



# Council Minutes

May 14, 2007  
10:00 a.m.

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## **REPRESENTATIVES PRESENT**

Chair, Commissioner Scott Black, City of Dade City  
Vice Chair, Vice Mayor Deborah Kynes, City of Dunedin  
Secretary/Treasurer, Reverend James T. Golden, City of Bradenton  
Past Chair, Mr. Robert Kersteen, Gubernatorial Appointee, Pinellas County  
Commissioner Gigi Arntzen, City of Largo  
Commissioner Eric Ball, Alt., City of Palmetto  
Ms. Michele Cavallo, Gubernatorial Appointee, Pinellas County  
Council Member Bob Consalvo, City of New Port Richey  
Vice Mayor Larry Crowley, City of South Pasadena  
Commissioner Bill Dodson, City of Plant City  
Mayor Ward Friszolowski, City of St. Pete Beach  
Mr. Russell Johnson, Gubernatorial Appointee, Hillsborough County  
Ms. Angeleah Kinsler, Hillsborough County Gubernatorial Appointee  
Commissioner Jack Mariano, Pasco County  
Commissioner Bob Minning, City of Treasure Island  
Mr. Andy Núñez, Gubernatorial Appointee, Pinellas County  
Mr. Frank Parker, Gubernatorial Appointee, Pasco County  
Councilmember Carlen Petersen, City of Clearwater  
Commissioner Robin Saenger, City of Tarpon Springs  
Ms. Barbara Sheen Todd, Gubernatorial Appointee, Pinellas County  
Commissioner Jane von Hahmann, Manatee County  
Mr. Charles Waller, Gubernatorial Appointee, Pasco County  
Mr. Philip Waller, Gubernatorial Appointee, Hillsborough County  
Councilman Earnest Williams, City of St. Petersburg  
Commissioner Robert Worthington, Alt., City of Gulfport

## **REPRESENTATIVES ABSENT**

Commissioner Ronnie Duncan, Pinellas County  
Commissioner Phil Collins, City of Treasure Island  
Commissioner Rose Ferlita, Hillsborough County  
Mr. Julian Garcia, Jr., Gubernatorial Appointee, Hillsborough County  
Dr. Lois Gerber, Gubernatorial Appointee, Manatee County  
Council Member Mark Knapp, City of Temple Terrace  
Councilor Bob Matthews, City of Seminole  
Commissioner James McCormick, City of Safety Harbor  
Vice Mayor Janice Miller, City of Oldsmar  
Councilwoman Mary Mulhern, City of Tampa  
Vice Mayor Ed Taylor, City of Pinellas Park  
Ms. Kim Vance, Gubernatorial Appointee, Hillsborough County  
Mr. Bob Clifford., Ex-officio, Florida Department of Transportation  
Mr. Mike Farley, Alt., Ex-officio, Department of Environmental Protection  
Ms. Michelle Miller, Ex-officio, Enterprise Florida  
Mr. Todd Pressman, Ex-officio, SWFWMD

**OTHERS PRESENT**

Shawn College, Exec. Planner, Hillsborough Planning Commission  
John Healey, Planner, Hillsborough County  
Trisha Neasman, Planner, SWFWMD  
Hugh Marthinsen, Attorney, Saxon Gilmore PA  
Dee Allen, Sup't Permitting/Reclamation, Mosaic  
Joyce Nader, Attorney, Saxon Gilmore, PA  
Ted Lincks, Engineer, Golder Associates  
April Corbett, Admin. Assistant, Mosaic  
Gary Uebelhoer, Engineer, ECT for Mosaic  
Lisa Lennon, Permitting Engineer, Mosaic  
Mickey Coe, Civil Engineer, Fedinc  
Ed Watkins, Gulfstream  
Charles Pattison, President, 1000 Friends of Florida

**STAFF PRESENT**

Mr. Manny Pumariega, Executive Director  
Mr. Martin Shelby, Legal Counsel  
Ms. Lori Denman, Administrative Assistant  
Mr. John Jacobsen, Accounting Manager  
Ms. Wren Krahl, Manager of Administration/Public Information  
Mr. Bill Lofgren, Principal Planner  
Mr. John Meyer, Principal Planner  
Mr. Greg Miller, Senior Planner  
Mr. Patrick O'Neil, Senior Planner  
Mr. Brady Smith, Senior Planner  
Ms. Jessica White, Senior Planner  
Ms. Kim Williams, Communications/Graphics Coordinator  
Ms. Sue Young, Recording Secretary

**Call to Order** - Chairman Black

The regular meeting of the Tampa Bay Regional Planning Council was called to order by Chairman Black on April 12, 2007 at 10:05 a.m.

The Invocation was given by Mayor Ward Friszolowski, followed by the pledge of allegiance.

**Roll Call** - Recording Secretary

A quorum was present. There were no voting conflicts.

Announcements:

Chairman Black welcomed new Council Members Commissioner Bob Minning, City of Treasure Island, and Commissioner Robert Worthington, City of Gulfport, who has previously sat as an alternate for Vice Mayor John Phillips.

Commissioner Eric Ball, City of Palmetto, was welcomed. He sat as the alternate for Mayor Larry Bustle.

Additional Items in the Council folders consisted of:

2007 Official Hurricane Guide. Chairman Black thanked Betti Johnson and Kim Williams. Ms. Williams designed the guides and did all the layouts for all seven counties.  
The latest edition of Bay Soundings.

Agenda Item 6.A. - additional material, Comments from Review Agencies.

Agenda Item 8.E. - Highlights of Senate Bill 506, Summary of House Bill 7203 Growth Management, House Bill 1375 Affordable Housing, and CS/House Bill 1375 Affordable Housing.

1. **Approval of Minutes** - Secretary/Treasurer Golden  
The minutes from the April 9, 2007 meeting were approved. (Golden/Núñez)
2. **Budget Committee** -Secretary/Treasurer Golden  
The Financial Report for the period ending 3/31/07 was approved. (Golden/Todd)
3. **Consent Agenda** - Chairman Black  
The Consent Agenda was approved. (Kersteen/Kynes)
4. **Item(s) Removed from Consent Agenda and Addendum Item(s)** - None.
5. **Review Item(s) or Any Other Item(s) for Discussion** - None
6. **A. DRI #263 - Hillsborough County Mine Consolidation *Final Report***  
Mr. John Meyer, TBRPC DRI Coordinator, referred the Council to the additional comments provided by the Southwest Florida Water Management District, Tampa Bay Water, and the Florida Division of Historical Resources. These comments will be appended to the *Final Report*.

Mosaic Fertilizer, LLC is seeking Substantial Deviation approval for the addition of lands to be mined, the removal of previously mined and reclaimed lands, approval of a mining infrastructure corridor, relocation of three National Pollutant Discharge Elimination System outfalls, transference of production capacity from the Lonesome Mine to Four Corners Mine, revisions to the clay settling area siting plans and reclamation plans, wetland impacts and mitigation recognized within the existing Development Order associated with the parcels being added and the already-completed activities.

The additional parcels are internal to the existing Hillsborough County Mine Consolidation DRI. These parcels are both north and south of State Road 674 in southeastern Hillsborough County. The closest additional parcels are approximately 1.5 miles north of Manatee County and another parcel is about 2.25 miles west of Polk County. It should be noted that the largest parcel proposed for removal is the 8,000+ acre Alafia River State Park.

The project has been reviewed for consistency with the Council's prior version of the Strategic Regional Policy Plan and corresponding map of the Natural Resources of Regional Significance since the Council conducted a Pre-application Conference for the project in March 2005. The areas of regionally significant habitat within the addition parcels shall be protected in perpetuity.

Some of the other more notable recommended Development Order conditions include:

- Best Management Practices shall be employed throughout preparation, mining, and reclamation to minimize surface, groundwater and air quality impacts, and prevent soil erosion.
- There shall be no net increase in the public water demand in excess of the currently permitting volume as it pertains to the mining of the additional parcels.
- The applicant shall maintain Water Table Elevations, Stream Flows; and Water Quality.

- During the course of review, Mosaic identified their current standard operating procedure requirement for alternative energy sources to be provided for all critical location pumps during the hurricane season to assure the appropriate control of the water within the recirculation/containment systems.

Council staff recommends approval of the *Final Report* and forwarding to Hillsborough County for consideration and incorporation into a Substantial Deviation Development Order for the project.

Ms. Dee Allen, Permitting/Reclamation Superintendent, Mosaic, provided a Power Point presentation.

Mosaic currently has an approved DRI, #213, and this application is a substantial deviation to that DRI. DRI #213 was approved in two phases in 1993 and 1995. As a result of this the entire DRI 213, along with all the applicants conditions, will be woven into DRI 263.

This is not a new mine. This mine is currently in operation at full capacity. This only deals with a part of the Four Corners mine, which is in both Hillsborough and Manatee County and this DRI only deals with the Hillsborough County portion of that operation.

Primary changes include: Add seven parcels - 1,540 acres; Delete six parcels - 8,946 acres; Expand one stream crossing - Little Manatee River; and an Update Traffic Study to reflect consolidation of production at the Four Corners Plant.

Ms. Allen provided a brief presentation of the importance of phosphate, geology of phosphate, mining and processing, clay settling area operation, and provided an overview of phosphate mining and processing.

DRI 263 versus DRI 213:

- No increase in water use
- Re-allocation of plant capacity/shipping, no increase to current approval
- No increase in the rate of mining
- The Development Completion Date is unchanged
- Materials handled & disposal methods, including hazardous wastes have no change.
- Preservation areas in DRI 213 has Increased since DRI approval
- Fewer clay settling areas than in DRI 213

Presentations can be viewed at: [www.tbrpc.org/councilagendas/councilpresentations.htm](http://www.tbrpc.org/councilagendas/councilpresentations.htm)

Questions & Comments:

Councilman Williams:

I would like for you to speak a little about the hazardous materials, especially the radioactive material and how you handle that.

Ms. Allen:

In the mining operation there is natural radiation in the ground and in the soil already. When we mine, the ground gets turned over. The Department of Health comes in and checks our radiation levels of the ground surface before we re-line and they check it again after reclamation. There is a very slight change, an upward increase, because of the way the ground is turned over after the mining, but it doesn't rise to the level of

any EPA thresholds or any level of concern. There are plenty of homes built on reclaimed lands such as in Lakeland, Oak Ridge and there is not a residual level of radioactivity in the ground after mining that causes any health concerns.

Councilman Williams: We have had some concerns because we were involved in potentially taking some of your water from one of your plants to process and that was an issue that we did talk about.

Ms. Allen: You are talking about the chemical plant facility and I work in the mining operation. They have different issues associated with that. In the mining process we don't have elevated radiation or radioactivity levels in the water. The chemical is not a part of this application and I'm not qualified to address that.

Gary Uebelhoer: I'm with a company called Environmental Consulting and Technology. The water that you are speaking of is the water from the defunct Piney Point Phosphate Plant and our firm worked with DEP in those discussions with your staff about moving water there. That water from Piney Point, because of the nature of the shut down as well as the type of process it used, the water did have high levels of radium in it prior to treatment. The treatment process that DEP implemented at Piney Point removes that.

Chairman Black: Just to clarify, we are talking about mining, not processing.

Ms. Todd: The letter that was sent to you by Kurt Browning in which he cited 9 sites that he was concerned about being disturbed, I did not see specific reference to the concerns of the Secretary of State. Did I miss something?

Ms. Allen: The Department of Historical Resources letter asks the status of some things in DRI 213 and having a professional archaeologist consulted to determine if there are any artifacts. The only parcel that is in this application that had any resources on it is Parcel #3, which had a surf's kitchen and that was the parcel we took out. It had some significant historic structures that are quite interesting and worthy of preservation and that is part of the reason we took that out. We are not requesting to add that parcel.

Ms. Todd: I guess my concern is since we are being asked to approve things, I would like to see a comparison when they give specific site numbers, like site 8H13791, etc., and then I just see a sentence. I would like to know apples to apples and oranges to oranges whether those specific issues have been addressed.

Ms. Allen: Those were parcels on DRI 213, and they have someone new up there who is not familiar with the file and the records. Some of those sites have been cleared and we have clearance letters on them. A few of those sites we are not going to be disturbing at all, and there are a couple of those sites that we are going to do further excavation, with approval, and take a closer look at them. None of those are in what we are requesting today.

Ms. Todd: And for our staff, will you be tracking that?

Mr. Meyer: Yes.

Mr. Johnson: Will this create any new jobs?

Ms. Allen: No, it will sustain employment. It isn't a new mine, it is a small increase.

Commissioner von Hahmann: How much of the Alafia State Park is actually reclamation and how much was maintained preservation?

Ms. Allen: Within the line boundary there was some preservation, but not a lot. About 10%. Its not nearly as much as today.

Commissioner von Hahmann: The water quality in stormwater management - you impact a couple of riverines with the new parcels and one of them is the Little Manatee which is now in Florida Waterways. We have specific recommendations 4.1.1 and those are actually policies in the staff report that will protect that. You must do it because it is an outstanding Florida waterway.

Mr. Meyer: That is correct, to ensure the water quality is identical or perhaps better.

Commissioner von Hahmann: And as you develop your plan you look at those policies and develop plans that meet the policy requests?

Ms. Allen: That's correct. We still have to get the DEP and Corps of Engineers permit and county approval. EPC will be going out and looking at what wetlands are associated with the flood plains and if they are to important to allow mining on. There will be more protection.

Commissioner von Hahmann: And that's done more at DEP and the local level? I think that's good information for many of the representatives here that don't have to deal with mining issues in their local government capacity.

Mr. Phillip Waller: The other agency comments, are they incorporated into the report?

Mr. Meyer: They will be appended. Hillsborough County will analyze those comments prior to preparation of the Development Order.

Commissioner Ball: How and when is it determined whether the reclamation was successful?

Ms. Allen: We have quarterly inspections by the DEP and by ETC, who may inspect more frequently at times. The approval has a detailed success criteria where they tell you what type of species they want to see there, how much diversity, what the hydro period need to be - like for a wetland to ensure that it is functioning properly, and even some go as far as to see what wildlife is present. There is a lot of success criteria written into the permit and then there is a release. We have a financial responsibility associated with all of our reclamation to ensure that it is completed and completed properly and we cannot get that financial responsibility release until we have demonstrated that we've been successful. They do progress inspections to see how it is progressing and then once it has progressed and demonstrated that it is able to maintain itself for a year, then they will do a release.

Council Member Petersen: I know radon is one of the by-products of agriculture, can plant life absorb that and can it get into our food chain or the food chain of the animals that are eating those plants?

Ms. Allen: Its not something you need to be worried about, and extensive tests have been performed.

Commissioner Saenger: It seems that in the natural system everything has a reason for being there. What is the reason for phosphate being there?

Ms. Allen: It was formed billions of years ago when there was a higher sea level and you had a concentration of sea life. Then when the water receded the sea life got captured on the land and they weren't able to get back out to sea. Most of it is marine organisms that have been covered up over a millennium of time.

Commissioner Saenger: Does it serve a purpose where it is?

Ms. Allen: I don't believe so.

Commissioner Saenger: There is no benefit to the environment by keeping it in there?

Ms. Allen: No. What you find in areas such as the Peace River where they originally found phosphate in the 1880s, it was because it was showing up in stream beds. What you may have is a layer of phosphate which may actually intersect the bottom of stream beds in places and in those stream lines you have a higher degree of phosphate in the water. Where you have phosphate rich stream systems, that comes from having the phosphate close to the surface. They want the phosphate levels in the water to be lower, not higher.

Motion to adopt the Hillsborough County Mine Consolidation *S/D Final Report* and transmit to Hillsborough County and the Florida Department of Community Affairs. (Parker/Mariano)

**B. Mr. Charles G. Pattison, Executive Director, 1000 Friends of Florida**

Mr. Pattison distributed the 1000 Friends of Florida executive summary of: Florida in 2060: Not a Pretty Picture?

1000 Friends of Florida is a non-profit growth management advocacy organization, incorporated in 1986 with the idea that the state can grow and develop without ruining the quality of life, if done smartly using the 1985 growth management laws in particular.

Mr. Pattison provided a presentation of a study that was commissioned and released in December 2006 which talks about a possible scenario for the State of Florida years from now. The study is based on trend projections and concepts.

The concept behind the study is that it is a trend analysis based on current patterns of development, projected into the future. It isn't guided by local comprehensive plans, and its not guided by water supply, or certain kinds of infrastructure. It doesn't look at global warming or sea level rise. It is a projection of continuation of the decision making process that we have used for the last 25-50 years.

The study is a two part study. The first part was the mapping from the University of Florida's GeoPlan center. Those results were shared with the Georgia Tech Center for Quality Growth and Regional Development. We wanted to have a non-Florida organization look at the material and provide suggestions on what it may mean to the future.

The Bureau of Economic Business Research (BEBR) at the University of Florida produces official state projection numbers. They took the numbers that currently end at the year 2030, did a straight line projection for another 30 years at the moderate rate of growth, and made an assumption that we would continue to develop and consume land at the same rate that we have for the last 25 years. They took the people per acre density for the year of 2005 to make the assumption that it will stay the same over the next 50 years. They made some basic assumptions for proximity to urban areas, roadway networks, and available water supply. The bottom line is a doubling of the state's population in 50 years. The projection does not take into account additional environmental land acquisitions from around the state. The Florida Forever program is about to end. Several million acres have been acquired but they didn't want to speculate on how many more acres would or would not be added to the current conservation program so they kept it constant.

The results of Florida 2060 clearly show that the State of Florida sits at the "tipping point" related to land consumption for urban development. Rural land is being urbanized at an alarming rate. Our actions today will determine the legacy we leave for future generations.

To move these studies forward, 1000 Friends of Florida is undertaking a series of activities in 2007. It is convening state leaders to begin the task of developing new policy on the conservation of rural lands to urban use. It is partnering with the University of Central Florida Metropolitan Center for Regional Studies, which commissioned the University of Pennsylvania to create an alternative future which will identify what Florida will look like in 2060, if the projected growth and development patterns follow the principles of smart growth. If this state is to maintain and enhance its quality of life, the time is now to bring meaningful change in the way Florida develops over the next 50 years.

For a copy of the presentation: [www.tbrpc.org/councilagendas/councilpresentations.htm](http://www.tbrpc.org/councilagendas/councilpresentations.htm)  
For a copy of the Executive Summary: FLORIDA IN 2060: NOT A PRETTY PICTURE:  
[www.1000friendsofflorida.org/Publications/main.asp#Recent](http://www.1000friendsofflorida.org/Publications/main.asp#Recent)

Questions & Comments:

Commissioner von Hahmann: This is a scary scenario for the entire state. You said that its based on trends and patterns and not based on our comprehensive plans. I know comp. plans can be changed by any number of ways, but the idea of Manatee County being built out totally at roughly 2 units to the acre, that's a pretty scary scenario. I know my comp. plan at present would not provide for that. I'm wondering how did you plan to work with counties and municipalities in order to maybe provide for the map that we don't have in front of us and can we get that map?

Mr. Pattison: Several legislators asked if this will be done as a "what if" modeling exercise, and can we make some changes in density and show what would happen. We didn't buy the model, this was research we contracted for. The university has made some proposals to the legislature and the Department of Community Affairs (DCA) for funding that very thing. They talked about beginning a pilot with some communities in Southwest Florida that had done a slightly different version. If we could get the funding for this the idea would be for us to work our way around the state. The idea should be to substitute different variables such as urban service boundaries or density changes.

Councilman Williams: Since basically we are an agriculture and tourist state, and now you are

taking a lot of agriculture land away, what kind of economy would we have to sustain this kind of population growth?

Mr. Pattison: Very, very critical question. We actually did a roundtable and invited agricultural and other leaders to talk about that very issue. I think the future of agriculture is maybe as big a question as anything that is shown on the map. It's the second biggest industry to tourism. I don't know that there is an answer. My sense is that the state is going to have to do more to keep agriculture as a part of our economy and the agriculture community don't like government help or assistance or even subsidies. I think we are at the point that if we want that we are going to have to have a more committed state effort. If they can't make a living at it they aren't going to stay in agriculture.

Councilman Williams: If agriculture went away, what kind of economy would replace the agriculture?

Mr. Pattison: That's a great question, but I don't have an answer.

Reverend Golden: Your report says the graphics *assume the continuation of current development patterns*. That is, development continues to sprawl upward from existing urban areas at low density. Let's assume that's right and its not what we want to happen. Are you proposing that there is some statewide capacity to divert this or do you concede that there is a need for a region by region effort to try to minimize the impact of a continuation of current development?

Mr. Pattison: My sense is that the regional approach is going to have to be where we go. The regions are all different, but I think it's probably too big for the state overall to come in and set some kind of standard, although I think there are some guidelines that could be established. For example, if the growth management laws were changed to say no local government is allowed to trade density for free and it requires either regional greenway connections or natural resource connections, or some kind of transportation network connection as a consequence of density changes then potentially the standard would be set at the state level and then the region and the local government could actually figure out how to implement.

Reverend Golden: Are you aware that there are regional efforts that may be underway in an effort to overcome the continuation of current development patterns?

Mr. Pattison: I'm vaguely aware of the Tampa Bay Partnership effort, the MyRegion.org effort.

Reverend Golden: Would that be Reality Check?

Mr. Pattison: Right. In fact I actually presented this to them. I think this is as much a wake up call as it is anything else.

Reverend Golden: Will you be a part of the Reality Check? Where are you from?

Mr. Pattison: I'm from Tallahassee.

Reverend Golden: Is this a call from the regional level?

Mr. Pattison: I think this is a call for doing things differently such as the state of Florida promoting or encourages regional transportation solutions, or regional land acquisition, or regional housing efforts so that the reward is for the region to cooperate and figure this out. Not to have the state tell people how to do it. But if that doesn't get started pretty soon this is a worse case example of where we could end up.

### C. Legal Council

Chairman Black stated because of some ongoing issues between the City of Tampa administration and the City of Tampa City Council our General Counsel, Mr. Shelby, has found it necessary to submit his resignation to TBRPC. We have accepted that with much regret and we thank him for his time with us and also for his handling of this situation.

This morning at the Executive Committee meeting we reviewed the qualifications of Mr. Donald Conn and voted to bring forward his name to the full Council for ratification to serve as the new General Counsel for TBRPC.

Motion to authorize the Executive Director to enter into a Professional Service Agreement with Donald Conn, Esquire, of the Pennington, Moore, Wilkenson, Bell & Dunbar law firm, to represent the Tampa Bay Regional Planning Council in legal matters. (Kersteen/Parker)

Reverend Golden filed Voting Conflict Form 8B and refrained from voting. The nominee for the position of General Counsel is a member of a law firm that I am currently engaged in a civil lawsuit with. I represent the plaintiff and the law firm represents the defendant. This is in the Tallahassee office of the law firm. The law requires that any conflict is statewide.

Mr. Donald Conn was recognized and provided some background. He is currently a partner with Pennington, Moore, Wilkenson, Bell & Dunbar and their headquarters are in Tallahassee, with an office in Tampa. He joined the firm last year after serving about 15 years as general counsel for Tampa Bay Water. I have lived in the community for 15 years and watched the work that this Council has done while I've been the general counsel for Tampa Bay Water. Prior to that I was in Tallahassee for about 25 years as an administrative law Judge in the Division of Administration Hearings and general counsel at the state agency, the Department of Business Regulations. I graduated FSU Law School. Mr. Conn stated he was looking forward to working with the Council.

Mr. Martin Shelby stated he was disappointed he is not able to remain as the General Counsel and thanked the Chair, the Council, and the Executive Director for the opportunity to have served. He also acknowledged staff, and stated it was a pleasure working with them. He has tremendous respect for staff and the depth of their expertise, and the amount of effort that goes into the work product and material that they provide Council and the community. Mr. Shelby thanked the Council for the privilege.

7. **Council Members' Comments** - Chairman Black

Councilman Williams: Mr. Pumariega has tickets available for baseball on June 2<sup>nd</sup> from the City of St. Petersburg. An email will be sent out for RSVPs.

8. **Program Reports**

A. **Agency on Bay Management (ABM)** - Chair, Mr. Robert Kersteen

The agency's Habitat Restoration subcommittee had a meeting on April 12<sup>th</sup> with a discussion on the pollution of Clam Bayou that has taken place over several decades. Residents have requested someone take the necessary steps to eliminate the sources of pollution and remove 6 feet of muck. The decline of Clam Bayou is due to the flushing of debris from the City of St. Petersburg's storm water system, however, it is very evident that the city has not ignored the problem. The city has dedicated multi-millions of dollars over the last decade in an effort to solve this pollution problem. The city is presently funding several projects within the drainage basin. Mayor Mike Yates and other attendees from Gulfport had requested assistance from ABM in an effort to obtain federal and/or state help to remove the 6 feet of muck. The City of Gulfport has now enlisted the help of NOAA, but they are the issuing agency so they may not be

able to help much. Someone has to write a grant to obtain funds.

The full agency met last Thursday and discussed:

Westshore Beach Club, a redevelopment project on Old Tampa Bay, is proposed to replace a 624-unit apartment complex and 174 wet and dry boat slips with a 1,200-unit residential development and 189 boat slips connecting to Tampa Bay. A marina would accommodate 90 boats and the other 99 slips could be constructed in the canals. Maintenance dredging as well as new canal construction is designed to ensure flushing and good water quality. Stormwater treatment, something lacking on the current site, will treat all runoff prior to its discharge to Old Tampa Bay.

The Agency members voted to send a letter to the Tampa Port Authority and other permitting agencies supporting for retrofitting of older developments to today's water quality standards; recommending that the standards for Outstanding Florida Waters be required, given the designation of this portion of Tampa Bay as an impaired water body; and seeking to ensure that the project does not impact seagrasses or other natural resources and that it creates adequate flushing of the canals.

The other significant item was Cockroach Bay, in southern Hillsborough County. In the early 1990s it was recognized that propellers on motor boats were scarring the seagrasses in this Aquatic Preserve, removing or reducing the habitat values. A series of zones were set up - at first voluntary and then mandatory, some closed to motor boats and some closed to all boats. The seagrass recovered. After the protection was removed the scarring resumed and has reached serious levels. An estimated 15,000 scars now cover the 9,000-acre Preserve.

The Environmental Protection Commission of Hillsborough County has drafted a Seagrass Management Plan, and it includes the establishment of a Pole and Troll area in Little Cockroach Bay, at the northern end of the Preserve, as well as methods for stormwater treatment, nutrient load-reduction, and more. Some are concerned that this is not enough protection for the seagrasses and want the entire Preserve designated as a no-motor zone. This would improve fishing as well as restore habitat. The over-arching message of the day was that Enforcement is needed, on the water, to make people obey the law.

The Agency members voted to ask Hillsborough County to repeal the exemption available to commercial fishermen and fishing guides that allows high speed in manatee protection zones. There will be a public workshop on the Pole and Troll area on May 31<sup>st</sup> at the Southshore Regional library in Ruskin.

The next meeting of the Agency on Bay Management will be Thursday June 14th.

- Councilman Williams: Has their been an effort to look at whether or not SWFWMD could possibly provide some dollars for Clam Bayou?
- Mr. Kersteen: I think Gulfport wants ABM to try to help or assist.
- Councilman Williams: The clean up of Lake Maggiore received dollars from SWFWMD and I'm wondering if they could assist in the clean up of the muck. The City of St. Petersburg is also looking at Charles Park in terms of creating canal systems so there won't be quite the flow back into the Clam Bayou area.
- Commissioner von Hahmann: Regarding Piney Point, and the closing of the plant. It has been purchased but they have 50 years of monitoring. Port Manatee has entered into a contract to use the stacks as spoil holding sites for dredge. I don't know what the final dollar cost of the clean up was to the tax payer. It is nice to know that has gone by the wayside and that

particular facility will never be used again.

Mr. Kersteen:

\$80 million comes to mind, but I'm not sure that is right.

**B. Clearinghouse Review Committee (CRC) - Chair, Commissioner Deborah Kynes**  
No Report.

**C. Local Emergency Planning Committee (LEPC)**  
No Report

**D. Emergency Management**

Chairman Black mentioned the 2007 Official Hurricane Guide was prepared in-house. Betti Johnson and Kim Williams worked on the design and lay-out for the 7 county region. Chairman Black commended them for the good job they did.

Motion to adopt Resolution #2007-02 declaring June as Hurricane Awareness Month in the Tampa Bay Region, and forward to the Governor's Office, the Department of Community Affairs, and the local governments in the Tampa Bay region. (Mariano/von Hahmann)

**E. Legislative Committee - Commissioner Jane von Hahmann, Chair**

We are thankful that the legislature has completed its job. There will be a special session in June. In your mail out materials you received a Highlights and Summary of SB 506 Enrolled regarding the Regional Transportation Authority).

Mr. Lee Killinger of the Wren Group was introduced and provided a report on key issues and outcomes of the 2007 Legislative Session. Mr. Killinger works with Ron Book and the Florida Regional Councils Association.

The Wren Group prepared a report titled "Florida Legislature, 2007 Regular Session Final Report, Growth Management, Water and Natural Resources" which was distributed to Council members. The dominant discussion during the legislative session was tactical. There was a lot of discussion about property tax reform. The House proposal came out early and was discussed a lot. The Senate proposal came out much later in the process. And the Governor's proposal came out and split the two. A couple of days before the end of the session they decided to call it off because they couldn't get to an agreement with only a couple of days left in the session. Therefore, there will be a Special Session for June 12-22. The legislature will be back in Tallahassee on May 21<sup>st</sup> to talk about it and then again on June 4<sup>th</sup>. The House appears to have come off, to a degree, of their extreme interest in swapping ad valorem taxes on Homestead altogether for the sales tax increase. The Senate indicated they had very little interest in going along with that. The current proposal is a substantial increase to Homestead Exemption, perhaps doubling it or maybe going higher than that. A lot of local governments are concerned about this due to the revenue and their funding, and are putting a lot of things on hold. We will have to wait and see how this plays out.

Mr. Pumariega stated he believes it is going to be two joint committee meetings before the start of the Special Session of June 12<sup>th</sup>. For this region, Senator Storm sits on the Senate side and Representative Weatherford and Representative Scionti on the House. The Joint Committee meetings take place on May 21<sup>st</sup> and June 4<sup>th</sup>.

Commissioner von Hahmann: Before you leave the property tax issue, you mentioned some conversation about a possible doubling of homestead exemption, are you referring to the 80% exemption of the first \$300,000, 70% exemption for the next up to \$700,000 in value, and then 20% for anything above that up to \$1 million in value? Is that what you are calling a homestead exemption increase?

Mr. Killinger: That's been discussed, but whether that is the current one on the table I can't say for sure. I've seen an article in the press recently about just a flat doubling of the homestead exemption. I've also seen the discussion about the higher things that would increase it to ½ the average county-wide value. I don't know exactly what they are going to come up with, but based on what I've been hearing that there is less interest in swapping out ad valorem taxation for an increase in sales tax. My assumption is that it will have to extend beyond just homestead exemption because if they just do something with the homestead exemption that will only provide relief to homeowners, but not to business owners or owners of second homes.

Commissioner von Hahmann: Would that be applied to the state school tax local required effort as well?

Mr. Killinger: I do not know the answer to that. There were a lot of details that were unclear in some of the proposals on both the House and Senate side. They couldn't get through all of those. Whether they would carve out schools or make special exceptions for certain areas, the rural areas are critical and simply don't have the ad valorem tax base to be able to sustain a dramatic roll back in ad valorem. Some of those counties are still within their 10 mil cap and that would be a real problem for them. There are a lot of details to be worked out. That is something to keep an eye on this summer.

Reverend Golden: Did you see a role between the legislature and the Tax Reform Commission that has been mandated by the constitution to deal with these types of things?

Mr. Killinger: To the extent that the legislature decides to go ahead and act on this now in the middle of the summer before the Tax Reform Commission has a chance to do its work and produce a report, I think they are planning on going ahead and taking some action now. I don't think they are planning on waiting. The Governor has been out in some of the areas where the fires are raging and people are asking him what he is going to do about taxes. I think the legislature feels compelled to do something now. I don't know what that would leave for the larger commission to deal with.

Reverend Golden: You are a lobbyist isn't that correct?

Mr. Killinger: Yes.

Reverend Golden: Tell us what you think we need to be doing to minimize the harm that will be done in two weeks. What can we be doing with respect with our individual cities and counties?

Mr. Killinger: I have heard the cities are putting together a proposal to put on the table that has alternatives they think they can live with. My advice would be that saying no, we can't do any of this and we

can't have a tax roll back is not a sustainable or tenable position. With that in mind, I think the best thing that you could do for your local governments would be to do a dispassionate analysis of what the proposals would do to your local government, and make sure that the information is presented in a clear and understandable way to your elected officials in your delegation.

There are legislative persons in Tallahassee who I have spoken to who simply do not find it credible that local governments are coming to Tallahassee and saying if you cut our property taxes we will have to compromise on emergency response times, or fire protection or police protection. They don't believe that. It may or may not be accurate depending on how those services are funded under your particular local government scheme, but that's not a position that has been well accepted in Tallahassee. I think all you can do is say to your local delegation, look we are serious about this and here is where our money comes from and here is where it goes, and if you cut ad valorem taxes by doubling the homestead here is what it will do to our budget and here is how that is going to affect us.

I was with the Florida Association of Counties for a long time, as their growth and environmental lobbyist and I understand the difficulty in being dispassionate. I've talked to some government folks who find it hard to be dispassionate when they've tried to get the message across to the legislators and they don't feel that the legislators are being receptive to it. I've talked to legislators who think they aren't really getting the message from local governments because they think what the local governments are doing is stirring up passion and saying that if you do this we have to cut police protection. They don't believe that to be the case. This is a complicated thing and it is different from local government to local government. I also think it would be better to try to talk to your legislator while they are home because you can probably get more of their time and attention. I think they are intent on doing something, it is hugely complicated and I think they understand how complicated it is and they don't want to make any mistakes.

Mr. Killinger highlighted the appropriations.

- Florida Forever - fully funded at \$300 million. \$56 million for FCT.
- Everglades Restoration - \$200 million. A big ominous bill that is notable because it reflects a growing trend in state legislative enactments of dealing with watershed and eco system wide resources. The state funding is matched dollar for dollar by the SWFWMD.
- Alternative Water Supply - \$60 million.
- Water Projects - \$153 million for statewide water restoration and wastewater projects that restore and protect our lakes, rivers, bays, and lagoons. \$18.2 million for Mulberry/Piney Point clean up to continue.

- Department of Community Affairs:
  - Affordable housing program \$70.5 million;
  - Local affordable housing program (SHIP) \$172.5 million.
  - Trust Fund Cap. Those did not get lifted this year. There was a lot of discussion about it, but I think the end conclusion was that fiscally they didn't have the money to pull that cap off. I think this will be back.

DOT - \$60 million in seaports and the DOT work program is about \$7.5 billion.

Transportation and Infrastructure: CS/CS/HB 985, relating to a diverse number of transportation infrastructure, planning, finance and governance issues. One of the big discussions in Tallahassee was the potential public/private partnership concept that would allow private entities to construct private toll facilities or allow the state to lease existing toll facilities for 50-75 years as an innovative way to generate road capacity and revenue. Also in the bill are MPOs, clarifying some of their duties and responsibilities; it provides local governments from additional flexibility to fund and finance transportation infrastructure; and other transportation issues.

Venomous Reptiles & Reptiles of Concern: CS/SB 2766, requires the Florida Fish and Wildlife Conservation Commission to establish, by rule, a list of venomous, non-native reptiles, as well as a reporting system for the regulated reptiles.

Growth Management: HB7203, is a large bill and much of it is intended to address some difficulties that have arisen since the advent of SB 360 that was passed in 2005. There are some implementation problems with that bill because of the transportation concurrency and the unintended consequences that were perceived as a result of that bill. It revises the definition of financial feasibility to provide that a local comprehensive plan is financially feasible for purposes of transportation and school concurrency "if it can be demonstrated that the level of service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent." It establishes that financial feasibility applies to the 5 year planning period, except for long term transportation or school concurrency management systems, in which case a 10 or 15 year period applies.

- Extends the deadline by one year, to December 1, 2008, for local governments to begin the annual process of updating their capital improvements schedule.
- Provides an additional 3 years for buildout for DRIs under active construction as of July 1, 2007, regardless of any prior extension. That is not subject to any further DRI review. That was justified in the bill as something that would help kick start the state economy in the construction industry.
- Development agreements under the bill could now be 20 years instead of the current 10 years.

Proportionate-share mitigation:

- Clarifies in several places that proportionate share mitigation is only intended to ensure that a development mitigates the impacts of that development on the transportation system and not to shoulder any additional costs for any existing backlog that was there when they came in.

The big topic is the Pilot Program about DCA Oversight. There is a pilot program for Pinellas and Broward Counties and the municipalities within those counties, along with Jacksonville,

Miami, Tampa, Hialeah that reduces the oversight of DCA over the local government comp. plans. Under the bill the local comp. plans would not be transmitted before adoption to DCA for review. Local governments can adopt them and comments could be made by the regional planning council and other agencies that are affected by it and DOT. Then they could ask for a hearing if they decided it wasn't in compliance. It would take that out from under the initial umbrella of sending it out and having it determined to be in compliance or not. There is a lot of discussion about this and concerns because folks weren't sure of how it would work. There is a report that is required by December 1, 2008 about how it is actually going to work. One of the RPCs in South Florida that some of their municipalities were not enthusiastic about being involved in the pilot program. If you encounter any problems, whether it is procedurally or legally obviously let Manny know and let us know in Tallahassee. This is probably opened for discussion.

Chairman Black requested Mr. Killinger stay for a few minutes following the meeting for questions.

**F. Regional Planning Advisory Committee (RPAC)**

No Report.

**G. Telework Tampa Bay**

No Report.

**H. Economic Development**

No Report.

**I. Regional Domestic Security Task Force (RDSTF)**

No Report.

9. **Other Council Reports**

10. **Executive/Budget Committee Report - Chairman Black**

None.

11. **Chairman's Report - Chairman Black**

Mr. Pumariega and I visited this last Wednesday with the Central Pasco Chamber of Commerce and presented the video of TBRPC and the programs. If we can come do that in your community we would enjoy doing that as well. Brady Smith did a great job on the video.

12. **Executive Director's Report - Manny Pumariega**

In the next few months we will have 3 DRI *Final Reports*. There should be a report in June, and either two in July, or one in July and one in August.

Reverend Golden mentioned the Reality Check exercise will take place on Friday, May 18<sup>th</sup>, at the Convention Center in Tampa. A luncheon will be held at 12 noon with a wrap-up analysis of the exercise. Reverend Golden stated he had 3 lunch tickets available to anyone who would like to attend.

Commissioner Mariano will attend a workshop May 30<sup>th</sup>, with Senator Fasano and Representative Weatherford and invited all to attend.

**Adjournment** 12:02 p.m.

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Lori Denman, Recording Secretary

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Commissioner Scott Black, Chairman