

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
FEBRUARY 19, 2010**

Chairman Ferreri called the meeting to order at 9:30 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County:       Commissioner Solari  
                                  Commissioner O'Bryan (Alternate)  
                                  Mayor Abell  
                                  Vice Mayor Joyce

St. Lucie County:           Commissioner Grande  
                                  Commissioner Craft  
                                  Mayor Christensen  
                                  Commissioner Perona

Martin County:             Commissioner Smith  
                                  Commissioner Scott

Palm Beach County:        Commissioner Marcus  
                                  Commissioner Taylor  
                                  Commissioner Koons (Alternate)  
                                  Commissioner Vana  
                                  Mayor Ferreri  
                                  Vice Mayor Dr. Priore  
                                  Commissioner Brown  
                                  Councilwoman Webster (Alternate)  
                                  Councilman Fred Pinto (Alternate)  
                                  Mayor David Norris (Alternate)

Gubernatorial Appointees: Eduardo Balbis  
                                  Laurence Davenport  
                                  Michael Davis  
                                  Kevin Foley  
                                  Susan Hershey  
                                  Ramon Trias

Ex-Officios:                Jim Carnes, SFWMD  
                                  Scott Seeberger, FDOT  
                                  Ron Bunch, Enterprise Florida, Inc.  
                                  Ann Benedetti, SJRWMD

Council Staff:             Marlene Brunot  
                                  Michael Busha  
                                  Kim DeLaney  
                                  Sandy Gippert

Liz Gulick  
Wynsum Hatton  
Stephanie Heidt  
Terry Hess  
Dana Little  
Peter Merritt  
Greg Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

### **PUBLIC COMMENT**

Marty Laven, with Climatic Solar, stated that Mr. Mark Myers from the City of Fort Pierce had referenced there is the potential of online permitting for solar installation projects. He offered the assistance of Climatic Solar for permitting and coordination of such projects. He expressed an interest in the Energy Symposium being held in March.

Alex Larson stated she attended a meeting at the Environmental Protection Agency on numeric standards and indicated written comments are due on March 30, 2010. She stated that the numeric standard in the upper part of Florida is set very high and really low in the south. She questioned who will be cleaning up the mess caused in the upper part of the State. She noted thousands of pages of documentation by the Florida Department of Environmental Protection regarding water testing where 5 years of testing were thrown out because of an employee.

Staff asked Mr. Carnes if the South Florida Water Management District was aware of the numeric standards for water quality and could give some perspective to Council on the issue. Mr. Carnes indicated the District is reviewing the proposal now and he could provide Council with a briefing at the next meeting. Commissioner Vana indicated she is on the Water Resource Advisory Council, and this is part of their discussions.

Councilmember Balbis indicated he serves as Chairman of the Central Regional Wastewater facility, which serves five municipalities in Palm Beach County, and they are very concerned about the proposed numeric rules. He stated the way the numbers are set right now will require most wastewater facilities to upgrade their existing facilities, which would cost millions of dollars, to achieve those numbers. He said his board asked their council to follow this closely and provide feedback which he will provide to Council. He stated this is a very serious issue he believes the regional planning council should closely follow.

Suzanne Squire stated that talk of smart growth puts her on edge. She said it is the job of the elected officials to look after the public, not the public's job to look after the elected officials. She stated the green jobs tied into this with stimulus money are going to China and Canada. She stated Florida Power and Light, which is a part of this, goes through Silver Springs which is Al Gore and this is talk of stimulus money again and cherry picking. She stated Florida Power and Light has "fudged the figures". She cautioned the public is aware and paying attention.

Drew Martin, representing the Sierra Club, stated he also attended the meeting of the Environmental Protection Agency and was pleased Council would be looking into the issue of numeric standards for water quality. He stated one of the issues was counties can no longer put water in a canal and send it out to the ocean without paying attention to the quality of that water. He stated a lot of people are saying we have to do reverse osmosis, but this is not the case. In his opinion, the real problem is things such as the chemicals people are putting on their lawns which run off into the canals and into the water system.

### **AGENDA AND CONSENT AGENDA**

Commissioner Smith moved approval of the Agenda and the Consent Agenda with items 5G, Indian River County Comprehensive Plan Amendments DCA Ref# 10-1; and 5H, Port St. Lucie Comprehensive Plan Amendments DCA Ref# 10-1 being pulled from the Consent Agenda. Commissioner O'Bryan seconded the motion, which carried unanimously.

**Motion**

Items remaining on the Consent Agenda were: 5A, Financial Report – November 30, 2009; 5B, Financial Report – December 31, 2009; 5C, Minutes – December 11, 2009; 5D, Brownfields Consultant Selection; 5E, 2009/2010 Hazardous Materials Emergency Preparedness Grant Agreement Modification; 5F, Fort Pierce Comprehensive Plan Amendments DCA Ref# 10-RWSP1; 5I, Stuart Comprehensive Plan Amendments DCA Ref# 10-1; and 5J, Intergovernmental Coordination and Review Log.

### **INDIAN RIVER COUNTY COMPREHENSIVE PLAN AMENDMENTS DCA REF#10-1**

Staff gave a brief presentation to Council on the amendments which include a swap of of land uses on two properties of equal area. The County indicated the need for this was to acquire some easements and right-of-way from the northern property owner in order to complete an expansion project on SR 510. Although staff did not find the proposed amendments to be inconsistent with the Strategic Regional Policy Plan, the report included recommendations for the County to pay particular concern to the compatibility issue for the property being changed to commercial.

Commissioner Solari expressed his concern with the exhibit in the report of a hypothetical site plan. He stated he did not believe it was the regional planning council's responsibility to make such recommendations, noting the County has very good buffering rules and ordinances to address such matters. He also noted that the exhibit is out of context because it appears this is a very small, perhaps isolated, area. He stated in reality this area was built not only before CR 510 was there, but even before US 1 was built through there. He stated US 1 now encroaches on the west side and now the state wants to widen the roadway, which is one of the reasons the County felt it appropriate to change the future land use map in that area. Staff noted whenever there is a recommendation to address issues of compatibility or, in this case street closures, it is helpful to illustrate for the local government and the applicant a possible alternative. It is not meant to hamstring a local government; but rather a recommendation of dealing with, in this case, compatibility issues. Commissioner Solari stated his issue was that it would be part of the report sent to the Department of Community Affairs.

Commissioner Smith stated he believes this is just a recommendation from staff offered to give guidance as to the alternatives. He stated he did not object to the exhibit.

Councilmember Trias agreed with Commissioner Smith, saying one of the most useful things the Council can do is provide comments in an easy to understand way. He fully supported the inclusion of the exhibit.

Commissioner O'Bryan stated his perspective was that local governments can either pay the regional planning council to conduct charrettes and get the same information, or they can be included in the staff reports for free, which he prefers. He stated he understood this is just a recommendation for an alternative idea and moved approval of the staff recommendation. Commissioner Marcus seconded the motion, which carried with Commissioner Solari dissenting.

**Motion**

### **PORT ST. LUCIE COMPREHENSIVE PLAN AMENDMENTS DCA REF# 10-1**

Staff made a brief presentation to Council on the proposed amendments. Staff noted one recommendation contained in the report where the City has allowed a portion of the land that was required to be preserved as upland habitat to be impacted by the activities of a paint ball park. Staff noted that this portion of land was a condition of the St. Lucie West Development of Regional Impact (DRI) Development Order and the City should be responsible for acquiring and assigning a designation of Open Space Conservation to an additional 19.0 acres in order to meet the requirements of the upland habitat preservation for the DRI.

Mayor Christensen stated the City did acquire in excess of 19 acres of property that is going to be designated, or has been designated as Open Space Conservation, and she requested the staff report be modified to reflect this.

Under public comment, Mr. Martin stated one of the issues very important to conservation groups is that properties designated as conservation or preservation areas be maintained. He stated oftentimes when areas have been established as preservation areas there are those who will want to change the designation in the future. He asked if the 19 acres that was purchased was the same quality of habitat. He requested Council not remove the comment in the report.

Mayor Christensen indicated the site is right next to I-95 and had been previously used by ATVers and hunters and was not what she considered to be high quality. She stated the site the City acquired is probably one of the most pristine areas left on the eastern side of the City that was originally zoned residential, platted out and when the economy turned around there was a very good possibility of approximately 600 multifamily units being built there.

Commissioner Smith moved approval of the staff report with Mayor Christensen's comments. Commissioner Craft seconded the motion, which carried unanimously.

**Motion**

### **ANNOUNCEMENTS**

Staff noted an opportunity for Council, along with the South Florida Regional Planning Council and the six metropolitan planning organizations they represent, to put together an application to obtain funding under a Federal Sustainable Communities Initiative program through the U.S. Department of Housing and Urban Development to do regional planning and visioning. There has been \$100 million allocated for regional planning and visioning exercises, and \$40 million for updating local

land use and zoning codes to respond to any new plans that come out of the initiative as well as \$10 million for research and evaluation. Staff noted this is not just transportation planning, but includes land use, housing, jobs, economic competitiveness and infrastructure planning. This will also provide leverage for securing future federal funding. Staff asked for a motion in the form of a resolution to authorize staff to partner as the lead agency, along with the South Florida Regional Planning Council, and other pertinent organizations and agencies to submit an application for this program. Commissioner Smith so moved. The motion was seconded by Commissioner Marcus.

**Motion**

Councilmember Davenport asked if there was an Energy Component. Staff indicated yes. Commissioner Koons noted it is very important in obtaining federal funding to have a regional strategy in place. Chairman Ferreri agreed this will be advantageous to the region. Vice Mayor Priore asked if staff has contacted the other agencies involved to have them prepare similar resolutions. Staff indicated the first step is to submit the application and then have a Memorandum of Understanding with the other participating agencies. The motion carried unanimously.

Commissioner Smith moved to authorize the Chairman to send a letter to the various agencies asking for their inclusion in the process. Councilman Pinto seconded the motion, which carried unanimously.

**Motion**

Commissioner Koons provided Councilmembers with a document regarding Common Eligibility. He stated he serves on the Children's Services Council and they have recognized that a large majority of their clients cannot get access to the existing dollars they are eligible for such as food stamps, Medicaid, WIC or even health insurance. He noted the Department of Family Services has been working with the South Florida Regional Planning Council in the southern region and he volunteered Council to be involved in the northern region.

Staff noted Council will be co-hosting an energy symposium on grant and rebate opportunities for local governments on March 17, 2010 at the present meeting location. The purpose of the symposium is to provide local governments with the latest information available on funding opportunities for things related to efficiency and energy conservation programs. The symposium will discuss statewide priorities and initiatives as well as review the currently available grants and rebates. Staff can be contacted for more information.

### **AMTRAK/FEC CORRIDOR UPDATE**

Staff updated Council on the status of the Amtrak/FEC Corridor Project, which would enable Amtrak to operate passenger train service on the FEC corridor between Jacksonville and Miami. Although the project was not selected for Federal economic stimulus funding, the Project can be resubmitted for future funding under Federal stimulus funding programs. Staff noted continued work with the Florida Department of Transportation, local governments, Metropolitan Planning Organizations, and others towards the ultimate funding and implementation of the project. Three key issues noted were: (1) inclusion of the project in the Florida Department of Transportation's work program; (2) establishment of a renewed Amtrak/FEC Corridor Coalition; and (3) resolution of liability indemnification issues raised by Amtrak.

Scott Seeberger, with the Florida Department of Transportation District IV, indicated that in light of the fact that the grant application was not approved, the District has been working on ways to progress the project with currently available funds. He said the District continues to develop

documents, such as a programmatic environmental assessment, which will be needed to capture federal money.

Commissioner Koons emphasized the importance of this project. He commended Council staff for their continued efforts and Commissioner Smith for moving forward with the Coalition.

Commissioner Smith stated the efforts of the Coalition will be to keep this project on the radar screen of all the District Secretaries. He moved to approve the staff recommendations contained in the staff report. Vice Mayor Dr. Priore seconded the motion. **Motion**

Under Public Comment, Ms. Durando expressed her objections that the SunRail and passenger service on the east coast has been tied together. She said the cost for the SunRail project will be significantly higher. She noted there will be phenomenal impacts to both water resources and development. She stated she did not believe this would create permanent jobs or help the economy. She stated this will be a project that is financed by the public and will benefit some private donors. She stated the regional planning council has an obligation to look into this in more detail.

Suzanne Squire stated this will all be financed with taxpayer money. She questioned why the government would extend more money to Amtrak when they are broke. She stated there is an attitude that we cannot build our way out of congestion, but people must get out of their cars. She stated government is limited, and are the employees of the people.

Chairman Ferreri asked Ms. Squire to stay on topic. She indicated this was on topic. She stated analogies of Toyota going up against General Motors and the Congress. She stated these are taxpayer dollars being used to “stack and pack” people and put them where they want them.

Councilmember Foley noted that he has been on Council for over twenty years and not as an elected official. He stated Council does not work for the individuals, and we are in a republic form of government, elected by the majority. He stated the public is welcome to speak and be given their three minutes, but the discussion should stay on topic and be respectful. He stated this is the Treasure Coast Regional Planning Council, not a public forum for those speakers present. He stated it has only been in the last year that public comment has become a problem and he indicated that the problem should not continue.

Mr. Martin stated the Sierra Club has always supported public transportation such as the FEC system, but is concerned with the operational support that will be needed once the rail systems are built. He said stimulus dollars are great, but there is a limited amount and the state cannot depend on federal dollars for the operational costs.

Commissioner Koons stated there are currently federal operating dollars for Amtrak, and the only operating dollars local governments have to provide would be the cost of operating the stations.

Commissioner Solari stated that comments by staff indicate this is important to a successful and sustainable future of the region, but he does not agree and believes this is another burden that is unsustainable. He stated Indian River County is an extremely low density County that is unable to support mass transit and would like to see the funding go for pedestrians, bikeways and greenways.

Commissioner O'Bryan stated there is a lot of talk about whether or not Amtrak is profitable. He questioned if there has ever been a transportation system that is profitable. He said the argument that Amtrak is not profitable has to be balanced by the fact that we are going to put dollars into transportation one way or the other and none of them may be fully profitable. He stated there is a cost of providing services to the citizens and what needs to be looked at is what is the most efficient use of those tax dollars. He asked if it would be continued use of the old model of adding lanes to highways, or is it more efficient to use tax dollars for mass transit.

Commissioner Solari stated he is happy with that idea but would like to see some financial information given on one subsidy as opposed to another subsidy to better understand the financial framework.

Under public comment, Ms. Larson stated her main concern was that Amtrak does not want to accept liability. She stated the reason railways work in areas such as Washington, Delaware, Maryland and New York is that the populations there are much more dense. She stated trains will work differently in Florida because there is a 700 mile stretch. She believes the east coast should be more of an issue for our region and one day should run from Jacksonville to Miami. She also expressed her concern with comments regarding public comment being limited.

Chairman Ferreri stated he was not interested in discussing the matter. He stated he agreed with Councilmember Foley that there needs to be respect during public comment. He said Councilmembers are trying to gain knowledge on agenda items through staff and public comment, so everyone needs to be respectful and stay on topic.

Chairman Ferreri stated there is excellent transportation, to get to destinations such as the airports and hotels, but once at the destination, there are no connections to anywhere else.

A vote taken on the motion carried with Commissioner Solari dissenting.

#### **COUNCIL COMMITTEE APPOINTMENTS - 2010**

Commissioner Marcus moved approval of the Committee Appointments. Commissioner O'Bryan seconded the motion, which carried unanimously. Chairman Ferreri thanked Councilmembers for serving on the different committees and encouraged others to volunteer for committee service.

**Motion**

#### **SOUTH MIAMI-DADE WATERSHED STUDY AND PLAN – PRESENTATION BY MICHAEL L. DAVIS, COUNCILMEMBER**

Councilmember Michael L. Davis made a presentation to Council summarizing the South Miami-Dade Watershed Study and Plan, a four-year planning process covering a 400-square mile study area located in southeastern Miami-Dade County. The study included analysis of projected population growth, land uses, water quality, transportation and water resources infrastructure, natural resources, and the economy. The resulting plan included design guidelines to create a temporal and spatial policy framework for smart growth versus sprawl, and protection of resources; providing Miami-Dade County with a planning roadmap to the year 2050.

Staff asked when the project was finished. Councilmember Davis indicated the study was completed in 2007 and won the APA Award for Planning Excellence. Councilmember Trias asked when the project was started. Councilmember Davis indicated in 2003.

Under public comment, Ms. Durando stated smart growth is an oxymoron and watershed is a misnomer. She stated she heard nothing in the proposal to deal with global warming and seawater rise. She stated she attended a meeting at the water management district last week that alluded to a four county compact between Monroe, Miami-Dade, Broward and Palm Beach Counties and asked if this was yet another way to get Palm Beach County out of the Treasure Coast Regional Planning Council. She stated these four counties need to be areas of critical state concern as Everglades National Park is a “goner” and there will never be restoration for Biscayne or Florida Bays. She cited pollution as a horrendous problem and questions what expansion of the airport will do to the Everglades.

Councilmember Davis stated the point of the study was to try to help decision makers understand the consequences of continuing to produce sprawl, and show them the advantages of a smarter approach to development. He stated this study was all about protecting the waters of Biscayne Bay, protecting Everglades National Park, protecting the footprint of all of those and not about encouraging growth.

Commissioner Marcus stated Palm Beach County is not contemplating leaving the Treasure Coast Regional Planning Council. Ms. Durando asked the Palm Beach County Commissioners to get seriously involved with the implications of the four county compact. Commissioner Koons indicated Palm Beach County has joined the compact and has been very involved.

Ms. Waite questioned who the stakeholders were with respect to this project and why they were not mentioned. Councilmember Davis stated the stakeholders included Everglades National Park, Biscayne National Park, Audubon Society, the Sierra Club, Tropical Audubon, the Association of Homebuilders, and realtors. Ms. Waite stated she is aware that the so called ecological groups do a lot of compromise and sometimes they are not too smart about how they compromise. Councilmember Davis stated those groups were much happier with the plan than the realtors or homebuilders. Ms. Waite asked how the mitigation of natural resources was to be accomplished. Councilmember Davis stated that in South Miami-Dade there is a total of 45,000 acres in agriculture land that is a perfect spot to restore those former wetlands to wetlands or add a combination of restored wetlands and storm water treatment areas. Ms. Waite stated that if there was not so much smart growth, then there would not have to be mitigation. Councilmember Davis stated this was not correct, that if there is not smart growth, then the alternative will be a sprawl type of scenario that will cost billions of dollars more. Ms. Waite stated an example of development that was not successful was Abacoa in Jupiter. She stated tourism was not able to sustain this type of community, and the residents do not frequent the shops. Councilmember Davis stated there will always be a market for the single-family homes. He stated part of the appeal will be to create the incentives for people to take advantage of these amenities with things such as location efficient mortgages, where if a buyer can demonstrate they only need one car versus two cars, they would qualify for a higher mortgage amount.

Mr. Martin stated he appreciated the comments, and said he felt it is very important that when an urban development boundary is established that it is not moved. He stated that moving across the established boundaries will increase costs, because the protections are designed to keep the

population on one side of that boundary, and moving the population on the other side of that will change the whole operation of flood control. He stated he serves as Chair of the Everglades Committee for Sierra Club and their biggest problem in Miami-Dade is they try to move past that urban development boundary. He stated the other issue is that every time there is building in wetlands there is an increase in flooding.

Ms. Larson indicated she liked the study and was glad someone was looking at Miami-Dade County, although she felt the agricultural lands should continue to be used for agricultural purposes. She stated that currently there is not as much housing demand as when this study was done four years ago. She stated that putting twenty-one units on an acre is insane and there will not be enough resources to sustain this type of development.

### **RESOLUTION – REGIONAL INFRASTRUCTURE IMPROVEMENTS ZONES**

Staff made a presentation to Council requesting a resolution of support for Regional Infrastructure Improvement Zones. This is an infrastructure funding solution that will address the nationwide infrastructure funding shortfall at all levels of government by encouraging private-sector investment in infrastructure through a favorable tax treatment of funds and a streamlined approval process. Possible projects for funding may include road repair or construction, transit facility construction, the purchase of right-of-way, water runoff facilities, storm water system upgrades, green infrastructure or other projects that will enhance the infrastructure system of the designated area.

Commissioner O’Bryan asked if this will make government a not-for-profit 501(c)3. Staff indicated yes. Commissioner O’Bryan stated he did not believe that this would stimulate a lot of money as he believes people give charitable donations for humanitarian reasons and because it makes them feel good, not because the donations are tax deductible.

Councilwoman Webster stated she thinks businesses will not want to contribute because they will feel they have already paid their fair share for infrastructure improvements through impact fees.

Chairman Ferreri noted that in Greenacres a Councilmember had made a plea to the public that as they move on to leave something to the community where they had lived. He stated that last year the City received approximately \$100,000 in donations.

Commissioner Taylor asked if this would include smaller rural areas that do not qualify for certain grants because the population is too small. Staff indicated the draft legislation can incorporate an area as small as a street or entire city, so there is really no limit in terms of size. Commissioner Taylor asked if Council would be the organization administering the requests for funding. Staff indicated the draft legislation speaks to regional planning councils, councils of governments, economic development districts, and like organizations to actually take action to officially designate a regional infrastructure improvement zone and to ensure that the projects that are conceptualized within these zones have been approved in local and regional plans.

Vice Mayor Dr. Priore added that the majority of people want a 501(c)3 type entity such as a foundation through which to make donations. He stated the Village of Wellington created such foundations, with one affording them the opportunity to build a barrier free park. He agreed with Chairman Ferreri that there is an opportunity for this, such as a road that would enhance the

community, which might be considered by some as being a testimonial to that individual and worth making a contribution. He said the idea of forming the foundation allows the opportunity to open up more doors to receive funds outside of the normal source.

Under public comment, Ms. Larson stated her hesitation on this would be that the money would be spent in-house and not enough being allocated to projects.

Commissioner Brown made a motion to approve the resolution. Mayor Christensen seconded the motion, which carried with Commissioner Solari dissenting. **Motion**

**UPDATE TO UPPER EAST COAST WATER SUPPLY PLAN –  
PRESENTATION BY MARK ELSNER, DIRECTOR OF WATER SUPPLY PLANNING  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

Mr. Elsner made a presentation to Council on the update to the 2006 Upper East Coast Water Supply Plan. The water supply plan update will include strategies to meet the projected water needs of the region while sustaining the water resources and related natural systems. The process will involve significant stakeholder participation, including local governments and is anticipated to be completed in 2011.

Under public comment, Ms. Durando respectfully submitted the comment that in Department of Environmental Protection studies there is going to be a water shortage that is not yet accounted for. She stated she deplores the fact that global warming and saltwater intrusion is not really concretely addressed and neither of the last two speakers presented plans to refurbish our aquifers that are being depleted. She stated no one has addressed how we are going to handle global warming and no one has estimated the impact of sea level rise over the next 25 years. She stated she could not accept the fact that there can be unlimited human expansion in the tip of south Florida.

Ms. Larson stated aquifer storage and recovery does not work. She expressed her disgust that millions of gallons of fresh water are being used on golf courses. She stated that maybe if we stopped putting water out to tide and using fresh water on golf courses we may have a chance.

Mr. Martin thanked the South Florida Water Management District for recommending conservation. He stated that reverse osmosis is fine, but it has a very high energy cost. He said the ultimate way to protect our water resources is to change how we landscape, as landscaping uses about 60 percent of our potable water right now.

**WEST PALM BEACH CSX/FEC CONNECTOR CHARRETTE –  
UPDATE OF CHARRETTE FINDINGS**

Chairman Ferreri proposed that Agenda Item 12, the West Palm Beach CSX/FEC Connector Charrette Master Plan Presentation be presented at the next regular Council meeting scheduled for March 19, 2010.

**COUNCIL MEMBER INFORMATION EXCHANGE**

None

**STAFF COMMENT**

None

**CHAIRMAN'S COMMENT**

None

**ADJOURNMENT**

There being no further business, Chairman Ferreri 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 February 19, 2010 meeting of the Treasure Coast Regional Planning Council.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature