

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JANUARY 17, 2008**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **January 17, 2008** at the Southwest Florida Regional Planning Council at 1926 Victoria Avenue in Fort Myers, Florida. The meeting was called to order at **9:02 am** by **Chairman Jim Coletta**. **Commissioner Kenneth Jones** led the Prayer and led the Pledge of Allegiance. Administrative Services Specialist Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Adam Cummings, Commissioner Tom Moore, Ms. Andrea Messina, Mr. Alan LeBeau

Collier County: Commissioner Jim Coletta, Councilman Charles Kiester, Ms. Laura Holquist

Glades County: Commissioner Kenneth “Butch” Jones, Commissioner Paul Beck, Dr. Edward Elkowitz

Hendry County: Mayor Paul Puletti, Mr. Melvin Karau

Lee County: Commissioner Brian Bigelow, Mayor Mick Denham, Mayor Jay Arend, Mayor Jim Humphrey, Mayor Eric Feichthaler

Sarasota County: Commissioner Paul Mercier, Commissioner Shannon Staub, Commissioner Jim Blucher, Councilman Ernie Zavodnyik, Mr. George Mazzarantani, Mr. David Farley

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Ms. Dianne Davies, SWFWMD

MEMBERS ABSENT

Charlotte County: Council member Marilyn Smith-Mooney

Collier County: Commissioner Frank Halas, Councilman Bill Willkomm, Ms. Patricia Carroll

Glades County: Councilman Michael Brantley

Hendry County: Commissioner Janet Taylor, Commissioner Bill Maddox, Mayor Mali Chamness

Lee County: Commissioner Bob Janes, Vice Mayor Larry Kiker

Sarasota County: None

Ex-Officio Membership: Ms. Janet Watermeier - Watermeier Consulting & Property Services

Chairman Coletta announced that at the time that Lt. Governor Kottkamp arrives that he will stop the meeting in order to have Lt. Governor Kottkamp give his presentation and then give a few moments for members to ask a few questions before the Lt. Governor has to leave for his next appointment.

INTRODUCTIONS OF NEW MEMBERS

Chairman Coletta introduced the following new members:

- Commissioner Adam Cummings, Charlotte County BOCC
- Commissioner Bob Janes, Lee County BOCC
- Mayor Eric Feichthaler, City of Cape Coral
- Commissioner Shannon Staub, Sarasota County BOCC
- Councilman Ernie Zavodnyik, City of Venice
- Ms. Dianne Davies, SWFWMD

Everyone was present except for Commissioner Janes.

AGENDA ITEM #1 AGENDA

Ms. Messina moved and Commissioner Blucher seconded to approve the agenda as presented. The motion carried unanimously.

AGENDA ITEM #2 MINUTES OF NOVEMBER 15, 2007

Commissioner Bigelow noted that on page 10, last paragraph it should state “windfall” and not “win for all”

Commissioner Moore moved and Dr. Elkowitz seconded to approve the minutes of November 15, 2007 as amended. The motion carried unanimously.

AGENDA ITEM #3 CONSENT AGENDA

Commissioner Blucher moved and Mr. LeBeau seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statements for November 30, 2007 & December 31, 2007; Agenda Item #3(c) Metro Park DRI - NOPC; Agenda Item #3(d) Sandhill DRI - NOPC; Agenda Item #3(e)

Merchant's Crossing DRI - NOPC; Agenda Item #3(f) Toll-Rattlesnake DRI - Extension Request; Agenda Item #3(g) City of Moore Haven Comprehensive Plan Amendment (DCA 07-1); and Agenda Item #3(h) City of Fort Myers Comprehensive Plan Amendment (DCA 08-1). The motion carried unanimously.

**AGENDA ITEM #4(a)
Babcock Ranch AMDA - Development Order Review**

Mr. Trescott of staff reviewed the item as presented.

Commissioner Staub stated that she doesn't recall having items (i.e. Road Planning Agreement) noticed separately within an AMDA . Mr. Trescott explained that it has been done before; however, staff does like to incorporate all commitments into the development orders so that it is clear when monitoring begins to address the issues accordingly.

Commissioner Staub asked if the Road Planning Agreement with Lee County was discussed at a previous Council meeting. Mr. Trescott explained that he doesn't believe that the Road Planning Agreement was discussed at a Council meeting but it was included within the Council's Staff Assessment report to incorporate the Agreement and the Council voted in favor of incorporating the Road Planning Agreement.

Commissioner Bigelow requested that Mr. David Loveland of the Lee County Department of Transportation explain why Lee County believes that the master development order which was approved by Charlotte County has been a "white washing or dilution" of the agreement that Lee County thought was agreed upon with Kitson & Partners. He also asked how reviewing traffic impacts incrementally versus aggregately can be detrimental to Lee County.

Mr. David Loveland, Manager of Transportation Planning for Lee County Department of Transportation explained that from a transportation perspective Lee County has two primary concerns that were outlined in the Council's Staff Assessment. The first one was an issue of language in a condition that indicates that increments are going to be treated separately while using background traffic instead of project traffic when subsequent increments are evaluated. The staff report outlines a number of reasons as to why that is a concern. The biggest issue is that you end up not looking at traffic cumulatively; potentially you are treating each increment as a separate DRI because of the significance and adversity test that is used in evaluating DRI traffic impacts. A DRI doesn't have to address impacts on a roadway when it is utilizing capacity unless two conditions are met, which are it is using at least 5% road capacity of that link and that link is projected to fail. If both of those tests are not met then the DRI has no obligation to do anything to that roadway even though it may be utilizing some of the capacity. When you treat the increments separately there is the potential that one increment could have an impact on a roadway but not rise to the 5% threshold and then the next increment comes along and it also has an impact on that same roadway but doesn't rise to the 5% threshold. Because the previous increment, if it is viewed as background traffic instead of project traffic it isn't counted together, it is still factored into the total traffic picture, but not treated as project traffic for the 5% significance test; you may end up with a situation where that segment isn't addressed even with subsequent DRIs. But with the combined effect you would surpass the 5% threshold. So this is a concern; the Council staff is recommending deleting the condition at this time, however, Lee County has a preference of modifying that

condition to make it clear that previous increments be treated as project traffic and not as background traffic and also adding some language which makes clear mitigation provided by previously evaluated increments will be credited towards the overall impact.

Mr. Loveland then went onto the second concern that Lee County has which is the Road Planning Agreement. Mr. Farley asked if the agreement is policy or law. Mr. Loveland replied that he believes it is law under Florida Statute 9J2 where it requires that the impacts of the projects be assessed cumulatively. He then noted that Chapter 380.06 states the same as well.

Commissioner Blucher stated that if it is law then he would like to hear from the Council's Attorney, Ms. Donley. Mr. Loveland stated that he believes that Kitson & Partners are not trying to break the law but there is some confusion on how the Lee County Road Agreement is applied. Counsel Donley asked for a few moments to look up the laws so she will be able to answer Commissioner Blucher's questions accurately.

Commissioner Blucher asked that due to the size of the project, is the 5% threshold going to cover the roadway impacts. Mr. Loveland explained that the impacts of this project, as it develops, are going to be far reaching and by having a 5% threshold means that they can have some impacts without having to do anything about it until that 5% is exceeded. It really comes down to which roads are identified as significant and adverse and require some mitigation. If the developers are required to mitigate and there is still a problem then the fault falls upon the local government and in this case it would be both Lee County and Charlotte County.

Ms. Messina stated that she would like to have the opportunity to hear from FDOT; she understands that a formula was used from FDOT and would like to have it explained to her.

Mr. Limbaugh explained that there is a handout which explains where Lee County is coming from and it also includes a table which shows different approaches. Mr. Heatherington explained that the letter was not distributed to the members because it came in at the last minute but it is available if the members wish to have it distributed.

Chairman Coletta requested that any future documents of such importance be sent by email to the membership prior to the meeting for their review in order to give the members sufficient time for review. Other members agreed with the Chairman's recommendation.

Mr. Limbaugh stated that Mr. Lawrence Massey of FDOT who is the author of the letter is available to review the letter and answer any questions.

Commissioner Staub asked if the applicant had seen the letter from FDOT. Mr. Heatherington replied yes.

Mr. Lawrence Massey, Growth Management Coordinator for FDOT reviewed the distributed letter.

Commissioner Bigelow stated that Lee County wants to have the project traffic impacts reviewed cumulatively. He also noted that the reference to Lee County's Road Planning Agreement is not included in the development order.

Mr. Massey stated that if each increment is considered separately then each increment will have a given impact to the system but it will never substantially grow and will substantially remain the same throughout the life of the project. If you consider it cumulatively then obviously it gets bigger and bigger as the project gets built out. The Florida Department of Transportation has established a good working relationship with the Kitson team and he feels that the issue will be resolved and therefore, FDOT does not recommend appeal based on this issue.

Ms. Messina asked for clarification that FDOT does not recommend that the Council appeal the development order based on the traffic issues. Mr. Massey replied that is correct because he feels that the issue can be resolved. Commissioner Bigelow asked which part.

Mr. Massey stated that FDOT believes that applicant did intend to count the traffic cumulatively and not on an increment basis and that it was just an oversight by everyone as far as the wording of the development order.

Mr. Loveland stated that Lee County supports staff's recommendation for modifying the condition that refers specifically to the Road Planning Agreement as a condition of approval of the development order. The concern that Lee County has is the agreement between Lee County and Kitson & Partners where Lee County had asked both at a Council meeting and a Charlotte County meeting that Charlotte County recognize that the agreement in the development order because the issue relates to Kitson agreeing not to start development until we have an agreement on what the impacts in Lee County are going to be from a road standpoint. Charlotte County is the entity that issues the development approvals so if there is some task of recognition by Charlotte County through this process that they recognize that the agreement exist then it avoids any confusion down the line. It states that Charlotte County recognizes that the agreement is in place and that they want to make sure that Lee County's interests are protected before development moves forward on this site. Lee County felt it was a partnership approach and it was something that was called for within Charlotte County's Comprehensive Plan.

Mr. Ernie Cox with Kitson & Partners stated that all of the impacts from the Babcock community project for both Charlotte and Lee Counties will be addressed. He addressed the issues of historical flows. He asked the Council not to appeal the development order.

Mr. Sid Kitson stated that for the record that they will not attempt to circumvent the procedures in any way; they will pay their fair share; they are trying to minimize the impacts and are trying to improve as few roads as possible. He then said that for the record as for the stormwater issues and water quality issues that he doesn't believe that he should be responsible for monitoring water quality on property that isn't impacted by the project because that is the responsibility of the county(s). He noted that the Road Planning Agreement is included in the Master Development Order.

Mr. Limbaugh stated that FDOT agrees that there are some interpretation questions. Chairman Coletta stated that so regardless what action the Council takes FDOT will continue to work through those issues. Mr. Limbaugh replied yes.

Mr. Flood explained that District staff has had significant discussions with Kitson & Partners to work through the water flow issues and are continuing to work through the permitting process. He also noted that the four corners area is of special interest to the District.

Mayor Humphrey moved and Commissioner Blucher seconded to not accept staff's recommended action and not appeal the development order.

Dr. Elkowitz asked if there are no new roadways being proposed, what is being done for evacuation purposes for traffic impacts, especially for Glades and Hendry Counties. Mr. Trescott explained that part of the project is within the Category 4/5 zone and the applicant has committed to provide onsite shelters and/or construct a shell of a building to be used for shelter purposes to be used by Charlotte County residents but will most likely be used by Lee County residents. He explained that according to the models that the residents of the Babcock community will not have to evacuate and ultimately if road improvements are made to roads such as SR31 it would help with evacuations because SR31 is a hurricane evacuation corridor. Dr. Elkowitz stated that the roads going east and west of the development are not being improved and there are already neighborhoods in those areas. Is the responsibility going to fall upon Glades and Hendry Counties to improve those roadways (SR29) in order to accommodate their residents along with residents from the Babcock community that choose to evacuate? Mr. Trescott stated that the Babcock development should not have any evacuation so they should not be adding to any stream of traffic. It was the intent to keep its residents onsite by doing a public information program.

Mayor Humphrey stated that he concurs with the applicant's attorney, Mr. Ernie Cox, in regards to the Lee County's agreement as it being separate and apart from and it is a matter between the applicant and Lee County. As for the transportation and water management issues, when he hears from both FDOT and SFWMD he has confidence that those issues will be addressed as we go through the process and he doesn't feel that it would be appropriate for the Council to appeal at this time. Lee County still has their agreement and they can treat that separately and that is the reason for his motion.

Mr. Mazzarantani stated that he is concerned with the possibility of adding another layer to the process.

Commissioner Staub stated that she believes the issue is the nature of a master development order. She explained that in Sarasota County there is a project called Palmer Ranch which has over 20 increments. She explained that there are opportunities for Charlotte County to get from the developer what is needed at each time an increment comes forward. She doesn't believe that the issues that have been discussed today really rise to the level of being in a master development order and feels that they will be addressed in one way or another through the increment process.

Commissioner Mercier stated that he feels that the Council is acting like the State Legislature by circumventing home rule. He stated that this is a home rule issue and when the cities and counties can't get along, we go to them for solutions. It would seem logical to him that the two counties would sit down and see if they could solve some of the problems on their own first. He also stated that there are some economic issues happening and anything that we can do to keep the economy moving along is a benefit.

Speakers

Chairman Coletta called upon Mr. James English as the first speaker.

Mr. Jim English of Alva stated that he would like to speak after his attorney, Mr. Mel Brinson.

Mr. Mel Brinson, Attorney for Mr. James English stated that he disagrees with the applicant on the potential impacts on some of the creeks that were mentioned; the historic flows in the area are from the northwest to the southeast. He explained that his client's concerns are that permits have been issued through the SFWMD using old data and he would prefer that no permits be issued until the new hydrologic study is completed and the new data is used.

Mr. Roland Ottolini, Director of Lee County Division of Natural Resources explained that the Babcock Ranch has watershed scale issues and it will have watershed scale impacts; therefore, deserves a watershed scale analysis. He explained that basically the SFWMD will conduct a flood analysis, and that the applicant will meet the SFWMD ERP requirements in order to obtain their needed permits. He then noted that Lee County requested that the applicant look at it on a continuous simulation and how the system will respond to day-to-day basis long-term and also wet and dry season because it will also have an effect downstream to Lee County not only in terms of flood protection to our creeks and streams but also to the wetlands and natural system that the creeks provide that ultimately discharge to the Caloosahatchee River. The applicant claims that they are doing this; however, Section 4-14 that Mr. Cox mentioned does not include it, when they mention the predevelopment analysis it is a compliance issue that they are completing for the 25 year storm event to meet SFWMD requirements, that doesn't address the day-to-day function of the system. If the applicant is planning on doing the work for Lee County, the County would like to see it in writing.

Chairman Coletta stopped the regular meeting at this time and introduced a very special guest, Lt. Governor Jeff Kottkamp.

Lt. Governor Kottkamp gave a speech on Florida's economy, affordable housing, and its sustainability. He explained that Florida will be working on bringing in larger industry companies in order to build Florida's economy. He stated that there are approximately 500,000 to 1 million people moving to Florida everyday. NASA will be retiring the space program in order to begin the new space program, Space X. FPL has announced that they will be building the first solar power plant in Florida.

Mr. Heatherington introduced both Representative Nick Thompson and Representative Gary Aubuchon. Lt. Governor Kottkamp stated that both Representative Thompson and Representative Aubuchon work very hard for Southwest Florida in the legislature and have earned great respect from their colleagues and he has no doubt that they both will rise very rapidly in leadership.

Chairman Coletta stated that at this time there will be a 10 minute break in order for the members to speak with the Lt. Governor and Representative Thompson and Representative Aubuchon.

Upon commencement of the meeting, Mr. Carl Veaux stated his concerns regarding the impacts that the Babcock community project will bring. He stated that he would like to see the Council appeal the development order.

Commissioner Moore stated that it was a consensus vote among the Charlotte County BOCC that they would support the motion.

Commissioner Blucher stated that during the break he spoke with Counsel and she has a short answer to his earlier question. Counsel Donley explained that it is not a violation of state law and the rule does allow for the State to make determinations. Commissioner Blucher stated that he agrees with the motion and also that he would like to see Charlotte and Lee Counties work out their differences.

Councilman Zavodnyik stated that he feels instead of just going on faith and believing that the applicant will do what he says he will do, the Council should make the appeal and at the same time have FDOT continue with their efforts to resolve the issues discussed; if it comes to a resolution then the appeal becomes mute.

Councilman Kiester stated that he is concerned with approving something that has two major issues outstanding and if the appeal is out of the question then maybe we should make a recommendation to Charlotte County that when the transportation agreement with Lee County is completed and the stormwater management study is completed and recommendations are made that Babcock come back to the Council with a notice of proposed change (NOPC).

Ms. Holquist stated that she is in favor of the motion.

Ms. Messina stated that she is in favor of the motion.

Mayor Humphrey's motion carried with two opposed.

Councilman Kiester moved and Mayor Denham seconded to recommend that the recommendations from the transportation planning agreement and the stormwater management and floodplain study and any recommended changes to the development order be brought before the Council as a NOPC.

Commissioner Staub asked if this follows the DRI process. Councilman Kiester explained that it would be a recommendation to Charlotte County that they would amend their development order accordingly. Mr. Trescott explained that the NOPC process is the appropriate process to amend a development order.

Commissioner Mercier stated that he would like to obtain DCA's input on the issue. Councilman Kiester explained that if Charlotte County agrees to amend their development order then DCA will review the amended development order.

The motion failed with a 9 to 13 vote.

AGENDA ITEM #4(b)
City of LaBelle Comprehensive Plan Amendment (DCA 08-1)

Mr. Crawford of staff reviewed the item as presented.

Mayor Humphrey asked to hear from a representative of the City of LaBelle.

Mayor Puletti explained that there were omissions from the report that was sent to staff and the City will be submitting their comments along with staff's report to DCA. He explained that the property is not immediately south of the airport and that there are residential neighborhoods to the north and south of the property and he is questioning putting industrial use facilities between those two neighborhoods.

Mayor Puletti moved and Mayor Denham seconded to approve staff's recommendation and the City of LaBelle will respond to the findings of Council staff.

Dr. Elkowitz asked what is FDOT's position on SR29 corridor and its improvements. Mr. Limbaugh explained that there is a PD&E Study funded and currently underway, but there is no design or construction within 5 years. Mayor Puletti stated that development in the area is at least 5 years or more away.

The motion carried unanimously.

AGENDA ITEM #5(a)
Memorial for David Y. Burr - Chairman James Coletta

Chairman Coletta gave a brief verbal overview. He referred to the quotes in the distributed handout for the different options of plaques. He suggested Option #1.

Commissioner Bigelow stated that he was under the impression that the building was going to be named after Mr. Burr. Chairman Coletta stated that he didn't feel that by placing large letters on the building was necessary; but having a bronze plaque made and placed on the building would be more appropriate to honor Mr. Burr's memory. He then noted that the last option on the handout did include the letters on the building if the Council desires.

Mr. Farley moved and Commissioner Blucher seconded to approve Option #1.

Commissioner Cummings asked if there was input from staff on which option they preferred. Mr. Heatherington replied that staff reviewed numerous options, including lettering the building; he noted that there was some limitations and it was decided among staff that a bronze plaque would be best. Ms. Kooi of staff reviewed each option of the bronze plaques.

Commissioner Bigelow asked if Mr. Burr's family had been contacted. Mr. Heatherington replied yes. Commissioner Bigelow asked which their preference was. Mr. Heatherington replied they didn't have a preference, they were honored that the Council was considering naming the building after Mr. Burr.

Commissioner Bigelow stated that he prefers a more prominent recognition. Chairman Coletta stated that if the motion maker was willing to amend the motion to include the plaque and the letters on the building then both could be done.

Both Mr. Farley and Commissioner Blucher stated that they would like to stay with the original motion and Option #1.

Mr. LeBeau stated that he would like to have staff get a few more quotes because he just purchased a similar plaque and it cost less. Ms. Kooi stated that she had called three different companies and this was the only company that had returned her call.

Chairman Coletta stated that if the motion passes that the motion could be amended to have staff obtain a couple of more quotes, including the vendor that Mr. LeBeau had used, in order to make sure that the costs are comparable. Mr. Farley stated that he is in the cemetery business and he makes plaques all the time and he feels that is a good price that staff received.

The motion carried unanimously.

Mr. Heatherington noted that once the plaque has been completed and a date has been selected for the ceremony the family will be contacted requesting their attendance.

AGENDA ITEM #5(b)

Resolution by the Glades County BOCC Regarding Land Procurement in Glades County by SFWMD and the US Army Corps of Engineers - Commissioner Paul Beck

Commissioner Beck reviewed the item as contained in the packet.

Commissioner Beck moved and Commissioner Jones seconded to have the Council compile a resolution and letter for the local county commissions and the legislative delegation to consider for fair and just compensation in the form of payment in lieu tax fund for lands purchased by SFWMD and the US Army Corps of Engineers which would extend into perpetuity based on a fair and reasonable evaluation of the purposes of which the property was purchased.

Chairman Coletta stated that he feels that it is a very reasonable request and he believes that Hendry County is experiencing similar problems. Commissioner Beck agreed.

Commissioner Jones stated that Glades County employees have not received a raise in the last 4 years due to these types of activities. The \$61 million equates to $\frac{1}{4}$ of Glades County entire budget and if the Governor is successful on January 29th, Glades County will be forced to layoff employees. He then stated that FHREDI, which he is Chairman, just passed a resolution on Monday in support of Commissioner Beck's request. Commissioner Jones noted that if this continues on we are going to become financially insolvent. Lee County just gave \$10 million to SFWMD for a \$37 purchase for a piece of property between the Caloosahatchee River and SR80; Glades County didn't know about it until it was a done deal. We appreciate Lee County's contribution but once again you are taking away our ad valorem tax base.

Commissioner Mercier stated that it is a reasonable request and only a courtesy that we should be sensitive to everybody's need and what he would like to see is the resolution brought back at the February meeting so he can obtain approval from the Sarasota County BOCC at its next regularly scheduled meeting to support Glades County's effort. He also commits that if he receives a letter from Glades County that he will bring it up at the Sarasota County BOCC as to what action our individual county will take on the issue. He then stated that he would like to see it as two separate issues: 1. The resolution brought back at the February meeting for a formal vote; and 2. What each jurisdiction can do on an individual basis.

Chairman Coletta asked both Commissioner Beck and Commissioner Jones if they agreed with Commissioner Mercier's suggestion. They both agreed.

Councilman Kiester stated that the local agencies should be contacting the local governments before any action is taken in order to get their input. He then stated that it was his understanding that the legislature had passed a law that required a payment in lieu of taxes. Commissioner Beck explained that the requirement was only for 10 years and he wants it changed to "for in perpetuity".

Mr. Flood stated that the projects of the SFWMD are regional projects and are for public health and safety, water quality and water supply. It is not the intent of the District to impact the rural counties; he suggested that the Water Management Districts can do a better job in coordinating with the local governments. He also stated that maybe it is time for the legislature to look into changing the payment in lieu of tax laws.

Mayor Denham stated that Council should support Commissioner Beck's position and also agrees with Commissioner Mercier's suggestion.

Commissioner Mercier moved and Mayor Denham seconded to amend the motion to have the resolution brought back to the Council for a formal vote at its February meeting and have each local jurisdiction take action on the issue on an individual basis.

Commissioner Bigelow asked if Glades County was notified by SFWMD of the purchase of the land prior to the sale because it was his understanding that there was a portion of the land that was set aside for the very reasons that are being pointed out. Mr. Flood explained that there was a discussion going on within the District about the 1,700 acres that were recently purchased.

Mayor Arend stated that we first need to find out where the money comes from. Does it come from our district only and we are taxing ourselves or does it come from the State and the State supplies the funding. These are the answers that we need to know before we move ahead.

Commissioner Beck explained to Mr. Flood that Glades County was notified that there was a potential of five different areas that the District was interested in but there was little time for input to help select the site. At one of the meetings the county was notified that the District had already purchased one of the properties.

Chairman Coletta suggested that this issue be brought before the Council's Lower West Coast Watersheds Subcommittee for discussion. Mayor Denham agreed to discuss the issue at one of the subcommittee meetings.

The motion carried unanimously.

Chairman Coletta asked for volunteers for the legislative subcommittee. He announced that the legislative subcommittee is scheduled to meet immediately following today's meeting.

Mayor Denham stated that he would like to participate on the subcommittee however he has a conflict with the meeting schedule with the Lower West Coast Watersheds Subcommittee, in which he is Chairman of that subcommittee.

AGENDA ITEM #6(a)
Nomination Committee Report/Election of 2008 Officers

Chairman Coletta reviewed the item as presented. The 2008 Slate of Officers is as follows:

- Chairman - Ms. Andrea Messina
- Vice Chairman - Mayor James Humphrey
- Secretary - Commissioner Paul Beck
- Treasurer - Commissioner Jim Blucher

Commissioner Mercier moved and Commissioner Blucher seconded to close the nominations. The motion carried unanimously.

Mr. Farley moved and Mayor Denham seconded to approve the 2008 Slate of Officers. The motion carried unanimously.

At this time newly elected Chairwoman Messina awarded former Chairman Coletta a plaque for his service as the 2007 Chairman of the Council.

AGENDA ITEM #5(c)
Lower West Coast Watersheds Subcommittee Report - Mayor Mick Denham

Mayor Denham gave a brief report and stated that due to the time constraints that he would like to give a more detailed report at the Council's February meeting.

AGENDA ITEM #5(d)
Legislative Update/Affordable Housing Topics - Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Chairwoman Messina requested that the "Week In Review" reports be sent to the members by email weekly.

AGENDA ITEM #5(e)
SFWMD Regional Water Supply Presentation - Mr. Chip Merriam

Mr. Merriam of the SFWMD gave a PowerPoint presentation.

Mayor Denham stated that the Council had passed a resolution on wastewater and he feels that somewhere within the District's plan there needs to be reference regarding nitrogen reduction in wastewater treatment. Mr. Merriam stated that on the east coast of Florida one of the issues that is becoming more apparent is ocean outfalls and discharge; early on the DEP Secretary proposed legislation to remove that type of disposal. The District is working with DEP to address water quality issues. Some of the local governments are looking at the treatments that include high level of disinfection and reverse osmosis.

Ms. Holquist asked that since it is basically water concurrency how are the projects going to be funded through the developments. Mr. Merriam explained that the funding is going to be dealt with at the local government level in land use decisions because the District doesn't have the authority to put that type of requirement out there.

Mr. Heatherington asked Mr. Merriam if the District will be looking at District-to-District transfers as an alternative water resource. Mr. Merriam replied yes, one of the interesting components is the Kissimmee River, he noted that the river may not be the panacea that everyone thought that it was going to be.

Mr. Farley asked if there is any consideration being given to tapping into the springs. Mr. Merriam explained that things may change for the natural spring's systems.

Mr. Merriam stated that since both of the Glades County Commissioners were not able to stay for the presentation, he would like to propose that at the February meeting the District present legislation that was presented by former Representative Spratt of Hendry County. In that case, the District purchased a significant amount of land in Hendry County (Northern Everglades Project) in which there was a forum to discuss payment in lieu of taxes and who was going to pay for it. In the end, since the District's funds are ad valorem tax dollars from the residents, residents ultimately pay. He suggested that the District return in February and share the Northern Everglades discussion so it can be shown where the land acquisition could occur. Secondly, how the District handled another case within a community that had a maximum millage rate and asked that the requirements to pay go beyond the 10 year period.

Chairwoman Messina requested that Mr. Merriam's item along with Commissioner Beck's resolution be placed under Old Business on the February agenda.

AGENDA ITEM #5(f)
Other Emerging Regional Issues

Mr. Heatherington briefly reviewed these items as presented and then introduced Ms. Catherine Corbett as the one of the members of the Council's Green Team.

Ms. Corbett stated that due to the time constraints that she would like to give a more detailed presentation at the Council's February meeting.

Ms. Sandra Walters, Vice Chairman of the South Florida RPC announced that the SFRPC Board will be traveling to Stuart and meeting with the Treasure Coast RPC Board on Friday, January 18th in a joint meeting to discuss Regional Visioning. She explained that the two boards have met once before and are coordinating on a regional perspective for their planning issues on the east coast of Florida; she is hoping that by her visit today that she would be establishing an east-west corridor of communication and suggests having the same type of initiatives between the east coast and west coast RPCs.

Mr. Heatherington explained that at the recent FRCA meetings there has been a discussion on how to expand on regional coordination. He then discussed the importance of the February Policy Board meeting (February 14 & 15) in Tallahassee and stated that Mayor Humphrey who has been nominated as the 2nd Vice President and is able to attend; however, Commissioner Coletta is unable to attend and Mr. Mazzarantani who has a scheduling conflict is not sure if he able to attend at this time. He explained that a Policy Board member can appoint an alternate to go in his/her place if needed and asked if there were any volunteers.

Chairwoman Messina stated that she would volunteer to attend the FRCA Policy Board meeting in February.

AGENDA ITEM #6(b)
Executive Director/Job Description Subcommittee Report

Commissioner Coletta reviewed the item as presented. He explained that the committee decided to turn it over to the new Executive Committee and let them decide which way the committee should move.

AGENDA ITEM #7
PUBLIC COMMENTS

Mr. Jim English stated that his family has been living on the land in Alva for 130 years and is very distressed over what is being proposed on the Babcock property. He then stated that he had three documents that he would like to have put in the record: 1. Amended Petition for Administrative Hearing for the English Family, Cypress Creek Partnership, and Frank Snell, Trustee versus Babcock Property Holdings, LLC; 2. Lee County versus Babcock Property Holdings, LLC & SFWMD Petition for Formal Administrative Hearing; and 3. Lee County versus Charlotte County Petition for Declaratory and Injunctive Relief.

AGENDA ITEM #8
DIRECTOR'S COMMENTS

Mr. Heatherington had no further comments at this time.

**AGENDA ITEM #9
STATE AGENCIES COMMENTS/REPORTS**

Ms. Davies gave a brief report on the 2009-2013 SWFWMD Strategic Plan that was distributed and the SWFWMD's 12 strategic initiatives and how to implement them. The initiatives will be focused on over the next five years and the plan will be updated annually.

Ms. Davies announced that the SWFWMD is currently in the process of planning their workshops for their 10 year Water Supply Work Plan with GCA and the Manasota Regional Water Supply Authority for local governments and they are going to be held in the District's Sarasota office the week of February 18th.

**AGENDA ITEM #10
COUNCIL ATTORNEY'S COMMENTS**

Counsel Donley had no comments at this time.

**AGENDA ITEM #11
COUNCIL MEMBERS' COMMENTS**

Ms. Holquist stated that she would like to continue with the Council's Executive Director Job Description Subcommittee because she doesn't feel that it was clear what the subcommittee's mission was at the beginning and would like to have the chance to start from a fresh beginning.

**AGENDA ITEM #13
ADJOURN**

The meeting adjourned at 12:05 pm.

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the January 4, 2007 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 34, Number 01.