

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
MAY 20, 2010**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **May 20, 2010** at the Southwest Florida Regional Planning Council - 1<sup>st</sup> 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, Ms. Andrea Messina

**Collier County:** Councilman Charles Kiester, Commissioner Frank Halas, Commissioner Jim Coletta, Councilwoman Teresa Heitmann

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

**Hendry County:** Commissioner Tristan Chapman, Mr. Melvin Karau

**Lee County:** Commissioner Ray Judah, Commissioner Tammy Hall, Councilman Mick Denham, Councilman Forrest Banks, Councilman Tom Babcock, Mayor John Sullivan, Ms. Laura Holquist

**Sarasota County:** Commissioner Jon Thaxton, Commissioner Carolyn Mason, Councilman Ernie Zavodnyik, Commissioner Tom Jones

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

**MEMBERS ABSENT**

**Charlotte County:** Mr. Alan LeBeau

**Collier County:** Mr. Bob Mulhere

**Glades County:** Commissioner Paul Beck, Councilman Michael Brantley

**Hendry County:** Commissioner Karson Turner, Mayor Paul Puletti, Mayor Mali Chamness

**Lee County:** Mr. Paul Pass, Councilman John Spear

**Sarasota County:** Mr. George Mazzarantani, Mr. David Farley

Ex-Officio Membership: Ms. Tammie Nemecek - EDC of Collier County

## INTRODUCTIONS

Chair Denham introduced the following: Ms. Diana McGee, US Senator Nelson's Office; Ms. Sarah Hines, US Senator George LeMieux Office; and Ms. Leah Valenti, Congressman Thomas Rooney's Office.

### AGENDA ITEM #1 AGENDA

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

### AGENDA ITEM #2 MINUTES OF APRIL 15, 2010

Commissioner Hall moved and Councilman Zavodnyik seconded to approve the minutes of April 15, 2010 as presented. The motion carried unanimously.

### AGENDA ITEM #3 CONSENT AGENDA

Commissioner Hall moved and Commissioner Halas seconded to approve the consent agenda as presented: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for April 30, 2010 & Grant Activity Status Sheets; Agenda Item #3(c) City of Fort Myers Comprehensive Plan Amendments (DCA 10-1); Agenda Item #3(d) City of Fort Myers Comprehensive Plan Amendments (DCA 10-2); Agenda Item #3(e) City of Cape Coral Comprehensive Plan Amendments (DCA 10-1); Agenda Item #3(f) Alico Interchange DRI - Development Order Review; Agenda Item #3(g) Miromar Lakes DRI - NOPC; Agenda Item #3(h) North Port Gardens DRI - Sufficiency Response Extension; Agenda Item #3(i) The Fountains DRI - Sufficiency Response Extension; Agenda Item #3(j) Big Cypress DRI - Sufficiency Response Extension; Agenda Item #3(k) Hendry County Small Quantity Generator's (SQG's) Hazardous Waste Assessment, Notification, and Verification Program; and Agenda Item #3(l) Glades & Hendry Joint TD Planning Grant. The motion carried unanimously.

### AGENDA ITEM #4 HARBORVIEW SUBSTANTIAL DEVIATION DRI - STAFF ASSESSMENT CONTINUANCE - Mr. Dan Trescott

Mr. Dan Trescott of staff gave a PowerPoint presentation of the item.

Commissioner Halas stated that the concern he has is that the project is located on the Peace River and a 400 slip marina is being proposed with 192 dry slips and 20 ancillary slips. He then asked

what kinds of impacts will that have on the Peace River area. Mr. Trescott explained that staff was trying to find the old marina survey projects which were done with other DRIs in order to find out how many boats may be traveling in and out of the marina per day. Mr. Seann Smith of Charlotte County staff stated that staff is looking at some studies that suggest the range to be 10-15.

Commissioner Skidmore stated that he feels that it is premature and also that the marina is not a public marina, but a private marina for the use of the existing neighborhood.

Commissioner Halas asked if there is going to be bottom paint on the boats and what kind of stipulations will be put in place in regards to boats sitting in the water. Have there been any safeguards put in place in regards to not adding anymore pollutants to the Peace River?

Commissioner Skidmore stated that the discussions that he has had with the applicant and their Counsel is that the applicant has an excellent track record of development with a preservation methodology mindset.

Commissioner Halas stated that if Charlotte County doesn't have the necessary funds to address the traffic impacts above and beyond what the applicant is responsible for, then who is going to pay for the traffic impacts that are going made by the project?

Mr. Seann Smith of Charlotte County Growth Management Department stated that the applicant may have more to say on the issue because we are still receiving some updated material and they have been recently looking at a different approach as he understands it. The applicant was looking at pipelining and now he believes that the applicant is no longer looking at pipelining. Ms. Waxler explained that actually the applicant is looking a monitoring with the potential to pipeline.

Commissioner Skidmore asked Mr. Smith to the best of his knowledge, as a staff member of Charlotte County, is it Charlotte County's position that they don't have the funds for the traffic impacts. Mr. Smith stated that he cannot speak to Charlotte County's position at this time, because it was his understanding that the applicant was not approaching it from a pipelining perspective. When you approach it from a strict pipelining perspective, the applicant provides the funds and makes the improvements. If they have decided that they are not doing that and it is a modification of that then Charlotte County staff needs to take a look at it and he wouldn't feel comfortable today speaking on the issue.

Mr. Trescott stated that Council staff is working with the applicant and when the conditions are satisfied to both parties then they will start working on the development order.

Commissioner Thaxton asked how many marinas of this type have been developed in past that have the similar land-locked situation where you have a weir or some other similar impediment that requires some sort of mechanized non-water transport from the marina to the navigable waters; how many have we done and how many have remained in land lock versus potentially dredged so that they have direct access?

Mr. Beaver of Council staff stated that in recent time within the Southwest Florida Region, there are no marina facilities of this design. In the past, there were a number of different facilities constructed that were associated with small developments such as Palmetto Point located on the Caloosahatchee River or large platted lands like the spreader waterways of Cape Coral. At this

time, of all the ones that were done in the past within the region, only one of those remains closed today. Every one that was done within our region; ultimately, either through permitting processes or without permits had the blockage between the closed system removed and then connected to the associated water body. In the past, when he worked with the Tampa Bay RPC in his capacity with the Florida Fish and Wildlife Commission, he reviewed two types of these designs that occur and exist today within the Tampa Bay Region. One associated with the Manatee River and an old borrow pit system which he feels is about the closest to this design in similarity, but the distance between the basin and the river is much shorter than the distance in this facility.

Councilman McCormick asked for clarification, he stated that the briefing that he received stating that there was going to be a weir and that they were going to use the lake; but the presentation from staff this morning stated that there is only going to be dry storage. Mr. Beaver explained that the applicant is proposing in their design the use of the lake, a canal excavation to a point which there would be a lift or a tram system which would put the boats into the Peace River at a particular point. The staff is recommending that not occur, instead staff is recommending that if there is to be a marina to have a dry storage facility associated with the eastern end of the project at the DeSoto Canal area.

Commissioner Duffy asked Mr. Beaver if staff is recommending that there be no wet slip marina. Mr. Beaver replied that is correct, staff is recommending that the wet slip marina is not appropriate for many reasons. Staff received comments from many reviewing agencies (FDEP, Fish and Wildlife Commission, Charlotte County Staff, etc.) which all indicated many environmental problems associated with the current design and also the number of vessels that would be loaded into the Peace River at this critical environmental location. The area is critical habitat for federally endangered small-tooth sawfish and it is also a very important area for the West Indian Manatee. The problems with constructing these enclosed facilities can very rapidly develop into difficult problems with water quality.

Councilman Banks stated that the project has been going on for 20 years and he believes that it is good in this economy that someone is trying to move it forward. He then said that the transportation issues seem to be a little bit “cloudy” and he wants to know if staff feels that they will be able to work those issues out to where the development is commiserate with the transportation impacts. Mr. Trescott stated that he had spoke with Mr. Massey of FDOT and he said that the applicant was able to come up with 50% of the improvements based on the intersections. The rules require that if you are going to pipeline a road improvement and you are paying for 50% of it then the county or someone else will be responsible for the balance.

Mr. Lawrence Massey, FDOT-District One, Growth Management explained that I-75 is FDOT’s highest priority and the impacts to that interchange and the applicant is proposing a one 10 year phase such that FDOT feels that there needs to be some sort of commitment by the applicant to do those improvements at the development order stage.

Commissioner Tom Jones stated that he didn’t see any comments from either SWFWMD or Army Corps of Engineers. Mr. Trescott explained that the Army Corps of Engineers never submits comments.

Ms. Davies explained that the SWFWMD submitted comments on the original application for substantial deviation.

Commissioner Thaxton stated that the legislature passed a new rule dealing with concurrency management, Chapter 163.31-80 Section 12, and wanted to know if either the Council or Charlotte County has reviewed that rule; because what it would do is enable the applicant to totally bypass the concurrency management system if they chose, by simply funding one of the proportionate share facilities and then that would of course add the burden of timing and funding all of its facilities needed to accommodate the DRI's needs onto local and state governments.

Mr. David Hutchinson of staff explained that both the statute and rule do require the development order address the total package and that is an issue Charlotte County staff has raised with Council staff, and there must be a financially feasible plan to address concurrency and impact mitigation issues. If the county approves the development moving forward, the development order should contain a listing of other commitments by other parties that enable concurrency to be maintained. The law didn't give the county the opportunity to totally ignore concurrency; it facilitated approval of projects where other means for maintaining concurrency are available.

Commissioner Thaxton stated that he understands and that is why he asked the question, if you do the funding of the one project and you take the balance of the funding of the other ones then you still have that statutory provision which requires financial feasibility; on these DRIs, especially something this close to an interstate interchange and other limited transportation facilities it is a big expense. Mr. Hutchinson stated that he agreed and he believed that staff's recommendation is that it must be addressed within the development order.

Commissioner Halas asked that in regards to the five foot draft of a vessel, does it pertain to a power boat or sailboat, because if you have a five foot draft in a power boat you could be talking about a 60 foot power boat. Mr. Trescott replied that it would mostly be power boats.

Ms. Gerry Waxler, Attorney At Law for "Big W" representing the applicant "Benderson", she explained that the Harborview DRI was originally approved in 1992 and is now going through the substantial deviation process where we have increased the residential units, decreased the amount of commercial and office space, and increased the number of hotel rooms. The applicant, Benderson, acquired the site approximately four years ago and immediately started redesigning the site with something more consistent with traditional thinking about what can and cannot work in the location and current market demand. The applicant acquired a parcel adjacent to the southeast quadrant of the I-75 interchange that had been landlocked and added it to the DRI and then acquired the southwest quadrant and that will be added to the DRI with the approval of the substantial deviation. The most striking feature of the DRI is the large lake in the center of the southeast quadrant which is called the East Village. The lake was created when fill was taken during the construction of I-75, with the combination of upland canal excavation and dredging of a total of 1.77 acres of wetlands the lake can be connected to an existing canal with access to the Peace River; thereby, turning the lake into a marina. She stated that there will not be direct access from the lake and the Peace River, there will be a weir system that separates the two water bodies and the way that boats will get from the marina into the canal that will lead out to the Peace River is through a lift system.

Ms. Waxler stated that every condition has been incorporated that was suggested by Council staff with regard to the weir and ensuring that the weir system would remain there in perpetuity. It will be a condition of the development order that it remain there in perpetuity and we have agreed to take that weir system and to place it under a conservation easement and we have further agreed to grant that conservation easement to a not-for-profit agency that deals with water quality issues.

Ms. Waxler explained that boats from the freshwater marina will access the brackish Peace River utilizing a motorized lift. The East Village is designed around the proposed marina and will be the center piece for the proposed mixed use community. We have been working very closely with Charlotte County staff and Council staff to draft the new development order; unfortunately, some of the overview that has been presented today is not consistent with the current development order that should be presented. For instance, we are only proposing 260 wet slips not the 400 as originally mentioned, which is the result of discussions with agencies and Council staff and also Charlotte County staff. We looked very early on at the idea of utilizing the DeSoto Canal as has been suggested by Council staff, place the large dry storage facility, which they are not placing any limits on the amount of boats, which you can cap 400 boats in a dry storage facility, so the number of boat impacts would be the same whether we utilize the dry storage facility or the marina. The difference is there is no flushing in the DeSoto Canal and the DeSoto Canal connects directly to the Peace River, that would be a far larger water quality nightmare than what is being proposed in the enclosed basin that can be controlled through a clean marina program and other permitting criteria. Additionally, there were comments relating to development units and the number of development units in the coastal high hazard area, this substantial deviation does not propose any increase in development in the coastal high hazard area beyond what was originally approved in 1992.

Ms. Waxler explained that from the beginning the applicant has been looking at the idea of pipelining transportation. This particular project has approximately \$10.5 million proportionate share requirement. We were looking to pipeline the four-laneing of Harborview Road which is the main improvement, in addition to I-75, so that all of the proportionate share would go to the widening of Harborview Road which is a hurricane evacuation route. Very recently, the applicant was informed by Charlotte County in order to widen Harborview Road to four lanes they wanted to take it to 165' right-of-way and the county doesn't own that right-of-way so the right-of-way would have to be acquired, and there also isn't any stormwater sites so those sites would also need to be acquired; in turn the preliminary estimates ended up being over \$20 million. So then we took a step backwards and reconsidered the pipelining option. Typically in Charlotte County the way these pipelining agreements have worked is that the applicant incurred the entire cost of making the improvement and then the amount over their proportionate share is reimbursed in impact fee credits, but we don't need \$10 million in impact fee credits. What we propose to do initially, while we work out how we might be able to fund and look at the widening of Harborview Road is to do either monitoring at each stage of development or annual monitoring, where we would essentially look at what it is and say here is the amount of development we are proposing for the next year, here are the transportation impacts of that amount of development and then look at those transportation impacts and look at whether or not concurrency standards are met and all of the identified roadways in the DRI. If we are meeting transportation concurrency standards that amount of development would be able to continue. The following year you would look at the actual transportation impacts and add to what is being projected for the next phase. At any point in time the analysis shows the transportation impacts is going to cause a level of service reduction

on those impacted roadways, under the development order, Charlotte County may not issue any new building permits until there is a commitment to build the necessary improvements to bring those impacted road segments back up to concurrency standards.

Ms. Melissa Green explained that the maximum length of the vessel for the boat lift would be 28 feet. She then explained the clean marina program is an FDEP program that helps protect and preserve Florida's environment through utilization environmentally friendly practices. A clean marina designation means the facility must implement a set of Best Management Practices (BMPs) and environmental measures designed to protect Florida's waterways. Upon certification DEP acknowledges that the facility is engaging in environmentally friendly practices that are beyond regulatory requirements. These measures address critical environmental issues such as sensitive habitat, waste management, stormwater control, spill prevention, and emergency preparedness. Recycling the use of environmentally friendly materials, no boat repair, no pressure washing, no bottom paint, are a few things that the site would implement in the clean marina program.

Ms. Green stated that in regards to water quality, in the basin there are going to be strategic locations used of stormwater inflow that is going to go through swales and stormwater ponds that is going to enter into the marina in strategic locations which will cause circulation. Also, there is going to be basin configuration so there is no areas for materials to collect, the water depth of the basin will be utilized to control water quality. A littoral zone will be constructed using best management practices and wind and the boats themselves can help in creating circulation and assist with water quality. In regards to the littoral shelf, the littoral shelf will supply supplemental treatment in the basin, it will be vegetated and it is located on the south side to provide further water quality polishing for any potential runoff that hasn't been treated or any nutrients, or any pollutants that may have come from the boats.

Ms. Waxler stated that essentially staff has three main objections to the marina:

- Water Quality
- Saltwater Marsh Impacts
- Protected Species Impacts (small tooth sawfish)

Ms. Holquist stated that the problem is creating a sustainable Florida and the future is balancing the economics with the environment and what that means is creating good healthy growth and the impact that growth is going to have on the environment.

**Ms. Holquist moved and Commissioner Skidmore seconded to approve the project with a recommended change to allow the marina as the applicant has proposed.**

Commissioner Thaxton quoted Ms. Waxler as stating that the applicant will be required by law to fund all transportation impacts, he then explained that is not really a correct statement. Ms. Waxler explained that the applicant is required to fund their proportionate share impacts. Commissioner Thaxton stated that is not really correct, until 1997 when Senator Bennett took out a provision within Chapter 163.31-80 Section 12 to be considered by Charlotte County the applicant did have to, but it stated that if you did not do it that it had to be allowed by your comprehensive plan. Well, the allowance by the comprehensive plan language has been removed so now you can do it whether the county has it in their comprehensive plan or whether they don't,

or whether they like or not and the best way that he sees to get around it is that the applicant volunteer that they will not take advantage of this statute unless they enter into some type of development agreement with the county in order to make sure that those unfunded transportation impacts are funded at the developer's expense.

Ms. Waxler stated that the applicant has always understood that they have to meet their proportionate share and a condition can be placed into the development order that would require Benderson to fully fund up to its proportionate share.

Commissioner Thaxton stated that in order to approve the motion it would require to ignore every ecological and planning expert that is working for the Council, state and federal agencies, etc. He said that he will not support the current motion.

Commissioner Judah stated that he doesn't agree with the excavation of the saltwater marsh and also the stormwater runoff, so he will not support the motion.

Dr. Elkowitz asked where is the oil, batteries, PCBs, medical, etc. waste going to be disposed of and who is responsible for its disposal. Mr. John Gibbons of staff explained that the batteries and oil will be recycled. Dr. Elkowitz asked where the recycling plant is, does Charlotte County have a recycling facility. Mr. Gibbons explained that staff has placed a clause in their recommendations for a source reduction for metals, drywall, etc. With respect to hazardous waste, once those facilities are up and running those facilities would be required under state law to dispose of the hazardous waste in a proper manner. Dr. Elkowitz asked where the hazardous waste is going to be disposed. Mr. Gibbons explained that there are various hazardous waste disposal facilities addressed on FDEP's recycling list, the hazardous waste will be disposed of at independent operations. There is not one source that collects all of the hazardous wastes.

Commissioner Duffy explained that approximately 44% of Charlotte County is in preservation and that is why Charlotte County needs projects like Harborview.

Chair Denham explained that the sensitivity about the environment in this particular area, this estuary has been abused for such a long time with water releases and other issues and so people are very sensitive, particularly those people that live within the estuary because tourism and property values do suffer with the quality of water and quality of the environment.

Councilman McCormick stated that the motion places him in an uncomfortable position because he relates this to what goes on within his community in Punta Gorda and the last two issues that were discussed in a way resemble a issue of a boat lift and the other was an Army Corps of Engineers for increasing the number of slips in an area that was not presently developed. The community was overwhelming against it, so he feels that he cannot support the motion.

Councilman Kiester stated that he is not comfortable moving forward with the current motion and leaving to the permitting agencies.

Councilman Zavodnyik asked in regards to hurricane preparedness what the existing evacuation time is. Mr. Trescott replied that he believes that Charlotte County is 18 hours.

Commissioner Halas stated that he wasn't comfortable with all of the additional information that was presented at the meeting and wasn't put into the documentation, so he doesn't feel comfortable without fully understanding what was discussed and not having Council staff addressing some of these issues that were discussed, especially with transportation and the small-tooth sawfish impacts.

**The motion failed 7 to 14.**

**Commissioner Thaxton moved and Commissioner Hall seconded that the Southwest Florida Regional Planning Council recommends Conditional Approval of the Harborview Substantial Deviation DRI as recommended by staff, to be further conditioned on a finding of Consistency with the Local Government Comprehensive Plan by the Charlotte County Board of County Commissioners. The motion carried 14 to 7.**

Chair Denham stated that he has been asked to move up Agenda Items #5(b) and #5(c) due to concerns of losing a quorum.

**AGENDA ITEM #5(b)**  
**SWFRPC Budget Committee Report - Ms. Laura Holquist**

Ms. Holquist gave an overview of the Budget Committee meeting of May 6th.

**Commissioner Skidmore moved and Councilman Banks seconded to allow Council staff, with the oversight of the Budget Committee, work with Iberia Bank on an investment strategy. The motion passed unanimously.**

**AGENDA ITEM #5(c)**  
**SWFRPC FY 2010/11 Annual Budget - Ms. Laura Holquist**

Ms. Holquist reviewed the item as presented.

**Councilman Kiester moved and Ms. Messina seconded to approve the SWFRPC's FY 2010/11 Annual Budget. The motion carried unanimously.**

Councilman Kiester stated that he would like to commend staff for their work with the Budget Committee.

Ms. Holquist stated that she has worked with staff as the Chair of the Budget Committee for a number of years and she has nothing but positive things to say for what the staff has done how very active, forthcoming and has a very good relationship with Nancy, Janice and Ken.

Chair Denham stated that he will also endorse those comments.

**AGENDA ITEM #5(a)**  
**Lower West Coast Watersheds Implementation Committee - Mr. Jim Beaver**

Mr. Iglehart gave an overview of FDEP's efforts dealing with the Deepwater Horizon oil spill.

Commissioner Halas stated that it is his understanding that BP is the watchdog over all of the agencies. Mr. Iglehart replied no, the US Coastguard is. Commissioner Halas then stated that before any local government can get involved in anything they have to have the approval from BP before they start charging BP for anything in regards to oil cleanup. Mr. Iglehart stated that he will research that further.

**Commissioner Judah moved and Commissioner Halas seconded to send a letter to Governor Crist in support of a referendum on a constitutional amendment to ban offshore oil drilling in the State of Florida waters. The motion carried with one opposed.**

Commissioner Thaxton stated that with regards to the distance and the threat of oil to Florida's coast; first, he doesn't believe the 5,000 gallons per day figure because the congressional testimony yesterday was overwhelming that it could be 3 to 5 times more. There are actually vents down there that they are just discovering last week and one of those vents could be releasing 5,000 gallons per day. Considering that BP somehow has proprietary command over this data and information, everyone in this country should find very disturbing. Half to two-thirds of the oil is not even on the surface, oil does not float at 32 degrees and coming out at 22,000 pounds psi, so another thing that BP is controlling and the federal government seems to be going along with it, is our ability to and necessity to trap the columns of oil that are subsurface that are either in the water column or somewhere sitting on the bottom. We really have no clue where it is, where it is going, or how much is there; all of our determinations are based upon what we can see on the surface and that is not a good indicator. He is greatly concerned that a lot of the oil could be subsurface and on the backside of the continental shelf and could indeed stay there for a year before certain climatic conditions or ocean currents cause it to change and then come ashore.

Chair Denham stated that with all of the skill set of the entire nation and the federal government, you would think that we could find a way to stop the leakage. Commissioner Thaxton explained that there is a way and it has been done throughout the world, and it should have been done within a week, you put explosives down there and blow it up. He said that this is only 17 inches in diameter and they were only permitted for 18,000 feet and they went down to 23,000 feet, but the problem is once the well is blown up it is rendered useless forever and all BP is doing is trying to stop the flow so they can maintain the viability of the well at the expense of the local governments and the environment.

Mr. Iglehart stated that FDEP Secretary Mike Sole is currently in Washington DC trying to obtain those more accurate records and when the oil comes out of the ground it is called "chocolate mousse" and then the volatiles come up to the surface and the remainder comes with various levels. NOAA is now monitoring different levels in order to try to find out where the different types of oil is within the water column.

Dr. Elkowitz stated that the Russians had developed the technology to stop the oil leakage back in 1965. The main reason that the federal government is not allowing it to be stopped is because the federal government is making money on this particular spill, they still receive royalties from the oil.

Mr. Gibbons of staff explained that he is also staff of the Local Emergency Planning Committee (LEPC) and that the LEPC is tasked with providing with planning with respect to chemical incidents within the communities and under the Emergency Planning Right To Know Act (EPCRA) mandate. We are required to provide information to the public regarding chemical information. He then gave an overview of the training courses that are available.

Ms. Maran Hilgendorf, Communications Manager of the Charlotte Harbor National Estuary Program (CHNEP) explained that the CHNEP's role in the oil spill is to provide credible information which is done through their website, so we have basically provided a portal to connect directly to the FDEP and BP sites, and all of the trajectory maps that have been created. We try to answer questions that have come in and direct volunteers and Volunteer Florida is the organization that has taken the lead in that within the State. We also, through our partners, have been monitoring colored dissolved organic matter which is probably how the water comes ashore here as dissolved organic matter. These partners will work together to gather information for a larger geographic area.

Ms. Donley stated that one of the issues discussed was the water quality monitoring and the State will be conducting the baseline water quality monitoring for the oil spill, but the CHNEP does have a back log of water quality data for many years which is available and they also have water quality monitoring currently ongoing.

Chair Denham stated that the Lower West Coast Watersheds Implementation Committee will be putting some recommendations together in a letter addressed to Senator Nelson which basically concerns that lack of safety devices on drilling rigs and encouraging the federal government to have much stronger safety measures, particularly some of those that are put on other drilling rigs elsewhere in the world that don't appear to be mandated in the gulf. We will be addressing that in a letter from the Council to Senator Nelson's Office, he has already had some discussions with Senator Nelson's office with regard to this issue and he is looking forward to having us provide such a letter to so he can use it in his efforts.

Dr. Elkowitz noted that in the last congressional hearing it was noted that they were conducting drilling without the proper permits and authorization.

Commissioner Duffy suggested sending the letter to also Senator LeMieux.

**AGENDA ITEM #6(a)**  
**Alternative Transportation Presentation – Ms. Lauren Lane, FDOT**

This presentation was deferred to a later meeting.

**AGENDA ITEM #6(b)**  
**Other Regional Issues – Mr. Ken Heatherington**

Mr. Heatherington reviewed the legislative issues as presented.

Commissioner Duffy asked Mr. Heatherington if there was going to be a special session held. Mr. Heatherington explained that the Governor has to call a special session, for approval because the Republican Party said that they are not in support of the constitutional ban of offshore drilling, but there are also other issues to be discussed.

Commissioner Duffy explained that in Charlotte County they are really hoping that if they hold the special session that they will discuss the cost recovery on the solar plant, because it is very important for Charlotte County to get the solar plant. Mr. Heatherington explained that the Governor is identifying the Renewable Portfolio on Renewable Energy as being discussed at the special session.

Chair Denham then stated that in regards to the Fertilizer Bill, he wanted to go on record as stating that all of our local legislators all voted in favor with Representative Brian Nelson to support having stronger pre-emption language in the Fertilizer Bill. We currently have 14 communities that have a more stringent fertilizer ordinance than the State's standard and the City of St. Petersburg starts a sales ban of fertilizer in 2011.

**AGENDA ITEM #7  
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #8  
DIRECTOR'S COMMENTS**

Mr. Heatherington announced that Mr. David Hutchinson will be sitting in his place at the June meeting due to that he was asked by the National Association of Regional Councils (NARC) to attend a meeting in Cleveland and update them on what Southwest Florida is doing in terms of climate change and going green and also what in terms we are doing as a State in regards to the oil spill.

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

No state agency comments were made at this time.

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

Counsel Donley addressed the distributed handout entitled "Utilizing Comprehensive Plans and Local Ordinances to Improve Community Resilience to Climate Change" scheduled for May 27<sup>th</sup>.

**AGENDA ITEM #11  
COUNCILMEMBERS' COMMENTS**

Councilwoman Heitmann announced that the City of Naples had rescinded their ordinance for banning copper sulfate.

**AGENDA ITEM #12  
ADJOURN**

The meeting adjourned at 11:20 a.m.

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Commissioner Karson Turner, Secretary

The meeting was duly advertised in the May 7, 2010 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 36, Number 18.