

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
MAY 18, 2018**

Chairman Parrish called the meeting to order at 9:32 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance. Chairman Parrish asked for a moment of silence for Dr. James Harrell, prominent local doctor and husband of Representative Gayle Harrell. Staff called the roll. The Executive Director announced a quorum was present.

The following members and alternates were present:

Indian River County:	Commissioner O'Bryan Commissioner Adams Councilwoman Moss ( <i>on behalf of Councilmember Young</i> ) Councilman Auwaerter
Martin County:	Commissioner Smith Commissioner Fielding Vice Mayor Bruner, Alternate
St. Lucie County:	Commissioner Townsend Mayor Linda Hudson ( <i>on behalf of Commissioner Johnson</i> )
Palm Beach County:	Commissioner Valeche Commissioner Berger Commissioner Ryan, Alternate Mayor Marino, Alternate
Gubernatorial Appointees:	Douglas Bournique Michael Houston Tobin Overdorf Reece Parrish
Ex-Officios:	Jennifer Davis, Florida Department of Environmental Protection Kathy LaMartina, South Florida Water Management District
Council Staff:	Kathryn Boer Michael Busha Phyllis Castro Kim DeLaney Liz Gulick Stephanie Heidt Tom Lanahan
Council Attorney:	Keith Davis

**PUBLIC COMMENT ON CONSENT ITEMS**

None.

**AGENDA**

Commissioner Smith from Martin County moved approval of the Agenda and Consent Agenda. Councilman Auwaerter from the Town of Indian River Shores requested items 4B1, Financial Report – January 31, 2018; 4B2, Financial Report – February 28, 2018; and 4B3, Financial Report – March 31, 2018 be removed for Council discussion.

**Motion**

Staff recognized Michelle McGovern, State Director for Senator Nelson, and John Haddox, Veterans’ Service Officer for Congressman Mast. Ms. McGovern thanked Council for its support in submitting comments to the Bureau of Ocean Energy Management regarding offshore oil drilling. She noted they are anticipating that Florida will be excluded from offshore oil drilling, however that has not yet been published in the Federal Register. She indicated work is being done in the House on the Water Resources Development Act for 2018, but it has not yet been determined when it will come to the Senate. She stated Senator Nelson has asked her to travel around the state and introduced Council to Shawn Hall, who will be serving as the Treasure Coast Regional Director for their office.

Commissioner Smith indicated he would like to amend his motion to remove the agenda items requested by Councilman Auwaerter and approve the remainder of the Consent Agenda. Commissioner Ryan from West Palm Beach seconded the motion, which carried unanimously.

**Amended  
Motion**

Items remaining on the Consent Agenda were: 4B4, Minutes – February 16, 2018; 4B5, Offshore Renewable Energy Leasing Request for Public Feedback; 4B6, Indian River County Comprehensive Plan Amendment No. 18-1ESR; 4B7, Town of Jupiter Comprehensive Plan Amendment No. 18-1ESR; 4B8, Town of Lake Park Comprehensive Plan Amendment No. 18-1ESR; 4B9, Town of Loxahatchee Groves Comprehensive Plan Amendment No. 18-1ESR; 4B10, Martin County Comprehensive Plan Amendment No. 18-1ESR; 4B11, Martin County Comprehensive Plan Amendment No. 18-2ESR; 4B12, Village of North Palm Beach Comprehensive Plan Amendment No. 18-1ER; 4B13, Palm Beach County Comprehensive Plan Amendment No. 18-1ESR; 4B14, Town of Orchid Comprehensive Plan Amendment No. 18-1ESR; 4B15, City of Port St. Lucie Comprehensive Plan Amendment No. 18-2ESR; and 4B16, City of Stuart Comprehensive Plan Amendment No. 18-1ESR.

**FINANCIAL REPORTS**

Councilman Auwaerter stated he noticed from January to March the amounts in the checking accounts are about the same. He asked if those accounts pay interest, and if so how much. He noted in Indian River Shores they invest in Florida Prime, the state and local government investment pool that pays an interest rate of 2 percent. He suggested staff look into this for Council’s accounts, especially considering the Federal Reserve is likely to raise the rate again by the end of the year. Staff stated that in December, with the help of Palm Beach County, the Brownfields revolving loan fund account was moved to a higher interest bearing account is currently making 1.88 percent

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interest. Staff stated the main checking account is not earning much interest and asked for Council member input on what to do with that account. Councilman Auwaerter made a motion to have staff look at moving both the checking account and the revolving loan fund account to the Florida Prime. Commissioner Smith seconded the motion for discussion. Commissioner O’Bryan from Indian River County indicated the revolving loan fund is not the name of a bank, it is a Council account that is already earning 1.88 percent interest. This money is specifically used to operate Council’s Brownfields loan program. Commissioner Smith suggested the motion should be for staff to prepare an agenda item for Council consideration at the June meeting that will provide a broader explanation of where Council funds are and how they are managed, with options of how those accounts might be moved to higher interest earning accounts. Councilman Auwaerter accepted the amended motion.

**Motion**

**Amended Motion**

Commissioner Valeche from Palm Beach County asked what the long-term liability is from the Brownfields revolving loan fund. Staff explained this is not a loan, but money that Council has received from the U.S. Environmental Protection Agency to do Brownfields work. Staff noted the long-term liability on the balance sheet is for the mortgage on Council’s building. That loan was recently refinanced under a 10-year unsecured revenue note. Staff indicated \$30,000 a year is set aside to make an additional \$2,500 principal payment each month in order to pay down the loan sooner as there is no pre-payment penalty. Upon being put to a vote, the motion passed unanimously.

Councilman Auwaerter moved approved of the financial reports. Commissioner O’Bryan seconded the motion, which carried unanimously.

**Motion**

**PRESENTATION ON COMMUNITIES FOR A LIFETIME**

Tracey Aittama, Program Manager for the Bureau of Elder Rights with the Florida Department of Elder Affairs, provided an overview of Communities For A Lifetime, a statewide program to make communities safer and more nurturing for not only older adults, but people of all ages. She noted that Florida is the third most populous state with the highest population percentage of 65+ in the nation; more than 5.3 million (26 percent) of Florida’s population are older adults; and that within the next 12 years the population of older adults is expected to increase another 46 percent to 7.6 million people. Partners in this program include AARP and Area Agencies on Aging, which is a single system for information and access for all Floridians looking for long-term care resources. Ms. Aittama also reviewed the Department’s programs for promoting better care, research, and support for individuals in the state with Alzheimer’s disease and dementia. Terry Elder, Associate State Director with AARP, provided an overview of AARP’s similar program for age-friendly communities. These livable communities not only provide safety, but also things such as affordable housing, transportation options, and other services to enhance older individual’s ability to be independent and engaged in their community. She explained that these communities are not just for the older population, but for people of all ages.

In order to ensure a quorum would be present for matters requiring Council approval, Chairman Parrish asked that questions be held until after Council consideration of agenda items: 7, Supplemental No. 2 to Florida Department of Transportation Joint Participation Agreement; and Budget and Personnel Committee items 8A, Proposed Budget Amendment for Fiscal Year 2017-

2018; 8B, Appointment of Designated Signer on Council Accounts; 8C, Proposed Amended Purchasing Policy; and 8D, Council Staffing.

### **COUNCIL STAFFING**

Commissioner O’Bryan noted that Michael Busha, Council’s executive director, has announced he will be retiring on November 30, 2018. Commissioner O’Bryan stated that on April 20<sup>th</sup> the Budget and Personnel Committee, in consultation with Council’s attorney Keith Davis, discussed options for a replacement for Mr. Busha. The three options discussed were to do a national search, a more concentrated regional or state search, or promote from within. He indicated that by a unanimous vote, the committee is recommending the current deputy executive director, Thomas Lanahan, be offered the job of executive director when Mr. Busha retires. Additionally, the committee is seeking authorization for the Budget and Personnel Committee, Chairman Parrish, and Mr. Davis to negotiate a contract and compensation package with Mr. Lanahan. Commissioner Smith moved approval of the committee’s recommendations. Councilmember Overdorf seconded the motion, which carried unanimously.

**Motion**

Commissioner O’Bryan noted the committee is also unanimously recommending that Council’s office building be named after Mr. Busha based on his 37 years of service to Council and the region. He read Resolution 18-01 (attached) into the record for Council consideration.

Commissioner Smith moved approval of the Budget and Personnel Committee recommendation to name Council’s office building after Mr. Busha. Councilmember Bournique, Gubernatorial Appointee from Indian River County, seconded the motion, which carried unanimously. Mr. Busha thanked Council. Councilwoman Moss, from the City of Vero Beach asked who owns the building. Mr. Busha indicated the four counties that make up the Treasure Coast Regional Planning Council own the building.

**Motion**

### **PROPOSED BUDGET AMENDMENT FOR FISCAL YEAR 2017-2018**

Staff indicated this item is a proposed budget amendment for Fiscal Year 2017-2018. Staff stated the current amendment shows an increase in revenue of \$145,000, highlighting several changes made to the budget that was adopted by Council in July of 2017. Staff indicated the Budget and Personnel Committee met on April 20<sup>th</sup> to review the proposed budget amendment and is recommending approval. Commissioner O’Bryan moved approval of the Committee recommendation. Commissioner Ryan seconded the motion, which carried unanimously.

**Motion**

### **SUPPLEMENTAL NO. 2 TO FLORIDA DEPARTMENT OF TRANSPORTATION JOINT PARTICIPATION AGREEMENT**

Staff indicated this supplement to the joint participation agreement with the Florida Department of Transportation (FDOT) is a time extension to June 30, 2021 and additional funding of \$50,000 to provide technical assistance to FDOT. These funds support staff’s work with respect to projects that include passenger rail service and work related to the U.S. Highway 27 corridor. Councilmember Bournique moved approval of the supplement to the joint participation agreement. Mayor Marino from the City of Palm Beach Gardens seconded the motion, which carried unanimously.

**Motion**

**APPOINTMENT OF DESIGNATED SIGNER ON COUNCIL ACCOUNTS**

Staff indicated the interlocal agreement creating the Treasure Coast Regional Planning Council gives check signing authority to the chairman, vice chairman, secretary/treasurer, executive director, and a designated Council member from the County where Council offices are located, which is Martin County. Staff noted that currently the member from the county with Council office is vacant. Staff noted that on April 20<sup>th</sup> the Budget and Personnel Committee met and is recommending Commissioner Smith from Martin County be designated a signer on Council accounts. Commissioner Ryan moved approval of the Budget and Personnel Committee recommendation. **Motion** Commissioner O'Bryan seconded the motion, which carried unanimously.

**PROPOSED AMENDED PURCHASING POLICY**

Staff presented a proposed update to Council's current purchasing policy to better align with current law, improve efficiency, clarify the organization of the document, and enhance its scope. Staff indicated the Budget and Personnel Committee reviewed this proposed update and provided comment at their April 20<sup>th</sup> meeting. Staff also indicated that the changes the committee requested to increase the authority level required to approve purchases were made. Commissioner Smith moved approval of the proposal amended purchasing policy. Commissioner Adams from Indian River County seconded the motion, which carried unanimously. **Motion**

**SUNSHINE LAW REFRESHER**

Council's attorney, Keith Davis, provided an overview of the state's Government in the Sunshine Law, found in Chapter 286 of the Florida Statutes. He noted this statute requires all meetings of any board or commission of any state agency or of any county or municipality or other political subdivision of the state at which official acts are to be taken must be a public meeting where the public has a real opportunity to attend. He stated that any acts taken by any such board outside of the sunshine will be deemed void. He indicated this law applies to not only the Treasure Coast Regional Planning Council, but also its various subcommittees that include the Budget and Personnel Committee, the Nominating Committee, and the Comprehensive Economic Development Strategy Committee. The law requires the public be allowed to attend meetings, that notice of meetings is properly given, and there be a prompt recording of minutes for each meeting.

Mr. Davis indicated that the law not only applies to final decision-making actions, but to all discussions and deliberations that take place in advance of those decisions. There is also no requirement for a quorum, but is applicable if two or more members, either formally or informally, discuss any matter that will come before Council for action. He noted that there are a few peculiarities important to keep in mind in terms of the Treasure Coast Regional Planning Council with the Sunshine Law: the Sunshine Law generally is not applicable to a meeting between one Council member and staff; because our subcommittees are made up of board members, committee members cannot speak to each other outside a meeting on items that will come before the entire Council board for final action; ex-officio members are bound by the Sunshine Law, even though they do not vote; and discussion between a regular member and an alternate are allowed since they are only allowed one vote between them. However, Mr. Davis cautioned that there are times when a member and their alternate are both at the meeting, so he advised the best practice would be to not

discuss any matters that will come before Council for a final vote. Finally, he indicated a knowing violation of the Sunshine Law is a second degree misdemeanor that can carry criminal and civil penalties.

Councilmember Houston, Gubernatorial Appointee from Martin County, asked if it would be a violation for two Council members from different communities to discuss a project where Council is acting as a consultant for one of the communities under a contract approved by Council. Mr. Davis indicated that at that point the contract would have already been approved by Council, so it would not be a violation. However, if it is something that will come before Council for a future action, they should not discuss the project.

Councilmember Bournique indicated he has served on several boards and he thinks it would be better to be able to talk to other board members to allow for better decision making. Mr. Davis noted that one-way communication, such as an email, is not a violation. However, if anyone were to reply to the email that would be an exchange of ideas on a topic, which is a violation of the Sunshine Law.

### **ANNOUNCEMENTS**

Mr. Busha stated that Council helps the local governments, elected officials, and residents in many ways. He noted it is not always with planning, such as the time he received a call from Senator Abruzzo's office asking for help removing a tree from a Belle Glade citizen's yard that was blocking their car. Mr. Busha stated he called Councilmember Overdorf, Gubernatorial Appointee from Martin County, who along with Councilmember Houston and other members of the Christ Fellowship Church volunteered to remove the tree. Mr. Busha noted no Council funds were expended for this effort; they did it out of the goodness of their hearts.

Mr. Busha noted the Palm Beach Transportation Planning Agency has finished their U.S.1 multimodal corridor study and it is located on their website. Council staff assisted with this study that included 45 miles of analysis and input from the affected local governments.

Mr. Busha indicated Council staff will be making 4 presentations at the American Planning Association statewide conference in September that is being held at the convention center in West Palm Beach. The presentations will cover the topics of the Florida Reef Tract, Complete Streets, transit-oriented development, and Brownfields cleanup and redevelopment.

Mr. Busha stated Council staff has been working with Smart Growth America to coordinate a two-day form based code workshop for the region. Staff will keep Council updated on the logistics of the workshop.

Mr. Busha noted Kim DeLaney, Tom Lanahan, and Stephanie Heidt of Council staff recently facilitated a strategic visioning workshop for the region's newest municipality, the Village of Indiantown. The Village requested the workshop, which was well attended by citizens, to bring the community together to talk about their future.

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Mr. Busha indicated staff is continuing to work with the City of Port St. Lucie, developers, and contractors through stakeholder meetings. Council staff is facilitating these meetings that are focused on encouraging open communication in order to expedite permitting and building processes to save time and money.

Mr. Busha noted Commissioner Solari from Indian River County will be giving Council an update on the work of the Constitution Revision Commission at the June Council meeting.

Mr. Busha noted Council staff is working with Mayor McKinlay on an exercise for the Cities of Pahokee, Belle Glade, South Bay, and Canal Point. This exercise is being done to help these communities prepare for disasters, especially as it relates to communication.

Mr. Busha noted FDOT is engaged in restarting the project to turn the U.S. Highway 27 corridor from the Port of Miami up to Lakeland into a multi-modal corridor. This project is important because it will address the issues of overcrowding at our ports and increased freight rail traffic along the east coast.

Mr. Busha noted Council will be hosting a Regional Biosolids Symposium on June 8<sup>th</sup> at Indian River State College. The symposium will provide information on the current programs and practices and future opportunities for biosolids management. He encouraged everyone to register soon as the event is limited to 150 attendees. Commissioner Adams asked if the event will be recorded. Mr. Busha stated that, thanks to Martin County TV, there will be audio and video of the symposium.

Mr. Busha announced Council is co-sponsoring an upcoming seminar being given by the Palm Beach County Planning Congress entitled *Planning Challenges 2018: Shapeshifting Retail - Facts and Fiction* on June 22<sup>nd</sup> at the former location of Macy's at CityPlace in West Palm Beach.

Mr. Busha noted the 6<sup>th</sup> Annual South Florida Brownfields Symposium will be held in Sebring on June 7<sup>th</sup> and 8<sup>th</sup>. He also noted the Fort Pierce Redevelopment Agency (FPRA) board will be voting on proposed redevelopment plans for the former H.D. King Power Plant site on Monday, May 21<sup>st</sup>. Council assisted the FPRA and city with assessment and cleanup of this Brownfields site through Council's revolving loan fund program.

**CHAIRMAN'S COMMENTS**

None.

**COUNCIL MEMBER UPDATE**

Commissioner O'Bryan noted in his county they just wrapped up an exciting event at Historic Dodgertown called "Your Call Football." He explained this is an interactive game whereby individuals vote on plays that will be run by the football teams through an app on their phone. He also noted past Councilmember Foley was present at today's meeting.

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Vice Mayor Bruner from City of Stuart stated they have approved funding for beautification efforts to the downtown that will occur in July and August. She noted the sidewalks and businesses will remain open.

Mayor Marino stated that the City of Palm Beach Gardens, along with Commissioner Valeche, Palm Beach County, and Kelly Smallridge of the Business Development Board were very successful in having the ribbon-cutting of United Technologies Smart Building located at I-95 and Donald Ross Road. She noted with the recent annexation of Bayhill Estates the city is now the largest city by land mass in Palm Beach County.

Commissioner Valeche noted FDOT was very critical of the City of Westlake proposed comprehensive plan. He asked if the Florida Department of Economic Opportunity (FDEO) has issued their report. Staff indicated they have not yet seen the report. Commissioner Valeche stated they are waiting for FDEO comments to decide if the county will formally object to the comprehensive plan.

**PUBLIC COMMENT**

None.

**STAFF COMMENT**

None.

**ADJOURNMENT**

There being no further business, Chairman Parrish adjourned the meeting at 11:16 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 May 18, 2018 meeting of the Treasure Coast Regional Planning Council.

\_\_\_\_\_

Date

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Signature

**RESOLUTION #18-01**

**A RESOLUTION OF THE TREASURE COAST REGIONAL PLANNING COUNCIL REPRESENTING THE 55 LOCAL GOVERNMENTS OF INDIAN RIVER, MARTIN, PALM BEACH AND ST. LUCIE COUNTIES, FLORIDA, RECOGNIZING THE SERVICE OF MR. MICHAEL J. BUSHA, EXECUTIVE DIRECTOR OF THE TREASURE COAST REGIONAL PLANNING COUNCIL**

WHEREAS, the Treasure Coast Regional Planning Council was established in the State of Florida in 1976; and

WHEREAS, the mission of the Treasure Coast Regional Planning Council is to encourage and enable local units of government and citizenry to assemble and cooperate with one another and with representatives of major economic interests, to promote the health, safety, and general welfare of the citizenry, and to plan for future development of the Region that will keep it competitive and afford a high quality of life; and

WHEREAS, the Treasure Coast Regional Planning Council has received numerous awards for its work under the leadership of Mr. Busha; and

WHEREAS, Mr. Busha has worked for and represented the Treasure Coast Regional Planning Council for 37 years, 24 as the Executive Director; and

WHEREAS, Mr. Busha has tirelessly served the Treasure Coast Regional Planning Council, its member local governments, state and federal agency partners, and the public; and

WHEREAS, Mr. Busha has announced his retirement from the Treasure Coast Regional Planning Council effective November 30, 2018; and

WHEREAS, the naming of a building is appropriate for recognizing such a distinguished career.

**NOW, THEREFORE, BE IT RESOLVED** that the Treasure Coast Regional Planning Council:

- Section 1. Congratulates Mr. Busha upon the occasion of his retirement; and
- Section 2. Thanks him for his many contributions on behalf of the Treasure Coast Regional Planning Council; and
- Section 3. Wishes him well in his retirement and future endeavors; and
- Section 4: Recognizes his many contributions and achievements through the naming of Council's office building at 421 SW Camden Avenue in Stuart, Florida in his name.

**DULY ADOPTED** by the Treasure Coast Regional Planning Council this 18<sup>th</sup> day of May 2018.

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Reece J. Parrish  
Chairman

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Thomas J. Lanahan  
Deputy Executive Director