

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
DECEMBER 11, 2009**

Chairman Wheeler 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 Wheeler Vice Mayor Ahrens Mayor Abell (Alternate)
St. Lucie County:	Commissioner Grande Commissioner Craft (Alternate) Councilwoman Berger
Martin County:	Commissioner Smith
Palm Beach County:	Commissioner Abrams Commissioner Vana Mayor Golonka Councilmember Brinkman Mayor Ferreri Commissioner Brown Councilman Lowe (Alternate) Councilwoman Webster (Alternate)
Gubernatorial Appointees:	Eduardo Balbis Peter Carney Susan Caron Laurence Davenport Michael Davis Kevin Foley Susan Hershey Richard Oujevolk Ramon Trias
Ex-Officios:	Jim Carnes, SFWMD
Council Staff:	Kate Boer Michael Busha Sandy Gippert Liz Gulick Wynsum Hatton Stephanie Heidt Terry Hess Dana Little Peter Merritt

Greg Vaday  
Joan Young

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

### **PUBLIC COMMENT**

Rosa Durando stated she believes high speed rail is nonsense and in the same category as the previously proposed Florida Barge Canal project. She stated there is no need for these expensive and destructive rails from Orlando to Tampa. She said there is no way to predict who and what corporations have a vested interest in this project. She requested Council assign staff to look into the potential horrors of high speed rail. She also noted the fact that liability insurance will need to be purchased in case of a multi-million dollar lawsuit. She did, however, endorse the commuter rail service on the east coast.

Drew Martin thanked Council for providing recycling bins at the meeting. He stated he wanted to address waste management. He noted the Governor's Climate Change Task Force had made a recommendation for seventy-five percent improvement in recycling. Another recommendation, that was quickly withdrawn, was for the elimination of one-time use grocery bags by 2015. He stated that currently the United States wastes 100 million barrels of oil a year on these bags at grocery stores. He stated that according to the Department of Environmental Services website, 6 billion of these bags are used every year in Florida. He noted these bags, like Styrofoam, do not break down and scientists have found that animals in the ocean are ingesting the plastic. He also stated a bottle deposit program should be implemented to help fund environmental activities.

Alexandria Larson noted that although she does agree there is a need for passenger service from Miami to Jacksonville, she felt it was insane to build high speed rail service across the state. She too noted the Florida Barge Canal as an example of what cutting the state in half can do to projects such as the Comprehensive Everglades Restoration Plan. She also noted the C-1111 spreader canal that was built in the 1960s that caused saltwater intrusion into the Everglades and has cost more than \$3 billion. She stated high speed rail service would be very detrimental to many environmentally sensitive lands in Florida and also asked that Council look into the issue.

Councilmember Foley stated that although he is in favor of eliminating as many plastic bags as possible, he did not feel the number of 6 billion bags in Florida was accurate.

Staff noted there are several different railroad proposals being considered and expressed pleasure at the comments of support from the public on the passenger service on the Florida East Coast Railway, as this was a project Council had been very active in getting this project funded. Staff noted part of the project is to get a cross-over between the FEC and the CSX, which will be the subject of a charrette in West Palm Beach January 9 - 15, 2010. Staff noted that in 1998 Council did exhaustive analyses of four high speed rail proposals and expressed the same concerns being voiced by members of the public. Staff offered to provide members of the public with a copy of the report.

## **AGENDA AND CONSENT AGENDA**

Commissioner Smith moved to approve the Agenda and the Consent Agenda with the removal of items 5E, Section 120.74 Florida Statutes – Review of Agency Rules and 5J, Palm Beach Gardens Comprehensive Plan Amendments DCA Ref# 09-2 for separate consideration. Councilmember Hershey seconded the motion, which carried unanimously.

**Motion**

Items remaining on the Consent Agenda were: 5A, Annual Audit – Fiscal Year 2008-2009; 5B, Financial Report – September 30, 2009; 5C, Financial Report – October 31, 2009; 5D, Minutes – October 16, 2009; 5F, Consultant Selection for the Regional Long Range Transportation Plan; 5G, Greenacres Comprehensive Plan Amendments DCA Ref# 09-1; 5H, Lantana Comprehensive Plan Amendments DCA Ref# 10-1; 5I, North Palm Beach Comprehensive Plan Amendments DCA Ref# 09-1ER; 5K, Riviera Beach Comprehensive Plan Amendments DCA Ref# 09-1ER; and 5L, Intergovernmental Coordination and Review Log.

### **SECTION 120.74 FLORIDA STATUTES – REVIEW OF AGENCY RULES**

Under Public Comment, Drew Martin asked for detail on the agenda item. Roger Saberson indicated this item relates to the Council's existing rules and the requirement by the legislature to review the rules.

Mayor Ferreri moved approval of staff recommendation. Councilmember Trias seconded the motion, which carried unanimously.

**Motion**

### **PALM BEACH GARDENS COMPREHENSIVE PLAN AMENDMENTS DCA REF#09-2**

Councilmember Brinkman indicated she needed to recuse herself from the vote as the firm where she is employed is representing the client.

Commissioner Smith moved approval of the staff recommendation. Councilmember Hershey seconded the motion, which carried unanimously.

**Motion**

## **ANNOUNCEMENTS**

Staff provided an update on Senate Bill 360; determination of need requirement in growth management; and a pilot project to delegate Growth Management review and decision-making from the Department of Community Affairs to the Northeast Florida Regional Planning Council.

Commissioner Vana indicated she had served on the Growth Management Committee when she was a legislator and the issue of the Department of Community Affairs delegating its responsibilities to the regional planning councils had been discussed. She asked if the pilot project was in conjunction with any recommendations on growth management from the legislature. Staff did not know, but the possibility of the regional planning councils assuming some of the Department's responsibilities has been discussed for a number of years. If this project were to be approved then there would need to be funding allocations made, most likely coming from the Department's budget as well as the other regional planning councils' allocations. Commissioner Vana noted one of the conversations was that the decisions made by the regional planning councils

would be more local, where there would be better understanding of the communities and environment. Staff indicated a lot would change for the regional planning councils if they were given the authority to enforce conditions, rather than just make recommendations. Commissioner Smith stated that this regional planning council was one of the best in the state, already providing very detailed reports and recommendations. He expressed his frustration that Council staff and Council put a lot of effort and consideration in the reports being sent to the Department now, many times falling on deaf ears. He noted the idea of regional planning councils taking a greater role in the approval process and having more clout has been a point of discussion several times over the last five years at the Florida Regional Councils Association meetings. He stated the problem is that other jurisdictions do not have as much faith in their regional planning council and use the Department as their backstop. He stated in light of Amendment 4 coming forward, there needs to be an alternate method pitched in terms of how to improve growth management. He stated he would like Council to get more involved in discussions regarding this pilot project. Staff noted this is on the agenda for the January Policy Board Meeting of the Florida Regional Councils Association.

Commissioner Abrams warned not to underestimate the focus that will be placed on the policy makers, the elected and appointed officials of the regional planning councils, who will become targets for lobbyists, as Councilmembers will be in the position of giving final approval. Commissioner Smith indicated he believes that is the job of the Councilmembers. Commissioner Abrams indicated it was their job when acting in the roles they were elected to on their individual boards. Commissioner Smith noted that no one appears to be happy with the results from the current growth management legislation, that is why there is a game-changing amendment on the ballot. He stated there is a collective wisdom and knowledge in the professional world of growth management that understands intuitively what to do, but the process does not allow that to happen.

Commissioner Wheeler noted his concern that this will individualize, rather than regionalize, what is going on in the growth industry. That rather than plan for what is best for the entire region, individual political units will be focused only on what is best for their local government.

Councilmember Foley stated he would like to see more public participation. He agreed that the staff of this regional planning council was one of the most knowledgeable and he is interested in seeing the outcome of the pilot program. Staff noted if the regional planning councils were to get more decision making responsibilities and authority, they would still be held to the same existing set of rules and legislation. Unless there was some adjustment to the rules so that the regional planning councils would be able to work with the local governments on matters other than counting cars or gallons of water per day, it would just be another agency operating the same failing system.

Staff noted that the report from the Departments of Community Affairs and Transportation with respect to mobility fees has been issued. The report makes three recommendations; 1) state mandated transportation concurrency goes away and all local governments adopt mobility fees; 2) mobility fees be required in dense urban land area counties; and 3) authorize a few pilot projects around the state for developing mobility fees.

Staff asked Council to cancel the January meeting as it conflicts with the Florida Regional Councils Association Policy Board Meeting. Commissioner Smith made a motion to cancel the January 15, 2010 Council meeting. Mayor Ferreri seconded the motion, which carried unanimously.

**Motion**

Staff presented Councilmembers with calendars for 2010.

**COUNCIL ORGANIZATION MEMBERSHIP  
APPOINTMENTS AND ELECTION OF OFFICERS**

Vice Mayor Ahrens stated the committee recommendations for the 2010 officers are Mayor Ferreri as Chairman, Councilmember Trias as Vice Chairman, and Councilmember Foley as Secretary/Treasurer.

Commissioner Smith moved approval of the Committee recommendations. Commissioner Vana **Motion** seconded the motion, which carried unanimously.

Staff read the following names of the new Councilmembers for 2010 into the record and asked that the Chairman certify that they have been duly appointed.

PALM BEACH COUNTY

Regular Members: Commissioner Karen Marcus  
Commissioner Jeff Koons  
Commissioner Shelley Vana

Regular Member Alternates: Commissioner Steven L. Abrams  
Commissioner Priscilla A. Taylor  
Commissioner Jess R. Santamaria

Municipal Members: Councilmember Joni Brinkman (Village of Palm Springs)  
Mayor Samuel J. Ferreri (City of Greenacres)  
Mayor Karen Golonka (Town of Jupiter)  
Vice Mayor Dr. Carmine Priore (Village of Wellington)  
Commissioner Terry Brown (Town of Ocean Ridge)

Municipal Alternates: Councilman Fred Pinto (Village of Royal Palm Beach)  
Mayor David Norris (Village of North Palm Beach)  
Councilwoman Martha Webster (Village of Royal Palm Beach)  
Councilman Shelby Lowe (City of Riviera Beach)  
Councilmember Ellen Andel (Town of Juno Beach)

INDIAN RIVER COUNTY

Regular Members Commissioner Gary C. Wheeler  
Commissioner Bob Solari

Regular Member Alternates: Commissioner Peter D. O'Bryan  
Commissioner Joseph E. Flescher

Municipal Members: Vice Mayor Sabin Abell (City of Vero Beach)  
Vice Mayor Suzanne Joyce (Town of Orchid)

Municipal Alternates: Vice Mayor Jim Hill (City of Sebastian)  
Mayor Susan Adams (City of Fellsmere)

MARTIN COUNTY

Regular Members: Commissioner Doug Smith  
Commissioner Patrick Hayes

Regular Member Alternates: Commissioner Edward Ciampi  
Commissioner Sarah Heard

Municipal Member Commissioner Anne Scott (Town of Jupiter Island)

Municipal Alternate Commissioner Carol Waxler (City of Stuart)

ST. LUCIE COUNTY

Regular Members: Commissioner Chris Craft  
Commissioner Charles Grande

Regular Member Alternates: Commissioner Doug Coward  
Commissioner Christopher Dzadovsky

Municipal Members: Mayor Patricia P. Christensen (City of Port St. Lucie)  
Commissioner Edward Becht (City of Fort Pierce)

Municipal Alternates: Councilwoman Michelle L. Berger (City of Port St. Lucie)  
Commissioner Reginald Sessions (City of Fort Pierce)

GUBERNATORIAL APPOINTEES: Susan Hershey, Martin County  
Kevin J. Foley, Martin County  
Eduardo Balbis, Palm Beach County  
Laurence Davenport, Palm Beach County  
Michael Davis, Palm Beach County  
Peter Carney, Palm Beach County  
Richard Oujevolk, Indian River County  
Susan Caron, St. Lucie County  
Ramon Trias, St. Lucie County

Chairman Wheeler certified that, as chairman of the Treasure Coast Regional Planning Council, the membership as read have all been duly appointed according to Council rules.

Councilmember Foley moved for acceptance of the 2010 Councilmembers as read by the Executive Director and certified by the Chairman. Commissioner Smith seconded the motion, which carried unanimously.

**Motion**

**BUDET/PERSONNEL COMMITTEE  
ANNUAL REVIEW OF COUNCIL'S EXECUTIVE DIRECTOR**

Mayor Ferreri stated the Committee met on November 24, 2009 and reviewed the evaluations of the Executive Director that had been submitted by Councilmembers. He noted that less than fifty percent of the membership provided an evaluation and asked for a better Councilmember response next year. He noted the evaluations were excellent throughout, but due to the budget situations most members are facing within their own local governments it was determined the Executive Director's salary and benefits would remain the same, with a reevaluation mid-year. The Committee did,

however, recommend to increase his annual and sick leave basis to the average of the other regional planning council executive directors throughout the state. It was recommended raising the annual leave from 150 hours to 203 hours, and the sick leave from 75 hours to 103 hours.

Councilmember Oujevolk moved approval of the Committee recommendations. Commissioner Smith seconded the motion, which carried unanimously.

**Motion**

### **VERO BEACH COMPREHENSIVE PLAN AMENDMENTS DCA REF#09-1**

Staff noted for Council that when proposed comprehensive plan amendments appear on the regular agenda rather than the Consent Agenda there is a recommendation being made to find all or part of the proposed amendments inconsistent with the Strategic Regional Policy Plan.

Staff made a presentation on the three amendments to the Future Land Use Map being proposed by the City. All of the amendments pertain to properties that were annexed by the City in 2006 and 2007. One of the properties appears to be covered by native pine flatwoods. The staff report does not find this to be inconsistent, however there is a recommendation the City require an environmental assessment and the protection of a proportion of the site to be preserved as native habitat to benefit water conservation; provide a habitat for wildlife; and sequester carbon to protect against climate change. A second property which is of concern is a 16.7 acre property to be designated as Environmentally Significant. The property is located along the Indian River Lagoon and consists entirely of wetlands. The designation will allow for residential development on two acre lots, however the City will restrict the number of residential units for this property to three based on the existence of three lots of record. Although Council acknowledges the City policy allowing one residential unit per platted lot in a situation where wetlands protection “may deprive the owner of all reasonable economic use”, use of this property will clearly result in the destruction of wetlands, which is inconsistent with a number of strategies and policies contained in the Strategic Regional Policy Plan. A letter from the Department of Environmental Protection dated October 16, 2009 indicates how sensitive this land is and that the property is inundated with saltwater several times a year. The staff report encourages the City to establish and implement programs to provide for the protection of environmentally sensitive lands that were platted prior to the adoption of regulations which require wetlands protection. The report recommends development rights be transferred to less sensitive areas or the property be purchased under an Environmentally Sensitive Lands preservation program.

Commissioner Smith asked when the lots had been platted. Staff indicated that even if this property was to remain in the County, one dwelling unit per lot would most likely have been permitted as there are three platted lots of record. Staff indicated understanding of the City’s position, but noted it is the role of the regional planning council to state that the proposed development of this property is inconsistent with the regional policy plan.

Councilmember Davis asked if the Army Corps of Engineers had taken a position on the proposed amendments by either denying or issuing permits. Staff noted there is correspondence indicating that the local government working with the Department of Environmental Protection on getting permits to develop the property.

Mayor Golonka asked if the City had a transfer of development rights program. Staff indicated they did not.

Councilmember Brinkman inquired as to the owner of the property when it was utilized as a mosquito impoundment. Staff indicated it had been privately owned.

Mayor Ferreri moved approval of the staff recommendation. Councilmember Hershey seconded the motion.

**Motion**

Commissioner Craft asked how Council can make a recommendation for transferring the units if the City does not have a program to implement the transfer. Staff indicated a recommendation can be made for the City to adopt a policy for accomplishing this. Commissioner Craft asked the motion maker to include in the motion a recommendation for the City to develop a transfer of development rights program. Mayor Ferreri indicated this would be acceptable.

Under Public Comment, Drew Martin of the Sierra Club, thanked Council for addressing issues regarding the wetlands and estuaries. He stated it was very important to look at how developments will effect the environment. He stated people moving to South Florida want to live near the environmental areas. He noted a big problem with homeowners insurance rates. He stated allowing development such as this in areas that are inundated with saltwater will surely result in destruction of the house, which will cause rates to increase for all policy owners. He encouraged Council to follow the staff recommendations contained in the report.

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

### **ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM RESOLUTIONS OF SUPPORT**

Staff provided a brief report on two resolutions of support for Palm Beach and St Lucie Counties in applying for Energy Efficiency and Conservation Block Grant funding under the American Recovery and Reinvestment Act of 2009.

Councilmember Hershey moved approval of the staff recommendation. Mayor Ferreri seconded the motion.

**Motion**

Under Public Comment, Alexandria Larson expressed her pleasure with Palm Beach County getting the money for retrofitting, but she would like to see Palm Beach County follow the lead of St. Lucie County in providing funding for solar. She stated she would like to one day have everyone off the grid and have centralized solar on all homes.

Drew Martin agreed with Ms. Larson and added solar pool heaters need to be addressed as well as hot water heaters.

Frank Slifka of Climatic Solar noted homeowners today cannot control their property taxes or homeowners insurance, but they can control their utility use. He stated the loan program is extremely important because it will allow homeowners to address the biggest impediment to solar installation, which is the upfront costs. He also added that with more installations there will be more jobs provided in the area.

Sharon Waite stated she totally agrees with the program in Palm Beach County and wants to see it expanded to the unincorporated areas of the County as well. She also encouraged Palm Beach

County to provide a loan program like that is being proposed in St. Lucie County.

Councilmember Brinkman asked if the program will target the Urban Redevelopment Area as designated in the County's Comprehensive Plan. Staff indicated yes. Councilmember Brinkman asked if they are only targeting Florida Power and Light facilities, or will residents serviced by Lake Worth Utilities have the ability to utilize the funds as well. Staff indicated the County will be working with Florida Power and Light to retrofit an entire neighborhood. Staff indicated belief that the County is looking to roll this out in the Urban Redevelopment Area and then expand it county-wide. Councilmember Brinkman wanted to ensure that the funds will be available for not only Florida Power and Light customers, but those of Lake Worth Utilities as well.

Councilmember Davenport noted he would not be voting on this item as he is the consultant to St. Lucie County on the grant application. He noted that in discussion with the Department of Energy the one thing that appeared to be missing was the financing component. He stated that what makes this program unique and innovative is the support that has been received throughout the County. He stated the financing structure that has been set up could become a model for not only Florida, but the entire nation.

Commissioner Vana stated she would get with County staff to make sure the issue of Lake Worth Utilities is addressed.

Commissioner Grande noted that although St. Lucie County is only requesting \$5 million, there is actually \$20 million available as banks in the County have agreed to partner with the County in the revolving loan fund. Councilmember Davenport estimated there will be approximately 150-200 jobs created from this grant in just the next 12 to 18 months.

Commissioner Smith apologized for Martin County's lack of involvement with these grants. He noted that at recent meetings of the Florida Association of Counties the larger issue of how the State will handle these projects was discussed. He stated that there is no cohesive process to regulate the installation, testing and licensure involved with solar. He cautioned the other counties to follow up with their legislators and lobbyists to ensure all of these issues are addressed. Staff indicated demand for these types of alternative energy will also promote the manufacturing and production of the alternative energy equipment in the area.

Marty Laven, a resident of Fort Pierce and employee of a solar contractor, stated there is enough product approved with the proper licensing, bonding and insurance to begin installations. He commended Council and staff for its vision for renewable energy programs and the financial instrument to allow residents to take advantage of alternative energy programs. Councilmember Davenport noted that what makes this project unique is that it uses an assessment based collection system wherein the tax collector collects the principle and interest payments which will eliminate defaults. Mr. Laven also commended Council for being the only regional planning council with an Energy Committee.

Rosa Durando stated that with the wording of this item, who could be against it? She stated she disliked that there is reference to partnering with Florida Power and Light Company. She cautioned that with all the retrofitting, the County needs to ensure that staff of the planning, building and zoning departments will have the proper training for this initiative. She noted that in the 1950s and 1960s Coral Gables had a whole community with solar units for hot water heaters.

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

### **UPDATE ON COUNCIL'S ENERGY PLANNING GUIDE**

Staff made a brief presentation to Council on the 2009 update to *Energy Planning in the Twenty-First Century, A Guide for Florida Communities*. The guide is intended to enhance awareness of energy issues and promote good energy planning and conservation. The intention of Council in providing the Guide to local governments is to: 1) assist and encourage local governments to adopt local comprehensive plan amendments and energy elements taking into account the information provided in the Guide; 2) help local governments comply with provisions of HB 697 (2008) and HB 7135 (2008); and 3) improve the qualifications of local governments applying for federal and state energy-related grants and loans.

Mr. Saberson indicated that if Council was inclined to adopt staff recommendation, the motion would need to be adopted exactly as recommended by staff.

Councilmember Davenport thanked all the committee members and staff for their hard work on this guide that will provide local governments with a regional energy plan. He stated that with a strategic regional plan and policy, obtaining funding will be much easier in the future.

Councilmember Caron especially thanked Councilmember Davenport and Dr. Peter Merritt for their leadership on this project.

Mayor Ferreri noted this guide will be useful when addressing the many changes that will need to happen in retrofitting and designing buildings to adopt alternative energy measures. He stated that if there is a demand created, then solar production and installation businesses will want to locate to the area, which will generate jobs.

Commissioner Smith moved approval of the staff recommendation as written. Mayor Ferreri **Motion** seconded the motion.

The staff recommendation as written is the following:

Council should approve the 2009 update to *Energy Planning in the Twenty-First Century, A Guide for Florida Communities*. Notwithstanding any language of the Guide to the contrary, the approval of the Guide by Council is to enhance awareness of energy issues and promote good energy planning and conservation. It is not intended to impose additional requirements upon local governments or others. The Guide shall not be used by Council in reviewing developments of regional impact, local government comprehensive plans, amendments to local government comprehensive plans or in other review and comment functions of the Council. In providing the Guide to local governments and others, Council staff shall clearly indicate the foregoing limitation. The intention of Council in providing the Guide to local governments is to: 1) assist and encourage local governments to adopt local comprehensive plan amendments and energy elements taking into account the information provided in the Guide; 2) help local governments comply with provisions of HB 697 (2008) and HB 7135 (2008); and 3) improve the qualifications of local governments applying for federal and

state energy-related grants and loans.

Under Public Comment, Rosa Durando stated the guide needed to contain more meaningful language. She questioned the meaning of “sustainable communities” and “higher quality of life”, asking if that meant more electrical devices. She questioned why the guide would not be used to enforce recommendations when reviewing developments of regional impact.

Staff noted the guide was developed to promote the use of a higher proportion of renewable resources for energy production which results in a cleaner environment which will provide a higher quality of life for everyone.

With respect to not using the guide as a reviewing document, Mr. Saberson explained that the reasons are legal. He stated that Chapter 186, Council’s operating statute, is divided into two main sections. One section applies to the Governor and the subject areas that he can address in the state comprehensive plan, and the other section of the statutes relates to regional planning councils and the subject areas they can address. Energy is not included in the section for regional planning councils, so the Energy Guide cannot be applied as a rule or law. Staff noted there had been discussions of changing the legislation to allow regional planning councils to address energy issues, but the other ten councils did not want to pursue this. Staff has been in discussion with the Florida Energy and Climate Change Commission for support on getting regional planning councils and local governments more involved in energy planning issues, but there has been much opposition.

Marty Laven noted he is a member of the Land Development Committee in Fort Pierce and they are addressing the key issue of permitting. He stated he is also a member of the United States Green Building Councils organizing committee for a Treasure Coast branch of the South Florida Chapter, which is the largest of all the chapters in the country, and working in tandem with many professionals in the architect and design industries. He stated he also is a member of the Treasure Coast Builders Association Green Building Council and serves on the Economic Development Board of St. Lucie County, which is promoting energy education programs. He stated that the key is the renewable portfolio standard.

Drew Martin, representing the Sierra Club, stated he believes as Americans we fail to see the urgency of need for alternative energy sources. He also expressed his concern that the guide did not have authority. He noted this is the perfect opportunity to replace jobs that are being lost with the slow down of the construction industry. He stated permitting is important and all new development needs to be held to very high energy standards on water and energy.

Alexandria Larson stated she attended a meeting of the Water Resources Task Force in Palm Beach County, where the head of the Arthur Marshall stated that if global warming happens and the water rises, everybody will just move west. She stated she is concerned about the comments contained in the guide to have programs and incentives for the power plants. She stated the incentives need to be given to homeowners for solar. She offered to go to Tallahassee to assist in getting Council more power to enforce alternative energy.

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

**FLORIDA POWER AND LIGHT COMPANY'S SMART GRID PROGRAM:  
ENERGY SMART FLORIDA – PRESENTATION BY JOHN HANEY, FPL**

John Haney made a presentation to Council on Florida Power and Light Company's Smart Grid Program. This presentation can be viewed at [www.tcrpc.org/council\\_meetings](http://www.tcrpc.org/council_meetings) under the December Agenda link on Council's website.

Commissioner Vana asked how many customers are on the program that allows Florida Power and Light to turn off their power during peak usage times. Mr. Haney stated there are 750,000 residential customers and a little over 50,000 business customers. Commissioner Vana asked if Florida Power and Light has the ability to know which customers have power. He answered they have the capability of knowing when and where power is flowing.

Under Public Comment, Ms. Durando stated she wanted to see unified support that there will be no off shore drilling. She also noted her objections to the use of wind turbines, noting the destruction they can cause to the wetlands and bird populations, as well as Florida being an international fly zone. She stated it was naïve for Council to believe that not mentioning energy as part of the state planning process was an oversight. She cautioned proper wording was important and stated the guide was lacking detail and a lot of "platitudes and pie in the sky".

Alexandria Larson stated in the late 1980s Florida Power and Light laid off over 5,000 maintenance employees, which resulted in serious problems during the hurricanes. She stated she feels this project is a waste of money that could be better served by installing solar on homes for hot water heaters. She stated she did not want money spent to install a meter on her house that tells her if her refrigerator is running.

Suzanne Squire, a Palm Beach County resident, stated more people would come to the meetings if they were at a more convenient time for working individuals. She stated she did not appreciate being told what to do, and did not want Florida Power and Light to tell her when and how much power she should be using. She stated if consumers want to be more energy aware, this can be done going on-line and to home outlet stores to check energy efficiency ratings and attend classes. She stated she is all about saving the environment and energy conservation, but does not need to be told how to do it.

Sharon Waite stated she did not agree with this program. She stated she is tired of companies like Florida Power and Light making profits at the expense of its customers. She stated she believes all incumbents should be taken out of office.

Drew Martin stated he believes that Florida Power and Light has overpromised, so people are frightened as this sounds like a lot more than it really is. He stated it appears they are just trying to put a little better meter on homes. He stated he believes the real freedom for homeowners is to go to centralized power. He stated a smart grid is ultimately trying to reduce the loss of power. He stated this program will educate consumers on wasteful use of energy.

Councilmember Davenport stated that there need to be initiatives for better technology and improved energy infrastructure. He stated he would also like to see a renewable portfolio standard in this state that would bring about many of these things that Council is seeking.

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

Due to time constraints, this Item will be presented at the February meeting.

**ENTERPRISE FLORIDA, INC. MISSION AND OVERVIEW – PRESENTATION BY  
LIEFKE COX, DIRECTOR OF PARTNER RELATIONS**

Ms. Liefke Cox made a presentation to Council on Enterprise Florida. This presentation can be viewed at [www.tcrpc.org/council\\_meetings](http://www.tcrpc.org/council_meetings) under the December Agenda link on Council’s website.

**COUNCIL MEMBER INFORMATION EXCHANGE**

Commissioner Smith thanked Council staff for all the hard work on the rail legislation for the special session. Staff noted there is an issue with liability that may cause Amtrak to abandon, or even oppose the Sunrail and High Speed Rail legislation. Projects such as the proposal for passenger service on the FEC will be in jeopardy if legislation is not amended during session. Commissioner Smith encouraged all Councilmembers to contact their legislative delegation to help advance this effort.

**STAFF COMMENT**

None

**CHAIRMAN’S COMMENT**

None

**ADJOURNMENT**

There being no further business, Chairman Wheeler adjourned the meeting at 12:30 pm. 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 December 11, 2009 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 Jeri S.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>TCRPC</i>
MAILING ADDRESS <i>201 Rev Ct</i>	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 <i>Palm Springs</i>	COUNTY <i>Palm Beach</i>
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION <i>Palm Beach County</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).

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#### 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 12 - 11, 2009:

(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 Urban Design Kilday Studios, 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:

Item 5 J.  
Employer (firm) represents applicant.

12-11-09  
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.



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 DECEMBER 11, <sup>2009</sup>~~19~~:

(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 ST. LUCIE COUNTY, by whom I am retained.

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

A. RESOLUTION OF SUPPORT FOR ST. LUCIE COUNTY'S  
EECBQ APPLICATION WITH THE DOE.  
I HAVE BEEN A PAID CONSULTANT BY  
ST. LUCIE COUNTY TO ASSIST IN THE  
GRANT APPLICATION

12/10/09  
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.