



# Council Minutes

September 12, 2011  
10:00 a.m.

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## REPRESENTATIVES PRESENT

Chair, Vice Mayor Bill Dodson, City of Plant City  
Vice Chair, Commissioner Larry Bustle, Manatee County  
Secretary/Treasurer, Mayor Bob Minning, City of Treasure Island  
Past Chair, Commissioner Jack Mariano, Pasco County  
Mayor David Archie, City of Tarpon Springs  
Commissioner Nina Bandoni, City of Safety Harbor  
Vice Mayor Ron Barnette, City of Dunedin  
Commissioner Neil Brickfield, Pinellas County  
Commissioner Woody Brown, City of Largo  
Commissioner Al Halpern, City of St. Pete Beach  
Councilman Sam Henderson, City of Gulfport  
Council Member Bill Jonson, City of Clearwater  
Mr. Robert Kersteen, Pinellas County Gubernatorial Appointee  
Mr. Harry Kinnan, Manatee County Gubernatorial Appointee  
Ms. Angeleah Kinsler, Hillsborough County Gubernatorial Appointee  
Councilman Bob Langford, City of New Port Richey  
Council Member Janice Miller, City of Oldsmar  
Council Member Wengay Newton, City of St. Petersburg  
Vice Mayor Patrick Roff, City of Bradenton  
Ms. Barbara Sheen Todd, Pinellas County Gubernatorial Appointee  
Mr. Waddah Farah, Ex-Officio, Florida Department of Transportation  
Ms. Pamela Vazquez, Ex-Officio, Department of Environmental Protection  
Mr. Todd Pressman, Ex-Officio, Southwest Florida Water Management District

## REPRESENTATIVES ABSENT

Mayor Scott Black, City of Dade City  
Commissioner Victor Crist, Hillsborough County  
Mayor Shirley Groover Bryant, City of Palmetto  
Councilor Bob Matthews, City of Seminole  
Councilwoman Mary Mulhern, City of Tampa  
Mr. Andy Núñez, Pinellas County Gubernatorial Appointee  
Mayor Kathleen Peters, City of South Pasadena  
Council Member David Pogorilich, City of Temple Terrace  
Vice Mayor Ed Taylor, City of Pinellas Park  
Ms. Kim Vance, Hillsborough County Gubernatorial Appointee  
Mr. Charles Waller, Pasco County Gubernatorial Appointee  
Mr. Earl Young, Pasco County Gubernatorial Appointee  
Ms. Michelle Miller, Ex-Officio, Enterprise Florida

**OTHERS PRESENT**

Trisha Neasman, Planner, SWFWMD  
John Healey, Planner, Hillsborough County  
Ron Brunk, Env. Supervisor, CFI  
David Winkle, Transportation Planner, FDOT  
Will Augustine, Hillsborough County Planning Commission  
Jack Nazario, Commissioner, Belleair Bluffs

**STAFF PRESENT**

Mr. Manny Pumariega, Executive Director  
Mr. Donald Conn, Legal Counsel  
Ms. Suzanne Cooper, Principal Planner  
Ms. Lori Denman, Recording Secretary  
Mr. John Jacobsen, Accounting Manager  
Ms. Betti Johnson, Principal Planner  
Ms. Wren Krahl, Director of Administration/Public Information  
Ms. Jessica Lunsford, Senior Planner  
Mr. John Meyer, Principal Planner  
Mr. Greg Miller, Senior Planner  
Mr. Patrick O'Neil, Senior Planner  
Ms. Amanda Shaw, Senior Planner  
Mr. Avera Wynne, Planning Director

**Call to Order – Chair Dodson**

The September 12, 2011 regular meeting of the Tampa Bay Regional Planning Council (TBRPC) was called to order at 10:07 a.m.

The Invocation was given by Ms. Barbara Sheen Todd, followed by the pledge of allegiance.

**Roll Call -- Recording Secretary**

A quorum was present.

**Voting Conflict Report -- Recording Secretary - None**

**Announcements:** - Chair Dodson

- Councilor Bob Matthews was thanked for providing refreshments.
- To encourage Council Members to provide brief reports on the monthly Council meeting to their respective commissions and councils, staff has prepared a Recap of the monthly Council meeting. The Recap has brief talking points which highlight some of the agenda items and presentations from the meeting.
- A Save the Date flyer for the National Association of Regional Councils Annual Conference which the Council will be hosting in June 2012 was distributed. Beginning in October, Ms. Krahl will provide a progress update on the planning process at the regular Council meeting.

**1. Approval of Minutes – Secretary/Treasurer Minning**

The minutes from the August 8, 2011 regular meeting were approved. (Kersteen/J. Miller)

**2. Budget Committee – Secretary/Treasurer Minning**

- A. The Financial Report for the period ending 7/31/11 was approved. (J. Miller/Roff)
- B. The Budget Committee previously met and was presented with the 2010/2011 Final

Budget Amendment. The overall budget increased by slightly more than \$41,000. The major factors are as follows:

Federal revenue decreased \$12,000 due to slightly less spending in this fiscal year for Post Disaster Redevelopment Plan II, Regional Domestic Security Task Force (RDSTF) Planning, and Economic Development District. These amounts will move forward to next fiscal year.

State revenue decreased \$72,000 because of the DCA RPC contract cancellation effective July 1.

Fees & Contracts increased \$21,000 primarily due to the addition of Standardized Statewide Broadband Planning in the amount of \$69,000. Regional Hurricane Guide increased \$7,000 as a result of additional printing fees for Sarasota & Hernando counties. Regional Interoperable Communication Exercise decreased \$28,000 due to less actual expense required to run the exercise than anticipated; also, Integrating Nitrogen Goals with Planning decreased \$26,000 based on receiving a one year extension of time to complete.

In-Kind Services increased \$15,000 as a match requirement for the Broadband Planning project.

Appropriated Fund Balance increased \$87,000 primarily due to the loss of the DCA RPC funding, and staff working on numerous grant proposals.

I would like to inform you that the Budget Committee unanimously approved the proposed Final Budget Amendment.

Motion to approve the 2010/2011 Final Budget Amendment (Kersteen/J. Miller)

### **3. Consent Agenda – Chair Dodson**

#### **A. Budget and Contractual**

##### **1. Hazardous Material Emergency Preparedness (HMEP) Sub-grant Program**

The TBRPC has been awarded a Federally funded Subgrant from the Federal Department of Transportation Hazardous Materials Emergency Preparedness (HMEP) grant fund through the Florida Division of Emergency Management (DEM) for State FY 2011/12 in an amount of \$50,304. The funding will be for Local Emergency Planning Committee (LEPC) planning activities and support of LEPC efforts to ensure training of public sector hazardous materials response personnel. There is a requirement for in-kind match to this grant which can be met by staff participation, LEPC membership participation, and student training participation. The subgrant period is from October 1, 2011 to June 30, 2012.

Action Recommended: Motion to authorize the Chair to sign the HMEP Subgrant agreement with DEM.

Staff contact: John Meyer, ext. 29

##### **2. Statewide Energy Resiliency Strategy**

The Economic Development Administration has awarded TBRPC an Investment of \$890,317 to conduct an Energy Resiliency Strategy on a statewide basis. The basic premise of the project is to run economic impact scenarios on the effects of diversifying our energy portfolio and becoming less reliant on imported oil. Using information gathered and analyses conducted, each region will develop strategies to improve their energy resiliency and create domestic energy jobs. Domestic energy means domestic jobs. TBRPC will contract with the other 10

RPCs to conduct efforts in their respective districts. TBRPC's share of the award is estimated to be \$105,000 with a match of approximately \$28,000. The grant period is eighteen months.

Action Recommended: Motion to approve Resolution #02-2011 authorizing the Chair or the Executive Director to sign Award Contract with the Economic Development Administration in the amount of \$890,317.

Staff contact: Avera Wynne, ext. 30

3. Electric Vehicle Service Equipment - EVSE - (Charging Stations)

Progress Energy has proposed to install two Eaton Pow-R-Station electric vehicle charging stations in the TBRPC parking lot. There will be no charge to Council for the units and installation. TBRPC will be responsible for energy charges. The units must be available to the public and TBRPC must allow signs identifying the EVSE and maintain adequate insurance coverage. After two years TBRPC will own the units.

Action Recommended: Motion to authorize the Chair to sign Agreement with Progress Energy for the installation of Electric Vehicle Service Equipment.

Staff contact: Avera Wynne, ext. 30

**B. Intergovernmental Coordination & Review (IC&R) Program**

1. IC&R Reviews by Jurisdiction - August 2011

2. IC&R Database - August 2011

Action Recommended: None. Information Only.

Staff contact: John Meyer, ext. 29

3. IC&R #060-11 – Marine Habitat Wave Barrier at MacDill Air Force Base, FSC SAI #FL201108045911C, City of Tampa/Hillsborough County

Action Recommended: Approve staff report.

Staff contact: Suzanne Cooper, ext. 32

**C. DRI Development Order Reports (DOR) - None**

**D. DRI Development Order Amendment Reports (DOAR) - None**

Staff contact: John Meyer, ext. 29

**E. Notice of Proposed Change (NOPC) Reports - None**

Staff contact: John Meyer, ext. 29

**F. Annual Report Summaries (ARS)/Biennial Report Summaries (BRS)**

1. DRI # 80 - Big Four Mine, RY 2010-11 ARS, Hillsborough County

2. DRI #104 - International Plaza, RY 2010-11 ARS, City of Tampa

3. DRI #110 - Rocky Point Harbor, RY 2010-11 ARS, City of Tampa

4. DRI #145 - Southbend, RY 2010-11 ARS, Hillsborough County

5. DRI #210 - New River, RYs 2009-11 ARS, Pasco County

6. DRI #231 - CFI Gypsum Stack Expansion, RY 2010-11 ARS, Hillsborough County

7. DRI #241 - Harbor Bay, RY 2010-11 ARS, Hillsborough County

8. DRI #242 - Phophogypsum Stack System Expansion, RY 2010-11 ARS, Hillsborough County

9. DRI # 254 – Sarasota/Bradenton International Airport, RY 2010-11 ARS, Manatee/Sarasota Counties & City of Sarasota

Action Recommended: Approve staff reports

Staff Contact: John Meyer, ext. 29

**G. DRI Status Report**

Action Recommended: None. Information Only.

Staff contact: John Meyer, ext. 29

**H. Local Government Comprehensive Plan Amendments (LGCP)**

*Due to statutory and contractual requirements, the following reports have been transmitted to the Florida Department of Community Affairs (FDCA) and the appropriate local government in accordance with Rule 29H-1.003(3), F.A.C.*

1. DCA # 11-1AR, City of Seminole (adopted)
2. DCA # 11-2ER, City of Seminole (adopted)
3. DCA # 11-1ESR, City of Clearwater (adopted)
4. DCA # 11-1, Pasco County (adopted)
5. DCA # 11-2ESR, Hillsborough County (proposed)

Action Recommended: For Information

Staff contact: Jessica Lunsford, ext. 38

The consent agenda was approved. (Henderson/Newton)

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. Richard Gehring, Planning and Growth Management Administrator for Pasco County, and David Goldstein, Pasco County's Chief Assistant County Attorney provided presentations on the recently implemented Mobility Fee structure that replaces Pasco County's transportation impact fee.

Mr. Gehring said Pasco County has the highest commuting population in the region. 48% of Pasco County workers are employed outside of Pasco County boundaries, the highest percentage in the region. Unemployment is at 12%, also the highest percentage in the region. Pasco County had the highest impact fees in the region and unsustainable growth patterns and tax base. In 2006, our orientation was predominately a bedroom community which the board wanted to transition away from and become more of a metropolitan player. We introduced town centers and employment centers looking to diversify and create employment in Pasco. The adoption of these elements were put into place during that time when the economy was shifting. At that time TBARTA was created. We also started a Urban Land Institute Report which had a marketed impact on our entire community. They provided an assessment of how a community that was approaching ½ million could start to adjust itself and become a major player in the region. We defined market areas, we defined more predictable/less time consuming transportation mitigation system, and we created a transit oriented development and traditional neighborhood development framework.

At that same time the legislature acted on SB360 and the framework for mobility fees was in that original legislation. TBARTA developed a master plan and Pasco County adopted a 2035 long range transportation plan - a \$9.6 billion transportation package. The board adopted a strategic plan. The key elements that relate to the mobility fee is that they instructed and wanted to move the concentration of growth, rather than across the county. Approaching ½ a million, we have to look at ways to be more efficient and

effected. We wanted mobility fees to be in place by 2012 and they adjusted that upward. They wanted new sources for transportation funding and we introduced the tax increment concept. They wanted to focus on job creation and innovation was encouraged. The series of documents that were adopted by the board were not only the ULI Report, but a Strategic Plan and a Business Plan that integrated all of this. What we wanted to do was stop all of the spreading out in the county. There was this responsiveness to a lot of development issues that created the framework, and part of this is understanding that we wanted to target a specific area and make it our focus.

The ULI document created the first look at market areas and we went on to refine those. This county of 500,000 acres has very much a dominant orientation to grow corridors, major highway corridors. They looked at all of our utility systems and significant areas like the Green Swamp. We have a goal to not encourage sprawl and therefore we have a number of rural protection or low intensity areas that we established across the entire county: the northeast Pasco rural area, the Pasadena Hills area which is a 20,000 acre area which is not to be developed any more than 2 units an acre. We are trying to protect its rural character. We also wanted employment. Employment Centers, Town Centers, Light Industrial and Employment Villages were set-up throughout the county at the same time to give a diversity of opportunities for employment to occur.

Pasco has the largest concentration of DRIs in the region. We also have a framework of master plan developments and we are trying to focus those development efforts. To do that we created a framework of five market areas. We made them more concentrated. Framing the county in the form of urban, suburban, and rural was a key component of this process. We put the market areas in place in our Comp Plans. We also created an urban service area boundary that took a considerable amount of time to resolve with DCA. We created a transit-oriented development pattern and put those in our Comp Plan, and you may recognize those from our One Bay Award earlier in the year. The focus on market area 1 and 2 linked with the transit overlay district and is an attempt to concentrate the majority of our growth in 27% of the county which is consistent with the One Bay pattern. The board chose a prototype mobility fee, looked at using a new source tax increment, and we ultimately got the urban service area set up with DCA through a settlement agreement. There are three areas that we have expansion districts since those areas are going through the review approval. In 2011, we got HB 7207 (Community Planning Act) which changed the format of the transportation concurrency. There is less state oversight and there is very favorable language for mobility fees. In this framework we are looking not only to drop the impact of transportation concurrency issues in the urban service area, but we are also working on policy structure to go into a blend county-wide of removing concurrency and installing a combination of mobility fees and something that we call "timing and phasing." In July 2011, a multi-modal mobility fee was adopted that helps implement five years of planning concepts.

David Goldstein presented the mobility fee ordinance. In July 2011, Pasco County was one of the first counties to adopt a mobility fee. We believe it is innovative, promotes smart growth, promotes economic development, and it could be a model for other communities.

The first thing we did was to replace the transportation impact fee with a mobility fee. That mobility fee assesses capital costs for roads, transit, bicycle/pedestrian facilities. We intentionally did not include operation and maintenance costs when we came up with the mobility fee.

The ordinance also creates and implements transportation concurrency exception area for the urban service area based on the mobility fee, and as mentioned previously, subsequent comp plan and code amendments will replace transportation concurrency with a mobility fee county-wide.

As far as our Mobility Plan, we adopted the MPO 2035 Long Range Transportation Plan as our Mobility Plan. That plan has significant transit and bicycle/pedestrian facilities. All of this information is on our website.

We created a tiered mobility fee rate structure with lower fees in the urban market areas and higher fees in the suburban and rural market areas. We have preferred rates for office, industrial, hotel (which we consider to be a supportive use to office and industrial), and then in terms of the smart growth component of the fee structure we have significant lower fees for traditional neighborhood development/town centers and transit oriented development.

The key question we get with this mobility fee is, how did you get those fees lower? There are a couple of different funds. We took into account the trip lengths, we looked at the lower level service in the urban area. The key way we subsidized these fees for office, hotel, industrial, transit oriented development and neighborhood development was by using other revenue sources to subsidize or buy-down the fees for the uses that we were trying to incur. We used three revenue sources to do that. We used our existing gas tax, our existing Penny for Pasco sales tax, and a new 33.33% tax increment. These could have been any revenue sources. These are the three that our board chose for this buy-out or subsidy. We calculated that required buy-down each year based on the actual permits and revenues.

**Tax Increment Calculation:**

Tax Roll Date Fiscal Year	Base Year	
	01/01/11 FY 2012	01/01/14 FY 2015
Gross Countywide Taxable Valuation	\$ 20,200,000,000	\$ 21,695,405,000
Deduct Community Redevelopment Areas	\$ (828,200,000)	\$ (889,511,605)
Net Countywide Taxable Valuation	\$ 19,371,800,000	\$ 20,805,893,395
Current Year minus FY 2012 (Base Year)		\$ 1,434,093,395
Multiply by millage rate		6.3668
Divide by \$1,000 (taxable value)		\$ 1,000
Multiply by percentage available for transportation		33.33%
Multiply by percentage collected (3% discount for paying early)		97.00%
<b>Tax Increment</b>		<b>\$ 2,951,928</b>

In terms of the buy-down, we compare the ease of the fees that we actually charge for. We take these other revenue sources and transfer them from their funds to our mobility fee fund.

We retained our existing road impact fee zones and renamed them Collection/Benefit Districts. We retained those mostly because our travel characteristics are predominately north/south. When you are dealing with an impact fee, you have to show benefit and we

believe we could establish that benefit easier with these particular districts that we have which are nearer our existing transportation impact districts.

The way we dealt with municipalities is we gave them the option to opt-in. They could participate, but they weren't required to participate. If they did participate, the mobility fees and tax revenues collected in the cities would be earmarked for improvements to benefit the cities and we would exclude their community redevelopment agencies because that's already a form of tax increment that's built into the cities. There are at least two cities that we are talking to, Dade City and Zephyrhills, that appear to be interested in participating. They will benefit from the town center rates.

We did not ignore the SIS facilities with this mobility fee. There is a portion of the fee that is earmarked for improvements to the Strategic Intermodal System (SIS). In Pasco County that would be US 19, I-75, Suncoast Parkway and portions of US 41 and SR 54. We require that before we spend that portion we consult with FDOT to make sure that it is truly a benefit to the SIS System. That portion of the fee could eventually be spent on regional transit facilities (TBARTA) if DOT determines that is where they want the money to go.

Most of these fees were reductions from our current fees, retroactive to building permits applied for or issued on or after March 1, 2011. If any fees were increasing, or otherwise adversely affected by mobility fees, they have a 3 year period to opt-out and remain subject to transportation impact fees.

Some of the Key Assumptions-Growth Rate are:

- 1.5% growth rate in person-miles of travel
- Consistent with most recent BEBR population projections

Key Assumptions-Level of Service

- More tolerance for congestion in the south and west market areas; increased reliance on transit
- Commitment to expand transit operations with tax increment revenue
- Less tolerance for congestion in central, east and north market areas
- Measure level of service area-wide instead of road by road

Key Assumptions-Funding

- Penny for Pasco will be re-authorized in 2014; same percentage allocated for transportation (22%)
- 2.5 cents of existing gas tax used for capital; other 7.5 cents used for operation and maintenance
- 3% average annual growth rate in property values for tax increment (1.2% in the first year); no decrease in millage rate.

Key Assumptions-Costs

- Includes interstate travel costs
- Excludes costs of regional (TBARTA) transit facilities
- Mobility fee for transit capital (park and rides, buses and shelters) is less than .25% of the fee
- Transits are likely to increase in future as regional transit plans are finalized and O&M sources identified

- Mobility fee for bicycle/pedestrian facilities (sidewalks, trails, multi-use paths) is less than 4% of the fee

We are looking to update every 3 years at a minimum and will re-examine growth rates, constructions costs, the availability of buy-down revenue sources, LRTP changes, and if we will start to include transit or not.

Mr. Goldstein showed Fee Comparison Tables which are available in the presentation (pages 58 and 59). The link to the presentation is below.

Some of the objections we heard before we adopted the fee were from a section of the Tea Party and they had the concerns that we were implementing Agenda 21. It is my understanding that Agenda 21 is a United Nations initiative from the 1990s to create something called *human habitation zones* where you concentrate all of your people into one area on the premise that the government would be buying up the rural land. They were also concerned that this was really a tax increase and it was a backdoor way of funding light rail. We also had concerns from rural landowners whose fees were a little higher than they were in the early market areas. As far as the tax increase idea, we pointed out that this is charged to new development, it's not a fee to be paid by existing residents. It does not require any tax increase. The fee is bought down from either earmarking existing revenue sources (gas tax, Penny for Pasco) so we weren't adopting any new taxes or assessments with this mobility fee. This is something that the state legislature encouraged. Governor Scott signed in to law HB 7207 and that law says *"local governments are encouraged to develop tools and techniques to complement the application of transportation concurrency such as the adoption of long term strategies that facilitate development patterns that support solutions including urban design and appropriate land use mixes."* This is the key one: *"exempting reduced county impacts of locally desired development, such as development in urban areas, re-development, job creation, and mixed use on the transportation system."* We have done exactly what the legislature has encouraged us to do.

This is not about funneling all of our growth into one area of the county. We really wanted to give people choices. So we said, where do you want to live? Pasco County historically has been very good about creating a rural environment, a suburban environment, but we haven't been so good about creating the town center or urban/transit environment. This is really about giving us and our children a choice as to where they want to live.

Overcoming some of the objections in the rural area, they are generally higher than urban and suburban fees because they have longer trip lengths and they pay for a higher level of service and less congestion. One of the things we asked our board to look at is the future land use breakdown of our rural area. It's about 98% residential, 1% office, 1% retail. Even in our rural area fees were being reduced for 99% of the area. For that 1% that was increasing, about 50% of those fees are being reduced and they also have the opt-out option. Fees in the rural area for a movie theater is \$21,454 per screen. If you look at that same movie theater in the City of Dade City or in a Town Center the amount would be \$4,318 per screen or 34% of existing transportation impact fee. The same thing is similar for supermarkets. There are significantly lower fees in a town center.

Even though the fees were lower in the urban area we are actually spending more buy-down money in the rural and suburban area.

For more information: [www.pascocountyfl.net](http://www.pascocountyfl.net) County Attorney-Proposed Ordinances and Adopted Resolutions. You will find ordinances, fee schedules, and the Tindale, Oliver Technical Report. Mr. Goldstein thanked Commissioner Mariano for being the champion on the board for the mobility fees.

- B.** Greg Horwedel, City Manager, City of Plant City provided a report on the Mobility Fee Program Plant City adopted.

Mr. Horwedel thanked Mr. Gehring and Mr. Goldstein for laying out the framework for why you would consider mobility fees. Plant City is a small city of about 35,000 in the eastern part of Hillsborough County. We are already an urban county so we didn't have to wrestle with some of the same urban service boundary issues that Pasco County has wrestled with.

Once SB360 came out in 2009, our Commission was very interested in moving forward with a different structure or looking at the impacts of development and how to pay for that. In the middle part of 2009 we contracted with Fishkind & Associates. They looked at our existing impact fee structure and took our suggestion for looking at a mobility fee program and came up with the framework for that. The Final Report was issued in February 2010. I have a couple of things to point out in the mobility fee study and look at why we did that, taking it down from a county to a city-wide perspective. We have some different issues and our primary issue was that fees were too high.

Whenever you look at a single collection/expenditure type system that we had, and we had a state of the art system, but what that meant was that we would collect fees from somebody over on the east side of the city and perhaps spend it on the west side of the city. Sometimes there was the question if this was necessary for expenditure of those dollars. We asked our consultant to look at that and we came up with a program that divided up the city into five separate areas. All of this information is available on our website [www.plantcitygov.com](http://www.plantcitygov.com). Once you get to the website search for mobility fees in the document center.

We came up with five distinct areas within the city based upon input and talking with the development community. Those were distinct areas from a geographic area and the level of development was already existing in those areas. In the east part of the city in district one, that was an area where we hadn't seen much development activity and it was where our industrial and commercial areas were located. But they were vacant properties. Didn't have a lot of infrastructure needs in that area so we came up with the project list, as required, to support the development that we see in that particular district. This is the same for each district in the city.

When we looked at the development patterns in that area, and looked at the road projects, it was striking when you looked at the types of projects that were involved. The total cost was about \$43 million to do all of the zone one projects. When we looked at the mobility fee, that was an achievable sum over a 20 year period because the type of

development, the vacancy of the properties that were in the district, lent itself to us collecting those fees over the 20 year time period and building the improvements. Our impact fees were for, as an example, warehouse distribution at about \$2,100. Under the new system we adopted, the mobility fee system, those dropped to about \$250 per 1,000 sq. ft. A lot of folks would say, aren't you forgoing an awful lot of revenue? My answer is yes. But the question then becomes, why are you forgoing revenue? Why were you collecting those fees to begin with? We have a list of projects in district one that will be funded with that \$250. From a staff and commission perspective, we simply could not justify charging additional dollars unless we could show additional projects to use those dollars for. There was a real close relationship between the projects that were in that district, the amount of fees that were collected in that district, and how we were going to proceed to spend those dollars over time to create the type of economic development that we wanted to see. There is an escalator in the formula calculation and it's very similar to the type of methodology that you saw Pasco County implement.

We adopted ours about 18 months ago. I'm happy to say that almost immediately we started getting inquiries because of the lower fees. We had two projects that signed contracts with their developers as a result of that. We have had more activity in the past year than we had in the prior three years. That's not all attributable to what we did on the mobility program. The economy is improving and I hope it continues to improve. I do think it was a key piece of the puzzle. It showed people that we were very serious about making improvements within the city, but doing that in a way that was not only justifiable and understandable, but a rational connection to businesses that were looking to locate in a specific district.

We were one of the first three cities in the state to adopt the program and I think this will be a success. In my view this is not just a great planning tool, it's not just a great transportation tool, it's also a great economic development tool.

Questions & Comments:

Councilman Newton:

Mr. Horwedel:

What amendment did you use?

We don't subsidize the fees. We are doing it a little differently than Pasco County. We have chosen not to subsidize fees, we think the fees are low enough to encourage the type of activity that we want to see. Thus far it has panned out. That gives us the opportunity in the future if we want to do something like that to encourage a specific type of economic development project. However, we also have other tools. We have an ad valorem tax exemption program in conjunction with Hillsborough County that we would use for economic development purposes.

Councilman Newton:

Mr. Horwedel:

The revenue that you receive?

The revenue is received by the folks who are developing. Those dollars are calculated to pay for the improvements that are identified in the district. That's the beauty of it. There's no requirement for us to put in any additional dollars. I think it's a great idea if you have projects you want to have performed and do it quickly, subsidizing is a good way to do it. We have felt, right now this is a conservative approach. We have the dollars that we generated from the development that will occur that will pay for projects.

Councilman Newton: So the revenue you are receiving, you are looking at future revenue for economic development.

Mr. Horwedel: Yes. It will pay for the projects that are identified in the plan.

Council Member Jonson: As I recall, you used to have some concurrency problems dealing with the I-4 corridor. How did you get around that?

Mr. Horwedel: We still have some concurrency issues. We always will with I-4. It's a state facility so there will be issues that we will have to deal with through DOT. We put together a northeast master plan about 4 years ago and had that approved by DOT. That constructed a parallel road network north of I-4. That's one of the key project areas for district 2 and those projects are included and will be funded as the development occurs in that district. If we took a traffic count right now I feel confident that we would not have any concurrency issues. The legislature has made it very clear that they want the state to remove any concurrency determination from DCA. We are still a little unsure and we got some feedback from DOT how they are viewing that. It doesn't seem like everyone is on the same page yet but I expect that as this moves forward we will get everyone on the same page. We have removed concurrency from our Comp Plan. As part of the SB 360 requirement. The legislature strongly suggested that we do that. We feel that we have addressed the concurrency issue concerns that DOT had with the parallel road network and we are funding that, and that's the key that DOT wanted to see.

Councilman Newton: Is the process a "one time only" - and how does that work?

Mr. Goldstein: Generally, anyone could opt out for the next three years. If it looks like the rates are more favorable in our old fees, generally that's when someone would opt out. We have a concurrency exemption that is tied to that mobility fee. I don't think there will be a lot of people opting out because the exemption from concurrency they will have to pay the mobility fee.

Councilman Newton: How does this benefit the existing development? Is it fair to the people who have already come and invested?

Mr. Goldstein: Anytime you reduce your fees there are going to be people in existing developments that will say they already paid their share. My answer to that is, yes - but we also built a pretty nice transportation system with those dollars that you are benefitting from. If you look at the SR 56/54 corridor it's a very nice road to travel on and they are getting benefits from that. You have to understand that these other revenue sources were making up that difference. We are backfilling our capital plan with sales tax, gas tax, and the new tax increment revenue. We're still spending the same amount on roads.

Councilman Newton: In this challenge for economic development, when you do things more for new businesses than for existing ones that have survived all this time, it sometimes feels like it isn't equal. Also, how do you have no vacancies in case someone wants to move into another area?

Mr. Goldstein: We have one of the highest unemployment rates in the region. We believe that by making that fee lower we will bring in more jobs to Pasco County and then we can actually create more of a market for the regional users, the residential builders because there will be more jobs in Pasco. I

do think that they can benefit from this increased activity. Whenever there is increased activity in Pasco, I think it helps all of the existing businesses. That is part of what our board was trying to achieve. They want to stimulate the market. I think we are starting to see that already. If you believe that this is going to create jobs, and we do, then you are going to get decreases in vacancies because there will be more job growth in Pasco County.

Commissioner Mariano:

This all started from job creation. Construction jobs were 32% of the unemployment. We also have one of the highest foreclosure rates. In sitting down with local folks it was thought that if we can put the construction people to work, they can go buy some of those homes. New people coming in could buy some of the homes. Two years ago, I tried to bring the construction costs down but didn't get anywhere. But when I showed how this could help it shed a positive light on the tax increment program. Light industrial, hotel, office coming in, those people are going to help by spending money and creating jobs. That's what we are looking at. They weren't going to come in with the structure we had in place so we had to find a way to lower it down. We will take the \$400,000 and take 67% of that revenue. We will take 33% of that and put it back into our transportation network, factoring in the reduction of what the actual costs are those two things let us make the rate zero for those people coming in. We are using funds more efficiently by offsetting that and using the actual cost numbers for construction. Using these numbers is creating jobs for Pasco.

Councilman Newton:

I understand your rationale. We have a huge inventory of land in the mid town industrial district. The benefits would have to be huge for an employer to move into another district. Why would we want it because we want to encourage development there. The infrastructure that was built there, the hotels and everything out there near the employer, now you have a vacancy. That's why I asked about that. I understand about job creation, but I don't want job relocation. How do you deal with that?

Commissioner Mariano:

What we are trying to look at, and part of the reason I want the region to pick up on this before the state gets rolling with it, Gray Swoope from Enterprise Florida - they are traveling across the world right now trying to promote our area. If we take a look at, we're not just competing with ourselves in the region, we are trying to pull from the whole Atlantic coast. That's our competition. That's our market. So the better we all look, whether it be Plant City's plan or the Pasco plan, if we can show that we are encouraging jobs we will all raise up. It's not the vacancies that we are worried about.

Councilman Newton:

We have economic things on our ballot coming up. We have been talking about mobility fees for a while as far as transportation impact.

Mr. Goldstein:

We have dedicated funds for transit, which we really didn't have before. Existing residents can use that transit. We will have better bicycle and pedestrian facilities as well. Existing residents can benefit from that. A lot of the existing residents want more trails, more bike paths. Now there is a dedicated source to be used for those types of facilities.

All Council presentations: [www.tbrpc.org/council\\_members/council\\_presentations\\_2011.shtml](http://www.tbrpc.org/council_members/council_presentations_2011.shtml)

7. **Council Member Comments**

Council Member J. Miller: The City of Oldsmar’s 1918 Bank Building has been LEED® certified and is the only glazed brick building in the State of Florida. The building has been redone to “period” and the open house will take place on October 4<sup>th</sup> from 10:00 a.m. to 5:00 p.m., with the ribbon cutting ceremony taking place at 6:00 p.m. Our Council Chambers is located upstairs, and on the lower level is the Chamber of Commerce and the Historical Society. Everyone is invited to attend this opening. We will hold our Council meeting at 7:00 p.m.

Secondly, thanks to TBRPC I brought “Get Ready Tampa Bay” to Oldsmar and we now have the first dual electric charging station in the Tampa Bay region at the front of the parking lot at the Bank Building. Also, the company moved their facility to Oldsmar.

Councilman Newton: The City of St. Petersburg will be installing ten charging stations throughout the city and in parking garages.

Council Member Jonson: We will be opening our natural gas recharging station for vehicles in October. As we move into that I will have an opening date. Verizon will have 100 vehicles that they will begin using natural gas on. The advantage of natural gas is we won’t have power plants spewing out sulfur.

Mr. Pressman: To Council Member Jonson - do the vehicles run completely on natural gas?

Council Member Jonson: It’s a modified vehicle. It started out using it for our solid waste vehicles and it’s a 40% energy cost savings.

Chair Dodson: The TBRPC should be proud of the fact that after receiving notification it will have two units installed on the premises of the RPC.

8. **Program Reports**

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

The full Agency met on September 8<sup>th</sup>, and there were several important items presented and discussed.

Mr. Bill Richardson, of the Florida Fish & Wildlife Conservation Commission’s Fish & Wildlife Research Institute, reported on the recent investigation of ships’ ballast water as a source of harmful micro-algae for Tampa Bay. As ships come into Port Manatee and Port Tampa and start to take on cargo they release ballast water that was taken on in another port, sometimes half a world away. Those microorganisms could be harmful to our ecosystem, or to us, but there’s no regulation to make sure harmful organisms are not released. This has been identified as a major concern for most estuaries in the world. The three-year study included sampling over 60 vessels. Live phytoplankton was found in the ballast water of almost half of the ballast tanks. Cysts of these organisms, that can

withstand harsh conditions and remain dormant for years, were also found about half of the tanks. In all, 83 species were recorded, nine of which are not native to Tampa Bay. One harmful species was found.

ABM members passed a motion to recommend that the federal government ratify the International Maritime Organization's Ballast Water Management Convention, adopt the U.S. Coast Guard's proposed regulations on this topic, and strongly consider the U.S. EPA's draft regulations, as a matter of economic interest, national security, and environmental protection.

Dr. Kim Yates, U.S. Geological Survey, described the four-year Tampa Bay Integrated Science Study which thoroughly investigated the various aspects of Tampa Bay's ecosystem and resulted in the development of predictive models and over 75 scientific papers relating to the Bay's Water and Sediment Quality, Geology & Geomorphology, Ecosystem Structure and Function, and Hydrodynamics. The protocols and collaborative models developed during the study are being used for similar studies in Puget Sound, Chesapeake Bay and several other estuaries.

Ms. Sarah Stevenson, also of the Fish & Wildlife Research Institute, presented on the program that monitors the state's Bay Scallop fishery. The population trends in Tampa Bay haven't been good. The state has tried reintroducing the scallop several times, with mixed success. Funding is inadequate to accomplish the sustained effort that is needed to restore healthy populations throughout southwest Florida.

ABM members voted to send a letter to the Commission supporting creation of a Scallop stamp to raise funds for scallop monitoring, restoration and management.

#### Questions & Comments:

- Ms. Todd: You said that the ABM recommended a notice to the federal government on ballast water. Is this something they wanted the RPC to support?
- Ms. Cooper: ABM did not ask for the Council to do likewise, but I think it would be great. Right now there are 28 that have ratified this convention and we need 30 to make it internationally required. It's amazing the countries that have signed on, and those that have not. If Council would like to do that we could provide a presentation at the next Council meeting.
- Ms. Todd: I think it would be the appropriate thing to do, for us to take a look at it and come up with something.
- Councilman Henderson: Motion to have the presentation and discussion. Seconded by Council Member J. Miller.
- Mr. Pressman: With Pinellas County passing the ban on fertilizer for the summer period, is your agency or any agency monitoring the affect of that ban? Is there any decrease in the bay?

Ms. Cooper: There is monitoring in the bay and in all the coastal waters periodically. The trends will show changes over time. Also, there is a study just beginning that is going to be really important to the state because these fertilizer ordinances - when a local government passes a fertilizer ordinance they get a little bit of a break for the nitrogen loading but the state DEP and EPA have always been reluctant to put much credence in that because there's no evidence of what's detected. Even though there have been studies in other states, they always say our soils are different, etc. so they can't relate those other studies to what is happening in Florida. We are going to start a study that will compare several neighborhoods in Pinellas and Hillsborough County in small neighborhoods where all of the drainage goes to one stormwater pond so it is a closed system and they will be able to really look at the difference in nitrogen loading to those systems. The bay is such a varied system that you can't really conduct a closed study but overtime the water quality monitoring (which includes inlets and tributaries) should be able to see any change in nitrogen levels in those water bodies.

Mr. Pressman: Who would be handling that?

Ms. Cooper: Pinellas County, the Natural Resources folks do the monitoring. In Hillsborough County, the Environmental Protection Commission does monitoring in a lot of the bay even into Pinellas County waters.

Council Member J. Miller: Oldsmar and Safety Harbor are at the top of the shallow bay and we had a fish kill. That needs to be monitored too. This happened within the last month.

Commissioner Brickfield: I think we have a bloom right now.

Councilman Newton: Any update or news on the EPA nutrient requirements?

Ms. Cooper: At the state level, Tampa Bay has a Reasonable Assurance Plan so we have a nitrogen loading limit that we have adopted for ourselves all around the bay. Right now, we have no requirement for extra work. We do have to manage for additional increases in nitrogen loading potential from growth and changes and development. We will have to offset those increases with things such as nitrogen sales bans.

Councilman Newton: Is the lawsuit in effect?

Mr. Conn: The lawsuit is still ongoing. The date has been deferred until after the 1<sup>st</sup> of the year.

Chair Dodson announced that Mr. Bob Kersteen has successfully gone through a primary election in his campaign to seek re-election (he previously served on the City of St. Petersburg Council) and wished him luck as he moves forward.

- B. Clearinghouse Review Committee (CRC) - No Report**
- C. Local Emergency Planning Committee (LEPC) – No Report**
- D. Emergency Management - No Report**
- E. Legislative Committee – Mayor Scott Black, Chair**  
Vice Chair, Commissioner Larry Bustle, provided the Legislative Report in the absence of Mayor Scott.

The Florida Legislature will convene on January 10 for the 2012 regular session which is scheduled to end on March 9. Interim committee meetings will begin during the week of September 19 and there will then be two weeks of interim committee meetings in October and November, with one week scheduled in December. There have already been over 200 bills introduced for consideration during the 2012 session.

Recently, the Senate Committee on Community Affairs requested comments from the Florida Regional Councils Association for an interim project about the DRI process. In making this request, committee staff wrote:

Given the number of exceptions, the ability of sub-DRI's to go around the process, and overlap with the comprehensive planning process, some have suggested that the DRI process has outlived its usefulness. As the experts in this area, (we) are hopeful that you could add some additional insight into the pros and cons of the DRI process.

In response, the regional councils identified several benefits of the DRI process and RPC involvement in that process, including:

1. The RPCs coordinate review of DRI's among several agencies in order to provide applicants an effective and coordinated review between state and regional agencies resulting in a comprehensive DRI process;
2. The process focuses on regional resources and facilities, as well as extra-jurisdictional impacts, that may be outside of the jurisdiction or expertise of individual local governments;
3. Much needed technical assistance and support to local government is provided through this process; and
4. It is a uniform process statewide, which allows for a level of certainty for large

scale developers.

At the same time things are gearing up for the 2012 session, efforts are still underway to implement and understand legislation passed during this year's session, as well as efforts to revitalize Florida's economy. Along these lines, three interesting reports have recently been released which I would like to briefly mention.

The first is a report to the governor and legislative leaders on the progress of the reorganization of the department of community affairs and other agencies into the new department of economic opportunity. The report states that the reorganization is proceeding smoothly and harmoniously, all agencies are cooperating and there have been no adverse impacts on agency programs. The governor has named Doug Darling to head the new department which will initially have 1,672 positions with the following divisions:

1. Strategic Business Development
2. Community Development
3. Workforce Services, and
4. Finance and Administration

The report identifies efficiencies that are expected to be realized through the reorganization. For example:

- It is expected that the state's growth management responsibilities can be administered with a budget reduced by \$1.7 million and a 50% reduction in land planners;
- The expedited comprehensive plan review process should be reduced by 71 days;
- A savings of \$2.5 million will result from a reduction in administrative and executive staff positions; and
- The reorganization will promote the ability for economic development sectors of the agency to combine forces and increase collaboration for greater results.

The second report is entitled "State of Florida Job Creation Plan" and was just released. It sets forth a business development blueprint for Florida that was prepared by the Department of Economic Opportunity in conjunction with Enterprise Florida and Workforce Florida. Manny sent this report to us last week. I recommend that you take time to review this report. Manny and his staff are reviewing it to see if there are opportunities for the RPCs to be of assistance in this important effort. I would just like to acknowledge the goals for economic development which are identified in this report, including:

1. Increase Florida's global competitiveness as a destination for business, capital, talent, innovation and entrepreneurship;
2. Promote Florida as the world destination of choice for business and industry; and

3. Facilitate business development through delivery of world-class customer service.

The third is a memorandum released by DCA in coordination with the Department of Transportation which covers numerous questions and answers which have arisen due to passage of House Bill 7207. For example, the memorandum states that:

- Deficient transportation facility determinations should be uniform throughout each jurisdiction and should be coordinated with adjacent jurisdictions;
- A transportation element must still be included in local government comprehensive plans;
- In calculating proportionate share, developers will be responsible only for those improvements needed to address their project traffic;
- Developers must be involved in proportionate share calculations; and
- Eligible proportionate share contributions are limited to “capital improvements” and not operational or maintenance improvements.

Regarding HB 7207, A lawsuit challenging the constitutionality of this legislation was recently filed on behalf of the City of Yankeetown. The lawsuit raises the following issues:

1. Whether HB 7207 violates the single subject limitation of the constitution;
2. Whether the title of HB 7207 was misleading and failed to give proper notice of the contents of the legislation; and
3. Whether the bill results in an unlawful delegation of authority to the administrative agency charged with defining and then applying certain terms which are vague and without adequate standards in the legislation.

No rulings or action have taken place in the lawsuit as of now, but we will continue to watch and report on it.

A copy of the July 22nd memorandum is in your folder.

On September 6<sup>th</sup> Manny and several other RPC directors met with Gray Swoope, President & CEO of Enterprise Florida. It was a highly interactive meeting and we were able to communicate how the Regional Planning Councils provide a framework to convene the regions in Florida and provide services with economies of scale. We provided information of the various economic programs and projects that engages local and regional entities that result in positive impacts to our communities. Gray Swoope shared Enterprise Florida’s future agenda which are mostly incorporated in the “State of Florida Job Creation Plan.” Both parties concluded the meeting with an understanding that the state and regions need to teamwork and collaborate to enhance Florida’s economic competitiveness.

We are scheduled to meet with Doug Darling later this month.

Commissioner Bustle said that in Manatee County they have already encountered some of the uncertainty about what could happen with a process that was already in effect. It was going up through the appeal process into DCA. All of a sudden DCA was disestablished. Now the Court of Open Appeals is the Governor's task, it will be interesting to see the outcome.

**F. Regional Planning Advisory Committee (RPAC) – No Report**

**G. Economic Development - No Report**

**H. Regional Domestic Security Task Force (RDSTF) - No Report**

**9. Other Council Reports**

**10. Executive/Budget Committee Report – Chair Dodson**

The Executive/Budget Committee met prior to the Council meeting and discussed the following:

The FY 2010/2011 Final Budget Amendment was approved and forwarded to Council, which was approved earlier in the agenda.

The Committee discussed the NARC Conference and the TBRPC 50<sup>th</sup> Anniversary Celebration, and ways to obtain sponsorships for those important events. Barbara Sheen Todd and former TBRPC Executive Director Julia Greene have graciously volunteered to co-chair the 50<sup>th</sup> Anniversary Celebration Steering Committee. Both have a wealth of institutional knowledge about our organization and will be assets to the committee. TBRPC thanks them for taking on this task. If you would like to participate in this committee please see Wren Krahl. Whenever possible, meetings will take place on regular Council meeting days.

Executive Director Manny Pumariega provided a status report on the FY 2012 Budget. A determination will be made in a couple of months regarding any budget adjustments that may be required. These adjustments will be dependent upon receipt of the following revenue streams:

The Department of Economic Opportunity Community Planning funding for the last quarter of the Council's fiscal year 2012;

The Clean Cities Community Readiness and Planning for Plug-In Electric Vehicles and Charging Infrastructure; and

The Department of Energy SunShot Roof-top Solar Market Transformation Challenge grant.

Mr. Pumariega: There are a couple of other proposals that we are working on and we should know something in the latter part of this year. There also may be another Broadband Planning GIS Database

project opportunity and we will submit a proposal in mid October.

11. **Chair's Report** - None

12. **Executive Director's Report** - None

Adjournment: 11:44 a.m.



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William D. Dodson, Chair



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Lori Denman, Recording Secretary