

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
APRIL 15, 2010**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **April 15, 2010** at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Mick Denham** called the meeting to order at **9:01 a.m.** **Commissioner Butch Jones** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Councilman Don McCormick, Commissioner Tricia Duffy, Commissioner Robert Skidmore

Collier County: Councilman Charles Kiester, Commissioner Frank Halas, Mr. Bob Mulhere

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

Hendry County: Commissioner Karson Turner, Commissioner Tristan Chapman, Mr. Melvin Karau

Lee County: Commissioner Ray Judah, Commissioner Tammy Hall, Mayor Mick Denham, Councilman Forrest Banks, Councilman Tom Babcock, Mr. Paul Pass, Councilman John Spear

Sarasota County: Commissioner Jon Thaxton, Councilman Ernie Zavodnyik, Mr. George Mazzarantani, Commissioner Tom Jones

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

MEMBERS ABSENT

Charlotte County: Ms. Andrea Messina, Mr. Alan LeBeau

Collier County: Commissioner Jim Coletta, Councilwoman Teresa Heitmann

Glades County: Councilman Michael Brantley

Hendry County: Mayor Paul Puletti, Mayor Mali Chamness

Lee County: Mayor John Sullivan, Ms. Laura Holquist

Sarasota County: Commissioner Carolyn Mason, Mr. David Farley

Ex-Officio Membership: Mr. Johnny Limbaugh - FDOT, Ms. Tammie Nemecek - EDC of Collier County

**AGENDA ITEM #1
AGENDA**

Commissioner Halas moved and Mr. Pass seconded to approve the agenda as presented. The motion carried unanimously.

**AGENDA ITEM #2
MINUTES OF MARCH 18, 2010**

Mr. Mulhere moved and Commissioner Halas seconded to approve the minutes of March 18, 2010 as presented. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Commissioner Thaxton moved and Commissioner Turner seconded to approve the consent agenda as presented: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for March 31, 2010; Agenda Item #3(c) City of Sarasota Comprehensive Plan Amendments (DCA 10-1); Agenda Item #3(d) City of Bonita Springs Comprehensive Plan Amendments (DCA 10-1); Agenda Item #3(e) Hendry County Comprehensive Plan Amendments (DCA 10-2); and Agenda Item #3(f) Sarasota Care Center East DRI - Abandonment. The motion carried unanimously.

**AGENDA ITEM #4(a)
Lower West Coast Watersheds Implementation Committee - Mr. Jim Beaver**

Mr. Beaver reviewed the item as presented.

Commissioner Judah asked to hear from the SFWMD in regards to the previous request from Lee County for additional funding in order to allow the collection of data.

Mr. Flood explained that the last word that he has heard on the issue was that it has been reviewed and approved by District staff and it is sitting over in SFWMD's Executive Office awaiting their decision on whether or not it is one of their priorities for the use of the funds. District's staff has worked closely with the CHNEP staff and has resolved all issues and concerns and has recommended it for funding.

Commissioner Judah thanked the SFWMD for their efforts, because it now allows Lee County to coordinate with the CHNEP and continue with the collection of the data. Mr. Flood emphasized that it hasn't been officially funded, it is up to the SFWMD's Executive Office, but SFWMD's staff did recommend that it be funded.

Commissioner Judah asked to hear from either Mr. Beever or Ms. Donley on the timing for the funding. Ms. Donley explained that it is needed as soon as possible. The CHNEP was originally going to have the contractor roll out their information in June so that we would be able to meet all of EPA's deadlines for the next round of the numeric nutrient criteria. She explained that the contractor is already working on the numeric nutrient criteria north of the SFWMD region, so if the funding is approved then the change can be made to the contract in order to incorporate the SFWMD region and move forward.

Commissioner Judah stated that since this is a regional effort, would a nudge from the Council to request the SFWMD to allow some continuity in the research that is needed in order to provide local data to EPA.

Commissioner Judah moved and Dr. Elkowitz seconded that the Council request that the SFWMD provide the funding up to \$28,000 in order to allow for the continuation of the collection, the orderly placement of the data, and development of local numeric nutrient standards for the SFWMD's portion.

Commissioner Chapman stated that since we all know that the phosphorous, nitrogen and nutrients would end up here, but originate from a legacy of nutrients in the soil and are likely to be for many years to come; is it appropriate for that data to include where those nutrients originate. Mr. Beever explained that it does in the watersheds which are encompassed within the CHNEP boundaries, so it extends as far up as the headwaters as the Myakka, Peace and Caloosahatchee Rivers, but he can't say that it goes above Lake Okeechobee because it is outside the CHNEP's boundaries.

Ms. Donley explained that the CHNEP has received matching funds from the SWFWMD.

Commissioner Chapman stated that it is his understanding that there is going to be a third part review conducted in order to make a determination and asked Mr. Beever if it will be a scientific basis on which the numeric nutrients were derived. Mr. Beever replied yes. Commissioner Chapman then asked if the project is funded through to 2011, will there be further public comment. Mr. Beever explained that basically anytime when scientific rules are promulgated by the federal government there are third party peer reviews and that is part of the ongoing process. Originally, they were planning on designating standards for both fresh and estuarine waters and the designation for estuarine waters has been postponed for a year, which is to our benefit because it gives us the opportunity for this data to be properly considered. But for fresh waters, lakes and streams, they are still on a timetable that precedes that.

The motion carried unanimously.

Councilman Zavodnyik referred to the letter addressed to EPA, first page, third paragraph and stated that the first sentence reads “The SWFRPC and SWFRPC staff. . . “he doesn’t believe those should be two separate entities. Mr. Beever explained that the sentence meant that staff had put together rule review which then was brought to the committee and then to the Council, but he can avoid that wording in future letters.

AGENDA ITEM #4(b)
SWFRPC Budget Committee Report - Vice Chair Chuck Kiester

Councilman Kiester gave an overview of the Budget Committee meeting of April 8th.

Mr. Karau asked if the Council’s reserves have grown over the past eight years. Councilman Kiester replied yes.

Councilman McCormick stated that CDs are very attractive, but when you have a quantity of reserves such as the Council’s, he suggested to latter them so they don’t all mature at the same time.

AGENDA ITEM #4(c)
SWFRPC Resolution #2010-03 - Resolution of the SWFRPC Requesting Liners in Class III and C&D Landfills of the State - Mr. John Gibbons

Mr. Gibbons gave an overview of the item.

Commissioner Judah moved and Mr. Mazzarantani seconded to approve SWFRPC Resolution #2010-03 as presented.

Dr. Elkowitz stated that he feels that the resolution is adequate for any future landfills, but what is going to be done about the existing landfills.

Councilman Kiester asked how this will differ from Class I landfills. Mr. Gibbons explained that Class I landfills are fairly large landfills which receive municipal solid waste. This resolution actually addressed the C&D, as well as the Class III operations, which indicate that they should be lined. Currently, C&D landfills are not required to be lined unless FDEP requires it.

Councilman Kiester asked why not just have one classification of landfill, Class I, with the requirements of lining and pumping out the leach ate, etc. Mr. Gibbons explained that there is a difference in the monitoring and the closure of those types of structures. The C&D landfill doesn’t require the stringent monitoring.

Councilman Kiester stated that he agrees with the resolution; however, he feels that it will place a financial burden on the local municipalities.

Commissioner Judah stated that he feels that the resolution is long overdue with the requirement of having liners in Class III landfills. He then stated that he agrees with Mr. Gibbons with respect to Class I landfills, which have a 30 year closure requirement, you don't want to impose those types of burden requirements on Class III; but you can certainly protect the groundwater supplies and encourage municipalities to recycle that material that would otherwise go into Class III landfills.

Dr. Elkowitz asked who monitors the landfills. Mr. Gibbons replied FDEP.

Chair Denham noted that this issue is covered in SB570. Mr. Gibbons explained that SB570 is going to require a lot of stringent benchmarks, such as recycling at the local level, local jurisdictions will be required to monitor what goes into the landfill and it will require the industry to report back to the counties. At this junction, SB570 will also require airports to do source separation. FDEP is going to be the implementing agency and by 2020, FDEP is required to ensure that 75% of the waste is to be recycled.

Councilman McCormick stated that he sees waste management as being an enterprise fund and it does reach the citizens as a user fee, but in this case an increase in the fee might lead to a very desirable reduction in waste; so he feels that this is a very positive step forward and he supports the resolution.

Dr. Elkowitz asked if FDEP is the agency which allows the landfills to be built, he then asked about the landfills in the flood zones. Mr. Gibbons replied that FDEP is the permitting agency for landfills. Mr. Iglehart explained that FDEP's department heads receives applications. FDEP doesn't determine where the landfill goes; they just review and evaluate applications for projects. FDEP has to have reasonable assurance that they are not going to have an impact to the groundwater or surface water of the project. He then stated that when FDEP moves forward with the recycling program he believes that all landfills will be required to be lined, because that is the way that the legislature is going. The question comes for the recycling centers, and what do we do with the recycling center areas as we begin to manage our wastes in order to recycle 75% the gross weight of all waste within the next 15 years. FDEP has already had some issues with one of the recycling centers in Fort Myers with putting asbestos material through it.

The motion carried with one opposed.

AGENDA ITEM #5(a)

Regional Water Supply Plan 2010 Update - Ms. Diane Davies, SWFWMD

Ms. Davies gave a PowerPoint presentation on SWFWMD's Regional Water Supply Plan 2010 Update. She noted that comments are due on July 16th; comments can be submitted via SWFWMD's webpage, email, paper response or by attending the public meetings. Completion goal is November 2010 and then Governing Board approval in December 2010.

Chair Denham requested that Ms. Davies' presentation be placed on the Council's website.

Mr. Mulhere asked if there will be someone appointed to provide “human” technical assistance. Ms. Davies explained yes, all of the planners are assigned to specific counties and municipalities within and have been coordinating closely with the local governments in the recent 10 Year Water Supply Work Plans and continue to coordinate very closely.

Mr. Mulhere explained that he has some concerns with the population projections and how those projections are obtained. Ms. Davies explained that on the District’s demographics webpage it lists the calculation that the District uses for functional population, which incorporates seasonal population into the year-round resident population and the District has demographers continually working on it and it is based on mid-range BEBR.

Commissioner Thaxton noted that conservation was missing from the report, even though he knows that it is not totally absent from the District’s thinking being that he has been engaged with many of the board members, but he feels that it is indicative that there was no mention of conservation in the water supply planning introduction. There have been so many jurisdictions throughout the country that have been concentrating on conservation and have been able to bypass hundreds and hundreds of millions of dollars in capital improvement projects for new source initiatives simply by concentrating on how to use the water that is presently available. We don’t seem to be putting the dollar value on the conservation efforts and there truly is dollar value probably equivalent to the same capital dollars. So his message to the District would be that conservation needs to be one of the first things that needs to be discussed when discussing future water source planning. The District also needs to make available a lot of its funding sources that is presently only available for new source initiatives to conservation efforts. Ms. Davies explained that a lot of the District’s funding is available for conservation, maybe not the water supply and resource development funding, but the cooperative funding and the basin initiative funding is available.

Councilman McCormick stated that the City of Punta Gorda has a problem with the quality of water and he would like to see that stressed also because it impacts on how they get their funding. Ms. Davies explained that the District is funding a project for the City of Punta Gorda for water supply.

Commissioner Duffy stated that Charlotte County has a very high conservation rate.

AGENDA ITEM #5(b)
2010 SFWMD Environmental Report – Mr. Phil Flood, SFWMD

Mr. Flood gave a PowerPoint presentation on the following projects:

1. Kissimmee River Restoration
2. Comprehensive Everglades Restoration Plan (CERP)
3. Picayune Strand
4. C-43 West (Caloosahatchee River) Reservoir
5. C-43 Water Quality Treatment and Testing Facility
6. Lakeside Ranch STA
7. River of Grass Land Acquisition

Chair Denham requested that Mr. Flood’s presentation be placed on the Council’s website.

Mr. Heatherington stated that a federal judge was deciding Wednesday on whether or not EPA is in contempt on the Clean Water Act, does this impact the acquisition of US Sugar. Mr. Flood explained that the District has been trying to operate within the letter of existing legislation, so the District will have to review the ruling. The District is also in the middle of their budget and there is a huge reduction in ad valorem and state funding, so there are big decisions to be made by the Governing Board.

Councilman McCormick asked how everything gets coordinated with the Inland Port presentations.

Commissioner Butch Jones gave a history overview of the pollution to Lake Okeechobee and government agencies purchasing prime real estate land in Glades County which takes it off the tax rolls. He then asked for consideration for both Glades and Hendry Counties for the lands that have been taken off of their tax rolls and keep them more apprised of some of the things that are greatly affecting them and their financial stability.

Commissioner Judah stated that it is his understanding that with the relationship and partnership between the SFWMD and Lee County in the purchase of the Bowman Tract (1,700 acres) that only 1,300 acres will be used for storm water treatment, with the remaining land being used for potential economic development. Mr. Flood replied that is correct, there is over 1,300 acres that will be utilized out of the 1,700 and the remainder, which is the strip along SR80 as well as the strip along the Caloosahatchee River, that there were discussions of perhaps putting those lands back on the tax rolls in order to make those lands along the river available for recreation. Commissioner Judah stated that hopefully it will provide the balance of the economic development potential that Glades County needs and also the storm water treatment that the ecology of the Caloosahatchee River needs.

Commissioner Judah then stated that Lee County also reviewed the discharge from the wastewater treatment plants and it amounted to approximately 270 pounds of total nitrogen per day, but when you look at the total nitrogen that is coming down the Caloosahatchee River, east of the Franklin Locks, it is close to 24,000 pounds per day. So we know where even the District has done their analysis of where the nitrogen is coming from, east of the Franklin Locks (Lake Okeechobee), so that is why we need to have those storm water treatment areas in order cleanse and filter out the nitrogen and phosphorus. He then asked Mr. Flood if Algenol Biofuels would be a potential applicant for analysis, treatment, or testing that is being conducted to take nitrogen out of the water at the Bowman Tract. Mr. Flood replied that the District would be interested if Algenol had the proper technology. He explained that the Bowman Tract is intended to be a testing facility.

Commissioner Turner thanked the District for their efforts on the STA-5 project; however, he would like to see the site more exposed to the public because there are public facilities in the works. He then referred to the C-43 project and noted that there is constant bantering back-n-forth and then asked who can be contacted and what can be done to have the C-43 project move forward and have construction begin. Mr. Flood explained that the next big step with the C-43 project is getting the reservoir authorized through the Water Bill in Congress and from his

understanding that may happen next year, it is something that Congress does every other year and once it has been authorized then the District can go after the construction funds. He explained that Lee County is up in Washington every congressional session with the District pushing for C-43 funding.

Chair Denham asked if there is anything that the Council can do to help with the C-43 project. Mr. Flood explained that the Council could always send letters of support, but Congress isn't considering anything this year.

AGENDA ITEM #5(c)

Water Harvesting and Reuse for Sustainable Green Living Presentation – Mr. Jack Burden, Raindrop Cisterns, Inc.

Mr. Burden gave a PowerPoint presentation on various cistern systems.

Mr. Heatherington thanked both Mr. Burden and Mr. Jason Utley of staff for being part of the Council's October 17th presentation at the Charlotte Harbor Convention & Event Center entitled "Green Region Expo." He also noted that he had spoken with Mr. Burden about making the Council's building a cistern project facility in the future. Staff is also currently working with Johnson Engineering in conducting a greenhouse reduction inventory for the Council's building in order to find out if we can implement some of the things that Mr. Burden has mentioned; however, it is difficult with an older building to do a retrofit, but we are trying to be as green as we can be.

Chair Denham requested that Mr. Burden's presentation be placed on the Council's website.

Commissioner Thaxton stated that the SWFWMD has very strict guidelines with runoffs, treatment, etc. and the Englewood project is a new way of doing storm water treatment. The District has been very cooperative with Sarasota County in partnering in not only getting the project permitted, but also monitoring the project so that we can determine the new coefficients for the runoffs with this more advanced treatment and compare it with the more traditional. Also, it is going to be the key to redevelopment in our urban areas. With the new storm water rules, redeveloping a site that was first developed prior to 1975 was almost impossible unless you went to the newer techniques. He then noted that a cistern system was installed within one of Sarasota's Park buildings and the cistern provides all of the water for flushing toilets. He explained that the county hasn't had quite as good of luck in partnering with FDEP on some of their standards; because FDEP made the county put on front of all of toilets and urinals "Please do not drink the water, it is not potable."

Mr. Burden explained that he appreciates the opportunity to explore the different things within Sarasota County, because we have the products and technology to make it so that we can shrink or eliminate storm water ponds. We can incentivize developers and community planners to be able to utilize these processes so that storm water management doesn't have to be a ball and chain, it can be seen as a new way to encourage stewardship and new way to help people understand whether they like it or not, they are an important part of the watershed.

Mr. Iglehart referred to the slide that stated that approximately 27% of household water is used for toilet flushing; the utilities use the water delivery to determine the rates for the water take off also. He then asked Mr. Burden if he is working with the utilities. Mr. Burden replied yes, this is an ongoing dialog that he has been having and it depends on which water utility that you speak with as to the greater understanding. Rain water harvesting is creating a surplus supply for utilities that is helping stave off these capital improvements and these other future costs. He believes that there has been a great focus, in some cases, on lost revenue from bringing in rain water after the meter, but that is water that still has to be treated by the waste water facilities. There are many stakeholders to the water process and certainly to the water capture process, so we are having dialogs on how to handle that process. We can do baseline costing for storm water treatment or per capita costing , based on national averages or even state averages to what kind of uses occurs on different kinds of properties. These are the types of discussions and dialogs that need to occur in order to mainstream these processes.

Councilman Babcock stated that when Mr. Burden mentioned the water-energy connection, what he immediately thought of was solar panels. Mr. Burden stated that actually within one of the graphs that were in the presentation was from a group called southface.org and in that report “Water to Watts” it discusses how 40% of homes energy usage is from heating water, so if we can talk about coupling and incentivizing solar technology with rain water collection we are taking a huge bite out of the “residential energy apple.”

Councilman Kiester explained that Marco Island has been moving from septic systems to central sewer and recently they have been converting the old septic tanks into cisterns. He then explained that one resident has a cistern system made out of an old septic tank and uses a vacuum valve system which is connected to his irrigation system.

AGENDA ITEM #5(d)
Other Regional Issues

Mr. Heatherington gave a legislative overview.

Commissioner Chapman stated that he works with a company called Recycling and Development and the CEO, which is a nationally known expert on energy, sent him information which indicated that solar came in “dead last” in terms of cost versus efficiency of all the forms of energy that you can generate. He said that he would be happy to share that information with anyone that is interested. He then stated that he has not been supportive of FPL bringing in any kind of solar initiative, but when you have the least efficient and most costly that is a bad combination.

AGENDA ITEM #6
PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #7
DIRECTOR’S COMMENTS

Mr. Heatherington announced the following:

- 2009 Annual Report
- April 2010 Economic Views
- City/Council Manager and Planning Directors Roundtable Meeting scheduled for Thursday, July 15th
- “Where Do We Grow” Symposium at the Lee County BOCC on Friday, April 16th
- “Transit Oriented Development” Competition Awards Ceremony on May 7th
- Energy Technologies Topic for May 20th Council Meeting along with the Council’s FY10/11 Annual Budget and possibly the Continuance of the Harborview DRI Staff Assessment

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

SFWMD - Mr. Flood thanked all of the local governments for passing their resolutions in acknowledging April as Water Conservation month.

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

Ms. Donley thanked the Council for the letters of support for the reauthorization for the CHNEP, it is going to the floor of the House today for discussion so hopefully it will move forward and the CHNEP will be reauthorized.

**AGENDA ITEM #10
COUNCILMEMBERS’ COMMENTS**

No members had any comments at this time.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 11:05 a.m.

Commissioner Karson Turner, Secretary

The meeting was duly advertised in the April 2, 2010 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 36, Number 13.