

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
MARCH 17, 2017**

Chairman Smith called the meeting to order at 9:35 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 Adams Councilman Dodd
Martin County:	Commissioner Smith Commissioner Fielding Commissioner Conze, Alternate
St. Lucie County:	Commissioner Townsend, Alternate Commissioner Johnson
Palm Beach County:	Commissioner Valeche Mayor Gerwig Mayor DuBois Vice Mayor Hmara Mayor Tinsley Commissioner Katz Councilmember Gottlieb, Alternate Mayor Brennan, Alternate Commissioner Ryan, Alternate
Gubernatorial Appointees:	Douglas Bournique Michael Houston Tobin Overdorf Reece Parrish
Ex-Officios:	Kathy LaMartina, SFWMD Jennifer Davis, FDEP Vicki Gatanis, SFRTA
Council Staff:	Michael Busha Phyllis Castro Kim DeLaney Liz Gulick Stephanie Heidt Tom Lanahan Dana Little

Council Attorney: Keith Davis

The Executive Director announced a quorum is present.

AGENDA AND CONSENT AGENDA APPROVAL

Chairman Smith asked if there are any requests to remove any Consent Agenda items. Seeing none, he called for a motion to approve the Agenda and Consent Agenda. Commissioner Fielding moved approval of the Agenda and Consent Agenda. Commissioner Katz seconded the motion, which carried unanimously.

Motion

Items on the Consent Agenda were: 8B1, Financial Report – January 31, 2017; 8B2, Minutes – February 17, 2017; 8B3, City of Atlantis Comprehensive Plan Amendment No. 17-1ESR; 8B4, Palm Beach County Comprehensive Plan Amendment No. 17-2ESR; and 8B5, Intergovernmental Coordination and Review Log.

ANNOUNCEMENTS

Staff provided a copy of a letter expressing Council’s support of HB 1143 and SB 1624 related to the Coral Reef Protection Zone off Martin, Palm Beach, Broward, and Miami-Dade counties.

Under Chairman’s Comments, Chairman Smith noted this week was Ocean Week and there was a full complement of people in Tallahassee to speak to the legislature about reefs. He noted there are two requests in process, one is financial for \$2.1 million, \$500,000 of which is to be dedicated to coordinating efforts of the different educational institutions working on the issue of reef demise; and additional funding for ongoing efforts to monitor the water quality from the St. Lucie Inlet to Key Biscayne. He stated the second request is for the legislature to draw a box around the South Florida Coral Reef tract that will allow legislation to place recurring funding into the Coral Reef Program and allow the Florida Department of Environmental Protection (FDEP) to continue water monitoring.

Staff provided a copy of Council’s 2016 Annual Report, which highlights the different areas of Council’s work program.

Staff also provided a copy of the letter sent to the U.S. Congressmen and Senators for our region inviting them to future meetings to provide updates on what is occurring in Washington D.C. that will affect the Treasure Coast Region. Councilman Overdorf stated Congressman Mast is planning to attend the July Council meeting.

Staff noted Council members were provided with a drug abuse pamphlet that will be relevant to Chief Assistant State Attorney Alan Johnson’s presentation on the opioid epidemic.

Staff also provided information on Commissioner Fielding’s U.S. 27 multi-modal corridor initiative. This initiative is to add rail and improve the U.S. 27 corridor between PortMiami and cities around Lake Okeechobee. Staff noted this initiative is trying to bring more jobs to the Glades community as well as add a level of transportation for locating a logistics facility in the area. Staff

explained this will relieve some of the truck and rail traffic on our coastal routes like I-95 and the Turnpike. Staff noted Congressman Mast's office is looking for shovel-ready projects that will help the region, and transportation could be one of those projects. Staff indicated there is a working group that meets and continues to invite stakeholders to become involved in this initiative. Staff also noted the South Florida Regional Planning Council, which represents Broward, Miami-Dade, and Monroe counties, has expressed interest in participating in this project.

Commissioner Valeche asked if there is current rail service on that line. Staff indicated not on U.S. 27, but around Lake Okeechobee there are a lot of rail spurs, and the CSX line is very close to that corridor. Commissioner Valeche asked who will be the owner of the proposed rail. Commissioner Fielding indicated they are looking at getting federal and state funding. He said he sees this as having the operators lease the lines.

Staff indicated they have been working with the emergency management directors in Indian River, St. Lucie, and Martin counties developing a regional training exercise that will occur on April 12th. The exercise will include several incidents occurring simultaneously in the three-county region to test the equipment and communication systems of the emergency management departments and first-responder personnel. Staff noted each of the emergency management directors in the four counties have been provided with new storm surge maps.

Staff indicated there will be a Budget/Personnel Committee meeting immediately following the April 21st meeting to review a proposed budget amendment for Fiscal Year 2016-2017.

Staff thanked Mayor Tinsley and Commissioner Marino for hosting the meeting in Palm Beach Gardens.

Staff noted this meeting is the last Council meeting for both Mayor Tinsley and Mayor Dubois, thanking them for their years of service, support and leadership.

COUNCIL MEMBER UPDATE

Chairman Smith asked for comments to be limited to 2 minutes and include each Council members experiences, either with this session or in the past, with the legislature during their careers as elected officials. He noted it can be very chaotic in Tallahassee, but things do get done. He stated over the years he has learned collaborating with other local governments and agencies can be very effective in getting the legislators' attention.

Councilmember Houston, Gubernatorial Appointee from Martin County, stated it has been a quiet session with respect to land planning and landscape architecture business, but they are keeping their eye on a number of professional regulation bills. He stated several groups that include the American Institute of Architects, American Planning Association, and American Society of Landscape Architects, are in the capital for these issues.

Councilmember Overdorf, Gubernatorial Appointee from Martin County, stated he is watching a couple of water bills. He noted there are over 2,500 bills currently in the house, which is a record number.

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Jennifer Davis with FDEP thanked staff for the update on the coral reef program. She noted FDEP will be hosting two emergency responder networking conferences on March 28th and March 30th. She indicated several agencies have already signed up for the event and Council staff will be presenting at the conferences on behalf of the Treasure Coast Local Emergency Planning Committee. She also noted invitations will be going out in mid-April for the Department's open house in July.

Commissioner Ryan with the City of West Palm Beach stated they have been working with a lot of different planning organizations and groups on the issue of dealing with increased mobility demands. She noted the City has kicked off a master plan mobility study starting in the City's downtown that will look at the impacts related to transportation impact fees. She stated the mobility issues are not just local or regional, but state issues as well. She stated they are looking forward to working with other communities and excited to see the research results.

Councilmember Gottlieb with the Town of South Palm Beach stated they are working on their beaches. Chairman Smith stated last week was very good in Tallahassee with respect to beaches.

Mayor Brennan with the Village of Tequesta stated she is pleased to see Senator Mayfield's bill related to high-speed rail has advanced through the Senate Transportation Committee. She indicated the bill is not just about the All Aboard Florida project, but all rapid rail in terms of safety requirements and funding responsibilities. She noted the Village will be starting its road diet activities that will include restriping the roadways for bicycle use and installing stamped asphalt walkways in all the major intersections in the Village. She also noted last week she was sworn in for her 4th term on the Village Council and 5th consecutive year as mayor.

Mayor Tinsley with the City of Palm Beach Gardens thanked Mayor DuBois for his service and stated it has been a pleasure working with Council. She noted the City has been watching HB 7005 which eliminates Enterprise Florida, an organization she stated has been a very useful economic development tool for the City. She noted the City has utilized Enterprise Florida's Quick Action Closing Fund and Qualified Target Industries Tax Refund programs to retain and create 2,166 jobs. She stated the City is also monitoring HB 17, which will remove home rule rights of municipalities with respect to land use and zoning. She stated it has been an honor and privilege serving the City of Palm Beach Gardens and Council.

Mayor James DuBois with the Town of Lake Park stated the Town has about 8 different legislative priorities that mostly deal with infrastructure-oriented funding requests. He noted the Town recently hired a lobbying firm to help with their legislative requests. He noted the Town is also working on an agreement with an organization to assist with zoning and their land development regulations for the US 1 corridor as well as working with Council staff to assist with their Community Redevelopment Agency activities. He thanked Council staff and the Palm Beach County Board of County Commissioners for appointing him to serve on Council.

Councilman Jeff Hmara with the Village of Royal Palm Beach thanked Mayors DuBois and Tinsley for their service and friendship. He stated from a municipal perspective, this legislative session we need to be aware of the attempt to limit home rule. He stated it appears the best place to be is at the state level, because the federal government is pushing decision-making down to them, but our

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legislature appears to be trying to bring all the authority up to their level. He indicated the attacks are relentless and range from wireless communications to unfettered use of public right-of-way. He indicated the Florida League of Cities is doing a good job of providing legislative alerts and identifying what municipalities need to know.

Councilmember Parrish, Gubernatorial Appointee from St. Lucie County, apologized for not wearing green, although he stated he did have green eggs and ham for breakfast and will have a Guinness for dinner.

Commissioner Adams from Indian River County stated the County is wrapping up their festival season, noting the shrimp festival last month was very successful. She noted the County fair will be continuing through the week.

Mayor Gerwig with the Village of Wellington thanked Mayors Tinsley and DuBois for their service, noting it is good to have relationships across the county so they can stand together on shared issues of importance. She stated she is also concerned about what the legislature is attempting to do with home rule, questioning the reason why this has even become an issue. She noted the Village recently created a half-hour PBS show through Discover the Palm Beaches to highlight their community.

Commissioner Conze with the Town of Jupiter Island indicated he strongly supports efforts to maintain home rule.

Councilmember Bournique, Gubernatorial Appointee from Indian River County, stated the citrus industry is seeking help from the state to fund efforts to battle citrus greening. He noted Governor Scott has been helpful to the industry, which provides 10,000 – 12,000 jobs in our region. He stated they are also receiving a lot of support from the entire legislative delegation.

Commissioner O'Bryan with Indian River County echoed the concerns with respect to the proposed legislation against home rule. He noted HB 7063, which is the local government fiscal responsibility bill, should also be monitored, because it will greatly impact millage rates and will require a local government to spend down reserves. He stated this is another way to control our budgets. He noted there is also a bill to preempt any local regulation of vacation rentals and a bill that will allow cell towers to be placed on county maintained poles without permission or regulation. He indicated that although Senator Mayfield's bill with respect to high-speed rail safety passed committee, the companion bill in the House appears to be a stripped down version. He stated about 3 ½ weeks ago one of the County's deputies was killed in a neighborhood shooting. He indicated there was a very large turnout at his memorial service and the result of that is several local clergy have organized a non-partisan agreement to commit to a daily prayer for their first responders. He indicated he will be bringing a proposal to Council for support of this effort and getting others involved.

Commissioner Katz with the City of Delray Beach stated his entire city council and mayor traveled to Tallahassee last week for Palm Beach Day and spent a majority of time talking about legislation to address the opioid epidemic. He stated Palm Beach County has been active on this issue, but they need help from outside the county to get legislation passed. He noted Representative Harrell is co-

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sponsoring a bill and he would like to see the entire Treasure Coast Region put pressure on our legislature to get this passed. He noted that in his City there were 690 overdoses last year at a cost of \$8,000 per emergency response call. The City also had 68 deaths from opioid overdoses last year, which is more than the 52 soldier deaths in Iraq for the entire county. He indicated there has not been much support from Governor Scott on this epidemic, which effects not only lives, but can financially cripple a local government. He noted the City's 55th annual fair will be the first weekend in April.

Councilman Dodd with the City of Sebastian stated he is also concerned about the attack on local politics, which he believes is an attack on the whole democratic process. He stated we need to begin to look at unfunded mandates as the federal government pushes problems down to the state, and then the state moves those down to the local governments. He noted Council staff has begun working with the City to provide planning services.

Commissioner Valeche with Palm Beach County indicated on February 28th the Washington Nationals and Houston Astros played the inaugural game at the new stadium. He stated he concurs with Mayor Tinsley's support of Enterprise Florida. He noted he served on the board of Enterprise Florida and the rhetoric from Speaker Corcoran is completely disassociated from what that organization does. He stated he believes the failed Digital Domain project in St. Lucie County has tainted the entire economic development process for the state. He noted the County has a very active artificial reef program that is managed by the County's Department of Environmental Resources. He said they are trying to get a submarine sunk as an artificial reef to serve as a partial replacement for the reefs that have been destroyed and create a habitat for sea life.

Commissioner Townsend with St. Lucie County concurred with Councilmember Overdorf's concern with respect to water issues. She indicated the County is seeking funding for their airport. She noted the County has decided to accept an offer from a mega-yacht company which will move forward development of the port in the City of Fort Pierce.

Commissioner Jeremiah Johnson with the City of Fort Pierce indicated there has been a lot of economic development in the City. He noted the next day is the 60th anniversary of the Sandy Shoes Seafood Festival. He stated the City is focusing on partnering with the County to update the Fort Pierce Inlet Management Plan. He stated he is also concerned about proposed legislation on short-term and long-term vacation rentals.

Commissioner Fielding with Martin County stated he is pleased to hear of the progress being made with respect to our reefs. He said he is very enthusiastic about the U.S. 27 multi-modal corridor project, noting he was pleasantly shocked by Florida East Coast Railway's willingness for collaboration. With respect to home rule, he stated there should be constitutional protections for the cities and counties.

Chairman Smith thanked everyone for their comments and encouraged Council members to stay engaged and travel to Tallahassee to express their concerns. He said it makes a significant difference when the local elected officials speak with the legislators. He also encouraged collaborative efforts on issues, because if they speak in unison, it is a much larger voice and hard for legislators not to listen.

DISCLOSURE OF VOTING CONFLICTS ON AGENDA ITEMS

None.

**OPIOID EPIDEMIC UPDATE – PRESENTATION BY ALAN S. JOHNSON,
CHIEF ASSISTANT STATE ATTORNEY FOR THE 15TH JUDICIAL CIRCUIT**

Chief Assistant State Attorney for the 15th Judicial Circuit Alan S. Johnson provided an update on the latest activities in response to the sober home problem and the opioid epidemic, which is widespread not only throughout the state, but nationally as well. Mr. Johnson indicated there is a public and private aspect to this epidemic. Publically, we do not have enough detox beds to cover the high need. On the private side, he stated there are 4 well-meaning federal laws that have contributed to the problem. Two of the laws, the Americans with Disabilities Act and the Fair Housing Act, have made it difficult for local governments to regulate where the facilities are located. He stated the other two federal laws, the Mental Health and Substance Abuse Parity Act and the Affordable Care Act (ACA) deal with healthcare and put behavioral and mental health, and substance abuse on par with diseases like diabetes and heart conditions. Mr. Johnson indicated the requirements of the ACA caused an explosion of providers that charge the insurance companies huge amounts of money to provide health care to individuals with substance abuse problems.

Mr. Johnson provided statistics on overdoses and deaths caused by the opioid epidemic. He cautioned Council members that although this problem has been exploding in Palm Beach County, the epidemic will spread to the northern counties as well. One of the things he noted is studies have shown 75 percent of private pay patients in Florida for recovery are from out of state, and many of these companies are using deceptive marketing practices to get individuals to come to their facility so they can get the payment for the treatment, because they know how to work the system and what the insurance companies will cover.

Mr. Johnson indicated there are currently two legislative proposals, SB 788 and HB 807 that address: truth in marketing and certification of marketers by FCB to include criminal penalties; toughening patient brokering laws; giving the attorney general jurisdiction; requiring licenses for clinical providers; requiring certification from the Florida Association of Recovery Residence for sober homes when patients are referred to or from providers; and strengthening of Department of Children and Families oversight and the ability to deny or revoke licenses.

Commissioner Valeche stated we need to continue our efforts to regulate the sober homes, but at the same time we need to be on a dual track to create more legitimate facilities to be able to provide treatment to the patients. Mr. Johnson stated there have been some good suggestions made by county commissioners on how to provide more detox beds in the county. He also noted they are not trying to shut down the good providers, but put in a system that will eliminate those who are corrupting the system. He stated there are many people dying and we need to band together on this issue to improve both the public and private sides. He indicated there was a recent drug raid on a sober home in Wellington where it was found to be nothing more than a drug house, noting this is not an economic divide to this problem, it is occurring everywhere. Mayor Gerwig stated the raid

was due to the outcries from the community, because the Village was unable to do anything about the situation until it erupted.

Mr. Johnson noted his office has been working with Congresswoman Frankel and Senators Nelson and Rubio at the federal level to protect the vulnerable individuals who need intensive treatment. He said if they are able to raise the standards of the facilities, then it will not be such a burden to neighborhoods. Mayor Gerwig stated she has heard it is very difficult to keep people from relapsing, even if they have had good treatment. She asked if there are any relapse statistics available. Mr. Johnson indicated they are currently discussing how to obtain outcomes, because relapse itself does not mean the treatment was bad, but it is difficult to do this, because tracking must be voluntary due to privacy laws.

With respect to the epidemic moving to other counties, Commissioner Katz stated there are probably individuals in all of the counties buying homes for this purpose right now. Mr. Johnson stated they do not have statistics on this, but all communities are a target for this type of activity.

Chairman Smith stated he would entertain a motion to support all the efforts being done to combat the opioid epidemic and the sober home issues. Commissioner Katz moved approval for Council to support SB 788 and HB 807. Mayor Tinsley seconded the motion, which carried unanimously.

Motion

Mr. Johnson stated the League of Cities and Association of Counties have also been supporting this effort and are a great source of information. He noted that if an individual is actively using, then they are not protected by the Americans with Disabilities Act, so if there are beer bottles or needles in a recycle bin, this may be an indication of a problem and can be addressed through code enforcement. However, he cautioned this is a very thorny issue and there can be no discrimination.

**PRESENTATION BY RICHARD READE, VILLAGE MANAGER,
VILLAGE OF PALM SPRINGS**

Richard Reade, Village Manager, and Kim Glas-Castro, Land Development Director, from the Village of Palm Springs provided an overview of legislation currently being proposed to address the issue of majority voluntary property owner annexation consent. Mr. Reade indicated because his community is built-out and there has been a large population growth they do a lot of infill redevelopment and annexation. He stated there are a number of ways to annex property that are allowed by statute, but in areas that are more developed the involuntary annexation process is a key economic development tool. This type of annexation requires a 50 percent or more vote of property owners to agree to the annexation. Mr. Reade explained that this becomes a problem when there is a registered voter living on a parcel and they are not the owner. He stated it essentially takes away the property owner's right, even though they are paying the taxes for that property, to make the decision of whether or not they would like to be annexed into the municipality. Mr. Reade indicated Representative David Silvers and Senator Jeff Clemens are sponsoring identical bills that propose to revise the text of Section 171.0413 of the Florida Statutes to remove the restriction that the presence of non-owner registered electors places on the use of the property owner majority consent procedures in 171.0413(6) of the Florida Statutes. The proposed revisions will limit the scope of the registered elector provision to property owners, thus protecting voters from having their property annexed without their consent.

Mayor DuBois asked if Palm Beach County Assistant County Administrator Todd Bonlarron has picked this up as a legislative priority for the county. Mr. Reade stated Mr. Bonlarron was present at the Palm Beach County League of Cities meeting where this was presented and seemed to be supportive of the idea. He indicated the County Administrator took a ride through the Village to look at these areas and how the undesirable activities occurring there affect the police and code enforcement officers. He stated if these areas could be brought into the Village it would relieve the County of some of the code and law enforcement issues. Mr. Reade noted they have received support from the county staff in this process and they work very closely with the county on all annexations.

Mayor Gerwig stated this type of annexation can be a very helpful tool when trying to annex small areas into a municipality, especially when they are completely surrounded by the municipality. She noted the Village of Wellington annexed two communities and there was a bit of an issue, but were able to get the measure approved by the property owners with the assistance of the County.

Mr. Reade indicated the involuntary annexation process is critical for annexing in the small pockets of land, because within these pockets there are code enforcement and policing issues that the municipality cannot handle until the areas are made part of the city. He said it is very important to give back the authority to make decisions to the property owner and not to the tenant or person who may be living on the property.

**RESOLUTION OF SUPPORT FOR PROPOSED HOUSE BILL 1087
AND SENATE BILL 1488**

Mayor Tinsley made a motion to support HB 1087 and SB 1488. Mayor DuBois seconded the **Motion** motion.

Commissioner Valeche asked if there is any danger or the possibility of a legal challenge to this on the basis of establishing a requirement to own property to vote or restricting a person's right to vote. Mr. Reade stated this is not taking away a person's right to vote. He stated they are asking the legislature to consider when an individual is paying property taxes and has ownership of a piece of property they have the authority to make a choice on whether they want to come into a community or not. He noted currently they do not have this ability under the majority voluntary annexation process. Upon being put to a vote, the motion carried unanimously.

**INTERLOCAL AGREEMENT WITH THE TOWN OF LAKE PARK FOR MARKET
ASSESSMENT AND MARKETING/BRANDING PLAN**

Staff indicated this is to request Council approval to execute a new agreement with the Lake Park Community Redevelopment Agency related to the development of a market assessment and a marketing/branding plan. Staff noted the work will begin immediately and take approximately 6 months to complete.

Commissioner O'Bryan moved approval of the staff recommendation. Commissioner Katz **Motion** seconded the motion, which carried unanimously.

**STATUS OF FLORIDA’S CHILDREN – PRESENTATION ON
COUNTY DATA BOOK 2016 BY FLORIDA KIDS COUNT**

Staff provided an overview of the recently released County Data Book produced by Florida KIDS COUNT (FKC). FKC, a product of the Department of Child & Family Studies at the College of Behavioral and Community Sciences at the University of South Florida, provides this compilation of up-to-date information on our state’s youth. Staff indicated FKC is part of a national network that tracks and compares statistical information on our nation’s children in order to inform local, state, and national policy makers of the status and quality of life of our children. Staff provided state, county and regional statistics on key indicators related to poverty, health and education.

Commissioner Valeche asked what criteria is used to determine the percentage of children eligible for free or reduced lunches. Staff indicated the study looks at children currently reported under another program such as the Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families program. Mayor Gerwig noted children who have been in the foster program or who have been adopted are also eligible, which may skew the numbers.

PUBLIC COMMENT

None.

STAFF COMMENT

None.

ADJOURNMENT

There being no further business, Chairman Smith adjourned the meeting at 11:42 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 March 17, 2017

Date

Signature