

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
JUNE 22, 2007**

Vice-Chair Hershey called the meeting to order at 9:35 a.m. and welcomed everyone to the meeting. She led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:           Commissioner Wheeler  
  Commissioner O'Bryan  
  Councilmember Neglia  
  Councilman Ahrens, Alternate

St. Lucie County:               Commissioner Coward  
  Commissioner Grande  
  Councilwoman Berger, Alternate  
  Commissioner R. Duke Nelson, Alternate

Martin County:                 Commissioner Smith  
  Commissioner Valliere  
  Commissioner Bausch

Palm Beach County:           Commissioner Marcus  
  Commissioner Greene  
  Commissioner McCarty, Alternate  
  Councilmember Brinkman  
  Mayor Golonka  
  Councilmember Dr. Priore  
  Mayor Jacobson  
  Councilmember Gottlieb, Alternate

Gubernatorial Appointees:   Herman Baine  
  Robert Kanjian  
  Laurence Davenport  
  Kevin J. Foley  
  Susan Hershey  
  Richard Hurley  
  Susan Caron  
  Ramon Trias

Ex-Officios:                    Lois Bush, FDOT  
  Mary Murphy, FDEP  
  Karen Smith, SFWMD

Council Staff:                 Kathryn Boer  
  Marlene Brunot

Michael Busha  
Marcela Cambor  
Zachary Davis  
Kim Delaney  
Anthea Gianniotis  
Sandy Gippert  
Elizabeth Gulick  
Wynsum Hatton  
Stephanie Heidt  
Terry Hess  
Trayce Jones  
Dana Little  
Peter Merritt  
Gregory Vaday  
Joan Young

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

Vice Chair Hershey noted that Council's attorney would be keeping time allowing three minutes per speaker for public comment, five minutes for local governments.

### **AGENDA AND CONSENT AGENDA**

Commissioner Smith made a motion to approve the Agenda and the Consent Agenda. Mayor Jacobson seconded the motion. Commissioner O'Bryan requested that Agenda Item I, Florida Power & Light Company Ten Year Power Plant Site Plan, 2007-2016 be pulled from the Consent Agenda. Additionally, there were requests from the public to pull Agenda Items 4C, Minutes – April 30, 2007 and 4H, Palm Beach County Intracoastal Waterway Study Agreement. Commissioner Smith amended his motion to approve the agenda and consent agenda with the removal of Agenda Items 4C, 4H, and 4I from the Consent Agenda. Mayor Jacobson seconded the amended motion, which carried unanimously.

**Motion**

Items remaining on the Consent Agenda were: 4A, Financial Report – March 31, 2007; 4B, Financial Report – April 30, 2007; 4D, 2007-2008 Contract with the Florida Department of Community Affairs; 4E, 2007-2008 Contract with the Florida Division of Emergency Management; 4F, Technical Assistance Agreement with the Florida Department of Community Affairs – GIS-Based Concurrency Management System; 4G, Transportation and Land Use Planning Agreement with South Florida Regional Transportation Authority; 4J, Florida Municipal Power Agency Ten Year Power Plant Site Plan, 2007-2016; 4K, Indian River County Comprehensive Plan Amendments DCA Ref#07-2; 4L, Martin County Comprehensive Plan Amendments DCA Ref#07D2; 4M, Martin County Comprehensive Plan Amendments DCA Ref#07E2; and 4N, Intergovernmental Coordination and Review Log.

**MINUTES – APRIL 20, 2007**

Rosa Durando, a Palm Beach County resident, indicated that she was in agreement with Commissioner O’Bryan with respect to density and that Council should not be overly concerned with projected population and his questioning of the need for a carrying capacity study. Ms. Durando stated that she believes that carrying capacity is more valid than population projections that are used to accommodate business without a thought to water supply, wastewater management or roadways.

Commissioner Smith made a motion to approve the Minutes of April 20, 2007. Commissioner O’Bryan seconded the motion, which carried unanimously.

**Motion**

**PALM BEACH COUNTY INTRACOASTAL  
WATERWAY STUDY AGREEMENT**

Rosa Durando expressed her support of a proposal to conduct an Intracoastal Waterway Study. She noted that last week in Tallahassee many environmental organizations went on record against the state giving away land for the expansion of proposals by the City of West Palm Beach without an impact study being done. She noted that millions of dollars are being spent by the County, water management district and the City of West Palm to dredge the C51 Canal and Lake Worth Lagoon. The canals are discharging very polluted water into the Lake Worth Lagoon which is making the muck problem worse.

Commissioner Smith made a motion to approve the staff recommendation on the Palm Beach County Intracoastal Waterway Study Agreement. Commissioner O’Bryan seconded the motion, which carried unanimously.

**Motion**

**FLORIDA POWER & LIGHT COMPANY  
TEN YEAR POWER PLANT SITE PLAN, 2007-2016**

Councilmember Dr. Priore recused himself from voting on this item.

Debbie Evans, a Wellington resident, provided Council with a letter expressing her concerns with Florida Power & Light Company’s Ten Year Power Plant Site Plan. She quoted from “Who Should Deliver Ratepayer Funded Energy Efficiency” which was published in May, 2003 by the Regulatory Assistance Project. This document indicates that Florida has a narrow focus on measures that pass the ratepayer impact test, which limits the potential for new energy conservation programs in Florida. She urged Council to specifically recommend that the Public Service Commission soon revisit its choice of cost-effectiveness test for energy efficiency and choose a test that will maximize the potential for energy efficiency and renewable energy resources in Florida.

Rosa Durando commended staff on its comments with respect to Florida Power & Light Company’s Ten-Year Site Plan. She stated that she believes staff’s recommendation should be strengthened to state that FPL shall, rather than should, be required to upgrade the Riviera Plant before contemplating expansion in other areas. She quoted from

“Tapping New Sources,” a book by the Florida Department of Environmental Protection, with respect to the expectation that water demands for power generation will increase 850 percent over the next twenty years.

Alexandria Larson, a Palm Beach County resident, informed Council of a west coast Florida resident who powers her home entirely by solar energy. She stated that FPL insisted that the resident put a meter on her home to determine the amount of money they would be losing. She added to Ms. Durando’s quotation of statistics that Agriculture is estimated to increase three percent and human use will increase by twenty-five percent, and that she believes the estimated increase of 850 percent for power plants is outrageous. She noted that there are several groups that have requested an Environmental Impact Statement on the entire area to determine where the water will be obtained and what alternatives are available. She encouraged Council to look into solar energy alternatives.

Commissioner O’Bryan stated that he would like to add a fourth recommendation to the staff report to pursue a net metering program to promote the use of solar and photovoltaic systems. He noted that net metering is a process whereby a commercial or residential building can have solar panels installed to generate electricity. When consumption is exceeded, the electricity feeds back into the grid so in effect the meter runs backwards. He stated that the City of Vero Beach Utilities Department has that program with one house currently hooked up to the grid. He suggested that if FPL were to pursue a net metering program it would encourage more use of solar systems. He moved to approve the staff report with the added recommendation concerning net metering. Commissioner Marcus seconded the motion. Staff requested that Ms. Evans’ letter be attached to the staff report as well, and that her comment concerning the economic test for conservation programs be revisited by the Florida Public Service Commission.

**Motion**

Commissioner O’Bryan amended his motion to include the staff request to include Ms. Evan’s letter and comment. Commissioner Marcus seconded the amended motion, which carried unanimously.

**Amended  
Motion**

## **ANNOUNCEMENTS**

None.

## **BUDGET/PERSONNEL COMMITTEE PROPOSED BUDGET FOR FISCAL YEAR 2007-2008**

Commissioner O’Bryan reported to Council that the Budget/Personnel Committee met by conference call on June 11<sup>th</sup> to review the proposed budget for Fiscal Year 2007-2008. He highlighted the areas of State Revenue, which shows an increase of \$440,000; Federal Revenue which shows a slight decrease of approximately \$12,000 from last year; local contracts which are pending final approval after the local governments have reviewed their budgets; the slight decrease of about ten percent in net revenue under miscellaneous;

the addition of a new staff position; the ad valorem tax refund received from the property appraiser; and a significant cut in the travel budget.

Commissioner O'Bryan made a motion to approve the proposed budget for Fiscal Year 2007-2008. Commissioner Wheeler seconded the motion, which carried unanimously.

**Motion**

**LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW  
BRINY BREEZES DCA REF #07-1**

Staff made a presentation with respect to the Town's proposal of an entirely new comprehensive plan. Staff noted that the Town is not only an unincorporated municipality, but a corporation as well. Due to the extensive damage experienced during the Hurricanes of 2004 and 2005, the Corporation has decided to sell the assets of the park. The new owner of the Town intends to build a residential resort community with hotel units, a marina, and retail and commercial uses. The Town proposes to adopt new Future Land Use Map categories to be known as Resort Residential Mixed Use and Marina Residential Mixed Use Future Land Use categories. Staff noted that Council is responsible to review the proposed amendments for consistency with the Goals, Objectives and Policies of the Strategic Regional Policy Plan; to identify impacts to significant regional resources and facilities; and to comment on any extrajurisdictional impacts that are inconsistent with the plans of neighboring jurisdictions. It was stressed that Council does not have the authority to review a tentative development proposal. Recommendations were outlined on how the amendments could be improved. Staff concerns included: the lack of detail and predictability in the Future Land Use Element; the lack of detail in the new Future Land Use Map designations; very high residential densities; no limits or dimensions for commercial or marina development; the protection of beachfront and environmentally sensitive marine resources; policies regarding development on the barrier island; compatibility with the comprehensive plan of adjacent local governments; and the adequacy of SR A1A and public facility providers to serve the new development at the scale proposed. Staff concluded by recommending that Council find the proposed amendments to be inconsistent with the Strategic Regional Policy Plan.

Councilmember Foley recused himself from voting on this item.

Roger Bennett, Mayor of Briny Breezes noted that in attendance were former Town council members, current council members, the council president, members of the corporation, board of directors, and members of the Town planning commission. He asked that Council give favorable consideration when forwarding the staff report to the Department of Community Affairs and stated that the Town will abide by the Department's findings.

Charles Siemon of Siemon and Larsen, stated his firm worked with the Town on the preparation of the comprehensive plan amendment. He noted that this is only the comprehensive planning process and there should only be Council input on the goals, policies and the objectives of the plan, particularly with respect to the maximum permissible density. He stated that there is no site plan for this project to date and when

the plan is presented to the Department of Community Affairs, any inconsistencies will have been eliminated. He stated that while he appreciates Council's concerns, he would have liked to have had more focus on the goals, policies and objectives of the plan than "the sky is falling and there is going to be this unknown damage to the environment". He stated that there have been analyses done to try to indicate the mass of 2,700 dwelling units. He noted that the drawing shown by staff could not be achieved as it is more than two times what the County's traffic performance standards ordinance would accommodate and significantly greater than any number that has ever been evaluated in terms of water, sewer, or other uses. He stated that it is a graphic representation, but in terms of practical reality, there are comprehensive plans throughout the state that have maximum permitted density, but that does not give the right to that density. It would be the amount subject to the other goals, policies and objectives of the plan.

Commissioner Coward questioned why the developer would not then propose a land use category of lesser density. Mr. Siemon noted that there are two sides to the property and the location of the hotel will affect the ability to accommodate the residential development. If the originally proposed 30 units on one side and 20 on the other were done using more land on the oceanside for the hotel, the required number of residential units could not be achieved. He noted that the proposed amendment was done in a relatively short period of time with the knowledge that there would be opportunity to have input from Council and the Department. He noted that there is already an alternate set of plans. He stated that he believes it is important that there be two districts because the environmental resources on the Atlantic side of the property are different from the intracoastal on the other side. In order to address this, he stated the easy solution was to make it one district for the entire Town, which would allow for adjustments in the density.

Commissioner Bausch asked if there was a signed agreement for the sale of the Town. Mr. Siemon noted that there is a binding contract that contains executory provisions, but he did not know the specific details of the contract. He did state that there is a contract that was negotiated and approved by 82.7 percent of the stakeholders. He noted that his firm is only working with the Town on behalf of Ocean Land Development with respect to the preparation of the comprehensive plan amendment.

Commissioner McCarty noted that this is a unique situation as the whole community is being sold to a developer who is doing all the planning and wants to ensure a quality plan that will give them a return on their investment. She stated that what should have occurred before the sale of the property was a public planning charrette to ensure good planning that involved the surrounding municipalities and the County. She commented that she did not have an issue with the developer making money, but it is her responsibility to make sure that the plan is compatible with the surrounding communities that will be left to deal with the problems created by an incompatible plan. She stated that if the community does not vote for what the developer wants, there will be no deal.

Mayor Golonka inquired who the landowners will be once the Town is sold to the developer. Mr. Siemon stated that the Town will eventually merge with City of Boynton

Beach who will then have approval authority. Mayor Golonka asked if the developer would be the Town that would be approving the project. Mr. Siemon stated that the goals, policies, and objectives of the draft comprehensive plan amendment which are being presented and reviewed provide a goal to pursue merger, not annexation, with the City of Boynton Beach. He stated that this would become effective after the developer gains control not of the Town but of Briny Breezes Inc., which is the mobile home cooperative that owns the land. He stated that the developer would own the property, but the stockholders would be considered voting if they are residents. He noted that the Mobile Home Cooperative was created many years ago and owns title to the property. Each resident owns shares in that cooperative which is a Florida Corporation. That Corporation has a merger agreement with a private sector corporation. The people who will control the Town are both the current and future residents of the Town. If there is no merger it will be the people who live in the Town. Theoretically, the new purchasers of new product will take over that Town and operate it. Commissioner McCarty noted that this will be after the development is done. Mr. Siemon stated that the preferred option in the plan is the merger with the City of Boynton Beach.

Commissioner Neglia expressed his agreement with Commissioner McCarty and Mayor Golonka. He stated he was concerned with who the government would be in the Town. Mr. Siemon stated it would be the Town Council of Briny Breezes.

Commissioner Bausch asked if the sale of the Town was contingent upon getting the approvals on the proposed comprehensive plan amendment. Mr. Siemon stated that he could not speak to the specific details in the contract. He stated that his role was only as a planner preparing a comprehensive plan amendment to provide for future development. He stated that although he is being paid by the developer, he is providing a service to the Town and they are the ultimate arbitrator of the plan. He added that he did not doubt that if the property cannot be redeveloped, then ultimately the developer will take action under the terms and conditions of that contract. Commissioner Bausch asked if the Town would lose its identity if there is a merger with the City of Boynton Beach. Mr. Siemon stated that the Town would then become part of the City.

Councilmember Baine asked who would be the owner once the building was complete. Mr. Siemon replied the developer. Councilmember Baine then asked if the developer owns all the buildings, then would the Town be owned by the developer. Mr. Siemon stated that the future residents who move into the buildings will assume responsibility for the affairs of the municipality. Councilmember Baine asked if the new residents will want to merge with Boynton Beach. Mr. Siemon stated that he felt the merger with Boynton Beach is appropriate because they are a primary municipal provider, they will be the potential beneficiary of the taxes this generates, and they are the primary source of labor. The plan contains goals, policies and objectives to promote a workforce housing program with the City of Boynton Beach whether there is annexation or not. He stated that the ideal situation would be a merger because that would allow the tax ratables to be brought to the community that is the primary source of employment and the primary source of residents and commercial activity for the area. Councilmember Baine asked if

there was a break even point on the size of the buildings. Mr. Siemon stated that he is only preparing the comprehensive plan amendment, and not the development proposal.

Commissioner Wheeler asked if the incorporated Town with the Town Council is the same or separate from the corporation that owns the property. Mr. Siemon stated that they are separate corporate bodies and separate individuals. Commissioner Wheeler asked if the council members also own part of the corporation. Mr. Siemon answered in the affirmative. Commissioner Wheeler asked if, in order to vote to sell the corporation one must be a stockholder, but in order to vote with the town government, one does not have to own any stock, but must be a resident, whether renting or owning, and not particularly a property owner. Mr. Siemon replied that was correct. Mr. Siemon noted that the vote on the Town Council was to prepare a comprehensive plan amendment that would serve as the first step in the process of granting development entitlements to what will be the successor of Briny Breezes, Inc.

Councilmember Trias asked why the Town did not have a planning charrette. Mr. Siemon stated that he was not involved in any way in the years before the decision to sell the property was made. He did note that there was much public discussion and conversation in the press, and what ultimately happened was that Briny Breezes, Inc. chose to solicit offers from developers and then signed a contract and that contract has performance requirements in terms of time that are agreed to by the parties. He stated that those timeframes do not allow the Town to turn back the clock and start the process anew. He noted statutory timeframes the Town must comply with in order to gain the comprehensive plan amendment. He stated that he believes the Town is fully complying with their legal obligations. He further stated that he is confident the Town will satisfy the requirements and the plan will be found in compliance.

Mayor Jacobson asked if there was someone present that could answer the Council questions Mr. Siemon was unable to answer. Mr. Siemon stated that no one was present that could answer some of Council's questions. He noted that he was only present to respond to Council's recommendations to the comprehensive plan amendment. He stated that he did not agree with the inconsistent finding of staff, but would be working on the plan, adding additional goals, policies and objectives to respond to staff recommendations. Mayor Jacobson noted his appreciation of Mr. Siemon's expertise, but stated that the responsibility of Council is to probe and satisfy all the issues and questions that arise. Mr. Siemon stated that he did not wish to argue with this, but stated that this a planning process that only requires Council to review the plan and make recommendations for change. He stated that the questions being asked are economic questions that no developer will answer. He noted that the Town is a municipal corporation and has all right, title, privileges of a municipal corporation with residents throughout its existence. He stated that the preferred plan is a merger with the City of Boynton Beach as this makes most sense from a cost efficiency standpoint. He stated he would be glad to come back to another meeting and have someone make a presentation to better answer Council's questions.

Councilmember Brinkman asked Mr. Siemon to explain the difference between a voluntary annexation and a merger and why the Town does not want to do an annexation. Mr. Siemon stated that a merger agreement allows the parties to agree on the terms and conditions of the merger. He stated that the Town wanted to ensure that with a merger the tax ratables from this project would be used to support the workforce housing programs that are included in the plan. With an annexation, the Town will not be able to ensure a seamless transition and a committed allocation of resources in the future to programs that have been promised as part of the plan. Councilmember Brinkman asked if it was anticipated that all the site plan approvals would be in place prior to the merger. Mr. Siemon stated that he believed what is planned is having the land development regulations, a master plan for the overall project and individual site plan approved within the master plan over time. He stated the goal is to have the master plan approved prior to closure. He noted that the developer does not want to merge with the City prior to taking ownership of the Town, as they do not want to be faced with the uncertainties of what the City of Boynton Beach may do.

Commissioner McCarty asked if there had been any formal discussions with Boynton Beach with respect to workforce housing. Mr. Siemon stated that outside the utility related matters, there had been no formal discussions with the City.

Commissioner McCarty inquired about the economic goals Mr. Siemon noted in his presentation with respect to the density proposal on the east side of SR A1A. Mr. Siemon stated the economic goals were to redevelop the Town into a quality resort residential community.

Commissioner Coward expressed concern with respect to the proposed 40 and 60 dwelling units per acre. He asked what the maximum residential allowed was on the adjacent land uses. Staff stated that the exact figures were not readily available, but the residential densities in the surrounding Towns of Ocean Ridge and Gulfstream were significantly lower than what was being proposed in Briny Breezes. Commissioner Coward asked that the staff comments with respect to the compatibility with the comprehensive plans of adjacent local governments be strengthened before it is transmitted to the Department of Community Affairs.

Mayor Golonka asked for clarification of the current coastal construction control line. Staff provided this by indicating on a map provided in the staff presentation. Mayor Golonka asked if there were figures in the analysis to compare the current trips to the proposed amendment. Staff indicated that a copy of the traffic analysis was not included as part of the comprehensive plan amendment materials, but the conclusion in the amendment materials was that there would be increased traffic but it would still be within the standards of the Palm Beach County Traffic Performance Standard Ordinance. Staff noted this is being disputed by the County. Mayor Golonka indicated that it is very difficult to understand why the project would be buffered at its connections with adjacent municipalities, because if this is to be a Town, there should be connectivity with the adjacent municipalities. She stated that buffering usually is done when there is an undesirable project being proposed.

Commissioner Smith asked if there were other examples in the state of a town being purchased by a developer and then converted into a new town. Staff noted that most towns and cities since the 1920's started as a developer's proposal. Staff also indicated that although this is not unusual, it is the first time Council has ever reviewed an entirely new comprehensive plan for a refurbished town.

Commissioner Marcus asked if Allan Ennis, Assistant Director Palm Beach County Traffic Division, knew the current volume capacity on this section of SR A1A. Mr. Ennis stated that it is a two-lane roadway that would have the capacity of around 12,300.

Commissioner Marcus asked staff if Council is permitted to address issues such as insurance and evacuation with respect to the vulnerability of a barrier island. Staff noted that there are policies in the regional plan that address the vulnerability to hurricanes and storms, but not the issue of insurance. Commissioner Marcus stated that this should be something Council may want to incorporate into the regional plan.

Commissioner O'Bryan noted that in order to address concerns with respect to incompatible densities with adjacent properties, the future land use map should show some type of transitional zoning between those areas of potential conflict to minimize the impacts. Additionally, he noted that it appears the Town is claiming state waters under their conservation lands and thought there needed to be clarification to show only the lands they own and not use state water for their conservation designation.

Councilman Ahrens noted that he did not believe it was economically feasible that the developer could construct two five star hotels, a marina and residential units within the limits of the Town.

Kenneth Spillias, the Town attorney for Ocean Ridge, noted that his client is the municipality immediately to the north. He stated that Ocean Ridge, as well as the Town of Gulf Stream, the City of Boynton Beach, Palm Beach County and other reviewing agencies, as well as Council staff, have all submitted comments that indicate the plan is inconsistent with the comprehensive plans of the adjacent communities as well as Chapter 163.3177(4)(a) of the Florida Statutes. He noted that Ocean Ridge does not object to the sale or redevelopment of the Town of Briny Breezes, but feels the plan being presented is simply too massive and does not meet all the requirements of proper planning. With respect to the issue of time restraints of the pending contract for sale, he suggested that the contract could be amended to allow timeframes that will ensure proper planning as well as coordination with the surrounding communities.

Erin Deady stated that the Town of Ocean Ridge supports the major elements of the Council staff report. She noted that the proposed future land uses are not clear, the actual density needs clarification as well as the maximum acreage within the mixed use category in order to determine the full extent of the proposed amendment. She noted that although the Employee Housing Accessory Dwelling Units Workforce Housing Program is good, it is not clear what the impact actually means in terms of exonerating those units from certain calculations. She stated that Ocean Ridge is particularly concerned about

the lack of level of service standards, in particular, with recreation facilities. She listed hurricane evacuation as another issue of concern. She stated that being an adjacent municipality, Ocean Ridge will be directly affected by these comp plan amendments in terms of hurricane evacuation, traffic, level of service standards, water supply, compatibility and concurrency management. Ms. Deady identified policy inconsistencies with both the Strategic Regional Policy Plan and the State Comprehensive Plan.

Commissioner Marcus asked if there are erosion issues in the area. Ms. Deady stated that although she could not answer that question, historically there have been erosion issues with some development and infrastructure improvements in the Boynton Beach Inlet. Commissioner McCarty noted that Palm Beach County has spent a lot of money in Ocean Ridge for beach renourishment. Commissioner Marcus asked if it was done in Briny Breezes. Commissioner McCarty answered no, but Briny Breezes was the beneficiary of the renourishment.

Jane West, from the Firm of Collins and West on behalf of the Florida Coalition for Preservation, introduced Brandon Schaad, Senior Planner with Iler Planning Group. Mr. Schaad noted that his presentation would focus on the land use compatibility of the proposed comprehensive plan amendment. He noted that the definition of compatibility according to Rule 9J-5 is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition”. He offered that the comprehensive plan amendment does not contain any intensity standards for the proposed land use categories. He noted it also specifies that employee housing units are unlimited and not counted in the density and given that the need for affordable and employee housing is emphasized in the plan as being important, the number and impact should be projected. He provided Council with a density analysis of the area to illustrate the difference in the density of the surrounding communities. He noted that the immediately adjacent parcels have a gross density of approximately 13 to 14 dwelling units per acre, whereas the proposed density in the Town of Briny Breezes would be 40-60 units. He additionally noted that the potential impact of non-residential uses could not be calculated or assessed in terms of compatibility because the plan does not define how much will be allowed. He noted that there are no natural or manmade features that will adequately mitigate the compatibility impacts and that a majority of the Town’s northern and southern boundaries are separated from the adjacent communities by property lines or small local streets. He summarized by pointing out that the uses and densities proposed in the amendment are out of scale and out of character with the surrounding area and does not provide adequate mitigation for the impacts of the land use compatibility issues that would be created.

Councilmember Baine asked staff if it was unusual for a proposal to request three to four times more density than previously allowed. Staff stated that it is unusual for density to radically increase within a short distance, but there are great communities where density changes significantly within a few blocks. Commissioner McCarty noted that this would be in a more urban setting.

Kristine de Haseth, a resident of Delray Beach, expressed her support of staff recommendation of inconsistency citing her main concern is the safety of her son and the other children who attend school less than one mile from Briny Breezes. She noted the pollution and unsafe conditions the construction will cause as well as the delay for emergency vehicles to respond with the traffic grid-lock that will occur if the proposed development is approved.

Joanne Davis, representing 1000 Friends of Florida, supported staff's recommendation stating her belief that the incompatibility with surrounding communities as well as the number of issues that do not have adequate data and analysis do not comply with Chapter 163.

Stirling Halversen, on behalf of the Town attorney for the Town of Gulf Stream, expressed support for staff recommendation as well as the presentation by Ocean Ridge. Concerns noted include the density issues and the need for collaboration with the surrounding communities for a more responsible and neighbor-friendly plan.

Robert Ganger, President of the Florida Coalition for Preservation urged Council to support the staff report. He noted that the Coalition shares staff concerns with respect to the density of the proposed development relative to the surrounding communities. He provided Council with computer-generated photographs of scale models that were superimposed over aerial photographs of the Town created from data obtained from the proposed amendments and public information released by the developer.

Nancy Hogan, Commissioner with Ocean Ridge, but speaking as a resident, expressed her concern of the proposed comprehensive plan amendment. She noted that there has not been a detailed scope of the project presented that would show the number of units the developer would be required to build in order to get a return on its investment. She questioned that the standard acceptance of voting on land issues under current law probably should not apply given that there could be a break in the law as the shareholders cannot be considered to be arms length. She noted the evacuation and emergency vehicle access constraints that would be caused by only two drawbridges off the barrier island and the major drainage issues that Ocean Ridge has been battling for several years. She stated that she concurred with Commissioner McCarty that public charrettes should be done.

Penny Kosinski, a resident of Ocean Ridge, stated her support of the staff recommendations. She noted that she supports Briny Breezes' right to sell the property, but does not support the current comprehensive plan amendment. She noted that the proposed amendment would destroy the current lifestyle and jeopardize the welfare of the surrounding communities. She stated that there is no accountability when a governing body votes on a preposterous plan that will have no impact on their future except to unjustly enrich themselves. She expressed her agreement with the comments of Michael Rumpf, Director of Planning and Zoning for Boynton Beach Florida.

Terry Brown, a resident of Ocean Ridge, urged Council to support staff recommendations to preserve the quality of life in the area.

Rosa Durando expressed her support of the staff recommendation and additionally noted that the plan did not address the conservation reservation, the number of estimated boats that would be using the marina, if there would be a need to do deep water dredging, and the protection of manatees and Johnson Seagrass.

Alexandria Larson suggested that developers should be made to put up a surety bond to protect the taxpayers from potential disasters. She noted that she does not want to stop anyone from building, but does want developers to be held accountable for cleaning up their mess.

Commissioner Wheeler made a motion to transmit staff's recommendations, but noted that he would like to consider a stronger recommendation with respect to incompatibility of the proposed amendments with the surrounding communities. Commissioner Marcus seconded the motion for discussion.

**Motion**

Commissioner Marcus noted that although it is not part of Council's policies she would like to see included in the staff report language addressing the significance of the proposed density on the barrier island and the impacts of hurricanes. Commissioner Wheeler noted that he would amend his motion to include such an addition.

Commissioner McCarty requested that to avoid confusion on page nine of the report the words "as proposed" be stricken from the sentence that reads "The proposed redevelopment of the Town from a mobile home park to a resort residential community as proposed is not in conflict with the SRPP." Staff noted that the report would be modified.

Additionally, Commissioner McCarty requested the inclusion of the June 20, 2007 letter from the County Engineering staff to the Mayor of Briny Breezes indicating that traffic performance standards and concurrency are not met.

With respect to the mandatory evacuation, Commissioner McCarty stated that she did not believe that this could be made mandatory and if the new town or Boynton Beach would ensure this provision is enforced. As a final recommendation, Commissioner McCarty requested that it be noted that there have been no formal discussions between the Town and Boynton Beach with respect to workforce housing.

Mayor Golonka inquired if Council could postpone making a recommendation, or if there could be more time to consider the public comment and possibly modify sections of the report to strengthen some of staff's recommendations. If that could not be done, then she would like to have the report address the issue of property ownership throughout the project. She noted that she would concur with Commissioner Marcus that the cost of a disaster to the barrier island should be addressed due to the ultimate cost to the public for building in a hazardous area. Mr. Saberson noted that Council was obligated to make a

recommendation on the issue at the meeting in order to comply with statutory requirements.

Councilmember Dr. Priore made a motion to call the question. Vice Chair Hershey seconded the motion, but stated that she already recognized Commissioner O’Bryan under discussion.

**Motion**

Commissioner O’Bryan suggested that to avoid confusion the staff recommendation should be changed to “instruct staff to transmit the report to the Department of Community Affairs” in place of “approve their transmittal”. Commissioner Wheeler stated that he would amend his recommendation to include that Recommendation.

Mr. Saberson clarified the motion as; adopt the staff recommendation by instructing staff to transmit to the Department of Community Affairs; delete the words “as proposed” on page nine of the report; indicate that there had been no formal discussions between the Town and the City of Boynton Beach on the affordable housing issue; raise concern about density in a hazardous area; clarify the ownership of the Town; strengthen the incompatibility with surrounding communities; and include the June 20, 2007 letter from County Traffic Division to the Mayor of Briny Breezes with respect to traffic performance standards and concurrency.

Commissioner Wheeler accepted the amended motion as outlined by Mr. Saberson. Commissioner Marcus seconded the amended motion.

**Amended  
Motion**

A vote was taken to approve the motion to call the question made by Councilmember Dr. Priore, and seconded by Vice Chair Hershey, which carried unanimously.

Vice Chair Hershey called for a vote on the amended motion, which carried unanimously.

### **LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW MARTIN COUNTY DCA REF #07-1**

Staff made a presentation to Council with respect to the Future Land Use Map and text amendments being proposed by Martin County. Staff listed the concerns being primarily related to the proposed Future Land Use Map amendments in the Cove Road Corridor. Staff expressed concern that the area is too important for new designations to be made on a piecemeal basis and repeated the previous recommendation of Council that the County should adopt the 2002 Conceptual Master Plan of the Mid County Greater Salerno Small Area. Staff also presented recommendations on the amendments for Pitchford’s Landing, and Palm City Holdings. Staff concluded by recommending that the six Future Land Use Map amendments in the Cove Road corridor be considered inconsistent due to the failure of the County to adopt the 2002 Conceptual Master Plan for the Mid County Greater Salerno Small Area; or a similar plan that would be consistent with Regional Policies 6.1.1.1 and 6.1.1.2.

Linda Hake from Gunster Yoakley, stated she represents four of the property owners in the Cove Road Corridor. She noted that the corridor study staff is recommending be adopted has been the subject of discussion many times by Martin County. She noted that a majority of the Board of County Commissioners felt there was no need to further study the area and are not interested in making wholesale changes to the Cove Road Corridor, but simply interested in seeing that the residential densities along that road are urban, as the properties lie within the Primary Urban Service District, rather than rural and agricultural. She stated that she believes the amendments correct an inappropriate land use in this area on all of the subject properties. She stated that she would argue with staff comments that two acre lots would do little to ensure that the area becomes an important part of the urban fabric of the County, as increasing the densities to still somewhat low but still somewhat urban densities would be correcting inappropriate uses. She further stated that the new land uses do provide a variety of densities that will allow for a mix of residential types, both half acre lots and up to five units per acre, which is what the Commission has expressed as their desire for the Cove Road Corridor. Additionally, Ms. Hake noted that she believes staff incorrectly compares what is being done in the Palm City Holdings and Seven J's amendments to what has been done in Port Mayaca and the transit commercial service amendments where the County actually established exceptions to the rule that utilities are only provided in the urban service district. She noted that in these amendments the County actually approved a free-standing urban service district for these industrial uses and that is why they are allowing these utilities within that area, not because they are designating it as another exception.

With respect to the Cove Road amendments, Bob Raynes, also with Gunster Yoakley, stated it is important to note that the land use designation that currently exists along Cove Road is inappropriate as it is rural in nature as opposed to being urban. He noted that he represents Dr. Grussmark, who has actively participated in the studies conducted for this area. He noted that Dr. Grussmark had previously filed a land use amendment for his property to correct that land use designation in 2006, at which time the County requested it be moved forward to 2007 so the County could consider adopting a study or plan for the corridor. He stated that since the County has not elected to move forward and adopt a plan, it was time for the property owner to be allowed to correct the inappropriate land use designation on his property. With respect to Pitchford's Landing, Mr. Raynes commented that landowner is trying to accommodate the neighboring property owners by requesting a lower density and not, as originally requested, seeking access to Skyline Drive. He noted that the 1982 land use designation of Mobile Home was to accommodate an existing RV Park, which has been the only use for that property. He stated he did not believe the property was ever intended or expected to become a mobile home park and is requesting the proposed designation of low density residential as the appropriate land use category.

Commissioner Smith stated that in 2002, Martin County had a mixed use amendment which, in part, was specifically designed to address proper planning and property design in the Cove Road/Salerno Road Corridor. He noted that Council chose not to engage in discussions at that time as it was a local issue and did not want to take a stand on directing the County to consider a mixed use plan for the corridor. He stated that the

County engaged in negotiations with the residents on a settlement agreement. Part of the negotiation for the mixed use agreement, which would have addressed the specific concerns of staff, was removed. He stated that in the absence of having the ability in the comprehensive plan to have a well-planned, mixed use neighborhood, the settlement agreement relegated the County back to doing exactly what is not desirable, which is single parcel by parcel development that does not interact with no interconnectivity. With respect to the Pitchford's Landing amendment, Commission Smith concurred with Mr. Raynes that the connectivity of Skyline Drive would cause disharmony in the area. Commissioner Smith reported that, with respect to the Palm City Holdings and Seven J's Industrial Area, the County is allowing these to move forward as industrial already exists here and the closest residential is one mile, so there should be no conflicts.

Commissioner Marcus asked staff if the Cove Road Corridor plan was included in the amendment materials. Staff replied that it was not in the current set of amendment materials, but had been provided previously and made a part of prior Council recommendations for these previously proposed amendments. Staff additionally noted that the Strategic Regional Policy Plan calls for an appropriate mix of land uses that include a range of housing types and affordabilities, and that is not what is reflected in the amendments.

Commissioner Marcus asked why Martin County had not adopted the area plan. Commissioner Smith stated that the residents have chosen to downsize all of the land in the area. He noted that the plan has been discussed on numerous occasions, but the reason the plan was not adopted was because in the settlement agreement all of the elements of the plan were basically null and void and would require a comprehensive plan amendment, which is not possible. Staff noted that Council wants to hear a consistent message and that message is that these amendments are inconsistent with the Strategic Regional Policy Plan. Commissioner Marcus asked if there could be referenced in the report to Martin County's attempts to adopt the plan but it cannot be adopted due to the settlement agreement.

Commissioner Valliere noted that as a member of the Martin County Board of County Commissioners she voted no on the amendments due to the density increases and road concurrency issues. She did, however, concur with Commissioner Smith that the mixed use amendment was not allowed in the corridor due to the settlement agreement.

Commissioner Smith made a motion to approve the staff recommendations with the report of the Mid-County Greater Salerno Small Area Plan attached to the staff report. Commissioner Marcus seconded the motion, which carried unanimously.

**Motion**

**LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW  
PALM BEACH COUNTY DCA REF #07-1  
(University Drive and Riverside Drive TIM and 2020 Map Amendment)**

Councilmember Brinkman asked if the University Drive and Riverside Drive TIM and 2020 Road System Map Amendment could be pulled from the staff report and voted on

separately as she and Councilmember Davenport cited conflicts that would not allow them to vote on this amendment.

Commissioner Marcus made a motion to remove the University Drive and Riverside Drive TIM and 2020 Road System Map Amendment from Agenda Item 7C to be considered separately. Commissioner Smith seconded the motion, which carried unanimously.

**Motion**

Staff indicated that the Strategic Regional Policy Plan calls for a regional roadway system with predictability spaced and interconnected streets that offer multiple route choices, disperse traffic and discourage local travel on interstates and arterials. It was noted that Council has consistently recommended that local governments plan for and build such a street network. Staff pointed out that in the Florida Department of Transportation analysis of this amendment clearly identifies the careful planning that has been done to allow for regional connectivity, and the consistent and continuous identification of University Drive as a critical connection in the regional roadway network. In conclusion, staff stated that the removal of the University Drive connecting link from the County Plan is considered inconsistent with the Strategic Regional Policy Plan. The link should be constructed, but should be carefully designed to ensure pedestrian safety, especially in the vicinity of school sites and should be able to accommodate transit, bicycle and pedestrian traffic.

Alan Ennis, Assistant Director of Palm Beach County's Traffic Division, spoke in support of the amendment. He pointed out that he is only aware of four planned connections between Broward and Palm Beach Counties, SR 7, Riverside Drive, University Drive and Coral Ridge Drive. He noted that when these connectors were originally proposed, the parcels of land west of SR 7 were to be used for development activities. Since that time, the land has been put to other uses such as an impoundment area, a Site 1 location, and a regional park. Thus the need for these connectors no longer exists. He stated that the proposed connecting roadway will have minimal benefits that will not outweigh the impacts to the western residential neighborhoods of Boca Raton.

Commissioner Coward asked how future residents of the wedge would go north across the canal. Mr. Ennis stated that there are very limited commercial services in this area of Palm Beach County that would require these residents to travel north. Commissioner Coward stated that it was not a matter of necessity but a desire to travel north. Mr. Ennis responded that the residents would have to travel east to SR 7, Lyons Road, or the Florida Turnpike in order to go north traveling approximately four to five miles.

Lois Bush, representing the Florida Department of Transportation, asked to clarify some issues for Council. She stated that the Department is in the process of doing a Project Development and Environmental Study of the western Broward East/West Connector and a Corridor Study, which was completed in January of 2005, that identified a continued need for that connection. She noted that the long-range transportation plans for the Broward and Palm Beach Metropolitan Planning Organizations, which are approved through 2030, both include the connection from University Drive up to Glades Road in

Palm Beach County. She further noted that the District considers this a critical regional connection that can be done in a way that is sensitive to the existing residents along the corridor. She stated that every citizen in the area is a regional citizen as well as a local citizen and consideration must be given to the regional travel as well as the local.

Roberta Moore, representing the City of Parkland, noted the City's support of the amendment. She stated that Parkland is a very low residential community that values a high quality of life for its residents and is concerned that the character of the community will deteriorate should the roadway connections occur.

Martin Perry, representing the West Boca Community Council, noted that this is a unique situation in that so many residents and governmental agencies are in support of the proposed amendment. He noted that Palm Beach County has adopted an ordinance abandoning the rights-of-way for the two roadways that is conditioned upon the legislature adopting an act allowing the jurisdictional boundaries to be altered and property be annexed into Broward County. This annexation is subject to the approval of the comprehensive plan amendment. He stated that he disagreed with staff and the Department of Transportation that these roadways are regional in nature. He urged Council to not accept the staff recommendation.

Kieran Kilday, of Kilday Land Planners, gave a presentation to Council with an historical timeline of the growth and transportation development of the area up to Southern Boulevard. He noted that from a regional standpoint, University Drive can only be extended to allow residents to cross the canal and then travel east back to SR 7. He noted that there are no services available in this area, only a webbing of streets serving neighborhoods and local schools. He stated that he believes this extension no longer serves the region.

Commissioner McCarty noted that Mr. Kilday stated there are no regional services, yet there is the Town Center Mall, located on Glades Road. Mr. Kilday clarified that he stated there are no regional services west of SR 7 and that the regional services north can be accessed by driving east on SR 7.

Joseph McMahon, working with Mr. Kilday, showed Council a graphic from a 2003 report provided to the Florida Department of Transportation as a basis for the traffic forecast of which Ms. Bush earlier referred. He noted that there have been two major issues that occurred since that time, those being the decision of the County to widen SR 7 and the Turnpike capacity expansion which will accommodate the projected surplus of traffic. He noted that he did not support the staff recommendation that the elimination of these roadways is inconsistent with the Strategic Regional Policy Plan as the plan calls for safe and effective movement for automobiles, pedestrians and bicyclists. He stated that by providing this connection, there will be a tradeoff of short-cutting traffic for some additional safety issues for pedestrians and bicyclists.

Commissioner McCarty asked Mr. McMahon if he is representing Mr. Kilday. Mr. McMahon stated he is working with Mr. Kilday. Commissioner McCarty inquired as to who was paying Mr. McMahon. He replied the property owners of the “wedge”.

Sheri Scarborough, President of the West Boca Community Council, stated that the area is comprised of bedroom communities that do not want the addition of 70,000 cars per day being dumped into their neighborhoods. She noted that Coral Springs is redeveloping their downtown area and will be constructing a Casino and does not want their traffic burden to become that of western Boca Raton.

Sherry Plotkin, a resident and member of the Board of Governors in Mission Bay, urged Council to support the amendment for the removal of University Drive as the area is primarily homes and schools with no commercial.

Peter Feldtmann, a student at West Boca Raton High School, expressed his wish to have the amendment passed as he feels it is already too difficult for students to travel to school.

Eric Krantz, a sophomore at West Boca Raton High School, added that not only is crossing difficult, but he is concerned there may be an increase in accidents with the additional traffic that would be added if the amendment is not passed.

Claudia Mossini, a board member and resident of Boca Isles, stated her support of the amendment and expressed her concern for the safety of the children.

Cynthia Freedman, Vice President of Logger’s Run, Inc., noted that all the communities in West Boca have united behind the issue of abandonment of University Drive. She stated that the communities are working class families with school children. She noted that with the increase in the traffic there will be increased costs to the County and tax payers to widen Glades Road and Palmetto Park Road in order to handle the increased traffic of approximately 70,000 cars a day. She urged Council to respect the wishes of the West Boca communities.

Ellen Hoffman, a resident of the Boca Falls Community, stated that the residents of the communities in the area have chosen to live off the beaten path. She added that there is no reason to travel through this portion of Glades or Palmetto Park Roads unless you are visiting somebody.

Jeff Vogel, a resident of Mission Bay, stated that he believes the extension of University Drive will only loop the traffic through the western communities and dump it back to the same location that can be accessed by traveling three miles east to SR 7. He stated that this will cause unnecessary damage to the community.

Rosa Durando noted that the wedge area is mostly used for water, mining and a small bit of agriculture. She stated that with the addition of the casino to the south, the traffic through this area will only increase. With respect to services, she noted that there will be

an additional 3,000 units and 350,000 square feet of commercial space, so there will not be a need to facilitate travel to the mall. She noted that nothing can be gained by facilitating regional community this far west. She expressed concern that Palm Beach County should not affiliate itself with Broward County because she believes they have effectively destroyed the water quality of the water conservation area.

Paul Pontrelli, President of Boca Winds Home Owner's Association, stated that the roads are not needed as the residents of Parkland, Coral Springs and West Boca do not need to leave their local areas for commercial services.

Commissioner Coward asked if there was any interaction, other than shopping, that may occur between the two counties and if it was reasonable to have no connectivity.

Jay Weitz stated that he is in favor of the amendment. He presented to Council a petition of community leaders from the West Boca and Delray areas that are in favor of the amendment. He stated that the additional traffic generated by these roadways will not be local traffic but through traffic that will endanger the safety of the students of the four schools in the area. He added that the widening of SR 7 and the turnpike should be able to handle additional traffic.

Sam Oser, from Century Village in West Palm Beach, offered his support of the amendments. He stated that his main concern is the safety of the neighborhood children and residents.

Marvin Manning, a past president of Century Village in Boca Raton, offered a petition that represents 8500 unit owners who are in support of the amendment. He cited the impact on the safety of the children as well as the negative impact on the quality of life in the West Boca area as reasons to support the amendment that he pointed out was unanimously approved by the Florida House of Representatives and the Florida Senate.

Barbara Rubin, a resident of County Landings One in Logger's Run, stated that she is against the extension of University and Riverside Drives. She noted that this is a very safe neighborhood and she is concerned for the safety of all the children in the surrounding communities.

Julie Krantz, a resident of Logger's Run, stated that the residents in West Boca chose to live in the unincorporated areas and do not want the character of the area destroyed by the addition of 70,000 cars traveling daily through the neighborhoods. She also expressed her support of having the wedge property designated as agriculture or a wildlife refuge area that would become a natural desalination area for the water supply. She stated the area is already overcrowded and the concern should be for the animals and human beings that currently reside there.

Alexandria Larson noted that in all the documentation, she could not find any guarantees from Broward County that they will not build the road once the property is annexed. She stated that although the residents in the community are concerned about the safety of their

children, there are no guarantees that Broward will not extend the roadway after annexation. She also noted that the extension of the roads will serve as a hurricane evacuation route.

Senator Ted Deutch, Florida Senator representing District 30, thanked Council for the opportunity to speak. He urged Council to not adopt the staff's recommendation, stating his disagreement with staff comments that the perceived benefits of removing the University Drive Connection would accrue to a small contingent of local interests at the expense of regional mobility and a larger citizen rate. He stated that this is not a small contingent of local interests but a significant regional issue. He urged Council to reject the staff recommendation and move forward with the amendment because, this is not only a traffic issue. He quoted from the Strategic Regional Policy Plan that "perhaps the most important planning and economic incentive available to land owners, is the maintenance of property values and quality of life. As the region grows, many choices must be made, some patterns of development have occurred that should be avoided". Senator Deutch stated that the removal of the roads is consistent with Council's duty to recognize the importance of the quality of life as the most important part of the Strategic Plan. Senator Deutch noted that the importance of the removal of these roads has been recognized by the Florida Legislature, the Palm Beach County Commission, the City of Parkland, and the Voter's Coalition of Palm Beach County. He noted letters of support for the amendment from Senator Aronberg, Commissioner Aaronson, Congressman Wexler, Ms. Scarborough, the Mayor of Parkland, and Bill Graham, Chairman of the Palm Beach County School District. He stated that the educational impacts of permitting the construction of these roads will be devastating to the community and urged Council to not adopt staff recommendation, but allow the amendment to move forward.

Mayor Golonka asked for clarification of the existing land use in the wedge. Khurshid Mohyuddin, with Palm Beach County Planning, stated that the existing land use designation in the wedge is Rural Residential 10, which allows 1 unit to 10 acres.

Commissioner Nelson asked for the recommendations from the elected officials of the involved cities and counties. Commissioner Marcus stated that Palm Beach County voted to transmit the amendment.

Commissioner Marcus noted for the record Commissioner Aaronson's letter of support for the amendment. She noted that it was not an easy decision for the Commission as it is usually not a good practice to remove roadways, but this decision was made due to the small amount of property involved as well as the fact that the property is now preserved as opposed to having the development potential that had previously existed.

Lois Bush noted for the record that the Department of Transportation did do an independent traffic analysis for this amendment and the conclusions differ from those of the County. She stated that as a liaison for the multiple metropolitan planning organizations she knows the problems of trying to look at one corridor without considering regional connectivity and system-wide issues. She noted that in Broward County, two thirds of the revenues for cost feasible projects go to transit. With respect to

mobility across that part of the region, she noted that Broward has a policy not to widen arterial roadways beyond six lanes. She noted that Palm Beach County is more road corridor oriented and has asked the Broward MPO to consider widening SR 7 to eight lanes down to the Sawgrass Expressway, to which Broward has not acted. Ms. Bush stated she believes everyone involved in transportation and land use considers safety important, but also understands that through proper design mobility and safety can be adequately addressed.

Councilmember Baine stated that he did not believe the County should allow any of its land to be annexed. Additionally, he stated that he supported the staff recommendation because this is a regional issue, not just that of a community. He stated that with recent legislation there is no guarantee that a private company will not build a road and charge access fees for the use of that road.

Commissioner McCarty moved for approval of the staff recommendation. Mayor Jacobson seconded the motion.

**Motion**

Councilmember Foley stated that if there was still potential for development in the area he would support staff recommendation. He noted that the development pattern is different in West Boca and he felt the wishes of those most affected by the negative impacts should be considered.

Commissioner Marcus noted that the Palm Beach Metropolitan Planning Organization is looking at transit on the SR 7 Corridor in recognition that building our way out of congestion is not going to happen. She stated that she agrees with the staff recommendation with respect to how the County deals with traffic. She also noted that there is an assumption that Broward County is going to change the land use designation in the wedge property from the current designation of 1 unit per 10 acres to two units per acre which has not yet been done. If that is not done, then there will be less traffic than is projected on the roadways.

Councilmember Trias offered his support of the residents' desire to eliminate the roadways. He stated that with the pattern of development, from a planning point of view, there is little to be gained by adding more roads.

Commissioner Wheeler said he did not support the staff recommendation as he believes the roads only have a use for the residential neighborhoods and access north can be obtained through alternate roadways.

Ms. Bush concurred with Commissioner Marcus that there are positive things going on in terms of transit in Palm Beach County such as the fast bus and the corridor that will go all the way up to FAU, which will change the face of South Florida from a transit standpoint.

Commissioner O'Bryan agreed with the statements that the increase of traffic in the West Boca area would not be beneficial. He suggested that in order to have some connectivity with the future residents of the wedge, Palm Beach County consider a low impact type of

connection such as a greenway designated for pedestrian and bicycle use. Mayor Golonka agreed with the suggestion of a greenway and stated she would support that as part of the motion.

Commissioner Marcus made a substitute motion to support the County's transmittal of the deletion of the roads with an addition of a recommendation that addresses a pedestrian greenway. Mayor Jacobson seconded the motion, which carried by a vote of 13 to 9.

**Substitute  
Motion**

**LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW  
PALM BEACH COUNTY DCA REF #07-1  
(Remainder of proposed amendments)**

Staff made a presentation with respect to the remaining amendments in Agenda Item 7C. Staff noted that the amendment to add a CRALLS designation to the intersection of SR 7 and Southern Boulevard is exclusively for a development on the west side of SR 7, just south of the Wellington Mall. Staff noted the traffic congestion in the corridor has been a concern for a number of years, and been the subject of corridor studies in 2000 and 2005. Staff questioned the use of the CRALLS designation by Palm Beach County to allow development to proceed despite concurrency issues. It was noted that in the absence of important policy issues or regional corridor constraints, staff recommends that corridor master plans be prepared and implemented prior to designation of any new CRALLS. Staff noted that the landowner/developer in this case has taken a primary role in seeing that the corridor study moves forward and has agreed to a good set of mitigation measures as a condition of the amendment. However, staff feels the amendment is premature until the completion, adoption and implementation of the corridor study that might recommend additional or different mitigation measures. Staff recommended that Council find the SR 7/Southern Boulevard Intersection CRALLS be found inconsistent with the Strategic Regional Policy Plan.

Donaldson Hearing, on behalf of the property owner, stated that while staff has given an objection and are recommending not moving forward to this, she believes there is a very good story to tell. She noted that the reason for the CRALLS request is there is a physical corridor constraint that cannot be overcome. The particular project in question has a very small impact on the constrained underpass that has been constructed by the Florida Department of Transportation and in fact is only over by eleven trips on the analysis. She stated that the applicant has come forth with the type of development that has parallel facilities, interconnectivity, and is an urban form of development that exemplifies the general neighborhood types Council typically promotes. She stated that staff has pointed out this is a good project, and that it is supported by Palm Beach County with a good set of mitigation measures that have been supported and promoted by the Florida Department of Transportation and the County. She noted that the applicant has the support of Palm Beach County, the Village of Wellington and a group of municipalities in the western community to work together on a regional transportation initiative. She noted that the private sector initiative has enabled this corridor master plan to move further than any other so far and the corridor master plan will be submitted to the

County before adoption of this amendment in August. She further noted that while additional mitigation measures may be identified, she believes the major mitigation measures that will likely be a part of any corridor master plan has been agreed upon. She urged Council to support this private sector initiative and not support the staff recommendation.

Marty Hodgkins, Director of Community Development for the Village of Wellington, expressed his support for the CRALLS as it will only allow for an additional eleven trips, which is only a minor addition to the traffic roadway.

In the interest of clarification for Council, Commissioner Coward requested that the intention of the CRALLS designation be given.

Khurshid Mohyuddin, of Palm Beach County Planning, stated that CRALLS, authorized by Chapter 163.3180(10) allows a local government to adopt an added level of service on roads which are not on FIHS or SIS facilities. This is a statutory authority that looks at the physical constraints, policy constraints, fiscal constraints, and capacity constraints. Mr. Mohyuddin noted that this is a tool frequently utilized by Palm Beach County. He noted that with all CRALLS there is a detailed mitigation plan that corresponds to the specific location of the CRALLS and addresses the opportunity of transit, interconnectivity, and pedestrian and bicycle design, which goes beyond the statutory requirements.

Commissioner Coward stated he believed that the CRALLS designation was really an acknowledgment that concurrency was constraining development in urban areas; that often times concurrency pushes development west and therefore the state legislature created the opportunity for cities to design CRALLS areas to condition concurrency to allow for redevelopment without promoting sprawl. Staff noted that Council has commented on a number of these proposed CRALLS, finding them inconsistent. Staff noted that initially the CRALLS was to be used in redevelopment areas east of I-95, but Palm Beach County has now established many CRALLS.

Vice Chair Hershey asked for action from Council.

Commissioner McCarty made a motion to support the CRALLS amendment. She stated that Palm Beach County has strict level of service standards and that in this case there is no other option. Councilmember Foley seconded the motion.

Commissioner Coward asked for a clarification of the motion with respect to the staff recommendation. Mr. Saberson noted that the motion must include all the amendments in the agenda item with the exception of the University Drive amendment that was previously decided.

Commissioner McCarty clarified that the motion is to accept the staff recommendation with the exception of the SR 7/Southern Boulevard CRALLS amendment. Councilmember Foley seconded the motion.

**Motion**

Commissioner McCarty noted that she understands the staff recommendation from a philosophical point-of-view, but from a practical standpoint there is no choice because that overpass is limited in capacity. Staff asked if it was Commissioner McCarty's motion to accept the staff recommendation with the exception of the SR 7/Southern Boulevard CRALLS, which is to be considered consistent with the Strategic Regional Policy Plan. Commissioner McCarty stated that was her intention with the motion. The motion carried by a vote of 11 to 7.

### **LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW WEST PALM BEACH COUNTY DCA REF #07-1**

Staff made a presentation to Council with respect to the proposed amendments to the Downtown Master Plan. The Downtown Master Plan includes the identification of unique neighborhoods, districts and corridors, a transportation strategy, a corresponding Transportation Concurrency Exception Area, a retail strategy focused on Clematis Street; and urban regulations using building types. Staff illustrated a redeveloped area of downtown demonstrating the success of the plan. Staff noted that the proposed amendments will update the Introduction; maintain the Vision statements; amend the boundaries of the downtown districts; replace Transportation Strategy with Goals, Objectives & Policies; replace Retail Strategy with Goals, Objectives & Policies; and remove the Urban Regulations using Building Types. Staff concerns with the proposed amendments included a lack of policies and strategies to ensure affordable/workforce housing; the transportation impacts to the regional roadway network; a lack of policies providing predictable density and intensity; and the lack of a retail strategy for Clematis Street. Staff asked Council to approve the staff recommendation which finds the proposed amendments inconsistent with the Strategic Regional Policy Plan.

Councilmember Trias asked if the ideas currently being proposed are the same ideas that were initially taken out of the original master plan. Staff answered in the affirmative. Councilmember Trias asked why the City would want to modify a very successful plan by proposing previously eliminated poor planning concepts. Staff replied that this was the concern raised during the review processes and noted that the staff report points out what might be some unintended effects from the adoption of these amendments.

Councilmember Brinkman asked if the Transportation Concurrency Exception Area defines fixed amount of densities and intensities that are then pooled and pulled out as projects are approved. Matthew Flis, with the City of West Palm Beach Planning Department, answered that the TCEA actually has a maximum commercial square footage that is allotted to the entire downtown district. He noted this is the only maximum that is established and residential is not included. He stated that all residential density east of I-95 is exempt under the TCEA. The way the City's TCEA works is that there needs to be balance of commercial uses with the residential development. The City actually exceeds the ratio needed by 2011.

Councilmember Brinkman asked if more office is added will the inequity of the ratio be balanced. Mr. Flis stated that the City does need to watch the balance and that the City would like to see more residential development, but also recognizes that since the ratio is being exceeded, there is a capacity to build the non-residential and achieve a truly mixed use urban environment. Council staff noted that the report recognizes that the balance has improved mathematically over time, but stated that concern is whether it is truly functioning when the only housing unit options are \$350,000 to \$400,000 and the medium income affords about \$220,000.

Commissioner Grande asked staff if the recommendation for the removal of office use incentives is being made because the goal has been achieved, or if incentives are no longer required to attract office uses. Staff noted that the Commissioner was correct that there is a demand for office which can be achieved without requiring incentives, and that staff believes the incentives should be reserved for what the private market will not provide, which is a diversity of housing.

Mr. Flis thanked staff for the overview and discussion. He noted that the update of the Downtown Master Plan is in response to the commissioners and the mayor to address the challenges of the past ten to fifteen years. He noted several changes to the original plan that includes residential incentive programs and a transfer of devolvement rights which has actually increased the envelope for some of these buildings as well as had significant impact on streetscape and the public realm. He additionally noted that there were socio-economic challenges that were not addressed in the current master plan that the affordable and attainable housing, and the mixture of uses the City believes is appropriate for a true urban center like downtown West Palm Beach. He stated that this is not a new master plan that replaces the original version, but an evolution based on the conditions noted within the City. He noted that the City does not concur with the staff recommendation in the report including the recommendations that address affordable housing, the historic main streets, transportation, infill and revitalization, and development rights.

Commissioner McCarty asked if staff or the City was correct that the issues are not being addressed. Mr. Flis stated that he believes all of the staff concerns are addressed. Staff noted that with respect to the affordable housing, the City has a good objective to provide housing for citizens of all incomes, but unlike the office where there are policies offering additional height, or additional incentives, they are not defined, which also is affected by the unclear density and intensity strategy.

Councilmember Trias made a motion to approve the staff recommendation. Commissioner Smith seconded the motion, which carried unanimously.

**Motion**

### **DEVELOPMENTS OF REGIONAL IMPACT CALLERY JUDGE GROVE DEVELOPMENT ORDER**

Councilmember Brinkman recused herself from voting on this item.

Staff made a presentation regarding the Development Order for the Callery-Judge Grove Development of Regional Impact which was reviewed by Council at its March 2006 meeting. Council's assessment report included a comprehensive evaluation of regional issues and 67 conditions of approval. Staff stressed that Council's contractual and statutory responsibility is to review development orders that have been issued by local governments and determine whether or not the local government addressed all the regional issues raised in Council's assessment report. It was also noted that Council does not approve developments of regional impact, but makes recommendations to local governments through a set of conditions for approval.

Staff stated that in May 2007, Palm Beach County issued a development order to deny the Callery-Judge Grove Development of Regional Impact. It was also noted that whenever a local government issues a denial of a development order, they are obligated to indicate changes in the development plan that would make it eligible for approval. Staff noted that although the County provided language in the denial of the development order for several different development programs that would be approvable for the site, it was vague and did not provide a clear direction to the developer. Staff noted that the different development programs offered by the County make it difficult to measure impacts and the outcome of that project. Additionally, staff noted that the development order language stated the County would consider the application if the developer met the open space requirements and reduced the density. Staff suggested that, in order to meet legal requirements, the County should be more precise on exactly what would be approved for the site, not just what it would "consider" approving. In conclusion, staff recommended that Council adopt the staff report that recommends the Department of Community Affairs not challenge or appeal the Development Order for the Callery Judge Grove Development of Regional Impact, but recommended that the County be more clear and concise on what would it would approve on the Callery-Judge Grove Development of Regional Impact.

Commissioner O'Bryan made a motion to accept the staff recommendation. Councilmember Hurley seconded the motion.

**Motion**

Commissioner McCarty stated that she would support the motion, but questioned how the public hearing process entered into this. Staff noted that this should happen at the public hearing when making the recommendation of denial. Commissioner McCarty stated that she believes the local government can provide guidelines, but was not sure how to be precise. Staff indicated that the local government could go back to the current land use designation, which in this case is one to ten.

Barbara Alterman, Palm Beach County staff, indicated that the development order would be forwarded to the County Attorney for review. She noted that, as with any development of regional impact, there will be proposed amendments to the comprehensive plan which will be reviewed by Council and the Department of Community Affairs for consistency. She stated that this is the reason the County felt the denial of the development order was sufficient.

Alexandria Larson indicated she assumed the development would go back to one in ten, which did not happen. She stated she believed that all properties should be this until the sector plan has been found in compliance. She also noted several agencies that have asked for an Environmental Impact Statement for the entire area.

Vice Chair Hershey asked for further discussion. Being none a vote was taken and the motion carried unanimously.

**INTERAGENCY AGREEMENTS**

Commissioner O’Bryan made a motion to approve staff recommendations for Agenda Items 9A, Joint Participation Agreement with FDOT – Becker Road Land Development Regulation; 9B, Interlocal Agreement with St. Lucie Transportation Planning Organization – Becker Road Land Development Regulations; and 9C, Joint Participation Agreement with FDOT for Land Use/Transportation Planning Assistance. Councilmember Hurley seconded the motion, which carried unanimously.

**Motion**

**COUNCILMEMBER EXCHANGE**

None.

**PUBLIC COMMENT**

None

**STAFF COMMENT**

None

**CHAIRMAN COMMENT**

None

**ADJOURNMENT**

There being no further business, Vice Chair Hershey adjourned the meeting at 3:00 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 June 22, 2007, meeting of the Treasure Coast Regional Planning Council.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>Brinkman Joni Sue</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>TCRPC</i>
MAILING ADDRESS <i>201 Rex Ct PBC</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Palm Springs FL</i>	NAME OF POLITICAL SUBDIVISION: <i>Palm Beach County</i>
DATE ON WHICH VOTE OCCURRED	COUNTY <i>33461</i> MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

#### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

#### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Joni Brinkman, hereby disclose that on 6-22-07, 20  

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of Kilday & Assoc. Inc., by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

7.C. University Drive & Riverside Drive TIM (Text Amendment #1)  
8.A. Callery Judge Grove

I am employed by Kilday & Assoc, who is retained by applicants on both of the above items.

6-22-07  
Date Filed

Joni Brinkman  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**FORM 8B MEMORANDUM OF VOTING CONFLICT FOR  
COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

LAST NAME—FIRST NAME—MIDDLE NAME <b>Davenport, Laurence Franklin</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>TCRPC</b>
MAILING ADDRESS <b>240 S. Military Trail</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <b>WPB, FL</b>	COUNTY <b>33415</b>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <b>6/22/07</b>		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

**WHO MUST FILE FORM 8B**

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Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

**INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

**ELECTED OFFICERS:**

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**APPOINTED OFFICERS:**

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, LAURENCE DAVENPORT, hereby disclose that on JUNE 22, 2007

(a) A measure came or will come before my agency which (check one)

inured to my special private gain; or

inured to the special gain of SUPERVISOR OF ELECTIONS, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

WEISS HANDLER IS A LOBBYIST FOR THE INTEREST THAT WISHES TO REMOVE THE LINKAGES. WEISS HANDLER IS CURRENTLY RETAINED BY THE SOE IN A COURT CASE AND AT <sup>THE</sup> PRESENT I AM IN CHARGE OF THE ACCOUNTS PAYABLE

6-22-07

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

## FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <b>FOLEY KEVIN</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>TREASURE COAST RPC</b>
MAILING ADDRESS <b>12056 SE BIRKDALE RUN</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY <input checked="" type="checkbox"/> STATE
CITY <b>TEQUESTA</b>	COUNTY <b>MARTIN</b>
DATE ON WHICH VOTE OCCURRED <b>JUNE 22, 2007</b>	NAME OF POLITICAL SUBDIVISION: <b>FLORIDA</b>
MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

### WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

### INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

#### ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

#### APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

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- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, KEVIN J FOLEY, hereby disclose that on JUNE 22, ~~19~~ <sup>2007</sup>:

(a) A measure came or will come before my agency which (check one)

inured to my special private gain; or

inured to the special gain of \_\_\_\_\_, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

I AM AN OUTSIDE DIRECTOR <sup>& ADVISOR</sup> OF CATALPUMB COS, ONE OF THE DEVELOPMENT PARTNERS

ITEM 7A : BRINY BREEZES DCA REF # 07-1

JUNE 22, 2007  
Date Filed

Kevin J Foley  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.

**FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

LAST NAME, FIRST NAME, MIDDLE NAME <b>PRIORE, CARMINE A.</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Treasure Coast Regional Planning Council</b>	
MAILING ADDRESS <b>14000 Greenbrier Blvd</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE IN WHICH I SERVE IS A UNIT OF:	
CITY <b>Wellington FL</b>	COUNTY <b>Palm Beach</b>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY <b>Planning Council</b>	
DATE ON WHICH VOTE OCCURRED <b>6/22/07</b>		NAME OF POLITICAL SUBDIVISION: <b>By the Palm Beach County League of Cities</b>	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

**WHO MUST FILE FORM 8B**

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**INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

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**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**APPOINTED OFFICERS:**

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

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- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

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- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CARMINE A PRIORE, hereby disclose that on June 22, 2007:

(a) A measure came or ~~will come~~ before my agency which (check one)

inured to my special private gain; or

inured to the special gain of CARMINE A PRIORE III employee of FPL, by whom ~~I am related~~

(b) The measure before my agency and the nature of my interest in the measure is as follows: I am related.

Florida Power + Light Company Ten Year  
Power Plant Site Plan 2007-2016

Agenda Item 4 I

Date Filed

June 22, 07

Signature

[Handwritten Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.