

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
MARCH 20, 2008**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **March 20, 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 Andrea Messina**.

Commissioner Kenneth Jones led the Moment of Silence for Mike Rippe and then the Prayer and **Commissioner Paul Beck** 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, Commissioner Frank Halas, Councilman Charles Kiester, Councilwoman Teresa Heitmann, Ms. Laura Holquist, Ms. Patricia Carroll

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

Hendry County: Commissioner Janet Taylor, Mayor Paul Puletti, Mr. Melvin Karau

Lee County: Commissioner Brian Bigelow, Vice Mayor Larry Kiker, Mayor Mick Denham, Mayor Jim Humphrey, Mayor Eric Feichthaler

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

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Jon Iglehart - FDEP, Ms. Dianne Davies, SWFWMD, Ms. Janet Watermeier - Watermeier Consulting & Property Services

MEMBERS ABSENT

Charlotte County: Councilmember Marilyn Smith-Mooney

Collier County: None

Glades County: Councilman Michael Brantley

Hendry County: Commissioner Bill Maddox, Mayor Mali Chamness

Lee County: Commissioner Bob Janes, Mayor Jay Arend

Sarasota County: Commissioner Shannon Staub, Commissioner Paul Mercier

Ex-Officio Membership: Mr. Phil Flood – SFWMD

**AGENDA ITEM #1
AGENDA**

Chairman Messina announced the arrangements for the celebration of Mike Rippe’s life.

Chairman Messina asked if there any comments or recommendations from the members since this was the first month that the Council has tried the new electronic version. Commissioner Cummings recommended creating hot links in the pdf.

The agenda was approved as presented.

**AGENDA ITEM #2
MINUTES OF FEBRUARY 21, 2008**

Commissioner Halas moved and Commissioner Moore seconded to approve the minutes of February 21, 2008. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Commissioner Beck noted that on Agenda Item #3(c) SunTrust Bank DRI – Development Order Review, page 3 of 7 under Item 2 that there is a typographical error where it is stated that “Parking lot lamps may not exceed 189 feet in height.” It should be 18 feet in height.

Mr. Trescott explained that it is within Lee County’s development order and he will notify Lee County of the typographical error to have it corrected.

Mayor Humphrey moved and Commissioner Halas seconded to approve the consent agenda as amended: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for February 29, 2008; and Agenda Item #3(c) SunTrust Bank DRI – Development Order Review. The motion carried unanimously.

**AGENDA ITEM #4(a)
Government Owned Conservation Lands Update – Mr. Ken Heatherington**

Mr. Heatherington and Mr. Beever reviewed the item as contained in the agenda packet.

Commissioner Halas asked if the table included lands owned by the federal government. Mr. Beever replied that it included those lands owned by the federal government which are conservation lands, but it does not include airports, landfills, fire stations, police stations, Indian Reservations, military bases, etc.

Commissioner Bigelow stated that the request from Mr. LeBeau was to obtain a count on what percentage of land was taken off of each county's tax rolls through government agency purchases (SFWMD, SWFWMD, CORPS, etc.) so even though this table was very informative it wasn't exactly what was requested. He suggested contacting the individual tax collector's offices.

Chairman Messina recommended amending the request and having staff bring back the amended information to the Council at a future meeting.

Mr. Limbaugh suggested placing the data sources on a map because it may be more visually represented than the numbers themselves. Chairman Messina directed staff to provide the Council with a visual map of the data sources.

AGENDA ITEM #4(b)
Visioning Update -Mr. Ken Heatherington

Mr. Heatherington gave a verbal report on the "Visioning" process.

AGENDA ITEM #4(c)
2007 SWFRPC Annual Report - Mr. Ken Heatherington

Mr. Heatherington gave a brief report on the 2007 SWFRPC Annual Report and noted that it was distributed to the members on CD.

Ms. Holquist asked if every regional planning council provides an annual report and if it was required by the State. Mr. Heatherington replied yes.

Mr. Heatherington introduced Mr. David Hutchinson as the Council's new Planning Director.

Ms. Jennifer Pellechio of staff reviewed the Regional Incubator Network handout.

Chairman Messina asked the definition of an "incubator." Ms. Pellechio explained that an "incubator" is a building where small starting businesses work with the universities and other organizations for training and then they move on.

AGENDA ITEM #5(a)
Impact of Agriculture on Southwest Florida - Dr. Fritz Roka, IFAS

Dr. Roka gave a PowerPoint presentation on the impact of agriculture on Southwest Florida and distributed a handout entitled "Economic Importance of Agriculture to Southwest Florida."

Commissioner Halas expressed his concerns on how the State of Florida has been taking prime agricultural land and turning it into development land and asked what initiatives can be taken to preserve the remaining farm (agricultural) lands in perpetuity. He noted that the land needs to be preserved either as farm land or green area because not only is it used for agriculture it is also used as an area to recharge the aquifer systems throughout the State of Florida. Dr. Roka stated that the market does not do a good enough job protecting public resources.

Dr. Roka explained that part of the idea of ecosystem payments and trying to get to a quantifiable deal is that everything comes down to politics. While we might agree that farming has to remain at all costs; there might be other people that might feel there are better uses for the land. Both sides have valid arguments; however, if we can get the market working where we can give the people incentives on how to manage their land and those incentives are based on science and on documental public values then there would be an easier political base to go through.

Commissioner Blucher first thanked Dr. Roka for his presentation and then referred to his slide which referred to \$900 million in annual sales and asked what were the sales five years ago. Dr. Roka replied \$900 million. Commissioner Blucher replied that we are still making \$900 million on less land. Dr. Roka explained that the \$900 million figure is their annual revenue.

Commissioner Blucher stated that he feels that the agriculture industry needs to look at also harvesting the wind and sun for energy source alternatives and asked Dr. Roka where he sees the government's role in such an industry. Should agricultural lands be used more for alternative energy needs and, in turn, should the local governments be giving more value for the land if they are used for alternative energy sources, or should it be kept for agricultural purposes. Dr. Roka replied he is in agreement with that option and would welcome that type of incentive. The biggest challenge that the agriculture producers are going to have is changing their mindset and having to deal with the government(s) (federal, state, and/or local).

Commissioner Cummings stated that he feels that one of the most important things will be the agricultural industry finding the niche markets.

Mayor Puletti stated that historically agriculture has been an important part of Southwest Florida, and that it needs to be determined if agriculture is going to maintain its role in the region and is it important enough to us. As we are discussing the loss of land for taxable value, we need to be aware that for the rural counties/communities, whether you are a farmer or not, the economy is dependent on agriculture. He then asked what types of guidance the rural communities can look for in order to mitigate that transition for that potential impact. Dr. Roka replied have we done a good enough job evaluating the cost of development, because residential housing does create a deficit to the local government's budget versus agriculture. So in that case, would Hendry County want to become a "bedroom" community to Fort Myers?

Ms. Davies explained that power generation, especially wind power, can be co-located on farmland and the farmers would still be able to grow their produce or raise their cattle and generate their energy source.

Dr. Roka stated that he has heard discussions within US Sugar Corporation, which produces sugar and is a potential source of ethanol, that they have not yet figured out that they can make more money from ethanol than raw sugar. But if gasoline prices keep rising and the equation turns around then he is sure that US Sugar will change their production from manufacturing sugar to ethanol.

Commissioner Beck noted that he is the third generation of cattle farmers in Glades County and does not support NAFTA and is against turning food products into fuel and becoming dependent on foreign countries for food; because once we do that, the people are going to forget about the high cost of fuel because they are going to be too concerned about getting something to eat.

Dr. Elkowitz thanked Dr. Roka for his presentation and stated that the discussion that the Council has been having is regarding short-term issues and there needs to be a discussion on a long-term proposal because 50 years ago this country was independent of oil from other countries and now we are in an economic disaster and now the same thing is happening with our farms.

Vice Mayor Kiker stated that profit means efficiency and when government regulation gets involved in private businesses the efficiency goes away. Although subsidizing sets direction, which is good thing, it also sets dependency and people become dependent upon the government.

Councilman Zavodnyik asked Dr. Roka if he had any comments to make on the treatment of agricultural workers. Dr. Roka explained there are issues with agricultural workers and there are specific cases that need to be specifically dealt with (i.e. issues of slavery, human trafficking, etc.), but he would disagree that agriculture by nature and by law mistreat farmworkers. The bottom line is that farmworkers are in the lower strata of the economic base. Florida's minimum wage is currently higher than the federal minimum wage and believes that as the immigration debate moves forward that Florida will have to import people to do agricultural work, and in order to do that, they are going to be paid even more than the minimum wage, in housing, transportation, etc.

Dr. Roka explained that the agricultural employer community is more regulated in the area of farmworkers than other industries. Undocumented farmworkers is another issue.

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

Mayor Denham gave the status report and briefly reviewed the contents within the agenda packet. He also noted how healthy Sanibel's beaches are and also the Caloosahatchee River due to the lack of discharges and that there haven't been any occurrences of red tide along the coastline.

Commissioner Halas suggested sending the information that the subcommittee has collected up to Mote Marine in Sarasota and believes that the data should be carefully reviewed and scrutinized because there have always been those that have stated that red tide was a natural phenomenon and is not caused by nutrient runoff.

Dr. Elkowitz stated that he doesn't see any local government taking the lead in how we are going to provide clean water for the future population growth and believes that the Council should start addressing that issue (i.e. desalinization, reverse osmosis, etc.).

Commissioner Halas explained that there needs to be study done of the load carrying capacity of the State of Florida, not only for water, but building the infrastructure for 36 million people.

Mr. Beaver explained that there is an ongoing effort called the Lower West Coast Water Supply Plan by the SFWMD and he will arrange to have a presentation given at future meeting to explain their long-term plans for water resources.

Mayor Denham stated that there will be a presentation on potable water supply along with a draft resolution for the Council's consideration at the April meeting.

Mr. Farley requested that when the SFWMD gives their presentation that they also explain why they don't look at the seven big natural springs for water supply needs.

AGENDA ITEM #5(c)
Legislative Subcommittee Report - Commissioner Jim Coletta

Commissioner Coletta reviewed the item as contained within the agenda packet. He also announced that former Representative J. Dudley Goodlette is present and will be attending the Legislative Subcommittee which is scheduled to meet immediately following the Council meeting.

Commissioner Coletta then reviewed SB1966 by Senator Bennett.

Commissioner Cummings expressed concern that the local governments will still have to do concurrency, but the developers will not.

Mr. Mazzarantani explained that the bill proposes a proportionate fair share allowing people to go 15 years, doesn't mean that you can go to the 14th year and realize that you don't have the money to pay for it, but that it is probably going to be tiered into five year increments. You can do the planning based on 15 years, but if you go five years and you still don't have the money then the permitting will stop.

Commissioner Coletta announced that the Southwest Florida Consortium Legislative Day will take place on April 2nd in Tallahassee. He then introduced former Representative J. Dudley Goodlette.

Mr. Goodlette gave a brief overview of Florida's Taxation and Budget Reform Commission which is constitutionally mandated and meets every 20 years. The group is composed of 25 members, 11 appointed by the Governor, 7 appointed by the Speaker of the House, and 7 appointed by presiding Officer of the President of the Senate. They have been meeting for approximately a year and have been considering two separate types of matters:

- **Constitutional Proposals:** Which if proposals pass the Commission (need at least a 17-5 vote in the affirmative or 2/3 of the entire body), they then go to the Style and Drafting Committee and then on to the ballot.
- **Statutory Recommendations**

Mr. Goodlette gave an overview of Proposal 002 - McKay Amendment which deals with increasing the sales tax and eliminating the required local effort. He then gave an overview of Proposal 045 - Taxpayer Bill of Rights which proposes a revenue cap on local governments,

including special districts, community development districts, etc. and revenue is broadly defined. He directed members to the Commission's website www.Floridatbrc.org for further information on both proposals and encouraged the members to visit the website.

Commissioner Cummings stated that he feels that the discussion that needs to be taking place is "what is the most effective means of raising the revenue necessary to meet the needs of our communities in a cost effective manner," because part of the problem is that the forms of raising revenue available to local government tend to be very regressive (property taxes and municipal benefit service units). Mr. Goodlette stated that the Commission has heard those concerns and will be hearing more of them regarding Proposal 045 and will need to take them into consideration.

Commissioner Halas stated that he feels that "Home Rule" is being eroded by the Legislature with tax cuts and the local governments have to provide the infrastructure.

Ms. Holquist referred to Proposal 045 and stated that either the original version or a more recent version had a community development district and it has made them unworkable in the original draft. While she understood that there has been some changes made, she was concerned if they were instituted would it make the community development districts workable again. Mr. Goodlette replied that he believed that they would.

Councilman Kiester asked if the Commission ever considered an expenditure cap. Mr. Goodlette replied yes, Proposal 045 was first drafted as an expense cap, but then it changed into a revenue cap from a spending cap.

Commissioner Coletta introduced Mr. Bill Barton, Chairman of the Southwest Florida Expressway Authority.

Mr. Barton gave an overview of the Southwest Florida Expressway Authority and its objective for the I-75 widening project. He explained that the Authority will be reviewing proposals for widening I-75, CR951, and 10-laning I-75 in 20 years.

Mayor Humphrey noted that he has great concerns with CR951 and its alignment in Lee County because of Alico Road, and recommended that the Authority review the population statistics for Lehigh Acres because currently they have surpassed Cape Coral for growth and Mr. Barton noted that they were showing that the growth was showing west of I-75.

AGENDA ITEM #5(d)
Legislative Update - Mr. Ken Heatherington

Mr. Heatherington reviewed the item as contained in the agenda packet.

Mr. Iglehart gave a brief status report on DEP's proposed submerged lands legislation for assessments of \$2,000 for freshwater and \$4,500 for saltwater lots that would be upstream of dredging projects. He explained that it is a first draft effort to change the way an existing fee is collected from private developments that are bringing a channel into their unit. Currently, they conduct an appraisal process at the end of the permitting process, which goes on for several

months, so the appraisal group went back a couple a years and looked at the average assessment increase and came up with the \$2,000 for fresh and \$4,500 for saltwater and applied it to either a lot, slip, or a private development. There has been 18 done within the past five years and this is one way that DEP is looking as reducing government in the process.

Mr. Mazzarantani asked if it includes maintenance dredging. Mr. Iglehart replied that it does not include maintenance dredging, only new dredging for private needs.

**AGENDA ITEM #5(e)
Other Emerging Regional Issues**

Mr. Heatherington reviewed the item as contained within the agenda packet.

**AGENDA ITEM #6
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #7
DIRECTOR'S COMMENTS**

Mr. Heatherington thanked Dr. Roka, former Representative Goodlette, and Mr. Barton for their presentations and the Councilmembers for their support and input in the visioning process.

**AGENDA ITEM #8
STATE AGENCIES COMMENTS/REPORTS**

Mr. Iglehart announced that DEP is holding a public meeting tonight at Mariner High School in Cape Coral to discuss the potential removal of Cietus Boat Lift.

**AGENDA ITEM #9
COUNCIL ATTORNEY'S COMMENTS**

Counsel Donley announced that the CHNEP will be holding its Signing Ceremony on Monday, March 24th at 2:00 pm for its CCMP in Punta Gorda. Also, on Tuesday, March 25th at approximately 2:30 pm, Senator Martinez is expected to be attending the CHNEP's Watershed Summit which is being held at the ECC Campus in Port Charlotte.

**AGENDA ITEM #10
COUNCILMEMBERS' COMMENTS**

No Councilmembers' comments were made at this time.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 12:15 pm.

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the March 7, 2008 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 34, Number 10.