sending water south – Does anything else matter?; Basin Management Action Plans – Should we just presume they are working?; and Amendment One – Regional priorities for 2016*. Staff noted that the purpose of these initiatives is to have Council find a couple issues that everyone can agree upon as a region. Staff noted there will be an update at the May 15<sup>th</sup> Council meeting. Chairman Mowery stated he wanted staff to give this update so the Council members will be prepared. He stated he likes the idea of symposiums and being able to get legislative updates.

## COUNCIL MEMBER UPDATE

Commissioner O'Bryan indicated that Indian River County has filed a federal lawsuit against the U.S. Department of Transportation regarding the private activity bonds that have been issued for the All Aboard Florida (AAF) project. He stated the county feels that because the National Environmental Protection Act process has not been completed, they do not have the authority to issue those bonds. He stated that last week professional baseball returned to Historic Dodgertown with the second annual Jackie Robinson Game. He noted Jackie Robinson broke the racial barrier in baseball with the Dodgers at Dodgertown.

Commissioner Taylor indicated that Palm Beach County is in the process of hiring a new county administrator.

Commissioner Thurlow-Lippisch stated that she would like to take this opportunity for everyone to get to know each other better. She indicated that she is a Commissioner for the Town of Sewall's Point, former mayor, and interested in water issues. She stated that River Kidz is a grassroots movement that was started by the Town to involve kids in water issues. She noted that they have

published workbooks that are in the second grade classrooms of the Martin County School District. She provided all the Council members with a copy of the workbook. She stated that she also wanted to address the item in the Intergovernmental Coordination and Review Log, regarding what the U.S. Army Corps of Engineers (ACOE) is proposing at the Herbert Hoover Dike. Staff noted that every federally funded project or program comes through Council as part of the intergovernmental review process. Staff indicated that Council does not serve as a pipeline for the funding, but is tasked with providing the information to the affected local governments on how the federal government is spending money, and also serves to ensure there is no duplication of efforts.

Commissioner Thurlow-Lippisch stated that she would never disagree with hardening the dike to make the lake safer for the communities to the south. She stated that it is very interesting that these are called common consequences, noting that the consequence is that if the dike were to break there would be real problems. She showed an 1856 map put together by the Department of Defense, stating that we need to be very aware of our history. She noted that south of Lake Okeechobee on the map there are finger rivers that went south. She stated that we have pushed those back as we built our agricultural empire south of the lake. She stated that it is important that we continue to look at water flow to the south. Councilwoman Gerwig asked for the map to be scanned and provided to all Council members.

Councilmember Houston thanked Commissioner Thurlow-Lippisch for the information, noting that if anyone is interested in grassroots environmental education they should speak with her, because she has done an amazing job of bringing the kids into the issue of the environment. He stated that to some degree that is one of the reasons the Gubernatorial Committee identified water as such an important regional issue. He noted the City of Stuart has been selected by Smithsonian magazine as one of the top 20 great small towns in the country. He stated that it has been ranked number three, with a big part of that being the environment and its history, both of which Commissioner Thurlow-Lippisch has been a part. He stated he is very proud of Martin County and the City of Stuart.

Chairman Mowery noted that a funeral is being held this weekend in St. Lucie County for the Haitians who were killed in a van accident. He noted the veterans' nursing home project in Tradition is continuing to move forward.

Councilmember Davis stated there are other sources of environmental education within the region. He noted that he has the privilege of being the president of the Arthur R. Marshall Foundation for the Everglades, and also serves as chairman of the board for the Pine Jog Environmental Education Center. He indicated that these are great resources for the community, teaching 20,000 to 30,000 kids each year about the environment.

Commissioner McKinlay stated she was informed the previous day that FDOT has applied for the ACOE permits on the State Road 7 project, even though the funding has been pushed out. She thanked all the Council members who helped in Tallahassee to defeat the constrained agricultural property language that would affect the property previously mentioned in the western part of the county, known as the GL property. She stated that unless we talk to each other, we will continue to see this language being proposed in the future. She indicated she is very happy to be working with Commissioner Biggs from the City of Pahokee, noting a recent town hall meeting on the Guy Harvey outpost project. She stated the city is looking forward to negotiating a deal that will change

the landscape in terms of economic development for the city. She stated she was in a committee meeting in Tallahassee a few weeks ago when the committee chairman asked her to come to the podium to defend RPCs and their funding. She said she hoped she did Council justice in explaining why Council's assistance is important and the need for the funding. Chairman Mowery stated staff would be updating Council later in the agenda, and thanked Commissioner McKinlay for her support.

Councilmember Overdorf publically thanked Governor Scott for reappointing him and others to serve on Council. He indicated he is excited about the information that the Gubernatorial Committee will be presenting to Council. He stated the committee looked at the issues from both a north and south perspective to see how Council can enhance issues that are prominent in those different sections of the region. He stated he wants to highlight how much money and how many jobs are created by restoration efforts in Florida. He stated that the State of Florida has spent well over a billion dollars in restoration. He indicated that this was to be a fifty-fifty partnership between the federal government and the state, because of a lawsuit that was brought forward. He stated that he spoke with Kevin Powers, who is on the governing board of the South Florida Water Management District, and they looked at different monies that have been committed. Councilmember Overdorf stated that this year Governor Scott has committed \$5 billion to the restoration of the Everglades system. He stated that would mean that the state has committed \$6 billion, but the federal government has not committed any funding. He stated that as a region and as a state we need to speak up to have the federal government live up to their commitment of the fifty-fifty partnership.

Councilwoman Gerwig indicated Wellington has an environmental preserve at the Marjory Stoneman Douglas Habitat, a three-quarter square mile mini Everglades project with a six-story observation tower that overlooks the levy. She stated that this is a fantastic project, but they do not have an educational component. She stated she has been pushing for this and will get with Commissioner Thurlow-Lippisch for help.

Councilmember Weaver reported that a successful, large water farming project is coming on line in western St. Lucie County, noting that it is scalable and cost effective. He stated he has a lot of information on this project, which is going to be part of the solution as a pilot project.

Councilwoman Tinsley stated the City of Palm Beach Gardens recently conducted a resident survey. She indicated some of the results were: most people in the city are mostly concerned about growth, development, traffic and crime; 95 percent of the residents believe that parks and recreation are vital to the community; mass transit is the most popular service that the residents think should be added, although only half are willing to pay for additional services; 79 percent say that more green space should be brought by local tax payer dollars; most people want to receive information through regular mail first, and then email being a very close second; and nearly all of the residents have high speed internet.

Councilman Hmara indicated the Village of Royal Palm Beach has hired a real estate company to sell a 150-acre parcel of land that was used for a water treatment plant. He stated that the village council agreed to a notional site plan to reduce some of the sense of risk for prospective buyers. He indicated the village has received three bids between \$26 million to \$35 million. He stated they

have selected the highest bidder, Lennar Homes, and have a pending contract. He noted that he had previously mentioned a proposal the village received from Charter School USA to build a charter school on a parcel of land directly across the street from a traditional high school. He stated the village council decided to task the education advisory board with researching this and making recommendations to the council on selling the property for this purpose. He indicated the education advisory board voted unanimously to recommend that the village not sell the property, because they could never determine if there would be any value added from the proposal.

Councilmember Parrish thanked the Governor for reappointing him, Councilmember Overdorf, and new Councilmember Llano to Council.

Mayor DuBois stated the Town of Lake Park has a new town manager, John D'Agostino, who will be starting on May 1<sup>st</sup>.

Mayor Brennan stated she is pleased to have been named Council member Tinsley's alternate on Council. She indicated that the Village of Tequesta had presented an application to the metropolitan planning organization (MPO) for a grant for their complete streets program. She stated that the plan is to take six lanes with no turn lanes or bicycle lanes, and convert that to four lanes, plus buffered bike lanes. She thanked Council staff for the assistance in getting this project done. She stated that FDOT had planned to just re-pave the six lanes, but through the outreach efforts the village, with Council staff assistance, they were able to reach over 200 individuals and businesses in the community to develop an alternate plan.

Lynda Kompelien-Westin stated that there have been significant milestones for Tri-Rail this month. She indicated that on April 5<sup>th</sup> for the first time in four years Tri-Rail is now offering service to the Miami Intermodal Center. She noted that for the first time in 26 years they now have dispatch and maintenance of the south Florida rail corridor, which was previously being dispatched and maintained by CSX out of Jacksonville. It is now being done through the Tri-Rail Pompano Beach office through a contract with Amtrak. She also noted that they are audited every three years by the Federal Transit Administration and for the third time there were zero findings.

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

Herb Hiller, with East Coast Greenway Alliance and from Deland, Florida, made a presentation on the WHEELS project that will be on November 11, 2015 in South Miami and involve all of South Florida. He stated that this will be five days of trail rides, safety training and mentoring, bike-train interfacing, and three evenings of bike and block parties. He stated that 10,000 people will have a bike-train interface, either actual or virtual, including at least 1,000 from outside of Miami-Dade County. He stated that WHEELS will also resurrect the memory of Kirk Monroe, who founded the League of American Wheelman, which is now known as the League of American Bicyclists. Mr. Monroe lived and rode his bike for thirty years or more when he lived in Coconut Grove in South Florida, and was also a writer of boys and girls adventure stories. Mr. Hiller stated that it is of vital importance to have an icon and symbolism when you are trying to drive civic action. He indicated that Mr. Monroe makes the point that their roots are in green mobility and they are moving for the legislature to name Kirk Monroe Florida's first bicycling hero. He noted that others involved in the WHEELS program are: Victor Dover, who chairs WHEELS; Dan Burden of Walkable

Communities; Andy Clarke from the League of American Bicyclists; Dennis Soriano of the East Coast Greenway Alliance; and Ryan Gravel of the Atlanta Beltline who will speak to transit in the midst of the mix and the crucial role of the private sector in supporting green mobility.

He noted that agencies that are co-sponsoring the event include FDOT, the East Coast Greenway Alliance, and also the South Florida Regional Transportation Authority with Tri-Rail offering free transit for the five days for anybody with a bicycle. He asked that Council members turn out for some portion of WHEELS and enlist clubs and non-profits and sponsors to help get the word out about the event. He offered to make appearances to promote the event. He showed slides of the brochures and information regarding the event. He asked that council pass the proposed resolution in support of WHEELS.

### **CONSENT AGENDA**

Commissioner O'Bryan moved approval of the Consent Agenda. Commissioner Haddox seconded the motion, which carried unanimously. **Motion**

Items on the Consent Agenda were: 8A, Financial Report – February 28, 2015; 8B, Minutes – March 20, 2015; 8C, Resolution in Support of WHEELS: Advancing Florida's Mobility Future; 8D, City of Belle Glade Comprehensive Plan Amendment No. 15-1ESR; 8E, City of Boynton Beach Comprehensive Plan Amendment No. 15-1ESR; 8F, City of Greenacres Comprehensive Plan Amendment No. 15-1ESR; 8G, Town of Jupiter Comprehensive Plan Amendment No. 15-4ESR; 8H, City of Palm Beach Gardens Comprehensive Plan Amendment No. 15-1ESR; 8I, Intergovernmental Coordination and Review Log; and 8J, Amendment to the Florida Department of Transportation Agreement for Professional Services Relating to Land Use and Planning Assistance.

### **AUTHORIZATION TO RETAIN LITIGATION COUNSEL**

Mr. Saberson indicated that the public records request that is the subject of this agenda item is very extensive and is phrased in terminology that would indicate it was done in preparation of litigation. He noted that this request concerns an ordinance adopted by the City of Delray Beach, which reduces allowable building heights in the city between Swinton Avenue and the Intracoastal Waterway. He stated that Council staff did consulting work for the city and prepared land development regulations for the city, which included the subject of the public records request. Mr. Saberson indicated that staff has responded to the request and provided documentation. He noted that a request was sent through the executive director's office asking all Council members, alternates, and ex-officio members provide any information as it relates to the public records request. He stated everyone has an obligation to furnish any records, communications, and correspondence, which should be forwarded to the executive director. He stated the request to retain litigation counsel is on the agenda, because it appears this is a prelude to some type of litigation. He asked the Council give authorization to the executive director, in consultation with Council's attorney, to engage litigation counsel as deemed necessary.

Commissioner Valeche asked if the City of Delray Beach will ultimately be the subject of this litigation. Mr. Saberson stated that at this point it is not known, but if litigation is filed, it may very well be filed against both the city and Council. Commissioner Valeche asked if the consulting

contracts contain indemnification. Staff indicated yes. Commissioner Valeche stated the city is then obligated to defend the suit. Mr. Saberson stated he would review this, but stated that the executive director needs to be prepared for potential litigation. Commissioner Valeche stated that if Council is indemnified, there is no reason for Council to have legal expenses. Mr. Saberson stated Council needs to be in the position to defend against litigation, and the indemnification issues will be separate.

Commissioner Taylor moved approval.

**Motion**

Councilmember Sachs asked what the subject of the litigation would be. Mr. Saberson stated that would depend on the type of litigation that is filed. He stated that if the requestor is dissatisfied with the production of document with respect to the public records request, they can file a lawsuit under the public records act, and if in fact records were not produced Council would be liable for the attorney's fees and any sanctions imposed by the court. He stated that it appears that the requestor represents two entities who have property on Atlantic Avenue and apparently are upset with the impact that the reduction in height has had on their economic value. He stated that at this point, Council needs to be prepared and authorize the executive director, in consultation with Council's attorney, to retain litigation counsel as deemed necessary.

Councilmember Sachs asked if Council has ever been sued. Mr. Saberson stated that although it was not exactly civil litigation, years ago someone had paid DRI fees of over \$90,000 and they sought a refund. The litigation started at the Department of Community Affairs level and at that point it was dismissed. The opposing party then took an appeal to the fourth district court of appeals and Council retained special appellate counsel for that case. Councilmember Sachs stated that it is rare that in forty years Council has only been involved in one law suit. Mr. Saberson stated that there was only DRI administrative litigation, which was basically brought by Council. Chairman Mowery stated that he does not suspect that there will be a situation of litigation and that Mr. Saberson is trying to err on the side of caution, especially with the pending transition to a new Council attorney, to make sure Council is covered. He stated there is already a line item in the budget, but the executive director needs authorization to take action.

Commissioner O'Bryan seconded the motion.

Councilmember Weaver asked if either of the two private party applicants has had a development permit denied that might be the basis of the Bert J. Harris Act. Mr. Saberson stated that at this point this is unknown.

Upon being put to a vote, the motion passed unanimously. Mr. Saberson reminded all Council members, alternates, and ex-officio members to provide any information with respect to this public records request to the executive director's office.

### **NATIONAL ESTUARIES PROGRAM INVITATION TO NEGOTIATE**

Staff provided background regarding the National Estuaries Program (NEP) for the Indian River Lagoon (IRL). Staff noted that in 1987, Congress established a program to protect and restore water quality and ecological values of the lagoon. The program is administered by the U.S. Environmental

Protection Agency (EPA) with the goal of protecting and restoring estuaries. Staff indicated that the decisions and input to the EPA are usually done through local boards, which are comprised of federal officials, state and local agencies, citizens, business owners, and leaders in the community. Staff stated that in 1990, the federal government designated the IRL from the Ponce Inlet in Volusia County down to the Jupiter Inlet as an estuary of national significance. The program was applied for in 1990 and was primarily staffed and funded by the St. Johns River Water Management District (SJRWMD) with their offices located in Brevard County. Staff noted that in February of this year, an agreement among program participants, which includes SJRWMD, South Florida Water Management District, Florida Department of Environmental Protection (DEP), and the local governments along the coast, to form a new, independent regional council to carry out the goals set forth in the IRL NEP and plan. One of the first organizational tasks of this new regional council is to secure office space and administrative support. Staff stated that they will be publishing an invitation to negotiate (ITN) at the end of April or May to find an organization or agency office to locate their administrative program. Staff indicated that Council's offices have been identified as a potential location, either temporarily or permanently. Staff noted that similar programs are located in the Tampa Bay and Southwest RPCs. Staff recommended Council authorize staff to prepare a response to the ITN for Council approval and submission to the IRL program for their consideration.

Commissioner Valeche stated that this appears to be very similar, but perhaps more expansive in scope, to what Commissioner Fielding was attempting to put together a couple years ago. He asked if this program is supplementing that or absorbing that effort. Staff indicated that Commissioner Fielding formed the IRL Collaborative, and during that time the SJRWMD felt that the program needed to be independent and run by the locals. The advisory board was established for the IRL program to provide advice on how to meet the goals and it was recommended that this new council be formed. However, it is not the same as Commissioner Fielding's collaborative. The new council will take over the NEP program to recast and reinvigorate it. Staff noted that there will be more funding as the partners have provided close to \$2 million, and believe they will get more funding from the federal government to restore the lagoon.

Councilmember Bournique stated that the council is meeting today. He stated that he has been involved in this issue since Bill Nelson was a congressman living on the lagoon near Palm Bay. He stated that he and Diane Barile of the Marine Resources Council discussed how to move forward to bring more attention to the lagoon and upper basin of the St. Johns River. He noted that the discharges from C-54 Canal into the Sebastian area have stopped. He stated that to answer Commissioner Valeche's question, he and a lot of individuals wanted to raise the bar. He stated they were doling out \$500,000 each year for research projects from Harbor Branch and the University of Florida and other entities to study the lagoon, and we had a massive, beautiful lagoon that stretches through six counties, but we were not doing any turn dirt issues. He stated that he is impressed with what Martin County did with Senator Pruitt's funding. He stated that he and others on the board decided they needed to use the half million dollars and take it to the next level. He stated they looked at the Tampa/St. Petersburg estuaries program as a model, because they have been successful in improving that basin over the last ten years. He stated they want to bring more support and be able to go to Washington as a group of counties and ask for funding to breathe new life into the lagoon. He stated that they have turned the sole authority from the SJRWMD board to the five counties up and down the IRL. He indicated that funding will still continue to come in from DEP

and the water management districts, but a majority of the votes now fall to the counties. He noted that they are still developing the structure, and that counties can opt in or opt out at any time. He also noted that many cities such as Palm Bay, Titusville, and a number of Indian River County cities have expressed an interest in joining and he would like to see more involved and part of the decisions being made for the lagoon. He stated the council has elected a chairman from Martin County and are getting everything in place. He asked Council to support this effort. Chairman Mowery stated the current request is for the executive director to move forward with determining if Council should provide temporary offices for this council.

Commissioner Thurlow-Lippisch stated that although she is not personally involved in this organization, she has watched it from the beginning and she believes that what they are doing is wonderful. She asked everyone to not forget that it is not all about the money, but about communicating. She stated that in the past the issues have been dealt with separately, but the lagoon is not separate in terms of water flow, the animals, and things like toxic algae. She said that she would like to encourage this council to be located in Council office, because we can then get more involved in water issues in the future.

Commissioner Burdick asked if the ITN is to lease space. Staff indicated it would be for office space and perhaps some accounting services. Commissioner Burdick asked if there will be a positive impact to Council because of these negotiations. Staff stated there could be, depending on what Council members decide in terms of providing the space free of charge, or not. Councilwoman Gerwig asked if the impact would be borne by Council's budget. Staff stated that if Council members decide to charge them, which is what Tampa Bay Regional Planning Council has done, then this Council would not be impacted. Councilwoman Gerwig stated that we need to realize the value of the estuaries and the regional impact, but the concern would be how Council is impacted. Chairman Mowery indicated there would be no cost to Council.

Commissioner Burdick stated that because Palm Beach County has had discussions of their cost to Council, she believes if there are going to be impacts such as utilities, rent, wear and tear, and staff time that might be problematic to Palm Beach County, even though we all recognize that clean water is critical. Commissioner Taylor stated it sounds like Council could benefit from having the IRL council located in Council offices. She stated Palm Beach County will still pay dues, and that we need to look outside the box and have staff bring back additional information at the next meeting.

Commissioner O'Bryan moved approval of the staff recommendation. Commissioner Taylor **Motion** seconded the motion.

Councilmember Davis stated he supports this because there will be no cost, but more importantly this is an opportunity to have a relationship with the EPA and potentially some funding sources.

Commissioner Valeche stated that he agrees with the rent, but he is concerned with how much staff time will be taken. He stated that grant writing may be one service Council can offer, but he would like to see Council compensated for the staff time.

Commissioner Thurlow-Lippisch stated that Palm Beach County should not feel like this is a burden. She stated everything is connected and that this will benefit everyone. Commissioner Valeche stated that he is not speaking for Palm Beach County, but as a member of the regional planning council and he wants to ensure that staff is not overburdened.

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

### **RESOLUTION IN SUPPORT OF THE FLORIDA TURBINE INITIATIVE AND INVESTING IN MANUFACTURING COMMUNITIES PARTNERSHIP DESIGNATION**

Staff indicated that at the March 2014 meeting Council authorized staff to execute a memorandum of understanding between Energy Florida, East Central Florida Regional Planning Council, and the Treasure Coast Regional Planning Council to establish a partnership to seek from the U.S. Economic Development Administration investing in manufacturing communities partnership (IMCP) designation. Staff noted that the purpose of the partnership is to work in collaboration with industry and regional partners to develop the Florida Turbine Initiative and a proposal for regional designation under the partnership program. Staff indicated that the 2014 application was not successful. However, Energy Florida has resubmitted the application for designation in 2015 application cycle. Staff stated that the purpose of this item is to renew Council's support of the designation by adopting a resolution in support of the Florida Turbine Initiative and the IMCP designation. Staff noted that Mike Aller, the executive director of Energy Florida, would be making a presentation. Staff noted that Energy Florida is a non-profit organization based in Cape Canaveral and is working to build Florida's energy economy. Staff indicated the recommendation is that at the conclusion of Mr. Aller's presentation, Council should approve Resolution 15-02 in support of the Florida Turbine Initiative and the partnership designation.

Mr. Aller stated that Energy Florida works with the energy technology industry in the state, and they have put together public/private partnerships in several areas. He stated they are industry-led, and support the adoption of new energy technology through the state of Florida. He stated their top priorities are advanced manufacturing, bio-based products, turbines, and power generation equipment.

Mr. Aller stated that the IMCP is a designation competition put forward by the U.S. Department of Commerce, Economic Development Administration. Designation will allow preference for grant applications under thirteen different federal programs such as: Department of Transportation TIGER grants; Department of Labor Workforce Investment Act; and the U.S. EPA Brownfields assessment program. He indicated that the members of the consortium that are involved will be eligible for special consideration in applying for federal grants.

Mr. Aller stated they have focused on turbines, because there is a very strong turbine industry from east central Florida to Palm Beach County. He indicated that with over 150 companies, Florida is one of the strongest areas in the world in terms of turbine development, testing, demonstration, sales, service, and support. In terms of the region, Mr. Aller stated that any institution that is interested in being part of the consortium is able to put in a letter of support and commitment and, if the designation is awarded, will be eligible to receive preference in federal grant awards and programs they may be applying for that are associated with this program. He indicated Energy

Florida is working with a number of private sector partners as well as many educational partners. He stated he believes this application is strong, because of the focus on turbines, and the region is number three in the country in turbine patents over the last fifteen years. Commissioner Valeche asked if there are a lot of patents for the coatings, rather than actual metal. Mr. Aller stated that some of the patents are coatings, and there are also new types of hardware and designs.

Mr. Aller noted that Florida is the global headquarters for many companies in the industry. He stated that one of the strengths of the initiatives is a very diverse supply chain that ties together different companies which is a strong basis to use the community not just for federal grants, but in terms of building our own economic opportunities. He stated that the overall goal of the initiative is that if designated to put together a turbine manufacturing advisory group working with the industry on developing the new infrastructure, roads, ports, and airports so it is clear that we are integrating the needs of the turbine manufacturing community into a discussion about cargo and logistical infrastructure in our communities over the next twenty to thirty year timeframe. He noted that while the industry is strong, they do not currently have assembly facilities in the region. He stated that to close the gap in the supply chain, you need to close that gap in the logistical infrastructure. Additionally, he indicated there is the opportunity to talk about workforce development programs that will help build job creation. He stated that there is an existing memorandum of understanding from the previous year's application, and he is currently asking for Council to reiterate its support through the proposed resolution.

Commissioner Valeche asked if there is a working relationship with Space Florida. Mr. Aller stated that Space Florida is one of the strongest partners of many of his initiatives. He indicated that one of the reasons they chose turbines is because it is very strongly involved in aviation and aerospace.

Commissioner McKinlay asked if Mr. Aller is also requesting that Council members go back to their respective boards and pass resolutions of support there as well. Mr. Aller stated that is not necessary at this point, but if the individual institutions are interested in providing letters of support and commitment and potentially take part in the advisory group and other activities, that would be helpful in showing a degree of support within the community. Chairman Mowery noted that the agenda item contains letters of support from both the Palm Beach County Business Development Board and the Indian River County Chamber of Commerce.

Councilmember Davis noted that Florida Atlantic University (FAU), which has an ocean turbine program, was mentioned and asked about that relationship. Mr. Aller noted that they are working with FAU to get a letter and they are going to be a partner, noting that they have a very specific expertise, which is ocean currents. He noted that FAU has been going through the environmental impact assessment and permitting processes and are close to putting in hardware in the Gulfstream.

Commissioner Thurlow-Lippisch noted that exhibit three in the agenda item states "Florida Turbine Initiative will establish a strategic plan to allow individual communities to tailor investments, strategic planning, and future grant requests with a broader strategy to support key industrial sectors within the state - power generation equipment manufacturing. By tying together existing investments in strategic infrastructure at the Port of Palm Beach, Port of Fort Pierce, Port Canaveral, and the region's airports with an integrated strategy to address the needs of a major manufacturing industry in the State of Florida, the initiative will turbocharge the growth of Florida's

turbine manufacturing industry.” She asked if Mr. Aller could provide a visual of what that physically means to our area. Mr. Aller stated that the greatest impact from this would have specific input from the industry in the development of the next generation of regional infrastructure. He stated that Cape Canaveral in Brevard is an example because of a current initiative to link the Port to the east coast rail line. Commissioner Thurlow-Lippisch asked if this is about moving goods or production. Mr. Aller stated that in terms of any industrial production, regardless of where it is in the region, we need to have those types of logistical connections. He noted that this type of infrastructure for manufacturing and moving goods exists in Pensacola and Savannah, Georgia. He stated that we have everything except the actual building of the turbines, because we do not have the logistics to support that. He stated that once we have the logistics, then we will be able to capture that part of the business as well.

Councilwoman Gerwig made a motion support the resolution. Commissioner Haddox seconded the motion, which carried unanimously. **Motion**

### **ALL ABOARD FLORIDA UPDATE**

Staff presented a discussion of the latest information related to the AAF project. With respect to the U.S. Coast Guard (USCG) navigational survey on the three bridges along the corridor, staff continues to be in communication with the USCG and a formal recommendation will be coming forward in the next couple months. Staff indicated that the Federal Railroad Administration (FRA) has not given any indication of when the final environmental impact statement will be published. In terms of financing, staff stated that the Florida Housing Finance Corporation is ready to consider the approval of private activity bonds (PAB). The agency will meet next week and have an additional hearing later this spring.

Staff indicated that there has been consistent discussion regarding quiet zones, which includes how they are established and what steps are necessary if a local government wishes to establish them. Staff has been working in a support relationship with the Palm Beach MPO and the local governments in the county on this issue. Staff indicated that the MPO has been a partner in the effort by providing additional funding for improvements to the grade crossing infrastructure. Staff noted that the construction is under way from 15<sup>th</sup> Street in West Palm Beach south to Boca Raton. The second phase will be from 15<sup>th</sup> Street north to Tequesta. Staff noted that all the local governments have received 90 percent plans for the grade crossings and intersection improvements along the corridor. Staff asked that Council consider how staff can be involved in the process and discussions of quiet zones with the counties to the north. Staff noted that St. Lucie Village has contacted staff to ask for assistance with the quiet zone process. Staff indicated the Palm Beach MPO has the engineering expertise to run the quiet zone calculator, which is the program necessary to determine safety ratings and infrastructure necessary to establish quiet ones.

Mayor Brennan stated that it is her understanding that the work the USCG is currently doing in terms of how many minutes the bridges are to be open for navigation is only based on the freight trains as they exist today and not factoring in the AAF proposed operations. Staff noted that the USCG is not able to consider future or potential service on a corridor when they write rules and promulgate regulations. They are focusing specifically on concerns raised during the navigational survey and that boaters are saying that conditions as they currently exist are challenging and it is

difficult to get boats through. They are working with Florida East Coast Industries (FECI) for improvements to the bridges as they exist today. Staff indicated that the USCG has explained that they are not permitted to look at future conditions, and that as an agency they look at past trends, not forward at forecasts of impacts on the corridor. Mayor Brennan stated that Council needs to understand that AAF is not included in this process and that it could be significantly more challenging than it is today. Chairman Mowery noted that this agenda item is not asking for any action. He stated that with respect to the quiet zones, the MPOs should be following up on this issue. He stated that staff should be keeping Council updated on the project, rather than delving into an area that is MPO-related.

Councilmember Weaver indicated that he had previously asked for information regarding the number of minutes per hour that are being projected for the bridges to be closed during the daylight hours. Staff stated that there have been requests to the FRA for that data, but no information has been provided. Staff indicated that specific request was also raised in Council's comments to the draft environmental impact statement, so the information should be provided in the final report.

Councilmember Weaver asked if there has been any clarity regarding the safety of the corridors such as putting in chain linked fences or barbed wire through the downtowns. Staff indicated that no information has been provided with respect to fencing.

Commissioner McKinlay asked if anything can be done in terms of the volume the horns of the new locomotives. Staff stated that this issue has been raised with the FRA and they have conducted an evaluation to measure the volume of the horns, and they appear to be within the permitted range. Staff indicated that there have been a series of requests to FECI to dampen the sound, and they have indicated they are considering ways to lessen the noise.

Commissioner Thurlow-Lippisch stated that she has been in contact with KC Traylor, who is with Florida Not All Aboard, and she has indicated that the PAB hearings will take place on Monday in Tallahassee. She thanked Mayor Brennan for bringing up the issue with the bridges, stating that it is important for open communication, especially about how these bridges over our waterway are going to be affected.

Councilmember Weaver noted that there are state-of-the-art directional speakers that can be used to lessen the noise from the train horns. Staff indicated that issue can be raised with the FECI as a suggested mitigation.

#### **SENATE BILL 484 AND HOUSE BILL 873 UPDATE**

Staff thanked Commissioner McKinlay for her support and comments in Tallahassee. Staff noted that all growth management proposals, including those related to RPCs, has been combined into two bills. Senate Bill (SB) 484 is now SB 1213, and House Bill (HB) 873 is now HB 933. Staff noted that both bills originally contained language that was harmful to RPCs. However, that language has been removed by Senator Simpson and Representative La Rosa. Staff stated that the House bill had contained an amendment that would allow counties across the state to opt out of the RPCs, but that has been removed by Representative La Rosa in the House Economic Affairs Committee meeting. Additionally, staff noted that the funding to the RPCs that had been proposed in both bills has been

removed and the funding will go through the appropriations process. Staff noted that over the past four years, both the House and the Senate have put funding in the budget, however the Governor has vetoed that funding. Staff noted that there has been a much better working relationship with the Governor and there is a better chance the funding will not be vetoed.

Staff noted that HB 933 is of concern to local governments, because it contains provisions requiring all local governments to adopt goals, policies, and strategies for property rights into their comprehensive plans. Staff stated that when the committee learned of the cost to the local governments they were surprised. They did not realize how costly and extensive the process is for amending the comprehensive plans. Staff indicated that the Association of Counties (AOC) and League of Cities (LOC) will be following this issue.

Staff also noted that both SB 1213 and HB 933 will terminate the DRI process in favor of the expedited comprehensive plan process that is processed through DEO at the state level. Chairman Mowery stated that means local control will be lost in terms of collaborative efforts between jurisdictions and agencies.

Commissioner Thurlow-Liipisch asked for clarification on the private property requirements. Staff noted that in HB 933 there is a requirement for local governments to amend their comprehensive plans to recognize private property rights as an issue and set new goals, policies, and strategies that will create innovative policy about how to minimize the need to take property. Commissioner Thurlow-Lippisch asked if this is coming from the Governor. Staff noted that it is in the House bill. Staff indicated that the state comprehensive plan addresses private property rights, and is one of the most vigorous in the country. Staff noted that in 1987 Council had a section on property rights which has been forwarded to the AOC and LOC. Staff stated that if this does come to pass, the LOC, AOC, and FRCA might try to create some model language that will be approved by DEO, and all the local governments in the state will be able to incorporate into their comprehensive plans.

Staff noted that the DRI process is the only provision in state law where the approving local government is required to mitigate for issues outside their boundaries. Staff indicated that this is the one provision that protects adjacent local governments from unmitigated impacts that could be costly. Staff noted that the group that created Mall of Americas in Minnesota owns a piece of property in Miami-Dade county and they have indicated they want to build a bigger mall on that property.

#### **PUBLIC COMMENT**

None.

#### **STAFF COMMENT**

None.

**ADJOURNMENT**

There being no further business, Chairman Mowery adjourned the meeting at 11:45 a.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the April 17, 2015 meeting of the Treasure Coast Regional Planning Council.

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Date

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Signature