

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members

AGENDA ITEM 8B

From: Staff

Date: June 17, 2016 Council Meeting

Subject: Minutes – May 20, 2016

Introduction

The Minutes of the May 20, 2016 Council meeting were posted to Council's website at http://www.tcrpc.org/council_meetings.html.

Recommendation

Council should approve the Minutes of the May 20, 2016 Council meeting.

Attachment

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
MAY 20, 2016**

Chairman Davis called the meeting to order at 9:30 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Commissioner O'Bryan Commissioner Zorc
Martin County:	Commissioner Thurlow-Lippisch Commissioner Fielding Commissioner Haddock
St. Lucie County:	Commissioner Lewis Commissioner Mowery
Palm Beach County:	Commissioner McKinlay, Alternate Commissioner Taylor Mayor Gerwig Vice Mayor Hmara Mayor Tinsley Mayor Dubois Commissioner Katz, Alternate Mayor Brennan, Alternate
Gubernatorial Appointees:	Douglas Bournique Michael Davis Tobin Overdorf Reece Parrish
Ex-Officios:	Larry Hymowitz, Florida Department of Transportation Ann Benedetti, St. Johns River Water Management District Kathy LaMartina, South Florida Water Management District Jennifer Smith, Florida Department of Environmental Protection
Council Staff:	Kate Boer Michael Busha Phyllis Castro Kim DeLaney Liz Gulick Stephanie Heidt Peter Merritt

Council Attorney: Keith Davis

The Executive Director announced a quorum is present.

AGENDA APPROVAL

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

ANNOUNCEMENTS

Staff provided a flyer from the Florida Chamber Foundation (FCF) regarding a series of town hall meetings they will be conducting around the state with respect to their 2030 plan for the Future of Florida. Staff indicated the FCF has requested the regional planning councils assist with facilitating these meetings in each county. Staff will continue to provide updates on these meetings.

Staff noted Council members were provided with two handouts from the U.S. Army Corps of Engineers (Corps) regarding the Comprehensive Everglades Restoration Plan (CERP). Staff indicated Lieutenant Colonel Jennifer Reynolds will be providing an overview and update of CERP and the Corps' latest efforts to restore the Everglades, Lake Okeechobee, and our estuaries.

Staff indicated the City of Delray Beach and Council have been notified that the code and architectural design guidelines developed by Council staff for the city's central business district has been awarded the Driehaus award. Staff explained this is a prestigious award for form-based code.

Staff stated today is *National Ride Your Bike to Work Day*, noting Larry Hymowitz from the Florida Department of Transportation (FDOT) will discuss the 2045 Multi-Modal Unfunded Needs Plan under Council member comment.

Staff also noted a handout from the public that will be discussed under Public Comment.

CHAIRMAN'S COMMENTS

Chairman Davis noted the awards Council has received are a reflection of the highly professional and talented staff. He indicated there has been good feedback from the ongoing Lakeland charrette, the great work of staff for North Palm Beach, and the work that has been done on Dixie Highway in West Palm Beach. He stated a lot of senior people at the City of West Palm Beach cannot say enough good things about how Council has helped their community, and he is very proud of staff. He noted that along with Commissioner Mowery and the executive director he attended the National American Planning Association conference in Phoenix in April. He indicated approximately 4,000 planners attended the four-day event, which provided presentations and a lot of good information, noting Council's executive director served on a panel at the conference. He said he has spoken with a lot of people around the country, and has been unable to identify any group that is as talented as Council staff.

COUNCIL MEMBER UPDATE

Commissioner Fielding from Martin County indicated Palm Beach County is considering joining the Indian River Lagoon Council. He stated the group is making progress addressing various pollution problems in the lagoon, and has formed a management board and both citizen and technical advisory committees. He noted their financial committee is looking to structure various tax shelters to allow people to dedicate monies that will go toward specific projects.

Commissioner Zorc from Indian River County stated the county has received their 90 percent plans for the All Aboard Florida (AAF) project. He indicated there will be a community outreach and informational meeting to share what county staff has learned from reviewing the plans and answer any questions regarding the project. He noted that in June the county will be having a meeting to discuss using the Bethel Creek connection back to the Atlantic Ocean as a possible alternative way to improve the water quality in the middle section of the lagoon.

Commissioner Lewis from St. Lucie County stated last summer the county started a transit kids ride free program. She indicated approximately 3,000 children under the age of 18 have taken advantage of the program. She stated the program is a great way to give children transportation access to summer programs. She noted the program worked so well, the county continued it throughout the year. She stated the county is joining in what seems to be a movement throughout the state to propose a half cent tax referendum. She said there is a backlog of capital needs within the county and through a survey they have discovered water quality, infrastructure, and public safety are identified as needs among the general population.

Commissioner O'Bryan from Indian River County stated the Board of County Commissioners recently issued a proclamation for *Ride Your Bike to Work Day*, but after receiving 11.5 inches of rain they may have to change that to *Take Your Boat to Work Day*. He indicated the county recently purchased an 83-acre parcel of land and are proceeding with design plans to turn that into a stormwater park to treat canal water and remove nutrients before the water goes into the lagoon. He noted this is the fifth major stormwater project for the county.

Mayor Tinsley from the City of Palm Beach Gardens announced there was a groundbreaking for United Technologies Corporation, which is one of Palm Beach Gardens economic development projects. She stated they have chosen to go through an expedited permit process and plan to bring in approximately 400 jobs in the north end of the county.

Commissioner McKinlay from Palm Beach County congratulated Martin County on their recent hire of Devon West, who was formally with Senator Altman's office, as the new county legislative affairs director. She stated he will be a nice addition to a good legislative affairs team across the Treasure Coast region. She also noted Tod Bonlarron has been appointed assistant county administrator for Palm Beach County, so the county's legislative affairs position is currently vacant. She noted the county's delegation director position was recently filled by Christine Shaw, who is the former chief of staff to the mayor of West Palm Beach. She stated the county has been going back and forth on the one cent sales tax referendum and has finally come to an agreement with the school district. She said the referendum will be on the ballot in November. She said the monies will be used to fund about \$2.7 billion worth of backlog between the cities, the school district, and the

county. She said she is hopeful they can educate the community on the needs and the savings to property taxes this one cent sales tax will create.

Kathy LaMartina with the South Florida Water Management District (SFWMD) updated everyone on the upcoming SFWMD meetings that include: the County Coalition for Responsible Management of Lake Okeechobee and the Estuaries on June 3rd; the Water Resource Advisory Committee (WRAC) meeting that has been moved from June 2nd to June 16th; the WRAC Recreational Issues meeting on June 13th; and the Indian River Lagoon Council meeting on June 10th. She notified Council members that the Indian River Lagoon license plate grant is currently open for Martin, St. Lucie, and Palm Beach counties; and today is the final day for submittal of the cooperative funding program grant.

Commissioner Taylor from Palm Beach County stated the county is experiencing affordable housing issues and losing a lot of people to Martin and St. Lucie counties. She indicated the county will be hosting an affordable housing summit within the next month and invited everyone to attend. She stated that the county has had a big turnover of staff, but this is a good time, because it gives the county the opportunity to focus forward and continue with the work they are doing. Staff indicated the notice for the affordable housing summit will be forwarded to all Council members.

Vice Chair Thurlow-Lippisch from the Town of Sewall's Point reported the town's new sign ordinance passed unanimously, which will not discriminate against the use of colored signs. She stated the Harbour Bay Plaza, which has defined their business district since 1974, has sold.

Commissioner Mowery from St. Lucie County stated that baseball has been a big discussion in the news. He stated the county and the New York Mets have solidified a deal and are looking at a \$60 million expansion of the stadium.

Councilmember Overdorf, Gubernatorial Appointee, thanked the Martin County Chamber who, through the Martin County Leadership Alumni program, arranged a tour at the U.S. Sugar lands and processing areas. He stated he is very impressed with the company and their operations. He said their economic impact is amazing and he likes the different things the company is doing with respect to the environment. He stated he is pleased by their openness and ability to engage the public and encouraged everyone to take a tour of their facilities. He offered his support to the EcoGen facility that will be coming up for approval in Martin County. He said this will provide a great opportunity for the region to capitalize on a new and different power source.

Larry Hymowitz from FDOT indicated the two documents provided to Council members offer general information about the state Strategic Intermodal System (SIS), and the process FDOT is undertaking to update its 2045 Multi-Modal Unfunded Needs Plan. He stated the plan is going to document future needs and will form a basis for updating the 10-year SIS work program.

Vice Mayor Hmara from the Village of Royal Palm Beach stated the village has a new mayor and two new councilmembers. He stated they are building a strategic plan that will help everyone understand each other's ideas so they can coalesce around major goals and objectives. He stated this is the 4th year he has worked on putting together the strategic plan, which he finds is very beneficial for new council members. He recommended all local governments develop a plan. He stated the

village's plan has an overview section that gives the vision, mission, major goals, and objectives that allow them to prioritize specific tasks for the coming year. Additionally, the plan has an action section for the coming year that provides details including milestone schedules for specific tasks, and is reviewed quarterly. He said their plan does not just get put on a shelf, but they use it for planning and budgeting.

Mayor Brennan with the Village of Tequesta stated the village is excited about their U.S. Highway 1 project. She indicated that a few weeks ago FDOT presented their plans to the village council for the first time. She stated there was spirited conversation, because many council members had thought things would be different and not all things they wanted were included in the plans. She said Council staff and the village manager have been working with FDOT and she believes they will be much happier with some of the innovative things FDOT will be doing to accomplish what they need. She indicated the work should be starting in October of 2017. She also noted the village will be repaving all of Tequesta Drive, a two-mile road that intersects with U.S. Highway 1 to the east. She said the project will be done in four stages with recessed bicycle lanes along the entire road, which will buffer the bicycle lanes and provide a whole lane between where people can stroll along the sidewalk.

Commissioner Katz with the City of Delray Beach expressed his pride in receiving the Driehaus Award with Council, although the form-based code has received a little kickback from the old timers within the city. He indicated the city will be officially branding the western side of the city between Swinton and I-95 as *The Set*. He stated the kickoff meeting is tonight with a street party and interactive museums. He noted today is also Florida's emancipation day, so that will also be part of the celebration. He stated the city has been applying for grants to work with the Palm Beach Metropolitan Planning Organization (MPO) to redesign Congress Avenue within the city to be a complete street, potentially narrowing it down from 6 to 4 lanes. He indicated the city recently narrowed Federal Highway from 6 to 4 lanes. He stated he was one of the critics of the project, but now that it is done and he has seen the results he is a cheerleader for it. He invited everyone to come to Delray Beach and see what they have done.

Mayor DuBois with the Town of Lake Park noted that Palm Tran gives a 50 percent discount to passengers with a student ID, costing them only \$1. He stated he would like to see that be zero, and also offered all the time so kids can get around better. He reported the town's U.S. Highway 1 corridor work, which is a mixed use overlay designed to increase density and intensity on the corridor to build the tax base, has been put on hold. He stated that when the town's evaluation and appraisal report was done 10 years ago, the future land use map was updated to include extending lot size on the west side of U.S. Highway 1. He stated the idea would be to ramp down from taller buildings to single story. He stated that currently the whole process is on hold in order for them to get in touch with all the neighbors on Second Street and inform them of what they could potentially do and what this will mean to the community if it goes forward. He stated he thinks this is good, because it means the kind of building that would happen on the west side of U.S. Highway 1 would have meaningful construction and design, and ramp down into the single family homes. He reported the town commissioner has approved a five-year contract with the town manager. He noted he received his first hate mail regarding the AAF project. He stated the town residents are used to having a train going back and forth and the whistle blowing, so he has not received any complaints until now.

Mayor Gerwig with Wellington stated Prince Harry visited Wellington to play polo at Valiente Polo Farms. She noted Wellington was put on the map for equestrian events when his father, Prince Charles, played at the original polo stadium. She stated that with the purchase of the International Polo Club by Mark Bellissimo, there will be some changes and expansion of the equestrian industry in Wellington.

Ann Benedetti with the St. Johns River Water Management District stated the district will have its Southern Recreational public meeting on June 9th at 6:00 p.m. at the Palm Bay Service Center. She indicated one of the reasons for these meetings is to provide updates on upper basin projects, including the Fellsmere Water Management Area.

Jennifer Smith, District Director for the Florida Department of Environmental Protection (FDEP), introduced herself noting she was just appointed as ex-officio to Council in March. She stated she has been with FDEP for 14 years and looks forward to working with Council and providing assistance. She invited everyone to attend the FDEP southeast district open house on June 16 in West Palm Beach. She noted this will be a meet and greet and provide informational booths as well as breakout training session on their on-line services, public records requests, and GIS systems. Chairman Davis requested staff send out information on the open house to Council members.

PUBLIC COMMENT ON CONSENT AGENDA ITEMS

Susan Mehiel from Vero Beach in Indian River County stated she wanted to comment on Consent Agenda 8G State Homeland Security Grant Program – Regional Full Scale Exercise. She stated that she understands that in October of 2014, Council staff had a meeting with St. Lucie County officials and residents to discuss the AAF project. She said at that meeting someone asked about the proximity of the nuclear power plant on Hutchinson Island to the railroad corridor, and they were told there is no problem. She stated she was also told this recently by someone in the St. Lucie Emergency Services department. She stated with the future of over 50 trains per day streaming through the county, so many at grade crossings blocked by the route, and a single track bridge over the St. Lucie River, no one in this room can guarantee there will be no trains in the county stopped and waiting to cross the bridge or stopped due to equipment failures. She stated that in the past year, with only 14 freight trains on the corridor, there have been numerous derailments, crossing accidents, and mechanical failures that have blocked the intersections. She stated that in a letter to Federal Emergency Management Agency (FEMA) and the Nuclear Regulatory Commission (NRC) dated April 22nd, the Mayor of St. Lucie Village pointed out this issue along with the much more troubling one of trains carrying hazardous materials less than 2 miles from the reactors. She stated she has spoken to a number of experts in the past few months and they believe there are major homeland security issues with this situation, and experts have told her that if Florida Power and Light Company were planning to put that plant there today, with the prospect of all those passengers and all those hazardous materials, it would not be approved. She noted that the letter, which she distributed to the Council members, suggests the regulatory agencies including the NRC, FEMA and FDOT, should be making sure a hazardous analysis is being done on the route, and simulations of power plant accidents with trains present and the deliberate derailment and explosion of a train carrying chlorine gas, liquefied natural gas, and other hazardous material within 2 miles of the power plant should be conducted. She stated the planning of Council's exercises must include these

major life threatening issues. She said all of the counties in this organization will be massively impacted by the expansion of this rail corridor and from what she can understand no one has planned for the worst. She noted the county has seconded Mayor Thiess' request in a letter to the FRA. She stated she is hopeful we won't have to wait long to see what the federal and state agencies have to say about these problems.

Commissioner Fielding indicated it would be useful to include that suggestion. Staff stated Council can ask those in charge of the exercises if they can be expanded, or include a dry run on something like this. Commissioner Zorc asked if this could be brought back as a request for Council to consider. Staff indicated it would be quicker for staff to write a letter and bring their response back to Council at the next meeting. Commissioner Zorc stated that would be fine.

CONSENT AGENDA

Commissioner McKinlay moved approval of the Consent Agenda. Councilmember Overdorf **Motion** seconded the motion, which carried unanimously.

Items on the Consent Agenda were: 8A, Financial Report – February 29, 2016; 8B, Financial Report – March 31, 2016; 8C, Minutes – March 18, 2016; 8D, Interlocal Coordination and Review and Public Transportation Coordination Joint Participation Agreement with Martin Metropolitan Planning Organization; 8E, Joint Participation Agreement with the Florida Department of Transportation for Land Use/Transportation Planning Assistance; 8F, Chain of Lakes/C-51 Boat Lift Agreement with the Florida Department of Economic Opportunity; 8G, State Homeland Security Grant Program – Regional Full Scale Exercise; 8H, City of Boca Raton Comprehensive Plan Amendment No. 16-1ESR; 8I, City of Fort Pierce Comprehensive Plan Amendment No. 16-1ESR; 8J, Village of North Palm Beach Comprehensive Plan Amendment No. 16-1ESR; 8K, City of Port St. Lucie Comprehensive Plan Amendment No. 16-1ESR; and 8L, Intergovernmental Coordination and Review Log.

COMPREHENSIVE EVERGLADES RESTORATION PLAN UPDATE BY THE U.S. ARMY CORPS OF ENGINEERS

Chairman Davis noted Council's priority issues for 2016 are Everglades restoration and water issues, and affordable housing. He stated for these issues, he has asked for several Council briefings throughout the year. He indicated Lieutenant Colonel Jennifer Reynolds, with the Corps will be providing a briefing on CERP and the current activities of the Corps.

Lieutenant Colonel Reynolds indicated she represents the Jacksonville District, Florida, which is led by Colonel Jason Kirk, and to whom she serves as deputy for South Florida. She stated she hopes to not only provide information, but get information from Council members to help make better decisions and be smarter about the work being done through CERP. She indicated information has been provided on the Everglades restoration program, and the Corps' integrated delivery schedule of all the separate projects and components and a timeline.

Lieutenant Colonel Reynolds stated there is an extremely long history of the Corps working in South Florida. She provided illustrations of the past flow of the Everglades, and the current flow,

which is a highly developed system that allows us to live here and have economic benefits, such as tourism. She stated the current system was not designed to be compatible with the natural system. She stated Everglades restoration is about bringing together our highly managed system and the natural system in order to balance those perspectives and bring significant benefits to the ecosystem. She stated this will restore the flows to the natural Everglades and bring relief to the estuaries from the large Lake Okeechobee discharges. With respect to Lake Okeechobee, she noted there has been significant rain over the last couple days and there is a significant rise of water in the lake. She stated this presents a challenge for the Corps when managing the lake levels. She noted the lake high for 2016 was 16.4 feet in February. They have brought the water level down almost 2 ½ feet since February, but the lake is still at the highest level for this time of May since 2010. She stated that in May of 2013 the lake was at 13.29 feet, and increased to over 16 feet by August with the normal rainy season. She indicated that if we have a similar pattern this year, the lake could be at 17 feet by August, which could be a huge problem if there is a hurricane event, which could add an additional 3 to 4 feet of water on the lake. She stated this is very disturbing to the Corps from a public safety perspective. She reported the Corps is currently remediating the dike around the lake to ensure public safety and add flexibility to how the Corps manages the system. She indicated the work should be complete around 2025.

With respect to restoration in general, Lieutenant Colonel Reynolds stated there are a lot of components, but it is all about getting the water systems right, and the Corps goals' for this is *Quality, Quantity, Timing and Distribution*. She stated this means getting the right water quantity and quality of water to the right places at the right times. She stated this comes down to getting storage and treatment right, and then conveying that water to where it is needed when it is needed and leveraging all the rainfall to benefit all the different ecosystems throughout the state. She presented illustrations of what the Corps is currently doing in the Kissimmee River Channel, and how they are already seeing huge impacts to wading bird and native fish populations, and a slowing down of the water dumping into Lake Okeechobee.

Lieutenant Colonel Reynolds stated that the largest component of the Corps' Indian River Lagoon-South project is the C-44 reservoir and storm treatment area project. She indicated this is a \$120 million project that is being done in partnership with the SFWMD. She noted SFWMD has started the preliminary construction work at the site. She reported the Central Everglades Planning Project (CEPP) is in the Water Resources Development Act (WRDA) currently under consideration in Washington, D.C. She stated CEPP is designed to move the water south from Lake Okeechobee south to the Everglades National Park and into the Florida Bay. This project, in conjunction with some of the water storage projects, will reduce the discharges to the northern estuaries, and projects like the C-44 reservoir will reduce the high volume discharges to the St. Lucie estuary over the next 5 years.

Another project the Corps is working on is the Modified Waters Delivery Project. The first part of this project will bring more water from Water Conservation Area 3 into Everglades National Park via the L-29 canal that runs along the Tamiami Trail and under a one-mile bridge into the park. Lieutenant Colonel Reynolds noted this has not been tested, but they are seeing beneficial effects both in the park and in Florida Bay, and the Corps will continue to monitor the program going forward. She noted that the integrated delivery schedule that had been provided in hard-copy to Council members is how the Corps synchronizes priorities for all their projects. She stated the

schedule, which was completed in December of last year and approved by the task force, involved substantial public involvement in prioritizing and how to best leverage the federal and state funding to move projects forward. She noted the Corps will be doing two water studies starting this summer that will address the Lake Okeechobee watershed, and the western Everglades. She indicated the western Everglades study scope, as envisioned in CERP deal with the areas west of Lake Okeechobee and the Big Cypress area, and the watershed study look at storage opportunities north of and around Lake Okeechobee.

Commissioner Zorc asked what the typical elevation bordering the lake is versus the actual height of the ground that surrounds the lake. Lieutenant Colonel Reynolds asked if he is referring to the elevation of the ground on the other side of the dike. Commissioner Zorc stated he wants to know the differential so we can see why, when the lake elevation gets higher if it gets to 15 and it is 10 feet on the outside, you can see you would have 5 feet head of water racing into that area of ground, and what would happen if the surrounding elevation is 16 feet and the lake is at 15 feet. Lieutenant Colonel Reynolds stated the residential areas are higher than the less developed areas, and it is more complicated, because there is subsidence of the agricultural areas, which would produce an increasing differential not naturally expected. Commissioner Zorc asked if the project matrix had been updated since Senator Nelson visited in February. Lieutenant Colonel Reynolds stated the current form was approved in December, and has not been updated based on the federal funding dollars released in February.

Vice Chair Thurlow-Lippisch stated the presentation referred to an improvement of 40 percent to the St. Lucie River and Indian River Lagoon if and when CERP would come through. She asked how much water is coming from Lake Okeechobee, and how much from the C-44 basin. Lieutenant Colonel Reynolds stated it is not easy to quantify this. She stated the Corps has control over releases to the estuary from Lake Okeechobee, because they can open a structure to allow the lake water into the river. However, although the structure is currently closed, there is a substantial amount of fresh water entering the estuary from the basin runoff. She stated some of this has to do with our current managed system. She stated that basin runoff and lake discharges are split when it comes to the amount of freshwater going into the estuary. She stated it is not 50-50, but about 60-40 basin runoff versus lake discharges. She indicated some of the projects the Corps is working on such as Indian River Lagoon-South, gets at the basin runoff first, then projects like CEPP address how we move the lake water south into the Everglades rather than the estuaries. Vice Chair Thurlow-Lippisch asked if there is a way to speed up the projects. Lieutenant Colonel Reynolds stated as project components come online and there is more capacity in the canals and stormwater treatment areas, we will see benefits in earlier years.

Commissioner Haddox asked if when the Herbert Hoover Dike rehabilitation is completed will the discharge schedule be adjusted, and will the lake be able to hold more water at higher levels. Lieutenant Colonel Reynolds stated the remediation around the dike is primarily being done for public safety. The schedule and the levels of water are separate issues and a separate planning function that the Corps will undertake with public involvement. She stated things such as the ecology of the lake must be taken into consideration, and fixing the dike to make it safe for the public is not related to adjusting the schedule. Commissioner Haddox asked for a comparison of the volume of water coming into the lake from the Kissimmee now as compared to 80 years ago. Lieutenant Colonel Reynolds stated she did not know the exact numbers, but there has been a

distinct difference between how the flows work due to increased development. She stated that is why the projects that increase our natural lands and the amount of natural wetlands are important. She stated Council does a fantastic job with local and regional projects that help to improve the balance between developed and natural areas, which makes a big difference in the system. Commissioner Haddox stated it would appear there would be a significant increase, which would mandate there is a lot of storage area north of the lake in addition to all the other current projects. Chairman Davis stated when he worked on CERP, it was approximately 1.5 billion gallons of water a day going south to the canals and not going to tide.

Commissioner McKinlay stated three years ago she did a helicopter tour of the projects from the Broward County line up through the Kissimmee River and east to the ocean. She said six weeks ago she toured the same projects by helicopter and she can see progress is definitely being made. She indicated her number one concern is the safety of the Herbert Hoover Dike. She stated a recent report that was released in some national publications indicated about 40 percent of the dams across the country are close to failure. She said she would like to have some assurances that the Herbert Hoover Dike will remain a national priority and does not get pushed down the list when it becomes safer through the current remediation efforts. She asked if there are assurances the dike repairs will remain a priority. Lieutenant Colonel Reynolds stated the Corps has about 705 dams nationwide in their inventory, with about 8 to 10 listed as a number one priority for funding. She said the Herbert Hoover Dike is one of those based on the public health and safety risk. She said risk is not reduced when part of the project is completed. She stated the risk will not be considered less by the dam safety experts until all the projects are completed, and they do not anticipate the rating to change, or the priority for funding to change, until all the fixes are complete.

Councilmember Bournique stated in the big picture, the C-44 discharge is being done and billions are being spent to direct as much of that water as possible south. He stated the SFWMD is doing a great job at getting that done. He stated that as the regional planning council, he believes we should address the remaining discharge, which is our own. He stated that in 2014, there were no discharges into C-44 and although it was a dry year, there were heavy coastal rains. He said he drove up Indian River drive every day and the water was as brown then as any year even with no discharges during that time. He said that in heavy coastal rain years, all of St. Lucie and Martin counties are channelized to drain into the Indian River Lagoon. He stated he believes Council should put as much support as it can in finding lands in the western areas of our counties to hold as much local discharge as possible. He said we need to create public/private partnerships to hold the water, and just a half foot of water in Lake Okeechobee is between 200 and 400 thousand acre feet. He stated we need to address our own discharges as quickly as possible if we are going to have an impact. He stated the northern counties, unlike Miami-Dade, Broward, and Palm Beach counties, has open land and we need to find places to park as much water as we can for future water supply, agricultural and environmental uses, and to keep the Indian River Lagoon as healthy as we can.

Councilmember Overdorf concurred with Councilmember Bournique, stating there has been success with local water farming projects such as Caulkins Water Farms and the Evans properties. He stated he is aware of much larger projects that are moving forward with not only storing water, but also potentially moving that water to the north to the St. Johns River where they are in desperate need of freshwater. However, he noted that one of the things holding back the progress is the regulatory division of the Corps. He said the regulatory division is not looking at safe harbor provisions for

these private land owners who are looking to do this very public service. He asked that this be looked into to see what is really holding up these projects from moving forward and holding tremendous amount of local basin runoff, not necessarily what is coming through the locks from the lake. He said this is another way to take the water from our region and put it into an area where it is needed. He encouraged the Corps to get with their regulatory division and see what can be done with respect to safe harbor provisions. Lieutenant Colonel Reynolds stated she would look into this and provide the information to Council.

Councilmember Overdorf stated that private landowners, and private companies are prohibited by the National Pollutant Discharge Elimination System process from discharging toxins into the waterways. He stated the federal government, specifically the Corps, is exempt from this, and he asked how the Corps knowingly discharge water when there is an algae bloom. Lieutenant Colonel Reynolds stated the Corps, in conjunction with the state, are currently monitoring several algae blooms in the lake, rivers, and lagoons. She stated all this is taken into account and the Corps works with FDEP and the Florida Department of Health when making decisions regarding discharges from the lake. She stated there are differing scientific opinions on the nature of algae blooms and what will attenuate or dissipate them. She stated they know that algae blooms are affected by nutrients, which helps them grow. They know that freshwater versus saltwater levels will have an affect dissipating the bloom. However, they do not know things like whether moving the water actually helps dissipate the bloom. She stated some of the scientists they work with will say putting some movement in the water will actually help dissipate an algae bloom, but where the water moves to and the potential consequences are still unclear. She stated the Corps takes into account all types of scientific data points and information when making their decisions, which can never be 100 percent correct.

Councilmember Overdorf stated that the southern storage treatment areas are designed to hold more water than they are currently holding based on various species that may be there and others that were not originally there, but have now made it their homes. He asked how we can overcome some of those issues and be more concerned with the safety and well-being of humans north of the discharge areas. Lieutenant Colonel Reynolds stated one of the unintended somewhat positive/somewhat negative consequences of restoration projects is areas are created that become refuges for a number of species that are struggling in what would be their more natural environments. She stated they work hard to get projects finished so these species can return to their natural environment. She indicated they are seeing that as projects are completed, some species are using the areas, like the stormwater treatment areas, as transitional habitat. She stated they are trying to create habitat for these species to develop longer term residency, but the reality is in the meantime some of these species need those areas to maintain their numbers. Councilmember Overdorf stated his only comment is that these projects are intended to move water south, not for species habitat. He stated we need to remember that the main goal as we move toward restoration is the more water we can send south, the better the system will work.

Commissioner Fielding stated we are creating our own problems when we are not defensive of our wetlands. He said, because we want to do whatever it is we want to do, we are hurting ourselves. He stated that there needs to be more thought given to water farming before offering support, because this could bring unknown problems.

Commissioner Zorc stated that one of the benefits from his seat is that he can see that Lieutenant Colonel Reynolds is not using laminated answers, as he has seen at other Corps presentations. He indicated she is taking notes, which is different from his observations of prior representatives, especially at the meeting of Senator Negron's Lake Okeechobee Task Force two years ago where there was no deviation and no discussion. He offered his personal thanks for the open dialog.

Chairman Davis stated he has a personal observation, because he has a long history with the Corps. He stated these are very nuanced issues and it is easy to bash the Corps, but part of the reason the Corps did not say a lot at that press conference was because the target was on their back in a political way, which is unfortunate. He said it is easy to be critical, but it is incumbent upon all the leaders in the community to understand how vital water is to our existence, livelihoods, and well-being in South Florida. He stated the Corps is faced daily with challenging choices where there is no good answer. He stated our problems are, as Commissioner Fielding suggested, a result of the plumbing system we put in place to allow for us to live here. He said the consequences are now huge and we need to understand this. He stated he does not think the Corps enjoys all the decisions they have to make, but ultimately then need to take action. Chairman Davis stated Council can help as a community of elected officials and appointees. He noted the Corps can only build a project if it is authorized and funded, which are two separate processes in the U.S. Congress. He stated the WRDA, which was a biennial authorization, has gotten off track over the last decade and a half, but it is up this year, which is good because during an election year these things tend to get done. He indicated there are 29 electoral votes in Florida, so this issue will be important to the candidates. He suggested staff bring back a resolution to support the WRDA bill and send that to our leaders in Washington, D.C. to let them know the leadership of this community wants WRDA passed and CEPP authorized. He stated the appropriations process is the next step for the Corps. He stated with WRDA, we can get the annual appropriations, but it is illegal for the Corps to lobby for this. However, it is not illegal for Council to promote and push for this funding. Chairman Davis thanked Lieutenant Colonel Reynolds for her presentation.

Commissioner Fielding moved approval of directing staff to bring a resolution of support for WRDA to the next Council meeting. Commissioner McKinlay seconded the motion. Mayor DuBois asked if there is capacity in the southern Everglades to clean the water from Lake Okeechobee. Chairman Davis stated from his experience 12-15 years ago, he believes there is capacity, and this was part of CERP, and later clarified in CEPP. Upon being put to a vote, the motion passed unanimously.

Motion

**PALM BEACH COUNTY COMPREHENSIVE PLAN AMENDMENT NO. 16-3ESR
(INDIAN TRAILS GROVE)**

Staff provided an overview of the proposed amendment to change the future land use designation from Rural Residential and Agricultural Production to Western Communities Residential on 4,871.57 acres in the western part of the county. Staff noted the amendment also includes text changes to several elements and the map series of the comprehensive plan. Staff summarized the regional impacts the amendment will have on the regional roadway network; redevelopment; public facilities; transportation; economic development; and housing. Additionally, staff noted the Town of Loxahatchee, Village of Royal Palm Beach and the City of West Palm Beach have expressed concern with respect to extrajurisdictional impacts. Staff indicated the conclusion in the draft report

recommends: 1) Palm Beach County should consider abandoning the Indian Trails Grove amendment in favor of implementing a comprehensive countywide reinvestment and redevelopment program; 2) The focus for this program would be on creating growth and economic development opportunities in the county's distressed neighborhoods, districts, and corridors; and 3) The Heart of Palm Beach County 18-square mile area represents one opportunity for supporting new growth and redevelopment.

Vice Chair Thurlow-Lippisch asked if the map in the presentation show the urban service boundaries. Staff stated the different colors on the map show the jurisdictional boundaries, and the colors are random so the different local governments will stand out from one another.

Mayor Gerwig noted Wellington was not on the list of extrajurisdictional impacts and asked if it is staff's opinion that the impacts to Wellington are negligible. Staff indicated the letters from the 3 local governments were part of the amendment package received from the county.

Commissioner McKinlay stated she is not sure which part of the staff report angers her more, that the entire presentation completely excluded the entire Minto Development with 4,000 homes, 2.1 million square feet of commercial space that was approved by Council in 2014; or that staff is calling it sprawl and rural when Minto has developed into a small city. She stated she is not being facetious in calling it a small city, because they have actually used the authorization they have from 2012 legislation that allows them to incorporate. She said the incorporation of Minto will occur around June 20th. She stated she does not want to go any further with transmitting this flawed report to the Florida Department of Economic Opportunity, and would like for it to be redone with the complete consideration of the Minto property included, because without that it cannot be said there are no job opportunities with 2.1 million square feet of commercial space already authorized. She said it cannot be said that it is too far for workforce housing when workforce housing is designed for firefighters, teachers and police officers when there are schools in the area, and there are plans for new fire stations and a police substation in the area.

Mayor DuBois asked if GL Homes is the applicant. Staff indicated yes. Mayor DuBois noted that during the Callery-Judge process, it was assumed there would be a need to bring a road through the middle of what is the Westlake Minto project to connect to Persimmon Boulevard, which will bring traffic across Royal Palm Beach Boulevard and into State Road 7. Staff stated that in the application they talk about extending 60th Street north to 190th Street with the external connections being Hamlin Boulevard to 190th Street, and 60th Street north across to Seminole-Pratt Whitney Road.

Bryan Davis, Urban Designer/Principal Planner for Palm Beach County, stated he would provide the county's perspective on the staff report. He indicated when the site began as pine flatwood habitat and prior to 1953 the L-8 Canal was constructed. He stated that initially the area was used for farm trucking, but with the construction of the M-Canal, the land converted to industrialized citrus production. However, when the citrus industry was eliminated through citrus greening, the land was converted to row crop production. He noted that there has always been a notion for development as evidenced by legislative action in 1993 to approve this parcel as a community development district. He provided aerial photos that showed the development of the property over the years. He stated there has been much public debate of which came first, the plans for agriculture or if the improvements to the land were done to open the land up for later residential development.

Mr. Davis stated the county has been continually studying and planning this area for almost three decades. He provided a history of the area that included the Midlands Study; concurrency exemption; transportation planning; the Acreage Neighborhood plan; the county's managed growth tier system; and the Central Western Communities Sector Plan. He indicated the sector plan effort was a real attempt to master plan the area by doing a comprehensive look at how to accommodate growth in the area when the agricultural parcels reach the end of the agricultural production status. He stated that during the 2015 session, there was a legislative threat of intervention and usurpation of local control. With respect to the Sector Plan, he noted there were a series of guiding principles and growth management techniques identified to best address land use imbalances and service deficiencies in the area. He stated that in 2007, this was challenged by several people, and in the end died for legal reasons. For the current amendment, Mr. Davis stated that in exchange for the 0.8 units per acre, there would be dedication of public facilities, workforce housing and meaningful provision of quantifiable open space. He said the county wants a certain amount of nonresidential for a balance of use and create some trip capture. He provided an illustration of the sector plan conceptual overlay, noting the current project was very much a part of that planning effort.

Mr. Davis provided an overview of the current project, Indian Trails Grove and the surrounding land uses, which include Lion Country Safari; Minto West; the Arden/Highland Dunes project; and the Avenir project. Mr. Davis noted there is also the Delray Linton Groves project that is yet to be proposed that will add 1,000 units on two square mile with 125,000 square feet of commercial.

Commissioner Mowery stated he thought Minto was 2.1 million square feet of commercial as well as a university and 150-room hotel. Mr. Davis stated there is a 150-room hotel, university for 3,000 students, and 2 million square feet of non-residential, and 200,000 square feet of civic/institutional uses. He noted there has been a lot of incorrect reporting of the numbers.

Commissioner McKinlay asked to see the slide of what has been approved in the area. She said she wants to point out the Central Park of Commerce Center with the 2 million square feet was just zoned for a very low use. She said it was to be a data center and if the developer does not have the appropriate user to develop that, then the zoning reverts back to the county for reconsideration.

Mr. Davis stated that a minimum of two-thirds of the development will be open space. He said the dedication of the civic sites, various trail ways, workforce housing and roadway commitments were critical to show the county the benefits of the proposal. He stated the developer initially came in with a development proposal for single-family, detached dwelling units spread over most of the project, with no variety and only one town center. He said the county did not even want to talk to the developer unless they could come up with a better plan. He stated they worked with the applicant to negotiate a plan that not only has professional integrity, it is a plan that meets statutory requirements. He noted the plan provides density clustering and meaningful locations, that effectively work as a transect. He said the county feels the development benefits the existing residents of the acreage, noting they have received more public support than opposition on the project.

Mr. Davis stated there are roadway impacts that will need to be addressed. The Avenir project in Palm Beach Gardens is providing a whole lot more road capacity simply by the nature of their

impacts and the roads they plan to build. He said, in essence, the project gets to come in and use some of the capacity that Avenir will provide and that is why this project ultimately received a recommendation of approval. It does not necessarily solve all of the problems that are out there, but it does not really layer on significant new problems. He stated a lot has been talked about what is the backlog out there if you go back ten years in time. The real world cost is probably in the order of \$250 million needed to finance all the infrastructure that this development and other developments would bring. He stated the county has something on the order of almost \$200 million in proportionate share payments that will ultimately come out of the approved projects plus this one. The county's responsibility is something in the order of about \$100 million. He stated this is something the county feels that, at policy level, it will be for future boards to decide how they meet this responsibility. With respect to Mayor DuBois' question about 60th Street North, he indicated there is discussion in the county's engineering department about whether or not they would prefer to see 60th built as a road through the Minto West location. Minto west is timed to provide connections to 60th at various points and time. However, he noted if they incorporate they do not know how this will affect the timing requirements.

In conclusion, Mr. Davis stated the county found the amendment to be consistent with all statutory requirements; compatible; has no service provider issues; is not urban sprawl; and is consistent with all aspects of the county's comprehensive plan. He noted there is also a quantifiable public benefit of the project with 640 acres of drainage relief proposed that will be detailed through a zoning development order. He stated with the Minto proposal Council did provide some constructive criticism and a similar critique, so it was startling for the county to receive a resounding rejection. He asked Council to amend the draft report recommendations and provide more constructive criticism that can be used to go to the developer and make the plan even better.

Commissioner McKinlay stated she was not on the commission when many of the area projects were approved. However, she noted she does have 25 years of experience working in the legislative process. She stated the legislature gave the county the agricultural enclave language when it took that authority out of local governments. She said the legislature gave the county proportionate share, which took concurrency requirements out of the hands of local government. Additionally, the legislature gave special improvement districts the ability to incorporate without any say from local governments and the county is faced with the reality that Westlake (Minto) could disregard all previous approvals and put in as many units as they want. She noted that in 2015 there was an amendment in the growth management legislative package that would have given the county constrained agricultural enclave language in the statute. She stated she spent a lot of time in Tallahassee during the session, because the district she represents has a lot of needs that cannot be met locally, and relies on state and federal assistance. She stated she attended meetings on both the senate and house sides and stated the amendment would have passed. She said she asked them to give her a year before passing this legislation that would take away more home rule authority from local governments. She stated this allowed the county to work with the developer on the proposal that is currently being reviewed. She noted that the proposed language would have also included the Avenir property. She stated we are all faced with an environment in Tallahassee that is pro-development and not so much in favor of helping local governments. She indicated there were 22 pieces of legislation to strip away home rule authority. She commended the county staff for working with the developer to get the best deal possible. She stated they recognize the concerns of the neighboring local governments, and the county has been working with them to address those issues.

She stated she would like to move approval of the draft report without the staff recommendation. Commissioner Mowery seconded the motion for discussion.

Commissioner Fielding stated it is his strong understanding that the City of West Palm Beach, and perhaps other local governments in the surrounding areas, are hard pressed for sufficient water supply. He stated he views this project problematic, because it would intensify those needs by reducing the availability of water. Commissioner McKinlay stated that this issue with West Palm Beach is not water quantity, but water quality. She stated there is a parcel in the northwest portion of the project that could be used as part of water quality improvements for the city.

Mayor Gerwig stated that her firm may be involved with this project, so she is recusing herself from the vote.

Commissioner O'Bryan asked if the county's comprehensive plan has a cash-in-lieu provision. Mr. Davis stated the land development code has that option. He stated this part of the county does not have an application workforce housing component, but as with Minto, there will be a condition or recommendation that if the units could not be sold in a certain amount of time, the developer would be absolved of the obligation. Commissioner O'Bryan stated that after looking at all that is approved in a relatively small area he is very concerned. He said the projects will be competing with one another, and from the past he has seen that none will be successful, because they do not get the critical mass to succeed and get the commercial, industrial or job creation. He stated people may move there, but will need to leave to go to work. He stated it seems there is too much approved in the area.

Vice Mayor Hmara indicated that the county has been working with the Town of Loxahatchee Groves and the Village of Royal Palm Beach. He stated the village had originally put together the resolution trying to be realistic and understand the political environment Commissioner McKinlay has described. He stated that seeing the impending storm, the village began to look for other possibilities to offset the impact and represent the best interests of their residents. He stated the village's intent is to support the county moving forward with this project and attempting to ensure the roads will be put in place in a timely fashion and will be phased in a way that will minimize impacts to the surrounding communities.

Commissioner Zorc asked if the Minto project had a similar workforce housing percentage. Mr. Davis indicated yes. Commissioner Zorc noted that would be beneficial to all communities, because that gives more opportunities in the workforce housing price range to those in the public sector who keep us safe. He stated it appears the county staff has worked with the developer, and by not approving this it would be the reverse of what Tallahassee is attempting to do on a local level. Mayor DuBois stated the acreage was built to serve as workforce for Broward County. He stated that with respect to Commissioner O'Bryan's concern of competition, this is the last of the big properties in the county, and he believes that things will work out well, because there is competition, and he believes there is space to accommodate this type of housing. He said a lot has changed in the last 10 years, and Commissioner McKinlay is correct about the legislature.

Commissioner Katz said that the people in Broward probably asked if all their development will work, and now they are overcapacity in their western lands. He stated he believes this will be good

for the eastern municipalities, especially in the southern portion of Palm Beach County, to relieve some of their pressure to over develop. He indicated people are coming to Palm Beach County in droves, and this project could potentially house these people and allow municipalities to preserve their small town character. He said his only concern is the traffic impacts and infrastructure needs. He said Council should be looking at the entire area, and not just this project.

Mayor Tinsley said it is very clear there will be traffic issues. She stated that in the past GL Homes built half the roadways in the southwest portion of the county to mitigate the traffic impacts. She indicated that with proportional fair share, the county has control of the money, and they can use that where they see fit and not necessarily to mitigate the problems in the area of a development. She said she would like to encourage the county to use those dollars to be proactive and mitigate the traffic impacts for this development. She stated she would encourage the developer to work with SFWMD to create major flow ways, as they are doing with the Avenir project. Mr. Davis stated the county is not the permitting agency, and the SFWMD will need to issue the permits. He stated the applicant has agreed to provide a certain amount of storage, but beyond that would be up to the SFWMD.

Mayor Gerwig stated her company did not work on this particular project, but does have other contracts with GL Homes. She asked if she should still recuse herself. Mr. Keith Davis stated as long as the current vote is on this project and does not affect the company's contracts with GL Home in a way that would create an economic benefit of hardship.

Commissioner O'Bryan asked what the motion will remove from the report. Chairman Davis said it would be the recommendation for the county to abandon their approval of the project. Staff indicated the review was done exactly like the county, without the political considerations. Staff looked at what has been approved in the entire area and determined there is still an imbalance of uses in the area. Staff felt that the county investment of \$100 million for infrastructure would be better spent fixing and repairing existing places in the county.

Mayor Gerwig asked for an explanation of the number that is required for infrastructure. Commissioner O'Bryan stated this would be their proportionate fair share. Staff stated that the county will decide where that money is spent. Mr. Davis stated that part is still being negotiated. Mayor Gerwig asked if this development will be able to incorporate like Minto if they do not get the approvals from the county. Commissioner McKinlay stated Minto is incorporating under the legislation that affects special improvement districts. She stated that GL Homes, or the property owner, could incorporate under a different section of the statutes that deal with community development districts, but the thresholds for population and household are currently significantly harder to reach. Commissioner McKinlay stated that as the district's commissioner, she will be supporting the extra funding be used to push through 60th Street before any construction to give immediate traffic relief.

Chairman Davis asked Commissioner McKinlay if her motion is to remove the recommendation for the county to vacate the amendment. She stated yes. Chairman Davis stated the he is going to support the motion, because he thinks it is important that the developer really look in a meaningful way at the water issues and be part of the efforts by the Corps, SFWMD, and the Avenir project. He said it looks like Indian Trails Grove could be an important part of that, so he strongly encourages

the developer to work with those agencies to identify additional opportunities. Upon being put to a vote, the motion carried by a vote of 11 to 4.

**RESOLUTION IN SUPPORT OF U.S. HOUSE BILL 4793
EVERGLADES LAND ACQUISITION ACT OF 2016**

Commissioner Thurlow-Lippisch moved approval of the staff recommendation. Commissioner O'Bryan seconded the motion. **Motion**

Under public comment, J. P. Sasser, former mayor of the City of Pahokee read the following from a letter to the editor:

The community activist pushing to buy the lands, send the water south are quick to point to numbers that support their cause, but there is one number that they will not use when making their tired argument. 35,561. That is the population of Belle Glade, Pahokee, South Bay, and Clewiston. I want to add that is within the city limits. (He stated there are probably another 10,000-12,000 in the unincorporated areas). It suggests the coastal elites are doing a better job with their land then we are with ours yet we are not the ones flushing septic tanks into our own waters. Our farmlands are feeding people, not only our communities, but yours as well. They provide jobs for real people just like you, people who certainly deserve better than what you propose for our future. To the people of the Treasure Coast and the Southwest Florida, we live here too. We care for the same rivers, lakes and streams you enjoy despite the fact that as South Florida Water Management District data shows, 97 percent of the water and pollution in Lake Okeechobee is coming from somewhere other than south of the lake. Why then should we be responsible for 100 percent of the cleanup? You would not tolerate calls to buy your neighborhoods and businesses to clean up someone else's mess and neither should we.

He stated he would like to clarify his earlier comment about the land level. He said the reason Pahokee is the only city directly on the shores of Lake Okeechobee, is because over a hundred years ago that was the highest point. He said it was called East Beach and that was where people would gather. He stated the natural shoreline of Lake Okeechobee the ridge, and is actually on the east side of U.S. Highway 441. He noted the dike was built out into the lake, and until the 1960s, there was no dike, and south of where the Pahokee airport is now was lake bottom. He stated that the ridge is pure white sand with muck behind, so if the dike breaks, or there is a leak, there will definitely be trouble. He stated during one of the last hurricanes the marina's floating dock was found under a traffic light on the other side of the lake, so that is why he is so proud Commissioner McKinlay is working hard to see the rehabilitation of the dock completed.

Commissioner McKinlay stated this bill is sponsored by Congressman Clawson, who just announced he will not be seeking reelection so this bill will die on the vine. She stated the Congressional Budget Office has not done any cost estimates or determined what effects this bill, which she stated is basically a federal eminent domain bill, will have on local and state government. She noted the bill was filed on March 17th of this year, but not one single person, including not one

member of the Florida Congressional Delegation, has signed on to co-sponsor this bill. She stated she is worried that supporting something that aims to appropriate a half billion dollars will have a negative impact on CERP and CEPP funding for the Herbert Hoover Dike. She recommended postponing consideration of this resolution to see what happens with the water bill, and if the projects we need to focus on are appropriated. She stated she would like to make a substitute motion to table consideration of this resolution until after the WRDA process to see if the CERP and CEPP projects are appropriately funded. Commissioner Fielding seconded the substitute motion.

Mayor Gerwig asked if there will be repercussions of passing the resolution. Chairman Davis stated he agrees with Commissioner McKinlay's motion.

Vice Chair Thurlow-Lippisch stated she wants to recommend Council support this bill, because with all the complications, we need to look forward as how we are going to purchase land south of the lake. She said with all due respect to Commissioner McKinlay, the previous comprehensive plan amendment item with all the development being proposed between the J.W. Corbett Wildlife Management Area and Water Conservation Area 3. She stated Council needs to start looking at the bigger maps instead of small little parcels.

Commissioner Fielding stated he agrees we need to look forward to a way to solve the problem of sending water south, but he thinks this particular proposal seems to lack any support, and our Congressional delegation has not chosen to support it.

Chairman Davis stated it is a sequential thing that WRDA would authorize the project, it will identify where the land needs to be. He said he suspects that will go into an interior appropriations, and they will most likely, but this is not the normal place, although there are exceptions with Everglades project. He agrees this bill does have a great chance, but does not think it will have any effect on Council for not saying anything right now, and would not have any effect on CERP.

Chairman Davis indicated there is a substitute motion and second on the floor. Councilmember Overdorf asked for clarification of the motion. Chairman Davis stated the current motion is to table this item. Councilmember Overdorf stated this was not the original motion. Keith Davis stated the substitute motion is to be considered first and if that does not pass, then the original motion will be considered. He stated that if the substitute motion passes that will be the action of Council. Upon being put to a vote, the substitute motion passed by a vote of 11-4.

BUDGET AMENDMENT FOR FISCAL YEAR 2015-2016

Staff stated \$450,000 in revenue has been received and distributed through the expenses in the budget. Staff indicated the Budget/Personnel Committee met last week and approved the proposed budget. Commissioner Fielding moved approval of the Budget/Personnel Committee recommendation. Mayor Gerwig seconded the motion, which carried unanimously.

ALL ABOARD FLORIDA UPDATE

Staff indicated the quiet zones in Palm Beach County from West Palm Beach south to Boca Raton are progressing. Staff stated Martin, St. Lucie and Indian River counties have received the 100 percent plans with respect to grade crossing improvements for the AAF project.

Commissioner Katz asked for clarification regarding the timing of construction activity in grade crossings. Staff indicated the construction of all improvements should be synchronized such that a particular grade crossing would be closed, AAF would install additional railroad tracks along with safety and quiet zone infrastructure, and then the grade crossing should be complete and reopened. Following certification of work by the Federal Railroad Administration (FRA), local governments should be able to adopt Notices of Establishment for quiet zones.

PUBLIC COMMENT

Ms. Mehiel stated she had to throw out some of her comments that she is impressed with and wishes that the planning council spent more time looking at the traffic impacts, the surface water impacts and the health and safety impacts of AAF. She stated that unlike people who own land and want to develop it, AAF tells us they own the land and can do whatever they please. She stated that one of the things brought up earlier was the 90 percent plans were finally received in Indian River County after waiting longer than a year. She stated there was a letter the FRA sent to AAF, but they were unable to obtain it through information requests. She said Congressman Posey interceded and got the letter. She stated in that letter they find that point after point FRA disagrees with the plans of AAF with respect to highway traffic signal systems and vehicle presence detection. She stated the FRA does not consider the reduction of the 100 foot median length as an acceptable safety alternative; they are requiring separate pedestrian gates at all locations adjacent to sidewalks, and they are requesting grade crossings along the entire route, not just the northern portions, include certain types of remote health monitoring technology. She noted the letter was received four days before it was announced, that they have revised their plans. She stated this does not sound like a company that, as Mr. Reininger said, is going to do everything possible to make this a safe project and the safest rail around. She said this sounds like a company that does not have enough money to do the project and they are putting profits over lives, which is what we have been saying about Fortress Investment Group for a long time.

Ms. Mehiel stated she salutes the Corps, because they recently put their decision in abeyance to permit the northern portion of the AAF project, stating that AAF must provide specific, scientific, and factual information to clearly demonstrate the project meets 404(b)(1) guidelines where a preferred alternative is the least environmentally damaging, practicable, and that alternative is compared to the CSX alternative identified by Indian River and Martin counties. I say this is a seminal moment when finally someone in a federal agency says enough is enough, you better start figuring out why their environmental impact statement blew off every alternative that was there. She suggested Council could look into this. She said they are saying the northern portion of the deal is not a done deal, and time after time they have avoided telling the truth, do not do what they promise, and we are looking to the leaders of the community to do something. She added that the Indian River County attorney has been threatened twice over these safety crossings, and this is an attempt to silence us all, and this should not be accepted.

Phyllis Frey of Indian River County directed Council members' attention to the information distributed regarding U.S. Housing and Urban Development's (HUD) new *Affirmatively Furthering Fair Housing Rule (AFFH)*. She expressed her pleasure that someone is paying attention to home rule laws. She stated that traditionally under home rule of law local agencies control land use and zoning laws that determine where you live, the value of your home and what it will cost you to keep

it. She said our local elected officials reflect our living preferences and local community development. She stated that HUD and AFFH is about to change all of that and from now on if you except community development block grants (CDBG) the new AFFH rule gives unprecedented federal powers turning HUD into a national zoning board that unilaterally rewrites local zoning laws and land use regulations in every city and every town in America. She said that under the new AFFH rule, HUD officials will withhold a local government CDBG funds until that local government adopts HUDs preferred housing policies, and HUD agencies will then control your land use, your zoning laws, and force you to join a region and conform to regional zoning plans whether you want to or not.

Ms. Frey stated that one of the ways for implementing these plans is through regional planning councils and in 2012 HUD offered a \$4.25 million grant under the name of Seven50 by the South Florida Regional Planning Council, but was voted down by publically officials, many of which are here today, in three Treasure Coast counties. She stated that now HUD is returning, strengthened by the new AFFH rule. She indicated the Treasure Coast Regional Planning Council returned to Vero Beach recently under the heading of an Art Village with the redevelopment plan for our city, with plans right out of the Seven50 playbook and includes elements such as mixed use rezoning, low income housing, taller building heights, high density populations, narrowed streets, complete streets, all paid for with taxpayer money such as HUD's community development block grants. She said Treasure Coast Regional Planning Council's arts village has about as much to do with art as AAF has to do with transporting passengers. She said the new AFFH rule gives HUD the power through unelected bureaucrats and regional planning councils to bypass home rule of law and decide the future development of your community. She stated that the community development block grant now under the new AFFH rule will be the conduit to decide density, ethnicity, building heights, location of your streets, and which businesses live or die and you will become their rubber stampers and your only recourse is to refuse these grants. She cautioned that if you like home rule of law, you can keep it, but only by refusing these grants. She thanked Council for its time.

STAFF COMMENT

None.

ADJOURNMENT

There being no further business, Vice Chair Thurlow-Lippisch adjourned the meeting at 1:05 p.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct minutes of the May 20, 2016 meeting of the Treasure Coast Regional Planning Council.

Date

Signature