

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
JUNE 20, 2008**

Chairman Hershey called the meeting to order at 9:30 a.m. and welcomed everyone to the meeting. She asked for a moment of silence in remembrance of Bobby Klein and his family. She led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:	Commissioner O'Bryan Vice Mayor Neglia (Alternate) Councilmember Abell
St. Lucie County:	Commissioner Coward Commissioner Grande Mayor Christensen
Martin County:	Commissioner Smith Vice Mayor Christie (Alternate)
Palm Beach County:	Commissioner Marcus Commissioner Koons Mayor Pro Tem Brinkman Mayor Ferreri Mayor Golonka Vice Mayor Dr. Priore Commissioner Brown (Alternate) Mayor Jacobson Councilor Gottlieb (Alternate)
Gubernatorial Appointees:	Herman Baine Susan Caron Laurence Davenport Kevin Foley Susan Hershey Ramon Trias
Ex-Officios:	Marguerita Engle, SJRWMD Gardenia Long, SFWMD (for Karen Smith)
Council Staff:	Kate Boer Marlene Brunot Michael Busha Liz Gulick Stephanie Heidt Terry Hess Peter Merritt Greg Vaday

Joan Young

Council Attorney: Roger Saberson

The Director announced a quorum was present.

### **AGENDA**

Commissioner Marcus moved approval of the Agenda. Commissioner Koons seconded the motion, which carried unanimously.

**Motion**

### **CONSENT AGENDA**

Mayor Pro Tem Brinkman reported that due to employment conflicts she would not be participating in the votes on Consent Item 5I, West Palm Beach Comprehensive Plan Amendments DCA Ref# 08-1, or Agenda Item 8C, Palm Beach County Comprehensive Plan Amendments DCA Ref# 08 items six and ten.

Commissioner Smith moved approval of the Consent Agenda with the removal of Item 5I. Commissioner Marcus seconded the motion, which carried unanimously.

**Motion**

Items remaining on the Consent Agenda were: 4A, Financial Report – April 30, 2008; 4B, Minutes – May 16, 2008; 4C, Boynton Beach Comprehensive Plan Amendments DCA Ref# 08-1ER; 4D, Indian River County Comprehensive Plan Amendments DCA Ref# 08-1; 4E, Jupiter Comprehensive Plan Amendments DCA Ref# 08RWSP-1; 4F, North Palm Beach Comprehensive Plan Amendments DCA Ref# 08-1; 4G Port St. Lucie Comprehensive Plan Amendments DCA Ref# 08-PEFE1; 4H, Stuart Comprehensive Plan Amendments DCA Ref# 08PEFE1; and 4J, Intergovernmental Coordination and Review Log.

Commissioner Smith moved approval of Consent Agenda Item 5I with Mayor Pro Tem Brinkman abstaining. Commissioner Coward seconded the motion, which carried unanimously.

**Motion**

### **PUBLIC COMMENT**

Alexandria Larson summarized a phone conversation she had with the Environmental Protection Agency. She stated they want to do a blanket policy on water for the entire nation. She asked that consideration be taken for Florida as sixty percent of Florida's fresh water use is for irrigation. She asked that Council visit the Environmental Protection Agency website and make comments/recommendations on their Water Sense program before the July 21<sup>st</sup> commenting period deadline.

### **ANNOUNCEMENTS**

Staff noted that this would be Ex Officio Marguerita Engle's last meeting and thanked her for her service in representing St. Johns River Water Management District in the northern part of our region. Ms. Engle thanked staff and noted that her replacement has not yet been chosen.

Chairman Hershey polled Council to ensure there would be a quorum for the July meeting.

Staff reported that the U.S. Environmental Protection Agency has awarded a supplemental grant of \$350,000 to Council to capitalize the revolving loan fund which assists in the clean up of hazardous materials from contaminated Brownfields site.

**BUDGET/PERSONNEL COMMITTEE  
PROPOSED BUDGET FOR FISCAL YEAR 2008-2009**

Commissioner O’Bryan reported that the Budget/Personnel Committee met on June 9, 2008. Changes in the budget were necessitated by decreased state funding to all the regional planning councils resulting in a \$120,000 decrease in funding of the Treasure Coast Regional Planning Council by the Department of Community Affairs; the lack of federal homeland security contracts; a reduction of almost \$1 million of outside contract work; and a loss of \$10,000 in revenue as a result of County dues not being raised. He reported that although the refinancing of the building loan increased the principal; due to a more favorable interest rate, there is a decrease in the monthly loan payment of \$600.00. He stated that due to the decreases in revenue, three full time filled positions were eliminated. He noted that the budget does contain a four percent merit increase to the remaining employees to be applied at the discretion of the Executive Director. He stated the Committee voted unanimously to recommend Council approve the budget and moved approval of the Committee recommendation. Commissioner Marcus seconded the motion.

**Motion**

Mayor Golonka asked when the employees would be separated and if severance pay would be provided. Staff indicated the terminations were immediately after the June 9<sup>th</sup> Budget/Personnel Committee meeting and severance was provided.

Chairman Hershey called for a vote on the motion, which carried unananimously.

**LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEWS  
MARTIN COUNTY DCA REF# 08-1**

Staff made a presentation on the proposed comprehensive plan amendments which include two amendments to the Future Land Use Map (FLUM) and text amendments to Future Land Use, Transportation, Capital Improvements Elements. One of the proposed FLUM amendments is in the Cove Road corridor. It was noted by staff that Council previously found proposals for amendments in this corridor to be inconsistent with the Strategic Regional Policy Plan due to failure of the County to complete, adopt, and implement a coordinated plan for the area. The current proposed land use amendment is for a 35 acre property at the intersection of Willoughby and Cove Roads which would be assigned a land use designation of Commercial/Office/Residential. The amendment would improve land use mix in the area and permit residential densities where a mix of housing types and affordabilities would be possible. However, to be consistent with previous Council action, staff recommended that Council find this proposed amendment inconsistent with the Strategic Regional Policy Plan until a coordinated and comprehensive plan for the area is completed, adopted, and implemented. Additionally, the County is proposing new policies requiring connectivity among properties fronting collection and arterial roads. Staff commended the County for addressing this issue in the Comprehensive Plan, but recommended the policy regarding connectivity be strengthened by not limiting required connections to new non-residential development. Staff stated connections should be mandatory for all new non-residential and residential development.

Staff concluded by recommending that Council find the proposed amendments to be consistent with the Strategic Regional Policy Plan with the exception of the Willoughby Research Park FLUM amendment. Additionally, staff recommended that the County modify proposed Transportation Policy 5.5.B.1.h to require connectivity between residential and non-residential development.

Commissioner Smith noted that staff was accurate that there has been dramatic growth in the Cove Road Corridor. He stated the proposed amendment is an attempt to do planning that will take advantage of the opportunities surrounding the existing college campus. He stated that although the County had not adopted the Plan, the County Commission moved to attach the Mid County Greater Salerno Small Area Plan to the amendments so the Plan would continually go through the process to the Department of Community Affairs to consider in their review. He stated he believes this is an attempt to be more consistent with what is currently being done in the corridor. Commissioner Smith made a motion to revise the staff recommendation by finding all the amendments to be consistent with the Strategic Regional Policy Plan. Councilmember Foley seconded the motion.

**Motion**

Mayor Ferreri offered that it might be better to make a motion to strike through the objections and then approve the modification.

Commissioner Smith amended his motion to accept staff recommendation without the objections. Councilmember Foley noted that this would be to strike through the final three sentences of the recommendation. Commissioner Smith indicated that would be his motion.

**Amended  
Motion**

Commissioner Marcus asked if the motion would include the backup in the staff report. Commissioner Smith stated he is suggesting removal of any reference of objection.

Staff noted that any comments prior to the final recommendation were only to summarize the proposed amendments. Staff asked if Commissioner Smith was motioning to have the comment with respect to connectivity removed as well. Commissioner Smith indicated he had no objection to the comments on connectivity. He stated he believes the proposed site plan includes connecting to Willoughby and Cove Roads and includes the recognition that there will need to be trails and connectivity to the rest of the neighborhoods. Staff stated that the proposed new policy only requires residential to be connected to each other and does not require those similar connections with non-residential development.

Chairman Hershey clarified that the motion is to accept staff recommendation without the objections. Commissioner Smith confirmed this motion. Councilmember Foley agreed with the motion.

Commissioner Marcus recommended the motion include language that Martin County recognizes the need to have the master plan and connectivity. Commissioner Smith indicated agreement with this recommendation. Staff noted that the connectivity comment does not refer specifically to the future land use map amendment, but to a proposed new County policy which would be applied throughout the County to require connectivity between new non-residential development. Staff comment is to recommend the policy not be limited to new non-residential development, but require connectivity between residential and non-residential development. Commissioner Smith agreed with this comment and indicated it should be included in the motion.

Mayor Golonka noted that this is just a conceptual master plan and does not offer any guarantees that through the amendment process the connections will occur. Commissioner Smith stated Mayor Golonka was correct. He noted that in the transmittal to adopt the amendments include the Mid County Greater Salerno Small Area Plan illustration to the public record so the Department of Community Affairs knows and understands that work has been done on three separate occasions and reflects that the County tried to pass an amendment that was then renegotiated that did not include the connectivity issues. He stated that this amendment reflects elements of that plan as opposed to everything becoming residential sprawl.

Mayor Golonka stated that her concern was that at a future date the connections will not be made. Commissioner Smith noted that is possible with every site plan going through the approval process.

Mayor Ferreri recommended eliminating the first sentence of comment/recommendation one and then change the second sentence to say the County should implement a Conceptual Master Plan for the Mid-County Greater Salerno area, or an alternative coordinated and complex plan for this area. Commissioner Smith indicated this would be acceptable.

Commissioner Coward asked why the plan had not been adopted. Commissioner Smith indicated there had been a political change and the new commissioner of that district did not agree with the work that had been done. He noted that was why the motion was adopted to include the plan as public record so that it would not be considered a fictitious piece of paper that did not exist and the board felt very strongly about including it to show the work had been done and people had been involved in the process.

Chairman Hershey called for a vote on the motion as amended by Mayor Ferreri and accepted by Commissioner Smith, which carried with four dissenting.

## **LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEWS OCEAN BREEZE PARK DCA REF# 08-1**

Staff made a presentation to Council on the proposed comprehensive plan amendments which include text amendments to several element of the Town's Comprehensive Plan as well as one Future Land Use Map Amendment. The Town is proposing the establishment of two new land use designations, Low Density Residential and Medium Density Residential. Concerns raised with respect to consistency with the Strategic Regional Policy Plan included the impacts to the regionally endangered native upland habitat and the large population of the gopher tortoise inhabiting the area. Recommendations from staff included taking measures to protect the native scrub areas; providing a management plan to optimize the habitat value for the gopher tortoise; coordinating with Martin County to design continuous preservation areas on the adjoining properties; not allowing residential densities to increase to fifteen units per acre; better defining intensity bonuses for commercially designated lands; extending the amount of time affordable units should remain affordable; adding a policy to require connectivity between residential development west of the railroad and commercial shopping plaza; and working closely with Martin County to determine the best street system/connections to residential area.

Commissioner Smith noted there are two approved final site plans for residential development in the adjacent property to the south of the Town. He stated the Town is making these changes to

ensure the residents' future and secure their present lifestyle. He asked that Council support the amendments.

Vice Mayor Dr. Priore noted that a letter contained in the amendment materials references a potential increase of 521 units and a 111 bed nursing care facility. He asked why there was no reference in the staff report to the nursing care facility. Staff indicated that the addition of the facility is not being proposed as part of the current comprehensive plan amendments.

Commissioner Grande moved approval of staff recommendation. Vice Mayor Dr. Priore seconded the motion, which carried unanimously.

**Motion**

**LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEWS  
PALM BEACH COUNTY DCA REF# 08-1**

Staff made a presentation on the amendments which include six amendments to Future Land Use Map and text amendments to most of the elements of the Comprehensive Plan. Council staff had no comments/recommendations for modification to the Future Land Use Map amendments. Staff presented an overview of the text amendments. This included the current Callery Judge proposed amendment that would increase density and intensity uses under the Agricultural Lands and Practices Act. Staff recognized that the Sector Plan and development of regional impact would have been preferable from a regional planning perspective as they could have addressed a number of problems resulting from the development pattern of the area. However, the County is unwilling to accept impacts. Staff noted that given the new state law and what the County is willing to permit, the proposed amendments represent the best scenario that could be expected, but the County should, nevertheless, ensure that an adequate interconnected street system is planned and constructed for the area. Staff noted letters recommending denial of the amendments from West Palm Beach, Palm Beach Gardens and Royal Palm Beach. Also, letters from School District of Palm Beach County expressing concerns about impacts of new students on school facilities were noted.

With respect to the E Road/140<sup>th</sup> Avenue North and 40<sup>th</sup> Street North TIM and 2020 Map Amendments, staff noted that the County proposes to delete the entire corridor. Staff stated that the completion of an adequate, fully connected roadway in the southern part of this corridor would be challenging, however no alternatives or mitigation are proposed. The area has developed significantly in recent years and a number of new schools have been built in the corridor with more development proposed. Staff stated that long-range plans for a roadway network should not be amended by deleting road connections unless mitigation is proposed. Staff recommended the County seek other alternatives to deletion of the corridor such as reduced right-of-way or rural design standards. Additionally, staff recommended the County should not delete 140<sup>th</sup> Avenue North and 40<sup>th</sup> Street North from the TIM and 2020 Maps as these roadway segments are important components of the regional roadway network.

In review of the State Road 7/Southern Boulevard Intersection CRALLS, Staff noted that Council has consistently objected to or found such designations inconsistent with the Strategic Regional Policy Plan unless there were other important goals being furthered. It was noted that Palm Beach County committed previously to prepare corridor studies in areas where CRALLS were proposed in order to coordinate land use and transportation planning. Although there has been a corridor study for this portion of SR 7 under preparation for some time, it has not been

completed and recommendations have not been implemented. Staff indicated the amendment was premature.

Staff recommended that Council find the proposed amendments consistent with the Strategic Regional Policy Plan with the exceptions of the E Road/140<sup>th</sup> Avenue North and 40<sup>th</sup> Street North and SR 7/Southern Boulevard CRALLS amendments which should be considered to be inconsistent with the Strategic Regional Policy Plan.

Khurshid Moyuhiddin from Palm Beach County Planning offered that the data and analysis for the deletion of the E Road/140<sup>th</sup> Avenue roadways indicate the impacts would be very minor in all scenarios. With respect to the CRALLS amendment, he asked that Council consider this is allowable pursuant to Chapter 163.3180(10). He noted Allan Ennis from Palm Beach County Traffic Engineering was available for questions.

Commissioner Marcus asked Mr. Ennis when the model was run all the undeveloped properties in the west were at one unit per ten acres. Mr. Ennis indicated it was run based on the 2030 model which showed those properties at that density.

Commissioner Marcus asked if the model included the approval of the residential development on Southern Boulevard at two units per acre. Mr. Ennis stated he did not believe this was included as the model was run before the approval.

Under Public Comment, Councilman Dennis Lipp from the Town of Loxahatchee Groves made a presentation to Council in support of the deletion of the E Road/140<sup>th</sup> Avenue amendment. He showed the rural nature of the area, cited impacts to the residents, and presented Council with a Town Resolution in support of the roadway deletions.

Donna Brosemer, on behalf of Loxahatchee Groves, offered Council a map to show the dozens of property owners whose property is directly affected by these roadways being on the map. She noted that since eminent domain has become much more unpopular and, given the cost of building this road and the process that would be necessary to do it, it makes it appear very unlikely that segment of the road would ever be built. She stated that by making this road a connector road, it could potentially allow land use changes the Town would not welcome. She indicated the Town would be willing to discuss any mitigation alternatives.

Lisa Tropepe, appearing as the District Engineer for Indian Trail Improvement District, indicated agreement with Councilman Lipp. She stated that there is insufficient right-of-way and eminent domain issues that cannot be quantified. From an engineering standpoint, she stated that this road would have economic costs that are insurmountable. She stated that from a regional standpoint State Road 7 should be the road where monies and efforts are combined to provide the connections needed north/south. In conclusion, she urged Council to move that the road segments be deleted from the thoroughfare plan.

Mike Erickson, President of the Indian Trail Improvement District, handed out a resolution to Council in support of the removal of E Road and 140<sup>th</sup> Avenue. He provided Council with an overview of the Indian Trail Improvement District and its roadway network. He referenced an Indian Trail Improvement District traffic study which shows there is an average of 30 – 40 percent capacity available on the road networks and that the area is at 87 percent buildout. He stated that instead of planning only taking into account certain regional roads, the whole region

needed to be considered comprehensively and consider the road network that Indian Trail Improvement District has in place that does provide connectivity. He stated that the Indian Trail Improvement District supported the non-residential element of the Callery Judge development of regional impact because it captured the traffic in the community. He asked that Council support the removal of these roadways.

Commissioner Marcus asked if the grid system in the Acreage area are modeled as part of the County's concurrency requirements. Mr. Erickson indicated that all are not being used in traffic performance standard models. Commissioner Marcus asked if because they are Indian Trail Improvement District roads they are not showing capacity. Mr. Erickson indicated that currently the County does not recognize any roads that are not County owned in the Thoroughfare Plan. Mr. Ennis indicated that any roads in the unincorporated area, whether they be Indian Trail roads or not, would not be considered in traffic performance standards.

Alexandria Larson indicated that E Road is very important to the people of Loxahatchee Groves and Indian Trail Improvement District. With respect to the Santa Rosa Groves amendment, she stated that the permitted lots had risen from 50 in 2001 to the present 89 lots, indicating the property owner was able to do this through the property appraiser's office. She stated the comprehensive plan calls for one unit per ten acres in the area and it should remain this way.

Commissioner Koons indicated that with respect to the State Road 7/Southern Boulevard Intersection CRALLS that the County and the Villages of Wellington and Royal Palm Beach, and somewhat in agreement the City of Greenacres, are working to get this corridor study done. He stated that the developer has invested about \$400,000 of their own money into the State Road 7 Corridor process. He stated the developer, the County and the Florida Department of Transportation have all agreed to future mitigation strategies for this corridor. He asked if language could be included to indicate this agreement between entities.

Chairman Hershey asked if this would be a motion by the Commissioner. Commissioner Koons indicated that yes this would be a motion. Vice Mayor Dr. Carmine Priore seconded the motion.

**Motion**

Mayor Ferreri noted that the City of Greenacres is opposed to CRALLS anywhere in the Western Communities. He stated that there needs to be a comprehensive plan of mitigation, but not by allowing projects that just agree to future mitigation. He stated that traffic concurrency throughout the County needed to be updated.

Commissioner Marcus noted the CRALLS are a result of objections from the municipalities of how the County is handling the overbuild. She noted that the Florida Department of Transportation made a mistake when they built the overpass at this intersection by not making it wide enough. Because there is no ability to expand the intersection, and the developer has rights, the County has no other mitigation strategies.

Chairman Hershey asked Commissioner Koons to repeat his motion. Commissioner Koons stated that his motion is to include language that indicates the developer, County and the Department of Transportation have agreed to future mitigation strategies for the State Road 7 Corridor. Commissioner Marcus asked that language be included recommending the amendment not be adopted until the master plan for the corridor is completed. Mr. Moyuhiddin indicated that this could be done at the County adoption hearing.

Commissioner Marcus asked Council staff if this could be included in the recommendation. Staff indicated that the recommendation should not only require the study to be completed, but implemented as well.

Councilmember Davenport concurred with Mayor Ferreri and asked if the County could relook at traffic concurrency not just for State Road 7 but for all projects coming online. He stated it is not just the money to build the roads, but also other issues such as building schools.

Commissioner Marcus indicated that the 2035 model update with the metropolitan planning organization will show the roads and improvements needed and if there will be funding available.

Mr. Saberson asked if the motion is to approve the staff recommendation on the State Road 7/Southern Boulevard CRALLS with the additional language that was provided by Commissioner Koons. Commissioner Koons indicated that he only wanted to add language to recognize the developer's efforts and the agreed upon development order for future mitigation strategies in the corridor.

Chairman Hershey indicated there were public comments to be heard before a vote could be taken on the motion.

Commissioner Smith asked if the motion was to approve the entire package. Vice Mayor Dr. Priore indicated it was on the State Road 7/Southern Boulevard CRALLS amendment.

Brian Chegus from Cotleur Hearing, Inc., on behalf of the property owner, stated that one year ago Council moved to approve the recommendation on this CRALLS. He stated that when the property owner went before the Board of County Commissioners in 2007 the board asked if the request could be postponed to work on the Corridor Master Plan. He indicated the property owner has worked diligently with County staff, the City of Greenacres, the Village of Royal Palm Beach and the Village of Wellington on traffic issues. The request was unanimously approved in 2008 by the Palm Beach County Board of County Commissioners. They recognized the efforts of the applicant in the process and that there are physical roadway constraints beyond the control of the applicant. He urged Council to recommend approval of this private sector initiative and not support staffs recommendation of denial.

Commissioner O'Bryan clarified that Council only makes recommendations and does not approve or deny projects.

Damian Newell from the Village of Wellington offered support of the CRALLS for this project indicating a minimal increase in trips.

Chairman Hershey asked Commissioner Koons to restate his motion. Commissioner Koons stated that the motion is to recognize that this project has agreed to a mitigation strategy for the State Road 7 Corridor in the development order with the County, and the Florida Department of Transportation.

Vice Mayor Dr. Priore noted that with respect to the Palms West Corridor Study done in 2000, the Village of Wellington attempted to implement that plan which called for industrial development and employment centers. At that time, the Village was told by the County that they

would not be permitted to do that and should move forward with the development of housing. He noted that the Council staff comment that the recommendations were not implemented was not correct, because the Village attempted to do so. The CRALLS designation that is being asked for is approximately two miles away from the site, at an intersection where they have no control. He stated that as Commissioner Koons indicated, there is no way to satisfy that requirement. If this CRALLS is not implemented, then they would not be able to do their project. He said what the Village is looking for is when they will see the removal, or the opportunity to remove the CRALLS along SR 7 as a result of the opening of Lyons Road which will allow that area to be relieved. He restated his second to the motion.

Chairman Hershey called for a vote on the motion, which carried with one dissenting vote.

Chairman Hershey asked for discussion on the remaining items in the amendment package.

Commissioner Marcus noted that the Palm Beach County Commission decided to approve the deletion of the roads because a developer could possibly use the roads to get increased density for other projects. Loxahatchee Groves wants to remain rural. She suggested adding language to reference the fact that in order to keep the rural nature the County should identify alternative roads when modeling.

Staff indicated that from a regional perspective, the deletion of E Road was understandable, but not 140<sup>th</sup> Avenue. Staff noted it is a paved road with seemingly adequate right-of-way with four elementary schools and two parks along it. Staff stated that if the County is concerned that there is some excess capacity on 140<sup>th</sup> Avenue that might be used elsewhere the County should require the applicant to improve the roadway system in that area.

Commissioner Marcus asked if the objection could be to 140<sup>th</sup> Avenue only. Staff indicated this was acceptable. Commissioner Marcus asked if the 140<sup>th</sup> Avenue has an 80 foot right-of-way in the thoroughfare model. Mr. Ennis indicated it could. Council staff suggested making the right of way less than 80 feet. Mr. Ennis indicated that the model for that section of 140<sup>th</sup> Avenue shows a projected volume in the year of 2030 of 9,500 and typically the four lane capacity is around 15,000.

Commissioner O'Bryan agreed that the E Road portion should be deleted as it dissects some very sensitive lands. He offered his support of such a motion.

Commissioner Marcus indicated her motion would be to modify staff recommendation to indicate consistency with the amendments excluding the 140<sup>th</sup> Avenue amendment. Additionally, she suggested recommending the County review its Thoroughfare Master Plan and reduce 140<sup>th</sup> Avenue to a 60 foot right-of-way so it will remain two lanes. She moved approval of these recommendations. Mayor Ferreri seconded the motion.

**Motion**

Mayor Pro Tem Brinkman noted her vote does not include items six and ten of the amendment package.

Commissioner Marcus noted the presence of Kristin Garrison, Director of the Palm Beach County School District Planning Department, and asked if there were any issues from the school district. Chairman Hershey stated she had already discussed the transportation with Ms. Garrison and the students in the area would not be affected.

Mayor Golonka asked to have the Callery Judge amendment pulled to be considered separately.

Commissioner Marcus indicated her motion would be without the Callery Judge amendments. Mayor Ferreri concurred. Chairman Hershey asked for a vote on the motion, which carried with one dissenting.

With respect to Callery Judge, Mayor Golonka stated she felt it was philosophically inappropriate for the County to be mandated through state legislation as to what should be done and inconsistent with the role of a regional planning council.

Commissioner Marcus explained that the legislation filed was specifically for this property. She stated it is know as the Ag Enclave Bill. She noted that this is not a development of regional impact so the issue of traffic capacity and concurrency must be addressed as each piece come for approval.

Councilmember Davenport moved approval of staff recommendation on the Callery Judge amendment. Commissioner Koons seconded the recommendation, which carried with three dissenting votes.

#### **DEVELOPMENTS OF REGIONAL IMPACT INDIANTOWN DEVELOPMENT ORDER**

Staff made a presentation to Council on the Indiantown Development of Regional Impact which is a proposed multi-use development on 753.54 acres located near the community of Indiantown in western Martin County. Staff noted the proposed Indiantown development order adequately addresses most of the concerns raised by Council in the assessment report with the exception of issues related to the Application for Development Approval, Master Site Plan, Transportation, and Listed Species. Staff noted all concerns related to regional issues described in the assessment report can be adequately addressed by amending the development order and that upon reviewing a properly rendered development order that is amended to address the issues identified by staff's report that Council should recommend that the Department of Community Affairs not appeal the development order for the Indiantown Development of Regional Impact.

Spencer Crowley, an Associate with Akerman Senterfitt representing the applicant, stated the applicant is willing to incorporate the proposed changes into the development order and has already met with staff at Martin County to ensure agreement. He asked that Council approve the staff recommendation.

Commissioner Koons moved approval of staff recommendation. Commissioner Marcus seconded the motion, which carried unanimously.

**Motion**

#### **BROWNFIELDS CONSULTANT SELECTION**

Staff made a presentation to Council on the selection process for the consultants who will participate in the \$200,000 Brownfields Assessment grant awarded to Council by the U.S. Environmental Protection Agency. The grant will be used to assess, prepare cleanup and reuse plans, and conduct public outreach activities to encourage revitalization of hazardous substances-contaminated brownfields sites identified throughout the Treasure Coast Region.

Roger Saberson noted that staff is in the process of advertising a notice of intent to award these contracts and will, if no objections are made, proceed with the negotiation of the contracts with the consulting firms that are noted in the staff report.

Commissioner Koons moved approval of staff recommendation. Commissioner O'Bryan seconded the motion.

**Motion**

Commissioner O'Bryan asked how the contract work will be structured. Mr. Saberson noted the contracts are to be executed on a standby basis which means the firms will not be entitled to any payments or work until they have been given a task assignment outlining a specific project. He stated that there will be equitable distribution among the three firms of the contract awards.

Chairman Hershey called for a vote on the motion, which carried unanimously.

### **COUNCIL MEMBER INFORMATION EXCHANGE**

Commissioner Koons stated that he could not attend the Energy Committee meeting, but provided Council with an update of his recent trip to Brazil with personnel from the University of Florida. The trip was to identify alternative energy sources such as ethanol and biodiesel. He stated that there needs to be a strategic, regional collaboration to build up the use of alternative fuels and that government may have to lead with the infrastructure.

Councilmember Davenport concurred with the Commissioner and asked for the County's assistance in the future when dealing with land use or permitting issues for building these alternative energy facilities. Commissioner Koons noted that land use changes have been looked at for the ethanol research center and there is a good faith offer agreement for a land use change for the industrial use on property south of South Bay.

Chairman Hershey asked Commissioner Koons if he could arrange to have personnel from the University of Florida make a presentation to Council. Commissioner Koons indicated this could be arranged. He stated he would provide via email the website for the presentations in Brazil to Councilmembers.

Councilmember Neglia asked if there have been any studies on ethanol to outboard motors/engines. Commissioner Koons indicated much has been done in this area and that ninety percent of the cars sold in Brazil are called flex fuel cars and most new cars in the United States contain the smart chip for fuel.

### **STAFF COMMENT**

None

### **CHAIRMAN'S COMMENT**

None

### **ADJOURNMENT**

There being no further business, Chairman Hershey adjourned the meeting at 11:50 a.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the June 20, 2008 meeting of the Treasure Coast Regional Planning Council.

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Date

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Signature

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>Brinkman Joni S.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Treasure Coast Regional Planning Council</i>
MAILING ADDRESS <i>201 Rex Ct Palm Beach</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 33461</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>June 20, 2008</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

**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 June 20, 2008:

(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. by <sup>employed</sup> 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:

- 5.I West Palm Beach Amendment for the Acura Dealership - the firm I'm employed with (Kilday + Assoc.) is agent for the applicant on the request.
- 8.C. Item 6 ~~10~~ - Santa Rosa Groves. Same issue as above.
- Item 10. Chalvey Judge - Same issue as above.

6.20.08  
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.