

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
FEBRUARY 16, 2018**

Chairman Parrish called the meeting to order at 9:32 a.m. and welcomed everyone. He led the pledge of allegiance. He then asked for a moment of silence for the 17 victims of the Marjory Stoneman Douglas High School shooting. Staff called the roll. The Executive Director announced a quorum was present.

The following members and alternates were present:

Indian River County: Commissioner Adams
 Councilman Auwaerter

Martin County: Commissioner Smith
 Commissioner Fielding
 Vice Mayor Bruner, Alternate

St. Lucie County: Commissioner Dzadovsky
 Councilman Carvelli

Palm Beach County: Commissioner Valeche
 Commissioner Berger
 Vice Mayor Bernard
 Mayor Gerwig
 Councilman Hmara
 Mayor Brennan
 Mayor Marino, Alternate
 Commissioner Hardy, Alternate

Gubernatorial Appointees: Douglas Bournique
 Michael Davis
 Tobin Overdorf
 Reece Parrish
 Peter Sachs

Ex-Officios: Jennifer Davis, Florida Department of Environmental Protection
 Kathy LaMartina, South Florida Water Management District

Council Staff: Michael Busha
 Phyllis Castro
 Kim DeLaney
 Liz Gulick
 Stephanie Heidt
 Tom Lanahan

Council Attorney: Keith Davis

AGENDA

Commissioner Smith from Martin County moved approval of the Agenda. Mayor Marino from the City of Palm Beach Gardens seconded the motion, which carried unanimously. **Motion**

CONSENT AGENDA

Chairman Parrish called for public comment on Consent Agenda Items. Seeing none Commissioner Smith moved approval of the Consent Agenda. Mayor Marino seconded the motion, which carried unanimously. **Motion**

Items remaining on the Consent Agenda were: 4B1, Financial Report – December 31, 2017; 4B2, Minutes – January 19, 2018; 4B3, City of Port St. Lucie Comprehensive Plan Amendment No. 18-1ESR; 4B4, Village of Tequesta Comprehensive Plan Amendment No. 18-1ER; and 4B5, Intergovernmental Coordination and Review Log.

**CONSTITUTION REVISION COMMISSION UPDATE – PRESENTATION BY
INDIAN RIVER COUNTY COMMISSIONER AND CONSTITUTION REVISION
COMMISSION MEMBER, BOB SOLARI**

Bob Solari, Indian River County Commissioner and Constitution Revision Commission (CRC) Member, provided an overview of the CRC responsibilities. He stated Florida requires that every 20 years there be a CRC of 37 appointed members who review the entire state constitution, hold public hearings, and propose amendments to be added to the ballot for voter consideration.

He indicated one of the proposals against home rule, Proposal 95, states in part that a county, municipality, or special district may only regulate commerce, trade, or labor occurring exclusively within the respective entity’s own boundaries and may not intrude upon or impede commerce, trade, or labor across the respective entity’s boundaries. He explained that home rule, which was enshrined in the 1968 state constitution, has caused much tension between proponents of state rule who believe in a one-size-fits-all approach, and proponents of home rule who believe when more power is given to the government, less liberty is retained by the people. He noted home rule in our state is essential, because Florida has over 21 million residents in very diverse communities and the local elected officials have direct and substantial knowledge of what is best for their communities.

Commissioner Smith thanked Commissioner Solari for his participation on the CRC, noting there is a lot of work and travel involved with being a committee member.

Councilmember Bournique, Gubernatorial Appointee from Indian River County, asked about CRC Commissioner Karlinsky. Commissioner Solari indicated he is an attorney who was appointed by the Governor.

Commissioner Valeche with Palm Beach County noted that with Proposal 95 it would seem difficult to define commerce only contained within a district, and this would open up a lot of legal challenges. Commissioner Solari agreed, noting this would basically restrict local

governments from any type of prohibitions or regulations, because anything they do could have impacts outside their boundaries.

Councilman Hmara from the Village of Royal Palm Beach thanked Commissioner Solari noting that if one were to look at any successful organization, public or private, a recurring theme of these organizations would be that they push the decision-making down to the lowest possible level. He encouraged Council members to read *In Search of Excellence*, because it provides many great examples of outstanding companies.

Commissioner Hardy from the City of Lake Worth asked for information on Commissioner Gates' proposal to promote civic education in the State. Commissioner Solari stated this proposal is for the legislature to provide, by law, the promotion of civic literacy in order to ensure students enrolled in public education understand and are prepared to exercise their rights and responsibilities as citizens of a constitutional democracy. He indicated this is one of the proposals that will be moving forward. He noted this proposal seeks to remove the Blaine Amendment, which prohibits state support of church schools, from the state constitution. Commissioner Hardy stated that while he supports the civics proposal, he is worried that it might empower the legislature to force more mandates on the schools and rob the teachers of the freedom to present content. He stated he does not want it to be too restrictive or detailed in what can be taught. Commissioner Solari indicated this would just enshrine it in the constitution.

Commissioner Solari indicated there is also a proposal to require a state court or an administrative law judge to interpret a statute or rule de Novo, and not defer to an administrative agency's interpretation of such statute or rule. He explained that this means a judge cannot simply accept an agency's interpretation of a rule. Councilman Auwaerter from the Town of Indian River Shores noted that many people believe administrative agencies have become the fourth branch of government and that the legislature has conceded their powers to administrative agencies without proper oversight. Commissioner Solari stated he is concerned that people may not understand what this proposal is trying to accomplish. He compared this to the Chevron Doctrine at the federal level that indicates if anything is ambiguous or implied in a federal statute, and the administrative agency makes a determination, the court must defer to the agency's interpretation. Commissioner Hardy stated the Chevron Doctrine applies to federal judges hearing cases that involve federal agencies. He asked if there is a similar jurisprudence philosophy among state judges and where did that precedent originate. Commissioner Solari stated in 1973 the State of Florida had a case which established the Florida doctrine that an interpretation of a statute by an agency charged with this administration is entitled to great weight and will not be overturned unless it is clearly erroneous. Commissioner Hardy asked if this is a problem in Florida. Commissioner Solari stated he has heard from several individuals who have worked for state agencies that this comes up regularly and the agencies use this power to do what they want. Mayor Gerwig from the Village of Wellington asked if this proposal will take back the agency's power and give it to the judicial branch. She asked if we should be more confident with the judicial decisions. Commissioner Solari stated this is what he believes, but only because our constitution sets up a form of government with 3 branches that have checks and balances. He stated the administrative agencies are outside that constitutional framework and have no checks and balances. Mayor Gerwig expressed concerns a law judge might not have the expertise of a particular agency's functions to be able to interpret the law. Commissioner Solari

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stated that is a good point, but that should not be an excuse. He stated that if a law cannot be explained to the public, then he finds it very problematic. He stated there are many things that are done in agencies he will never understand, but he finds it is generally a case of laziness, or they want to hide something rather than it actually not being able to explain it correctly.

Commissioner Solari noted Commissioner Karlinsky's Proposal 72 proposed that unless passed by two-thirds of the membership of both houses of the legislature, a law may not impose a new tax or fee or raise an existing state tax or fee. Commissioner Valeche asked if this would mean the legislature would have to ratify, for example, a decision of the Florida Fish and Wildlife Conservation Commission to raise the fee for a fishing permit. Commissioner Solari stated would be the case. Commissioner Valeche stated that he believes it would be burdensome for the legislature to look at every fee. Commissioner Hardy asked if the Commission has looked at other states where this has been implemented to see if it works, noting there have been some problems with this in Oklahoma. Commissioner Solari stated he has also heard Oklahoma is having problems with this. He noted that the Florida Constitution requires only one thing from the legislature each year, and that is to pass a budget. He stated he believes what this proposal will do is enshrine in the constitution the idea that a majority sitting legislature, on an annual basis, can no longer have control over the budget.

Commissioner Solari stated that he is only vaguely familiar with Proposal 83 that deals with establishing a governance structure for the State College System, noting only K-12 and universities are addressed currently in the Florida Constitution. Commissioner Smith stated this may be due to what some would say has been an assault on the state college system over the last 7-10 years.

Commissioner Solari indicated Proposal 54 proposes that the State may not limit the number of hospitals, nursing homes, hospices or intermediate care facilities for individuals with intellectual disabilities, or services provided by the facilities, through the granting of certificates of need. He noted that at the public hearings several people asked that hospice be removed from this bill, because those facilities are primarily federally funded. He stated this does not relate to the structure of the constitution, and he believes that competition is good, but there may be reasons why the health care system should not be a free market. He stated he believes it is appropriate this stay with the legislature, because then changes can be done when necessary. Councilman Auwaerter asked why this proposal is limited to individuals with intellectual disabilities. Commissioner Solari indicated this would cover all disabilities, physical, intellectual, and mental. Commissioner Fielding stated that organizations providing medical care receive substantial tax monies, which he believes is an area for concern. Commissioner Solari stated another issue is that medical businesses are highly regulated and there is not a lot of competition.

Mayor Marino noted in Palm Beach County amendment proposals are only allowed to have a 75 word description, and 15 words for the actual question. She asked if this will be the same for these proposals. Commissioner Solari stated he believes that would be the case.

Commissioner Dzadovksy from St. Lucie County asked if there has been any discussion on local governments being able to regulate sober homes and addiction treatment centers within their

jurisdiction. Commissioner Solari stated there has not been discussion, but he knows that local governments cannot prohibit those facilities.

Councilman Auwaerter asked if the CRC has discussed making the proposals more specific. Commissioner Solari stated each proposal will go through a drafting process that will include CRC members and lawyers.

Councilman Hmara stated he agrees that the proposal dealing with healthcare facilities should remain under the purview of the legislature and not be made part of the constitution. Commissioner Solari noted there are a lot of other issues, such as greyhound racing, smoking, and vaping that also do not belong in the constitution.

Councilmember Overdorf, Gubernatorial Appointee from Martin County, asked for an explanation of how the proposals will be put on the ballot and the strategy to group the proposals. Commissioner Solari stated the CRC votes on proposed amendments. Those amendments then go through style and drafting and come back for a second vote, which will require 22 votes of support to be put on the ballot, but they may come back to the CRC in groups of 3. He stated there has been no real discussion about the procedure for grouping. He stated, in his opinion, this has been a very political process, and the style and drafting committee is over-weighted with gubernatorial appointees, which will give the governor's office a lot of input on how those proposals will be grouped. He noted there has been no determination of how many items will be on the ballot, but he hopes there will be no more than 6 or 7 individual proposals.

Commissioner Hardy stated he also believes there are a lot of things in the constitution that do not belong, because there are too many ways to amend the constitution. However, he noted there are very few ways for citizens to initiate the passage of a statute as opposed to a constitutional amendment. He asked if the CRC has considered creating a process for citizens to initiate passage of statutes by way of a ballot initiative. Commissioner Solari indicated the CRC has not addressed this, but there has been discussion in the legislature on this.

Commissioner Solari thanked Council for letting him present the work of the CRC and provide information on the process.

ANNOUNCEMENTS

Staff indicated the current meeting location was not available for the scheduled March meeting, which may be canceled. Staff stated if the Chairman decides to cancel the meeting everyone will be notified by email.

Staff noted a flyer was provided for the Festival of Trees event being held in Lake Worth on February 17th from 9 a.m. to 3 p.m.

Staff announced the U.S. Economic Development Administration (EDA) has \$600 million available in supplemental disaster relief funds and is requesting proposals for publically-owned infrastructure projects. Projects must meet all EDA project criteria, include a nexus to Hurricane Irma, and include number of jobs created, if applicable.

Related to the moment of silence for the mass shooting, and as follow up to the October 20th Joint Council meeting with the South Florida Regional Planning Council, staff noted a proposal was sent to Representative Kristin Jacobs requesting legislation be considered regarding the release of victim information to the public. The proposed legislation, sponsored by Representative Jacobs in the House and Senator Stewart in the Senate, relates to the Sunshine Law and how victim information is released to the press, and when the medical examiner is required to release autopsy reports. Staff noted the bills have passed through two committees.

Staff reminded everyone of the Town Hall Lecture Series Council is sponsoring at the Jensen Beach Community Center. The next lecture, *Retrofitting Suburbia for 21st Century Challenges*, is scheduled for Wednesday, February 21st and will feature Ellen Dunham-Jones, Director of the Master of Science program in Urban Design at Georgia Institute of Technology. Information on the entire lecture series is posted on Council's website.

CHAIRMAN'S COMMENTS

Chairman Parrish recognized new board members Commissioner Berger from Palm Beach County and Vice Mayor Bruner from the City of Stuart. He asked for elected officials to visit their school boards, first responders, and other stakeholders in the school system on safety issues and emergency preparedness planning. He noted Council staff is a good resource for this.

COUNCIL MEMBER UPDATE

Chairman Parrish indicated the theme for comments is any bills currently being considered by the legislature that are of concern. He also invited Council members to share any projects or updates on what is occurring in their local communities, asking for comments to be brief and concise to ensure the meeting finishes in a timely manner.

Commissioner Berger noted their transportation agency is now called the Palm Beach Transportation Planning Agency (TPA). She stated the executive director, Nick Uhren, has indicated he wants to take the TPA in a new direction that is independent of the county. She stated she is very concerned about the transition for the employees and if they will retain their benefits and be eligible to remain in the Florida Retirement System, and how the TPA will be funded. Staff noted the Broward County Metropolitan Planning Organization recently made the same transition and suggested contacting their Executive Director, Greg Stuart.

Commissioner Valeche stated the county recently hired Deborah Drum as their new Environmental Resources Management Director, noting she previously worked for Martin County. He also noted there is a new board member on the Pal Mar Board of Supervisors. He stated that historically, and currently, there is a lot of turmoil on the board with respect to development within the District. He indicated there are individuals interested in forming a development corporation, but a lot of concern is being expressed by the public to not develop anything in this area.

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Councilmember Bournique noted he is a St. Johns River Water Management District Board Member. He stated one of the things he has noticed is there is a shortage of good water supply for the Central Florida Water Initiative. This initiative is a water supply planning project between the Florida Department of Environmental Protection (FDEP); the Florida Department of Agriculture and Consumer Services; and the St. Johns River, South Florida, and Southwest Florida water management districts. He noted there is a lot of open land in Martin, St. Lucie, and Indian River counties and encouraged Council to support ways to extend pipelines further south into these counties in order to capture more water, which will lessen the runoff into the Indian River Lagoon and provide a future supply of valuable water.

Commissioner Fielding from Martin County thanked Councilmember Bournique for his useful ideas, and Commissioner Valeche for his concerns regarding Pal Mar. He stated he believes, after much concern has been expressed, FDEP will be reviewing their methodology for water quality standards.

Commissioner Dzadovsky asked what types of projects qualify for the EDA emergency funding. Staff indicated projects need to be related to jobs, such as a stormwater management system related to tourism, or an industrial park that is flooding. Also, there must be a nexus back to this being caused by impacts from Hurricane Irma. Commissioner Dzadovsky stated in St. Lucie County there is approximately \$9 million of culvert damage on several farms that is preventing growing and harvesting activities. Also, there is an issue with open air commercial biosolids processing and the county's efforts at solving this problem through local bills is being pre-empted by the state. Staff invited Commissioner Dzadovsky to the biosolids management summit Council is organizing for June.

Jennifer Davis with FDEP thanked Council staff for providing emergency response training to their staff at a recent lunch and learn.

Kathy LaMartina with the South Florida Water Management District announced the ribbon-cutting ceremony for the 10-Mile Creek stormwater facility has been postponed to March 9th.

Mayor Brennan from the Village of Tequesta stated they have had 3 active shooter drills in the last 18 months, and they are planning the next one to include the citizens. She indicated they are about 3 months into the 12-month process to transform U.S. 1, which will alleviate some of the speeding problems through the Village. She noted that although the construction is inconvenient, they are starting to see some interest in developing the properties along the roadway. She reported that last month at the Safe Streets Summit in West Palm Beach she was awarded the Complete Streets Champion award.

Mayor Marino noted the City of Palm Beach Gardens and the county have come to an agreement on a district park at the north end of the county that will have 5 multi-use fields and give them an opportunity to bring soccer tournaments to the area. She also noted the Honda Classic, which usually attracts close to a quarter of a million people, is being held the next week. She said the city is also doing an active shooter summit at one of their high schools. She stated the city will be having an election on March 13th with 4 ballot questions regarding the city charter. She also

noted the city will be opening a \$6.5 million, 22,000 square foot clubhouse at the Sandhill Crane Golf Course.

Councilmember Davis, Gubernatorial Appointee from Palm Beach County, stated he is pleased that Council members are taking a leadership role and doing active shooter drills. He encouraged Council, as a group of leaders, to engage at the state and federal levels to have constructive dialog on this issue. He noted that his firm, which is a large national firm that hires engineers, planners and landscape architects, is having difficulty hiring individuals in Florida. He stated we are not turning out enough graduates for these professions in Florida, and this is an issue that needs to be looked at by the leaders of our colleges and universities.

Commissioner Smith stated he believes Palm Beach and Martin counties need to get together to decide what their vision is for Pal Mar and possibly acquiring all the property.

Councilman Hmara thanked staff for coordinating a meeting with the Florida Department of Transportation (FDOT), the business community, economic development planners from central Palm Beach County, and other stakeholders to discuss the SR 80 (Southern Boulevard) corridor study being done by FDOT. He noted one interesting point of the discussion was seeking something other than a “concrete” solution to the traffic congestion problem, such as mass transit and land uses that are more supportive of mass transit. He said the discussion was very informative and he believes FDOT is very serious about keeping the public engaged in the process.

Commissioner Adams from Indian River County noted they are also working with FDOT on expanding one of their main east/west county roads. She stated FDOT is proposing a roundabout, which can be very controversial. She stated FDOT has been very supportive of the county and committed to the public outreach process as they work their way through the process.

CORAL REEF CONSERVATION PROGRAM INITIATIVE

Staff provided an update on the coral reef initiative Council has been working on for the past year. The initiatives focuses on the Southeast Florida Coral Reef Tract, which lies between the St. Lucie Inlet in Martin County and Biscayne National Park in Miami-Dade County, and the significant coral disease outbreak that is occurring there. Staff noted there has been progress and bipartisan support related to funding for this issue with the Florida Legislature’s approval of a \$1 million appropriation to FDEP; inclusion of a similar amount in the FDEP agency budget request; and \$1.7 million provided by the U.S. Environmental Protection Agency (EPA) for water quality monitoring, reef management, and disease response. Staff noted that unfortunately the disease outbreak has now been found in the middle keys and is being called the worst outbreak of coral disease in history. Staff noted it is critical to determine what is causing this outbreak and important to bring more focus to this issue. Staff requested Council authorize staff to continue outreach, coordination, and advocacy efforts related to conservation and management of the Florida Reef Tract; and authorize the Chairman to work with Florida’s federal representatives in drafting letters of support for full funding of EPA’s South Florida Geographic Initiative and for the reauthorization of the Coral Reef Conservation Act of 2000.

Commissioner Smith moved approval of the staff request. Mayor Marino seconded the motion for discussion. Commissioner Smith indicated next week people from all over the world will be meeting in Washington, DC to talk about the status of the world-wide coral reef system. He thanked the Legislature and EPA for the funding that will be used to collect data and help further define what is occurring with the outbreak of disease. He noted it is time to bring all the efforts to the federal level, because this is bigger than all the resources our state can provide. He also thanked Joanna Walczak for her knowledge and resources at FDEP, Senator Book, Representative Jacobs, and John Haddox from Representative Mast's office for all their support and work in this effort.

Councilmember Bournique offered his support of the initiative, noting that the Bahamas are only 40 miles off the shore of Miami and it would be devastating if this were to spread to those islands and their reefs. Upon being put to a vote, the motion passed unanimously.

LAKE PARK MARKET STUDY AND NEIGHBORHOOD STABILIZATION AND REINVESTMENT PROGRAM – PRESENTATION BY KIM DELANEY, Ph.D., DIRECTOR OF STRATEGIC DEVELOPMENT AND POLICY, TCRPC

Staff provided an overview of Council's work assisting the Town of Lake Park with a market study, analysis of economic conditions, and identification of strategies to improve the economic climate and enhance the success of the town's redevelopment efforts. For more than twenty years the town has been actively advancing redevelopment in the Park Avenue Downtown District, historic mainstreet, and the surrounding residential and mixed-use neighborhoods. Council staff indicated assistance has included a review of development trends, economic capture, and revenue potential, and recommendations for a series of projects and programs for the town. Additionally, a partnership between the town and the Housing Leadership Council of Palm Beach County has been established to pursue funding and implement neighborhood stabilization and reinvestment programs that are core to the town's long-term economic success. Staff noted findings include: the town has a fairly high number of jobs; there is a large inventory of smaller historic homes, many of which are eligible for the National Register of Historic Places; the town has naturally occurring affordable housing; there is an abundance of retail; and although there has not been a lot of investment in the historic downtown, the public spaces have very nice amenities.

Staff noted project partners include the Town of Lake Park and the Lake Park Community Redevelopment Agency, Council, the Housing Leadership Council, Palm Beach County, Palm Beach North Chamber, Florida Power and Light (FPL), the Small Business Administration, the Urban League, Fannie Mae, and the Florida Department of Economic Opportunity. This partnership's theme is to look at the town as a historic prototype of a smart, connected downtown that will serve as a hub for expanding arts, cultural opportunities, housing, and employment. Staff indicated one thing the town and the Housing Leadership Council are pursuing is the Fannie Mae Innovation Challenge. This challenge provides grant funding for design, development, and implementation programs to intersect affordable housing and employment opportunities.

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Commissioner Valeche asked if the town's focus has shifted from their marina project to the downtown. Staff indicated the town has a dual focus, noting they recently adopted a series of updates for mixed use coding to add density and intensity around the marina.

Commissioner Smith noted this type of planning approach could be replicated in other communities. Staff agreed that many of these issues are seen throughout the region and this type of public/private collaboration can be done elsewhere.

Commissioner Fielding asked about financing. Staff indicated they have identified Fannie Mae has a special financing category called HomeStyle loans, which are designed for the purchase of existing homes that need renovation and are packaged so that there is a single loan to both buy the home and do renovations. Commissioner Fielding asked if there is a component to improve utilities, perhaps with solar. Staff indicated there are layers of funding that are being assembled for the homeowners, noting FPL is offering complementary funding for energy efficiency improvements.

Commissioner Hardy stated the City of Lake Worth also has a lot of naturally occurring affordable housing, however the quality of the housing is very poor. He asked if there has been a study that looks at the quality of the housing units. Staff indicated this has not yet been done, but the structural rehabilitation of these homes can be done with HomeStyle loans and neighborhood stabilization funds provided by the Housing Leadership Council. The goal is to provide the homeowners with financing incentives to get the homes purchased and rehabilitated. Commissioner Hardy asked if Lake Park has an historic preservation ordinance, which could be beneficial to homeowners and investors. Staff indicated Lake Park does have an historic preservation ordinance, with a good inventory of homes on the register and more that are eligible, but the renovations will determine if they will remain eligible. Staff noted the market analysis found there is an incredible desire for authentic, smaller homes, mostly by millennial home buyers. Staff indicated the town sees the idea of having the Lake Park hub to keep those smaller homes in their fairly natural condition and keep the costs down, but create access to the kind of space that might otherwise be added on by a new buyer. Commissioner Hardy asked staff to provide email information on what FPL is offering in conjunction with the neighborhood stabilization program. He noted Lake Worth provides utilities to its own residents and they would like to find ways to provide incentives to better conserve energy. Staff noted FPL has a very robust program that covers the cost for energy improvements, especially for lower income renters and owners. Staff also noted the state has a weatherization program for low income households.

Mayor Gerwig noted she serves on the board of the Housing Leadership Council and is very impressed with what they are doing. She stated she lived in Lake Park when she was younger and asked if the Mos' Art Theatre, as well as the arts in general, are part of the town's plan. Staff indicated the theatre, the Brewhouse Gallery, and the existing ancillary businesses that have come in are part of the town's marketing strategy. Mayor Gerwig requested staff present this to the League of Cities, because she believes this has value for many cities in our region.

SUNSHINE LAW REFRESHER

This item was moved to the next meeting.

PUBLIC COMMENT

None.

STAFF COMMENT

None.

ADJOURNMENT

There being no further business, Chairman Parrish adjourned the meeting at 12:10 p.m., reminding everyone the next scheduled meeting is March 16, 2018. 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 February 16, 2018 meeting of the Treasure Coast Regional Planning Council.

Date

Signature