

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
SEPTEMBER 16, 2016**

Vice Chair Thurlow-Lippisch called the meeting to order at 9:41 a.m. and welcomed everyone to the meeting. She led the pledge of allegiance and requested roll call.

The following members and alternates were present:

Indian River County: Commissioner O’Bryan
 Vice Mayor Old
 Councilmember Webber

Martin County: Commissioner Thurlow-Lippisch

St. Lucie County: Commissioner Lewis
 Commissioner Mowery

Palm Beach County: Vice Mayor Valeche
 Commissioner Burdick
 Mayor Gerwig
 Mayor DuBois
 Vice Mayor Hmara
 Commissioner Katz
 Mayor Tinsley
 Mayor Brennan, Alternate
 Commissioner Ryan, Alternate

Gubernatorial Appointees: Douglas Bournique
 Michael Houston
 Reece Parrish
 Peter Sachs
 Steven Weaver, Sr.

Ex-Officios: Lois Bush, Florida Department of Transportation
 Ann Benedetti, St. Johns River Water Management District
 Lynda Westin, South Florida Regional Transportation Authority

Council Staff: Kate Boer
 Michael Busha
 Phyllis Castro
 Kim DeLaney
 Liz Gulick
 Stephanie Heidt
 Peter Merritt

Council Attorney: Keith Davis

The Executive Director announced a quorum is present.

AGENDA APPROVAL

Commissioner Katz moved approval of the Agenda. Vice Mayor Valeche seconded the motion, **Motion** which carried unanimously.

CHAIRMAN'S COMMENTS

Vice Chair Thurlow-Lippisch with the Town of Sewall's Point noted she did not win her election for Martin County Commissioner and because she is not continuing on as Commissioner with the Town of Sewall's Point, she will no longer be on Council after the October meeting. She presented maps of the Everglades Agricultural Area that Council staff prepared and offered copies to anyone who would like them. She noted the maps show lands already in public ownership. She encouraged everyone to stay focused on water issues.

COUNCIL MEMBER UPDATE

Councilmember Bournique, Gubernatorial Appointee from Indian River County, stated there has been a lot of activity at the water management districts, noting he serves on the St. Johns River Water Management District (SJRWMD) governing board and on the Water Resources Advisory Committee for the South Florida Water Management District (SFWMD). He stated he has been professionally involved with water management issues since 1975 and he knows a lot of people who are upset with the elected officials over what is happening now. However, he said there is more happening now than in the past to improve our current water issues, noting the water management districts are investing more money and there has been active leadership from our elected officials.

Vice Mayor Valeche with Palm Beach County commended Commissioner Burdick for her foresight to vote against the Minto West development. He noted after Minto received their development order from the Palm Beach County (PBC) Board of County Commissioners (BOCC), they decided to legally incorporate on their own as Westlake, which gives them exemption from county zoning regulations and makes the development order null and void. He stated this is the largest act of bad faith he has ever seen and there is nothing the county can do.

Vice Mayor Randy Old with the City of Vero Beach stated they are installing a septic tank effluent pump (STEP) system in the city. He noted the city has a goal of getting 1,500 people on this system, and has already signed up or is signing up 130 households. Staff asked how much it will cost to hook into the system. Vice Mayor Old said the city is putting in the infrastructure on each street and asking the resident to pay about \$6,000 to hook into the system.

Commissioner Katz with the City of Delray Beach stated at the end of the month the city will have a kickoff meeting for the rewrite of their comprehensive plan. He stated there is a 15-member steering committee that will organize the citizen-driven process, and he is excited to see what the community would like to see happen in the city over the next 20 years.

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Commissioner Burdick with Palm Beach County thanked Vice Mayor Valeche for his comments. She encouraged everyone to work for a legislative fix so what happened in PBC does not happen in other counties throughout the state of Florida. She noted Commissioner McKinlay is developing legislative language they will share with cities and counties to add to their legislative platforms. She stated at the Florida Association of Counties (FAC) meeting there was discussion of the opioid epidemic in the state. She indicated many elected officials around the state did not fully embrace the information given. She stated they agreed to move forward on the issue, but not place it as a legislative priority. She stated she spoke with the president of the American Medical Association (AMA), because she is very concerned with this issue. She noted the AMA is placing opiates as one of their top federal legislative priorities. She noted the opioid issue is a culmination of the designer drugs such as flakka and other street drugs that contain various impurities coming in from China. She noted PBC is out clamping down on the pill mills, which have been a significant problem. She stated in the past four months the City of Delray has had over 300 overdose situations. She said this is having a huge impact on all local governments, because it ties up the first responders and local hospitals, which impacts the level of service they can provide. She also noted the medication they must give to the person overdosing is very expensive. She stated over the past several years the county has lost hundreds of beds for detox situations. She said these individuals come to the emergency rooms, are treated and leave, but because they are in a detox situation, they go back on the street and use drugs again. She noted this crosses all social and economic barriers.

Commissioner Katz indicated his city has experienced two months in a row of record overdoses, with multiple overdoses a day and a death almost every other day. He stated the police are handcuffed, because if they get a call for an overdose they are not permitted to make an arrest due to the Good Samaritan law. He stated this is where we need legislative help. Commissioner Burdick stated there was also discussion at the FAC meetings about last year's Senate Bill 12 that deals with mental health and substance abuse. She stated there needs to be a legislative fix, because this is a significant unfunded mandate, and the county does not have the resources to comply with the law.

Councilmember Parrish, Gubernatorial Appointee from St. Lucie County, stated he is looking forward to taking advantage of the Wawa invasion that has taken over the Treasure Coast.

Commissioner Mowery with St. Lucie County stated Senate Bill 12 has been a massive issue since Governor Scott signed it in April. He stated other issues discussed at the FAC conference were sober homes and the Zika virus. He stated we all need to push forward the Zika issue and encourage Congress to provide more funding before this becomes a crisis for our state. He gave kudos to everyone involved in helping the Islamic Center in Fort Pierce recover after a fire. He said it was very nice to see the community pulling together. He noted he is excited Tim Tebow will be playing baseball with the local Mets team. He stated they are currently looking at a significant initiative for renovation and other improvements at the Met stadium.

Councilmember Weaver, Gubernatorial Appointee from St. Lucie County, noted there is a new Fort Pierce City Commissioner Jeremiah Johnson, who will be replacing Commissioner Becht. He noted there will be another Wawa coming to the corner of SR 70 and I-95.

Mayor Tinsley with the City of Palm Beach Gardens recognized past Councilmember Joni Brinkman is in attendance. She noted the city is currently working on their budget and hopes to

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adopt a millage rate of 5.6 overall, with an operating rate of 5.5, which is a reduction from the previous year. She stated the city has done a very comprehensive year-long study with respect to impact fees, and the city will have its second reading of an ordinance to approve impact fee modifications next week. She stated the study addresses not only populations, but functional and weighted populations and takes into account everything that impacts the city, which includes visitors, businesses, and population. She indicated the study is available on the city website.

Vice Mayor Hmara with the Village of Royal Palm Beach thanked staff for addressing the impact fee item on the agenda, stating he believes there is an opportunity to move in a positive direction. He stated he is looking forward to what he hopes will be a final resolution of the SR 7 extension. He indicated this has been a very intensive issue going back 30 years, and it appears the administrative judge who heard arguments from both sides will deliver a decision sometime in October. He stated he has heard that if he decides in favor of the extension, regardless of an appeal, the Florida Department of Transportation (FDOT) can proceed with construction. He stated with all the development predicted for the western communities, that particular piece of road is important to mitigate the development that is coming. He noted a recent 1000 Friends of Florida growth study that is predicting a 70 percent increase in population in Florida. He stated the study indicates that by 2070 there will be 34 million people in Florida, with the most intensive growth south of Lake Okeechobee and in the central part of the state from Daytona to Tampa.

Mayor Dubois with the Town of Lake Park stated PBC does not have a good process for annexing the unincorporated enclaves sprinkled all over the county. He stated the county does not help the municipalities and does not provide services to the unincorporated areas, which is why the police department charges are so expensive in the county. He stated he does not see how the county can complain about Westlake, when they do nothing for the other areas. He stated he has seen health issues in the unincorporated areas blamed on the municipality next door, because there is no oversight by the county. He stated the county needs to actually annex these properties into a municipality and if the county is to take that approach, it needs to be for the entire county.

Mayor Gerwig from Wellington noted the American dressage team won a bronze medal at the Olympics in Rio. She stated they are proud of their equestrians, noting all but one of the equestrians who medaled has ties to Wellington.

Ann Benedetti with the SJRWMD noted the district is working with the City of Vero Beach on the STEP project through their cost-sharing program. She stated the District is wrapping up their agricultural cost-share program that will provide up to 75 percent, not to exceed \$250,000 annually. She stated the objective of the program is to assist farmers, growers, and ranchers with water conservation and reduction of nutrient runoff. She indicated the staff will produce a list of applicants to the governing board on November 8th for final funding approval.

CONSENT AGENDA

Vice Chair Thurlow-Lippisch requested staff provide an explanation of Agenda Item 7A1, Disclosure of Voting Conflicts. Staff indicated this item allows Council members an opportunity to disclose any conflicts of interest on Consent Agenda items.

Under public comment, Drew Martin indicated he believes the changes being proposed to the PBC comprehensive plan should be delayed, because of the situation with Westlake. He stated the reason Westlake was able to incorporate was approval of a comprehensive plan amendment by the state and county. He said the county needs to stop amending the comprehensive plan and do a complete review of the plan. He stated people from the Town of Jupiter are calling him at the Sierra Club expressing their unhappiness with the development that is going on there and the changes to the town's comprehensive plan. He stated he would like to see a presentation from the county and the town on their proposed amendments rather than Council simply approving them with no discussion.

Commissioner Burdick requested Agenda item 7C6, Palm Beach County Comprehensive Plan Amendment No. 16-5ESR, be pulled for discussion. Commissioner Mowery moved approval of the Consent Agenda as amended. Mayor Tinsley seconded the motion, which carried unanimously.

Motion

Items remaining on the Consent Agenda were: 7C1, Financial Report – June 30, 2016; 7C2, Financial Report – July 31, 2016; 7C3, Minutes – July 15, 2016; 7C4, City of Boynton Beach Comprehensive Plan Amendment No. 16-1ER; 7C5, Town of Jupiter Comprehensive Plan Amendment No. 16-2ESR; 7C7, Village of Palm Springs Comprehensive Plan Amendment No. 16-1ESR; 7C8, City of Stuart Comprehensive Plan Amendment No. 16-1ESR; 7C9, City of West Palm Beach Comprehensive Plan Amendment No. 16-2ESR; and 7C10, Intergovernmental Coordination and Review Log.

**PALM BEACH COUNTY COMPREHENSIVE PLAN
AMENDMENT NO. 16-5ESR**

Commissioner Burdick indicated she would like to discuss the Stop and Shop amendment. Staff stated this amendment is to change the proposed land use from Agricultural Reserve (AR) to Commercial Low with an underlying AR for a 5.11 acre parcel on the west side of SR 7. Staff noted the proposal includes a condition to allow 40,000 square feet of commercial uses. Staff stated the property is currently vacant, with a past use of a convenience store and small gas station with 4 pumps. Staff indicated there is a post office adjacent to the property to the west and a natural gas facility to the south. Staff said this property is one of several commercial sites in the AR Tier that were there prior to the comprehensive plan. Staff noted the current pre-existing commercial policy allows 7,980 square feet of commercial uses and 6 pumps for the gas station, and the applicant is requesting approval for a convenience store with 16 pumps and up to 40,000 square feet of commercial uses. Staff indicated the county staff analyzed the impacts to services and concluded it is compatible with surrounding land uses and there are adequate public facilities. However, county staff recommended denial of the proposed amendment, because the BOCC previously gave direction to limit the assignment of commercial future land uses west of SR 7. Staff noted Council's draft report indicates there is concern at the regional level with the trend to reduce agricultural uses in the AR. Staff indicated the report states that while this is only a five acre parcel and will not result in a significant impact, it is recommended the county take a strong position on protecting the AR. Vice Chair Thurlow-Lippisch asked the original intent of the AR, and when it was instituted. Staff responded in the early 1990s the intention was to protect this area that is highly valued for growing crops, and protect natural and water resources. Vice Chair Thurlow-Lippisch asked when the development of the area began. Staff indicated when the AR Tier was set up, there were a number of policies that allowed development with the establishment of preserves. Staff noted there

are a number of areas preserved in association with previous development and this particular parcel was one that preexisted as commercial.

Commissioner Burdick stated when the comprehensive plan was adopted by the BOCC in 2000, they asked the citizens to give them \$150 million to acquire, preserve, and protect land for agricultural and water conservation uses. She indicated part of the plan was designated nodes for commercial and traditional marketplaces to provide needed services to the community, with the existing entities being grandfathered into the plan. She stated over the last two years the plan has been tweaked and is being slowly dismantled. She stated the AR provides a \$2 billion industry that produces 28 percent of the fruits and vegetables in the county, and supports a lot of jobs. She also noted there are several non-profit organizations in the county that take the leftover produce and use it in the food banks and to feed the hungry. She stated if we keep chipping away at the number of agricultural acres, we reduce the amount of produce to feed not only our working poor, but senior citizens who rely on this food source.

Vice Mayor Valeche stated he respectfully disagrees with Commissioner Burdick and does not believe the county is chipping away at land that is in agricultural production. He stated we need to accept the reality that there is entitled development and there needs to be local services for residents so they do not have to drive all the way east. He said there have been modifications of some land uses and some underlying zoning on small parcel to accommodate very limited commercial development, but those were not in agricultural production.

Councilmember Houston indicated he has studied transfer of development rights (TDR) programs around the country and PBC's program is one of the few that actually work. He stated what is unique about the county's program is that the agricultural community is a key partner at the table. He stated with the \$150 million the county bought land, but they also bought development rights. He stated TDR programs are very complicated and most of the time they do not work. However, he commended PBC for their program. Vice Chair Thurlow-Lippisch called for a motion. Mayor Tinsley moved approval of staff recommendation. Vice Mayor Valeche seconded the motion, which carried by a vote of 13 to 5.

Motion

CHAIN OF LAKES BLUEWAY TRAIL PROJECT CONSULTANT AGREEMENT

Staff provided an overview of the project, which is located on the C-51 Canal between Dixie Highway and US 1 on the border of the cities of Lake Worth and West Palm Beach. Staff noted for the past several years, Council has been assisting the Palm Beach Metropolitan Planning Organization (MPO) and PBC local governments with the planning and design of a boat lift at the C-51 Canal to enable access for vessels between the chain of lakes, which is a series of inland lakes in central Palm Beach County, and the Lake Worth Lagoon. Staff indicated within the C-51 Canal, a saltwater control structure, installed in the 1970s, currently prevents boating access between the two waterways, and a preliminary analysis completed by Council on behalf of the MPO in 2015 concluded a boat lift to move motorized and non-motorized vessels around the control structure was a feasible method to reintroduce access between the two waterways. Staff indicated funding for the project is the result of an appropriation from the legislature through the Florida Department of Economic Opportunity. Staff stated Council's responsibilities will include managing a Request for Qualifications (RFQ) process, and management of the engineering and preliminary design for the

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facility, cost estimates, data collection, surveys, and ultimately documents for permit submittal. Staff indicated the RFQ process has been completed with a recommendation by the selection committee that included local government representatives from Palm Beach County, the City of Lake Worth and the Town of Lake Clarke Shores, as well as two private sector representatives from the West Palm Beach Fishing Club and the Marine Industries Association of Palm Beach County. Staff noted the current agenda item is to obtain Council approval to authorize the Executive Director, in consultation with Council's attorney, to execute a contract with the top-ranked engineering firm on behalf of Council.

Commissioner Mowery asked if there have been any comments from agencies such as the PBC Department of Environmental Resource Management (DERM), or the Florida Department of Environmental Protection. Staff indicated a representative from DERM served on the selection committee and is also participating in the working group meetings for the project. Commissioner Mowery asked if there is an idea of the overall cost for the project. Staff indicated a preliminary feasibility study indicates the cost to be about \$1 million in capital costs. However, since that study it has been determined there will need to be larger dock reconstruction and the need for some additional hardscape. Staff estimated the project cost could be from \$1 to \$2 million, with this estimate being fine-tuned by the engineering firm as part of their work. Commissioner Mowery asked if there will be any additional right-of-way necessary. Staff stated the water management district has control of the property to the south, and they have been an agency partner since the project was first suggested. Staff stated there is a right-of-way permit process as part of the project, and the SFWMD will be hosting the working group discussion for this process. The expectation is the SFWMD will apply for the permit through the U.S. Army Corps of Engineers (Corps), because the project will be done on their lands. Commissioner Mowery asked if additional width will be needed in order to accomplish the addition. Staff stated the estimate is currently between 40 and 80 additional feet, but this be more precise once it is reviewed by the engineers.

Vice Mayor Valeche asked if this is going to involve the Northeast Everglades Natural Area (NENA) network of trails. Staff indicated that like NENA, this will create a network of blueways trails, which have also been suggested in other plans and efforts. Vice Mayor Valeche asked if this will be oriented more to kayaks and smaller craft rather than motorized boats. Staff indicated this will serve both motorized and non-motorized vessels.

Commissioner Ryan noted that recently the United States Senate passed the Water Resource Development Act of 2016, which is to help restore our ecosystems, create innovative technologies, and provide financing geared to clean water and protecting the waterways. She indicated this program would fit nicely into that. Staff indicated Congresswoman Frankel has been supportive of this project from its inception and has offered to help sponsor whatever may be necessary to secure federal funding. Mayor Gerwig asked if this project will impact local governments other than the City of Lake Worth and the Town of Lake Clarke Shores. Staff indicated several other municipalities in the area have passed resolutions in support of this project, because getting a blueways trail system in place will benefit everyone.

Under public comment, Mr. Martin stated there is concern from environmental groups, because they have not been included in the process. He stated some of the concerns have to do with the interchange of water, because this will bring water back into the system from the estuary. He said a

lot of people who live in the area do not have boats, and this is being driven by people who want to put in a dock to increase their property value. He stated people are also concerned with the health of the environment, noting this area has a lot of snook. He stated the larger environmental groups are concerned about the risks of bringing in invasive species of fish. He also noted there will be more boat traffic and the wake from the larger boats will damage the canal bank. He stated this project is taking a system that is designed to provide drainage and making it into a waterway, and there is a push to do this without looking at all the ramifications.

Councilmember Bournique moved approval of the staff recommendation. Commissioner Lewis seconded the motion, which carried unanimously.

Motion

**2016-2017 HAZARDOUS MATERIALS EMERGENCY
PREPAREDNESS CONTRACT AGREEMENT**

Staff presented an overview of Council's hazardous materials emergency preparedness program, which provides training and emergency preparedness planning for the region's first responders and planners. Staff noted the Council's Local Emergency Planning Committee (LEPC) administers the program using committee members. Staff noted Commissioner McKinlay and Councilmember Weaver are both members of the LEPC. Staff stated the mission of this program is to strengthen interagency coordination and collaboration with our first responders, and provide technical assistance for disaster planning and bring together all the emergency response agencies.

Commissioner Katz asked if there have been efforts to get grants for fire suppressants. He stated his city is looking at the potential impacts of liquefied natural gas (LNG) traveling on the railways through our regional downtowns. Staff indicated this contract is dedicated to providing training and planning. Vice Chair Thurlow Lippisch called for a motion. Commissioner Ryan moved approval of the staff recommendation. Commissioner Mowery seconded the motion, which carried unanimously.

Motion

**TRANSIT-ORIENTED DEVELOPMENT PILOT PROGRAM AGREEMENT WITH
SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY**

Staff indicated this item is being presented to obtain Council authorization to execute an agreement with the South Florida Regional Transportation Authority (SFRTA) to carry out a series of planning activities funded through a grant SFRTA has received from the Federal Transit Administration (FTA). Staff noted Council will be directly responsible for providing planning assistance to municipalities that will receive Coastal Link stations on the FEC corridor. Tasks will include assistance with charrettes; and writing land development regulations, form based codes, and comprehensive plan amendments. Staff noted the agreement is scheduled for authorization by the SFRTA board at its September 23rd meeting, with work beginning in October of this year.

Vice Mayor Valeche asked if this will piggyback off the Brightline stations. Staff indicated there are three Brightline stations on the Coastal Link corridor in Miami, Fort Lauderdale, and West Palm Beach, and between 25 to 30 total stations located between downtown Miami and the town of Jupiter. Staff stated this funding is more likely to be utilized at local stations currently under construction as part of the larger Coastal Link corridor.

Under public comment, Drew Martin stated he agrees with the concerns of LNG on the railways. He stated he is in favor of anything that improves public transportation, but one of the unfortunate things about our area is transportation is linked along one corridor without adequate links to east-west connections. He stated Council needs to look at areas such as Okeechobee and Southern Boulevards to see if there is potential to get people out of their cars, because we are seeing more and more development to the west. He stated the county's original comprehensive plan was to keep everyone along the eastern corridor where the population could use public transit. He suggested another thing that would encourage the use of public transit is to have air-conditioned facilities and plenty of parking at the transit stops.

Councilmember Sachs moved approval of the staff recommendation. Commissioner Katz seconded the motion, which carried unanimously. **Motion**

LAKE OKEECHOBEE WATERSHED PROJECT UPDATE

Staff noted since Council's July 15th meeting, staff has attended a public scoping meeting and public workshop for this project. Staff provided a two-page summary of the project produced by the Corps and SFWMD. Staff stated the presentation by the Corps at the scoping meeting indicated the purpose of the project is to improve the quality and timing of water entering Lake Okeechobee and the northern estuaries; improve the regional water management operational flexibility in context with the overall Everglades Ecosystem Restoration; and restore the wetland habitat in the project area of Lake Okeechobee. Project objectives include; improve quantity and timing of discharges from Lake Okeechobee to benefit the salinity regime and quality of oyster and submerged habitat in the northern estuaries; increase the aquatic and wildlife habitat area within Lake Okeechobee; and increase the spatial extent and functionality of wetland habitat in the watershed. Staff noted the project team is exploring opportunities to achieve these objectives through a combination of alternatives such as: above ground reservoirs; aquifer storage and recovery wells; and wetland and floodplain restoration. Staff indicated the Corps and SFWMD plan to prepare a full environmental impact statement following the National Environmental Policy Act process, which they expect to complete within three years. Staff noted at the July Council meeting concern was expressed why the northern portion of the watershed is not included in the project. Staff indicated the Corps is planning a comprehensive review of the operational plans for the Lake Istokpoga basin before taking any approaches in that area. They also indicated they want to complete the Kissimmee River restoration project before including this area. Staff stated Leslie Bertolotti from the SFWMD is present to answer any questions.

Vice Mayor Valeche asked how much overlap there is between this project and the Comprehensive Everglades Restoration Plan (CERP) and the Central Everglades Planning Project (CEPP). Staff indicated the Lake Okeechobee Watershed project and the CEPP are both components of CERP.

Mayor Brennan asked when the Kissimmee River restoration will be completed. Ms. Bertolotti stated the latest date projection is 2021. Vice Chair Thurlow-Lippisch stated she attended the Corps meeting, which was so well attended they had to hold two meetings.

2016 REGIONAL HURRICANE EVACUATION STUDY UPDATE

Staff provided an update on the Statewide Regional Evacuation Study, the first collaborative effort of the state's regional planning councils to develop a statewide study that uses consistent

methodologies to build integrated, multi-regional evacuation dynamics and link regions. Staff noted in 2010, Council released the study for the Treasure Coast Region. This was updated in 2013 and is now being updated again. The current updates include the Demographics, Hazards and Vulnerability, Shelter, and Transportation Analyses volumes as well as updated maps for storm surge, Federal Emergency Management Agency flood zones, critical facilities, mobile home vulnerability, and wildfire urban interface.

Council member Bournique stated in 1992 he was flying to the Cayman Islands, but stopped in Key West, because they were concerned about a developing storm, which turned out to be Andrew. He stated he flew over the exodus of people trying to evacuate, but were stuck in gridlock on the major highways. He stated as a south Floridian he is worried that if we get a category 4 or 5 hurricane, everyone will try to evacuate and be stuck in the gridlock. He stated we need to start building smarter, so people can shelter in place, which is much safer than being on the roadways when the storm hits. Commissioner Ryan stated a governmental friend of hers in Tallahassee stated they wished they had included the food truck industry in their preparedness plan, because there is a lack of food in communities after a storm event.

UPDATE ON MOBILITY AND IMPACT FEES

Staff provided an overview of the relationship between impact fees and mobility fees. Staff indicated an impact fee is a one-time charge on new development to pay for the construction or expansion of off-site capital improvements that are necessitated by and benefit the new development in order to maintain adopted levels of service. Staff stated typical impact fees are for transportation, libraries, and schools, as well as parks and recreational, emergency services, law enforcement, solid waste and public building facilities. Staff noted impact fees emerged in the 1960s from citizens' concerns their taxes were increasing to pay for new development. Staff noted this was a type of taxpayer revolt solution that in many ways created a more equitable system for impacts of new growth. Staff stated impact fees are considered an extension of home rule authority, because there is no enabling legislation that defines how impact fees will be used, and it is considered an appropriate funding mechanism for the local governments. Staff indicated that in the 1980s, legal rulings stated that if a local government is going to charge an impact fee, then there must be a dual rational nexus between the fee and the impact of the development, and the funds must be specifically earmarked for certain development. Staff noted that courts later ruled that the impact fees cannot represent more than the developers fair share, and the fees cannot provide a windfall for the local government. Staff noted road impact fees in the region vary from county to county. Staff stated in PBC impact fees are collected on a county-wide basis, and the fees are specifically keyed to a capital improvements program to maintain the rational nexus. Mayor DuBois stated that in PBC the director of impact fees has a volunteer committee to make recommendations on how the impact fees should be used. Their recommendations are then sent to the BOCC. He stated the commission does not approve all the impact fees that are recommended by the director or review committee, so there is some arbitrariness involved in how the impact fees are approved.

Staff indicated mobility fees are different from impact fees. They came about in 2009 when FDOT and the Department of Community Affairs commissioned a study to look at different fee structures to pay for mobility improvements, not just to roads, but to all forms of transportation. Staff stated mobility fees can be used for funding existing and new facilities and operations, including road

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capacity projects; fund transit and transit-supportive improvements and operations; distribute the revenue among districts; and they tend to promote compact, mixed use and energy efficient development. Vice Chair Thurlow-Lippisch asked if the use of the fees is how it is interpreted by the local government. Staff indicated there is no statutory, enabling legislation for mobility fees, so it is at the discretion of the local government to determine how they are implemented. Commissioner Ryan stated in the City of West Palm Beach they have prepared an RFQ for a mobility plan that will provide calculations related to all the impacts for operations of public transit. She asked if down the line there will be some statutory interpretations. Staff stated the expectation is that case law will probably establish some basis and create more predictability, but for right now it is a very flexible source of funding a local government can use in different ways.

Staff provided a comparison of impact and mobility fees, noting that both must pass the rational nexus test so they can only be tied to the impact of development, the local government cannot make a windfall, and the fees must be proportionate. Staff stated this is an ongoing discussion in PBC, because the municipalities have equity concerns for how the impact fees are being expended. Staff noted that currently in PBC impact fees can only be spent to expand capacity, so this would not help local governments who are considering Complete Streets conversions. Staff showed a chart provided by the county that shows road impact fee collection versus funds spent per municipality. The chart shows some cities are funding improvements in other cities, which adds to the equity concerns that have been raised. However, some of the data collected indicates some cities in particular locations are contributing more than they are receiving in proximate improvements. Staff indicated the county is legislatively authorized to collect funds county-wide and expends those funds county-wide as needed. Councilmember Houston asked if there is a nexus in the improvement dollars collected in the region of the city. Staff stated there is a county-wide ordinance for the five districts, and every effort is made as the ordinance is implemented to collect and expend dollars within a district, but that is not required.

Councilmember Weaver stated the chart show there was more collected than expended within Boynton Beach, which is in PBC, and in PBC the amount expended is about the same amount as collected. He asked where the money was spent if the Boynton Beach money was collected within PBC, and it was not spent in the county. Staff indicated in northern and western PBC there have been very large investments in roadway improvements during the 12-year timeframe shown. Staff stated where new development is occurring, roadway impact fees are used to pay for capital infrastructure necessitated by that new development. Staff stated because some cities are not constructing new roadways, the dollars can only be spent in locations where new roadway capacity can be constructed.

Mayor DuBois stated his town contributes \$4 million. He said he called the county's engineer, George Webb, who stated the Town of Lake Park contributes \$4 million and spent \$5 million, half of which was used for people who commute through his town, but live in the City of Riviera Beach. He stated it needs to be looked at from a prorated aspect taking into consideration what is a reflection of traffic through a community to get somewhere else. Mayor Tinsley indicated her city's study was done by an independent consultant who looked at functional and weighted population. She stated Mayor DuBois is correct that one city may get more wear and tear, and not just on roads, but also services such as fire and police.

Staff indicated the MPO has formed an ad hoc committee as an extension of the technical advisory committee that has identified the following as general consensus points: current road impact fees have produced some inequitable results; municipalities are advancing Complete Streets and broader mobility networks that cannot be funded by impact fees; and a modification of the roadway impact fee would require a referendum. Staff noted in order to make a more equitable condition that does not require a referendum, the committee is looking at: modifying the current roadway impact fee methodology; developing a county-wide mobility fee; adopting municipal mobility fees; and exploring municipal transit funding alternatives.

Commissioner O'Bryan asked staff to put together a table of impact fees showing single family residential, multi-family residential, office, and commercial for the region's counties. He also asked for the same information for a couple counties that have already established mobility fees so there can be a comparison of what a county road impact fee is compared to a county with mobility fees. Staff indicated this will be done and distributed to Council members. Commissioner Ryan asked if the county's lawyers are on the committee. Staff stated the committee is comprised of county legal, planning and engineering staff, as well as the impact fee coordinator, municipal members, and agency representatives.

Vice Mayor Hmara thanked staff for the presentation. He stated the Village of Royal Palm Beach will be doing the same as the City of West Palm Beach, and that is what prompted his request for this update. He stated there needs to be a review of impact and mobility fees to define what is best not only for each community, but county-wide. He stated everyone is interconnected and this is a systemic issue, so this is a very important discussion.

Mayor Gerwig stated she would like staff to look at how the gas tax is being implemented. She stated that tax was to be used to pay for maintenance of the roads, and she believes that pot of money has been used in different ways. Commissioner O'Bryan stated when you are going from a 4 lane road to a 6 lane road, you do not want to use impact fees for the two extra lanes of capacity. He indicated in a project like that, two-thirds of it would have to come from gas taxes, sales taxes and other revenue sources, and only a third can be applied from the impact fees for the added capacity.

ALL ABOARD FLORIDA UPDATE

Staff provided Council members with correspondence received pursuant to a Freedom of Information Act request for correspondence between the FRA and Congressman Posey's office. Staff stated the request is in response to a point raised by Council on who is responsible for certain costs related to the All Aboard Florida (AAF) project. Staff stated it is documented in the correspondence that AAF is responsible for paying for sidewalk improvements, particularly if an existing sidewalk crosses the railroad tracks. Staff noted AAF has updated its schedule to indicate construction is likely to be completed in the first quarter of next year, with service operational between West Palm Beach and Miami in the summer of next year. Staff indicated Council is working with local governments and FRA to establish the quiet zones toward the end of this year, with the balance of the corridor established when the construction is completed. Staff stated there was a legal finding in the past month that provided standing for Martin and Indian River counties to file legal challenges against AAF. Staff stated the implications of this are unknown, but it will likely delay the project. Staff will continue to monitor this and provide updates to Council.

PUBLIC COMMENT

Mr. Martin thanked staff for the impact fee and evacuation presentations. He stated impact fees are not meeting the requirements and he believes it is unfortunate the county is asking for a one cent sales tax that will impact poor and working people significantly every time they make a purchase. He stated the county is asking for this sales tax increase, because not enough is being collected through impact fees. He indicated there have even been cases where the county has turned down significant impact fees, which means the taxpayers have to cover the costs. He stated in Florida it is very difficult to walk anywhere, so it is hard to get people out of their cars. He stated the further people move west, the more impacts there will be to the road system. He agreed we need to stop evacuating people for hurricanes, because it is very unsafe for people if they are stuck in their cars when trying to flee a storm. He said he is very concerned that a lot of important decisions are being put on the consent agenda. He stated Council’s original role was to approve comprehensive plan amendments, and now this is happening on the consent agenda. He said the intent of the consent agenda is to put things on the agenda that are not important so there can be discussion on the important issues. He stated part of the problem is the agenda has too many items, suggesting extending the meetings or reducing the number of items. He stated Council should take a serious look at these changes, offering Westlake as an example of what can happen through comprehensive plan amendments.

STAFF COMMENT

Staff reminded Council member the next meeting will be on October 21st, with no meeting in November, and the December meeting will be held on December 9th. Commissioner Burdick asked for a staff presentation on enclaves.

ADJOURNMENT

There being no further business, Vice Mayor Thurlow-Lippisch adjourned the meeting at 12:05 p.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the September 16, 2016 meeting of the Treasure Coast Regional Planning Council.

Date

Signature