To: Council Members
From: Staff
Date: July 20, 2018 Council Meeting
Subject: Minutes – June 15, 2018

Introduction

The draft Minutes of the June 15, 2018 Council meeting were posted to Council’s website at http://www.tcrpc.org/council_meetings.html.

Recommendation

Council should approve the Minutes of the June 15, 2018 Council meeting.

Attachment
Chairman Parrish called the meeting to order at 9:38 a.m. and welcomed everyone to the meeting. He led the pledge of allegiance. Staff called the roll. The Executive Director announced a quorum was present.

The following members and alternates were present:

Indian River County: Commissioner O’Bryan
Commissioner Adams
Councilwoman Moss (on behalf of Councilmember Young)
Councilman Auwaerter

Martin County: Commissioner Smith
Commissioner Fielding

St. Lucie County: Commissioner Townsend
Commissioner Bonna

Palm Beach County: Commissioner Valeche
Commissioner Berger
Vice Mayor Bernard
Mayor Gerwig
Councilman Hmara
Mayor Brennan
Commissioner Hardy, Alternate
Commissioner Ryan, Alternate

Gubernatorial Appointees: Douglas Bournique
Michael Davis
Michael Houston
Tobin Overdorf
Reece Parrish

Ex-Officios: Lois Bush, Florida Department of Transportation
Kathy LaMartina, South Florida Water Management District
Jennifer Smith, Florida Department of Environmental Protection
Vicki Gatanis, South Florida Regional Transportation Authority

Council Staff: Michael Busha
Liz Gulick
Stephanie Heidt
Tom Lanahan

Council Attorney: Keith Davis
AGENDA AND CONSENT AGENDA

Commissioner Smith from Martin County moved approval of the Agenda and Consent Agenda. Councilman Davis, Gubernatorial Appointee from Palm Beach County, requested Consent Agenda Item 4B5, Palm Beach County Comprehensive Plan Amendment No. 18-2ESR be removed for separate discussion and approval. He indicated he was recusing himself from voting on this item, because his firm represents the applicant of one of the proposed amendments.

Chairman Parrish called for public comment on Consent Agenda Items. Seeing none, Commissioner Smith amended his motion to include removing the requested consent agenda item for separate consideration. Councilmember Overdorf, Gubernatorial Appointee from Martin County, seconded the motion, which carried unanimously.

Items remaining on the Consent Agenda were: 4B1, Financial Report – April 30, 2018; 4B2, Minutes – May 18, 2018; 4B3, Martin County Comprehensive Plan Amendment No. 18-3DRI; 4B4, Martin County Comprehensive Plan Amendment No. 18-4ESR; and 4B6, Stuart Comprehensive Plan Amendment No. 18-2ESR.

PALM BEACH COUNTY COMPREHENSIVE PLAN AMENDMENT NO. 18-2ESR

Commissioner Smith moved approval of the staff recommendation for discussion. Councilmember Overdorf seconded the motion, which carried with Councilmember Davis recusing.

CONSTITUTION REVISION COMMISSION UPDATE – PRESENTATION BY INDIAN RIVER COUNTY COMMISSIONER AND CONSTITUTION REVISION COMMISSION MEMBER, BOB SOLARI

In 1968, the Florida constitution was amended to require that every 20 years there be a Constitution Revision Commission (CRC) of 37 appointed members who review the entire state constitution, hold public hearings, and propose amendments to be added to the ballot for voter consideration. Bob Solari, Indian River County Commissioner and CRC Member, provided an overview of the 13 amendments that will be on the November ballot for voter consideration. He noted that the 13 amendments consist of 3 that are legislatively referred; 2 are citizen initiatives; and 20 amendments are proposals from the CRC. He explained that the CRC amendments are 18 proposals that have been bundled into 6 amendments, and two proposals that stand alone. He expressed his grave concern with Amendment 5, which includes a requirement of a supermajority vote for the state to raise taxes and fees. This will be very harmful to local governments in the next recession, because the state will have to pull back needed local support. Commissioner Solari advised everyone to prepare before going to the polls. He suggested getting absentee ballots; hosting ballot parties so individuals can discuss and learn about the proposed amendments together; and when in doubt about an amendment, he suggested voting “No”.

Commissioner Valeche from Palm Beach County agreed that the constitution is becoming overly burdened with amendments that could be dealt with legislatively. He asked if Commissioner Solari believes there will ever be a point when a CRC makes it their mission to streamline the constitution instead of adding more amendments. Commissioner Solari said it is possible, however not probable. He stated Florida’s constitution is already too big to be understood, noting the U.S. Constitution is a much better example of how a constitution should be. Commissioner Valeche asked if it is difficult
to amend the U.S. Constitution. Commissioner Solari indicated it is difficult to amend and it was meant to be that way. He stated somewhere along the way the citizens of Florida decided they wanted to use the state constitution as more than a way to structure the form of government and preserving the rights of the citizens. He stated the state constitution can only be fixed publically, which will only happen when a majority of people believe there is a problem.

Commissioner Ryan from the City of West Palm Beach thanked Commissioner Solari for his perspective of the process as a CRC member. She stated it is a complicated process and what ends up on the ballot may conflict with some people's views. She asked that Council have the opportunity to hear a more balanced view of the proposed amendments.

Mayor Gerwig from the Village of Wellington thanked Commissioner Solari for his work on the CRC. She asked for an explanation of how the amendments are bundled together for the ballot. Commissioner Solari stated the entire CRC voted on the initial proposals, which then went to the Style and Draft Committee (SDC) to be bundled. He noted he does have a certain bias, which he indicated in his presentation, and he believes a lot of the bundles were put together the way they were by SDC members to give their particular proposals a higher probability of success. Mayor Gerwig asked if there was any discussion on restoration of voting rights, which she supports because she believes if someone has served their sentence for their crime they should be treated equally. Commissioner Solari indicated that amendment is a citizen initiative that did not come before the CRC for discussion. Mayor Gerwig asked if someone is charged with a lesser crime than murder, if they would qualify by pleading out their case. Commissioner Solari indicated that is his understanding, but as with a lot of the constitutional amendments, the state legislature will have their say on how the amendments are defined.

Commissioner Fielding from Martin County stated in an ideal world the citizens should want a more effective and efficient constitution. However, he indicated that because of people’s self-interests, and not a concern for the general well-being, it would be difficult to streamline the state constitution.

Commissioner Smith stated if there is to be another presentation on the CRC, he suggests Bob Nabors, of Nabors, Giblin & Nickerson. He indicated Mr. Nabors served as a member of the 1967-68 CRC, has a differing opinion, and is very knowledgeable about the process.

Councilman Hmara from the Village of Royal Palm Beach thanked Commissioner Solari for his service on the CRC and asked if there is a reasonably balanced summary available that can be understood by the average voter. Commissioner Solari stated he is not aware of anything like that, but he is putting together a summary sheet that will inform people what is actually on the ballot. He stated he has a certain set of principles that will guide his own decisions, and what he puts together will be useful to people who share those same principles. He noted it is nearly impossible to explain all the different proposals in a simple form, and the way they are bundled makes it especially difficult. He also suggested the CRC, Ballotpedia.org and Florida Bar Association websites as resources for information.

Councilwoman Moss from the City of Vero Beach noted Commissioner Solari did indicate his presentation was a minority report. She stated she agrees with his points, which were made in a clear and concise manner, considering the complexity of the issues being addressed. She agreed these amendments are the government micromanaging and should be legislative matters.
Commissioner Hardy from the City of Lake Worth stated the reason there are so many proposed amendments is because there is no other way for citizens to legislate in Florida. He stated if a citizen has an idea they would like to see made into law their only mechanism is to call their legislator, who may or may not be responsive.

Councilman Auwaerter from the Town of Indian River Shores stated some of the proposals are confusing and do not provide enough information. As an example, he noted the proposal to prohibit offshore drilling is confusing because there is no standard definition for the offshore boundaries, state or federal. Commissioner Solari noted there will be a lot of work for the state legislature to determine how each of these amendments, should they pass, will be put into place, and he predicted the courts will also be instrumental in clarifying the intent of the amendments.

Councilmember Overdorf thanked Commissioner Solari for his work on the CRC and for bringing a different viewpoint to the issues. He asked for clarification on the ethics bill as it pertains to lobbying and disproportionate fair share. He noted he is running for state representative and would like to know how his efforts in that position will affect his job as a civil engineer who appears before local governments and agencies. Commissioner Solari indicated he could not provide an answer at this time, but suggested he contact Pat Gleason at the Florida Office of the Attorney General. Councilmember Overdorf stated it is his understanding this will not apply to attorneys. Commissioner Solari stated he believes that is true.

Commissioner O’Bryan from Indian River County commended Commissioner Solari for all his hard work on the CRC, noting he did all this as an uncompensated volunteer. He stated he believes no other member of the CRC spent more time reading and researching the issues. With respect to having a presentation from a different point of view, he noted the entire process was very political, especially with several of the appointee positions being made by individuals running for elected office. He stated he believes Commissioner Solari was doing what he feels is right, and that is keeping the Florida Constitution a sacred document with minimal changes. He thanked Commissioner Solari again for representing our region well through this critically important process. Commissioner Smith also thanked Commissioner Solari for his efforts, noting the huge amount of time and travel that is involved with serving on the CRC. He stated he believes Commissioner Solari’s core desire is to protect home rule and the citizens in our local governments to the greatest extent.

INTEREST BEARING ACCOUNT MANAGEMENT

As follow up to Council’s request from the June meeting, staff provided an overview of where Council’s funds are held and the current interest rates being earned on each account. Staff indicated Council has one liability and four asset areas. Council assets include a checking account held at TD Bank that is used for operating expenses and has a requirement of Council’s office building loan that it be held with TD Bank. Staff noted this account was previously earning 0.70 percent interest. However, when staff contacted the bank regarding the rate they offered a new interest rate of 1.25 percent. The second asset for Council is the Brownfields revolving loan fund (RLF) that is held at Florida Community Bank and has a current interest rate of 1.87 percent.

Staff noted that at the May meeting Council discussed looking at Florida Prime, which is the state depository operated by the State Board of Administration, currently earning 1.97 percent interest. Staff noted in the past Council had deposited funds there, but during the most recent recession there
were liquidity problems and Council was restricted to measured amounts of withdrawals for a period of years. Staff noted accounts with Florida Prime are also not FDIC insured and are riskier in that they can go below the initial amount of deposit.

Staff stated Council also has an account with Florida Community Bank earning a 1.87 percent interest rate for its Fixed Asset Replacement Budget, which is used to fund capital building repairs. Staff noted the other asset for Council is the Brownfields RLF receivables due from the Fort Pierce Redevelopment Agency (FPRA). Currently, FPRA owes $261,603 from a Brownfields loan made through Council’s RLF. The loan has an annual rate of 0.25 percent and comes due on February 1, 2020.

Staff indicated the one liability Council has is the building loan on Council offices. Staff stated that the loan is held by TD Bank with an interest rate of 3.9 percent and will come due in full in April 2026 with a balloon payment. Staff noted since 2015 additional monthly payments of $2,500 have been made toward the principal. If this practice is continued, it will result in the loan being paid in full by March of 2026 with no balloon payment due.

Councilman Auwaerter thanked staff for the comprehensive review. He noted that the business model for TD Bank is more customer-oriented and not aggressive in terms of focusing on interest rates, so it will be tough to get a good rate from them. He asked if there is a minimum amount of cash that needs to be in the checking account for operating purposes. He suggested that if there is excess cash it could be placed with an institution that will have higher interest rates, especially with the Federal Reserve raising the interest rates. Staff indicated this would need to be looked at because the amount needed monthly to operate varies depending on when different projects are done and we also need to make sure there is no minimum requirement with the building loan.

Councilwoman Moss thanked Councilman Auwaerter for bringing up this very high level of financial insight. She noted that he devotes a lot of time to different processes for the city, county, school board, and many other organizations.

Commissioner Smith suggested Councilman Auwaerter could make some suggestions to staff on how to proceed. Councilman Auwaerter stated he thinks staff is on track, but stated he is available should they need him. Commissioner Smith suggested there could be a policy created to guide staff in making these types of decisions.

CONTINUING SERVICES AGREEMENT WITH THE CITY OF SEBASTIAN

Staff provided an overview of Council’s work for the City of Sebastian through a continuing services agreement from April of 2017. Staff noted Council provides technical services to its member local governments on request when they do not have the staff or capacity to perform certain tasks. Staff explained the assistance included updating the City’s parks and recreation element in their comprehensive plan, land development code changes, GIS mapping, inventorying of parks, and capital planning.
ANNOUNCEMENTS

Staff reported that the Regional Biosolids Symposium the previous week was a great success. The symposium, hosted by Council and the Indian River Lagoon Council, brought together experts from around the country to discuss biosolids (remainders from the processing of sewage) issues and opportunities for better biosolids management. Staff noted the symposium was held to bring awareness to how biosolids are currently being disposed of, and how technological advances can be used to convert this waste into useful resources such as energy, as well as limit environmental impacts to our surface waters. Jennifer Smith, Director of the Southeast District of the Florida Department of Environmental Protection (FDEP), announced that in order to better understand the impacts of biosolids, FDEP is creating a statewide biosolids technical advisory committee. She indicated they are currently soliciting nominations for committee members that could include individuals from agricultural and environmental groups, wastewater facilities, and other professionals. She stated all nominations will be considered. She indicated the nominations are due to FDEP by July 6th. She noted they are putting together a webpage with all the information about the committee. Commissioner Smith noted there was also a meeting in Wellington to discuss new processes and technology for disposing of horse manure, which is a significant statewide issue. Mayor Gerwig thanked Council for putting on these two meetings. She noted everyone in her community wants to be environmentally sensitive and find a good solution for how they process their horse manure.

CHAIRMAN’S COMMENTS

Chairman Parrish thanked staff for all their hard work on the Biosolids symposium, extending his personal thank you to Kim Koho for all her hard work.

COUNCIL MEMBER UPDATE

Councilmember Davis informed everyone that in May his guest house burned to the ground. He stated he was shocked at how quickly it can happen and encouraged everyone to have a fire plan.

Councilman Hmara expressed his pleasure with the effectiveness of neighborhood watches in his community. He stated the three neighborhood watches have developed an effective set of standards and have good relationships with the local police department. He stated it is also very important for the local government to get behind these individuals who are willing to take the lead to make their communities safer. He also noted in the areas where there are neighborhood watches, they have noticed a decrease in criminal activity.

Jennifer Smith informed Council members that the FDEP website has information on the current algae blooms and instructions for how individuals can contact the department to report any blooms they observe and want tested. She noted that in 2016 FDEP created a scope of work to have contractors approved and available to do algae removal, however they were unsuccessful at obtaining a contractor. She indicated they will be revising the scope and she will keep everyone updated.

Mayor Brennan with the Village of Tequesta indicated they are at the halfway point of their U.S. 1 complete streets project. She noted that although the construction is sometimes difficult, many of the businesses in the area are reporting increases in business. She noted the project includes the
development of mixed use office buildings, reconstructions of sidewalks, and lane eliminations; and they are currently looking for proposals for an architect to design a new community center.

Commissioner Smith noted that at a joint meeting of Martin County, the City of Stuart, and the Martin County School Board the issue of school funding was raised. He noted the school board is planning to bring before the county commission two proposals for referenda to be added to the ballot in November. One is for a sales tax and the other is for an ad valorem increase. He stated over the last 10 years laws have been passed that have resulted in the millage cap for a school board being reduced from $2.00 to $1.50. He indicated the county, city, and school board are working on a joint resolution as a legislative action this year to give flexibility back to the school boards to raise their millage rate back up to $2.00. He indicated he would be willing to ask Christia Li Roberts, Chair of the Martin County School Board, to make a presentation at the July meeting to provide a better understanding of how school funding works and the approach they are taking in Martin County.

Commissioner Fielding stated he believes the problem is that Martin County is a donor county, which means that approximately 40 percent of the tax money raised in the county goes to other counties throughout the state to bring everyone up to the same level. He stated this can become very political, because the recipient counties will get the money regardless of the level of assessment they impose upon their property owners. With respect to biosolids, he noted part of the problem is in the past the biosolids were disposed of using deep well injection, and now there are occurrences where the biosolids are surfacing. He stated he appreciates staff for putting together the biosolids symposium because this is an extremely important issue and it is vital to consider how we address this issue.

Commissioner Townsend with St. Lucie County agreed the symposium was great because this has been an issue in her county involving a farm using biosolids as fertilizer. She stated some of the residents that attended the symposium said they learned a lot. She noted St. Lucie County has accepted the donation of the Voici Bernadette, a 180-foot freighter, that will be sunk to serve as an artificial reef.

Commissioner Hardy noted when he first came to Council he was encouraged by the executive director to read the book *Suburban Nation: The Rise of Sprawl and the Decline of the American Dream* written by Andres Duany, Elizabeth Plater-Zyberk and Jeff Speck. He stated he read the book twice and was so fascinated he attended a Congress for the New Urbanism (CNU) conference. He explained that CNU is a group of people who want to create walkable, livable, sustainable communities the way they had been created up until World War II. He said he was able to learn a lot about some of the hard problems we are facing in South Florida and encouraged everyone to attend CNU events. He indicated that although they have a good grid system within the different neighborhoods in Lake Worth, in order to get from one neighborhood to another people have to cross an arterial that is not controlled by the city. Because of this, he said they are beginning to have discussions with the county and the Florida Department of Transportation on how to effectively move people around the city without compromising some of their other livability objectives.

Commissioner Valeche reminded Council members of the concerns he has had in respect to the Pal Mar Water Control District and the attempts of some of the land holders to develop the property. He stated last week one of the major land holders succeeded in taking control of the five-member board. He indicated he believes this is the first step in a long, but hopefully unsuccessful attempt
to develop the property along the Beeline Highway in Palm Beach County. He stated this happened because Martin County and the South Florida Water Management District (SFWMD) decided to not pay their yearly assessments, which resulted in them not being able to vote at the annual landowners meeting. He stated the board, that is now comprised of 3 land owners and 2 elected officials, has since made very bad decisions, such as eliminating all maintenance work, which will benefit the property owners because their assessments will decrease. He noted there will be hurdles that include needing permits from the SFWMD and approval from the Palm Beach County Board of County Commissioners in order for development to occur.

Councilwoman Moss indicated the City of Vero Beach has officially voted to have her replace Councilman Young as the city’s representative on Council.

Commissioner O’Bryan indicated he traveled to Tallahassee to testify before the Public Service Commission (PSC) in support of the sale of the Vero electric system to Florida Power and Light Company (FPL). Chairman Parrish asked if the deal is completed. Commissioner O’Bryan stated there are a couple more hurdles to overcome, but absent any appeals to the PSC decision the sale will close in October and then all city electric customers will start getting the FPL rates and service.

Commissioner Bonna from St. Lucie County stated he is looking forward to getting to know and work with everyone on Council.

**PUBLIC COMMENT**

None.

**STAFF COMMENT**

Staff indicated the former power plant in the City of Vero Beach is a good redevelopment opportunity, noting the City of Fort Pierce recently completed the cleanup of a similar Brownfields site that is now ready for redevelopment.

**ADJOURNMENT**

There being no further business, Chairman Parrish adjourned the meeting at 11:43 a.m. This signature is to attest that the undersigned is the Secretary or a designated nominee of the Treasure Coast Regional Planning Council, and that the information provided herein is the true and correct Minutes of the June 15, 2018 meeting of the Treasure Coast Regional Planning Council.
# FORM 8B - MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

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<tr>
<th>LAST NAME</th>
<th>FIRST NAME</th>
<th>MIDDLE NAME</th>
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<td>Michael</td>
<td>Lynn</td>
<td>TERPC</td>
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<tr>
<th>MAILING ADDRESS</th>
<th>THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE AS A UNIT OF</th>
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<tr>
<td>202 Greenwood Dr</td>
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<th>DATE ON WHICH VOTE OCCURRED</th>
<th>MY POSITION IS</th>
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## 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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of Independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

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

### ELECTED OFFICERS:

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

- PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting, and
- WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating 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 page 2)
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

Michael L. Davis hereby disclose that on June 15, 2018:

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

   X  inured to the special gain or loss of Poet's Walk CLF, by whom I am retained; or

   [ ] inured to the special gain or loss of [Name], which is the parent subsidiary, or sibling 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:

   My firm, WAI, represents Poet's Walk CLF.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

June 15, 2018

Signature

Michael L. Davis

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.