

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
AUGUST 21, 2008**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **August 21, 2008** at the offices of the Southwest Florida Regional Planning Council at 1926 Victoria Avenue in Fort Myers, Florida. The meeting was called to order at **9:04 am** by **Chairman Andrea Messina**. **Commissioner Butch Jones** led the Prayer and 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, Councilwoman Teresa Heitmann, Ms. Patricia Carroll

Glades County: Commissioner Paul Beck, Commissioner Kenneth “Butch” Jones

Hendry County: Mayor Paul Puletti, Commissioner Janet Taylor

Lee County: Commissioner Bob Janes, Commissioner Brian Bigelow, Mayor Mick Denham, Mayor Jim Humphrey, Mayor Eric Feichthaler, Councilman John Spear

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

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Jon Iglehart - FDEP, Ms. Dianne Davies - SWFWMD, Mr. Phil Flood - SFWMD, Ms. Janet Watermeier - Watermeier Consulting & Property Services, Ms. Tammie Nemecek - EDC of Collier County

MEMBERS ABSENT

Charlotte County: Councilmember Marilyn Smith-Mooney

Collier County: Councilman Charles Kiester, Ms. Laura Holquist, Commissioner Frank Halas

Glades County: Councilman Michael Brantley, Dr. Edward Elkowitz

Hendry County: Commissioner Bill Maddox, Mayor Mali Chamness, Mr. Melvin Karau

Lee County: Councilman Tom Babcock

Sarasota County: Commissioner Paul Mercier, Commissioner Shannon Staub, Councilman Ernie Zavodnyik

Ex-Officio Membership: None

**AGENDA ITEM #1
AGENDA**

The agenda was approved as presented.

**AGENDA ITEM #2
MINUTES OF JUNE 19, 2008**

The minutes of June 19, 2008 were approved as presented.

**AGENDA ITEM #3
CONSENT AGENDA**

Mayor Puletti moved and Mayor Humphrey seconded to pull Consent Item #3(i) South LaBelle Village DRI - Development Order Review and move it to become Agenda Item #4(b) under the Administrative Agenda for discussion purposes. The motion carried unanimously.

Mayor Humphrey moved and Commissioner Jones seconded to approve the consent agenda as amended: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statements for June 30, 2008 & July 31, 2008; Agenda Item #3(c) Hendry County Comprehensive Plan Amendments (DCA 08-2); Agenda Item #3(d) City of Naples Comprehensive Plan Amendments (DCA 08-1); Agenda Item #3(e) City of North Port Comprehensive Plan Amendments (DCA 08-1ER); Agenda Item #3(f) City of Punta Gorda Comprehensive Plan Amendments (DCA 08-2ER); Agenda Item #3(g) Alico Interchange Park DRI - Preapplication Questionnaire Checklist; Agenda Item #3(h) Gulf Coast Town Center DRI - NOPC; Agenda Item #3(j) SWFRPC/DCA Annual Contract; Agenda Item #3(k) Hazardous Materials Emergency Preparedness Training Contract Modification Agreement; Agenda Item #3(l) SWFRPC/DEM Annual Hazardous Materials Contractual Agreement; and Agenda Item #3(m) CHNEP National Estuaries Day Proclamation Request. The motion carried unanimously.

**AGENDA ITEM #4(a)
Lower West Coast Watersheds Subcommittee Report – Mayor Mick Denham**

Mayor Denham gave the Subcommittee report as presented in the agenda packet.

Mayor Denham moved and Mayor Humphrey seconded to approve SWFRPC Resolution #2008-11.

Mayor Humphrey expressed his appreciation to Mayor Denham and the Subcommittee in their efforts and accomplishments, and believes it is a regional issue that must be addressed with a

regional perspective. He then stated that he hopes that the local governments within Southwest Florida will implement the Subcommittee's recommendations.

Mr. Flood stated that he also commends the Subcommittee for its efforts and accomplishments. He went on to state that stormwater is a serious threat to Southwest Florida's resource and to its waterbodies, and the Subcommittee's Stormwater Resolution is truly cutting edge because it uses stormwater as a resource because it emphasizes in capturing, storing, and utilizing the water to protect the resources. He reminded the members that the current resolution deals with new construction and the next step is to address existing construction.

The motion carried unanimously.

Chairman Messina introduced Ms. Tammie Nemecek as the Council's newest Ex-Officio Member representing the EDC of Collier County and Enterprise Florida.

**AGENDA ITEM #4(b) formerly CONSENT AGENDA ITEM #3(i)
South LaBelle Village DRI - Development Order Review**

Mr. Jason Utley of staff gave a PowerPoint presentation on the development order review of South LaBelle Village DRI. He also addressed the distributed handout.

Ms. Neale Montgomery, Attorney for the applicant, addressed the Council by stating that the City of LaBelle was very concerned with coordinating with the Council because the South LaBelle Village DRI was the first project that the City and Hendry County has had in several decades, and they both wanted to make sure that it was done properly. She explained that the applicant has been working with staff of the Council, DCA, FDOT, etc., and their issues have been addressed and some things have been moved into different areas which seemed more appropriate of the development order. She stated that she doesn't believe that any of the comments are significant and that there isn't a basis for an appeal, and that the development order that was adopted is consistent with Chapter 380 and with Florida Administrative Code 9J2.

Commissioner Janes moved and Mayor Puletti seconded to request the City of LaBelle amend the development order to be consistent with the SWFRPC's DRI Assessment.

Mayor Humphrey asked Mayor Puletti if he had any comments. Mayor Puletti stated that he felt comfortable in stating that all staffs will be able to work through the issues and recommendations with the applicant.

The motion carried unanimously.

**AGENDA ITEM #4(c)
2008 Council Retreat Overview - Mr. Dave Hutchinson**

Mr. Hutchinson reviewed the distributed handout.

Commissioner Blucher stated that he felt that the Retreat was very interesting and rewarding.

Ms. Watermeier explained that there was a Technology Working Group formed and held their first meeting.

Mr. Iglehart announced that Mr. Tim Center was recognized by the Governor and Cabinet for his work on sustainability.

Mr. LeBeau thanked everyone at the Babcock Ranch for their hospitality.

Mayor Humphrey urged the members to review the listed “strengths and weaknesses” in the handout from Mr. Center and focus on those in the areas needed.

AGENDA ITEM #4(e)
SWFRPC Fixed Assets Removal – Ms. Jennifer Pellechio

Ms. Pellechio reviewed the item as presented.

Mayor Humphrey moved and Commissioner Blucher seconded to approve disposal of the fixed assets as per policy. The motion carried unanimously.

Mr. Heatherington noted that one of the items removed from the fixed assets was the Chevy Lumina, which has been deemed unsafe to drive several months ago. He explained that he has had discussions with various auto manufacturers on hybrid models. He is interested in the Chevy Malibu Hybrid model, which is a modified hybrid, and had discussions on a government purchase which would be \$100 under invoice. He stated that he is looking for direction from the Council on the purchase of a new Council vehicle and would like to sole source it from Bill Branch Chevrolet and also purchase a maintenance agreement.

Mayor Denham asked what the primary use of the vehicle would be. Mr. Heatherington explained that the vehicle would be used primarily by staff to travel to meetings around the region.

Mayor Denham asked if a cost analysis has been done to see if it would be more cost effective to purchase a new vehicle rather than having staff use their own vehicles with the Council reimbursing them for mileage. Mr. Heatherington explained that the financial staff had done a cost comparison on what the Council had spent on reimbursing staff and rental car expenses versus purchasing a vehicle.

Commissioner Blucher asked why the new vehicle wasn't included in the current year's budget. Mr. Heatherington explained that staff didn't anticipate having to replace the current vehicle this year; however, with the current maintenance issues that have arisen and the decision of having to deem the car unsafe to drive, staff will have to do a budget amendment to move funds around in order to purchase the vehicle.

Mayor Humphrey suggested that staff look into the option of leasing a vehicle versus purchasing a vehicle, and also have legal staff review the actual purchase because there maybe some “piggy-back” contract options. Mr. Heatherington explained that staff has been reviewing the State's procurement process to see which options are available for vehicle purchase.

AGENDA ITEM #4(d)
Sustainable Solutions: A Multi-Regional Approach - Mr. Ken Heatherington

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

Mayor Denham announced that the Century Commission is hosting the Water Congress in Orlando on September 25-26 and he has been asked by the Florida League of Cities to be their representative. He then asked if there is going to be any discussions on the issues from the Water Congress at the Sustainable Solutions Conference. Mr. Heatherington explained that he believes that Mr. Center will be giving an overview of those issues from the Water Congress. He also noted that the RPC Executive Directors have asked for facilitators from the individual RPCs, and he had sent an email to Mr. Beever of staff asking for recommendations.

Mayor Denham suggested that there should be a position statement on water supply from the Council presented at the Water Congress. Mr. Beever explained that since he had received the request from Mr. Heatherington, he has been working on his recommendations. Mayor Denham stated that since he is already attending the Water Congress as the representative of the Florida League of Cities, that he would be willing to represent the Southwest Florida Regional Planning Council if that would be the Council's direction. Mr. Beever stated that he will work on completing a draft of recommendations and circulate it for review to the Executive Committee and Lower West Coast Watersheds Subcommittee.

Chairman Messina stated that she would like to have the draft position statement brought before the Council for review and approval at its September 18th meeting.

Commissioner Cummings noted that a lot of attention needs to be given to the direction of the southern half of the Southwest Florida Water Management District when compiling the position statement, because it would be very easy to characterize the planned water supply projects as "reusing runoff," when in fact, what they really are is withdrawals from Charlotte Harbor system. The vast majority of regional supplies for Southwest Florida in the area of the Peace River/Manasota Regional Water Supply Authority are surface withdrawals from Charlotte Harbor. Currently, we are averaging 25 million gallons per day and are looking at going to 100 million gallons per day.

Mayor Feichthaler moved Commissioner Blucher seconded to nominate Mayor Denham to represent the Southwest Florida Regional Planning Council at the Water Congress. The motion carried unanimously.

AGENDA ITEM #4(f)
DRI Workshop Report - Mr. Dan Trescott

Mr. Utley of staff announced that the DRI Workshop was cancelled due to Tropical Storm Fay and will be rescheduled for sometime in October.

Ms. Watermeier asked what topics are covered at a DRI Workshop. Mr. Utley explained that the DRI Workshop consists of topics of the DRI process (NOPCs, Abandonment, Build-Out Agreements, Annual Monitoring Reports, ADAs, etc.). He then explained that he does a presentation on the reasoning behind the DRI process.

AGENDA ITEM #5(a)

Sarasota County Solar Array Presentation – Ms. Amy Meese, General Manager of Natural Resources

Ms. Meese gave a PowerPoint presentation on “Sustainable Energy in Sarasota County.”

Mayor Denham asked if he could obtain a copy of the presentation. Chairman Messina requested that the PowerPoint presentation be placed on the Council’s website.

Commissioner Blucher stated that one of the issues that the citizens of North Port are currently facing is most of the building in Sarasota County is happening in the northern part of the county which causes more of the transportation problems. Ms. Meese explained that Sarasota County realizes that transportation is an issue and is working on their transportation network in trying to make Sarasota County “virtually smaller” for travel by means of technology and opportunities to not drive.

Mayor Humphrey explained that at the most recent FRCA meeting; the Mayor of St. Petersburg had made an announcement that by changing the street light and traffic light bulbs, there has been a significant savings. Ms. Meese stated that since Sarasota County has also done the same, she would be happy to discuss the savings and process at a later time.

Mr. Heatherington noted that Ms. Meese had agreed to place her contact information along with her presentation up on the Council’s website.

AGENDA ITEM #5(b)

Resolutions of Appreciation – Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Commissioner Beck moved and Commissioner Blucher seconded to approve the following Resolutions of Appreciation for: Representative Gary Aubuchon, Representative Keith Fitzgerald, Representative Doug Holder, Representative Denise Grimsley, and Representative Michael Grant. The motion carried unanimously.

AGENDA ITEM #5(c)

US Sugar Buyout Discussion & Resolution – Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Commissioner Jones moved and Commissioner Taylor seconded to approve SWFRPC Resolution #2008-10.

Commissioner Taylor distributed a handout of Hendry County's adopted Resolution No. 2008-96 declaring the critical need for an economic transition and support plan in response to the South Florida Water Management District initiative to purchase assets of the United States Sugar Corporation; providing for cooperation with the State of Florida and the South Florida Water Management District; and provide for distribution of this resolution to designated agencies.

Mayor Denham stated that he believes that there are two issues: a flow-way, where staff would be a benefit to the estuary and he would support doing whatever is needed to make that happen, and secondly, there are significant considerations for the citizens of Glades County. As this issue moves forward, there needs to be a compromise reached between the desire for the community close to the estuary to achieve its economic desires and we also must have significant compromise along the way to safeguard those residents that reside in those areas.

Commissioner Jones stated that he appreciated Mayor Denham's report. Earlier this year, Mexican sugar was imported into the United States at the Domino refinery and was rejected due to having metal shards in the sugar, so this is the quality to expect when US Sugar closes its doors. He then noted that both Glades County Board of County Commissioners and FHREDI have passed resolutions. He believes that there is enough room for both the flow-ways and agriculture.

Mr. Flood stated he is almost a little bit disappointed reading the resolution because it seems that the land acquisition is a bad thing. There are very little positive statements within the resolution regarding the land acquisition. This is a landmark land acquisition and the purpose is environmental restoration. The goal is to further the Everglades restoration and also to minimize the adverse effect of excessive water discharges, which is impacting our estuaries, regional resources, economically, and recreationally. He stated that he feels that there should be a statement or two that illustrates the positive impacts of the land acquisition.

Chairman Messina asked Mr. Flood if he had any examples of "Whereas" statements that he would like to have added to the resolution. Mr. Flood noted that Lee County, City of Sanibel, and other communities had adopted resolutions embracing the environmental benefits of the land acquisition. He read the following statement "Whereas the benefits from land acquisition include huge increases in the available of water storage, significantly reducing the potential for harmful discharges from Lake Okeechobee to Florida's coastal rivers and estuaries, including the Caloosahatchee River and estuary."

Chairman Messina asked Commissioner Jones if he would object to the Council deferring taking action on the resolution until its September meeting. Commissioner Jones stated that he would not object to deferring taking action on SWFRPC Resolution #2008-10 until the September 18th meeting in order to have the resolution amended.

Commissioner Jones and Commissioner Taylor withdrew their original motion to approve SWFRPC Resolution #2008-10.

Mayor Humphrey moved and Commissioner Moore seconded to continue Agenda Item #5(c) until the September 18th meeting in order to have SWFRPC Resolution #2008-10 amended as noted.

Commissioner Bigelow stated that the Lee County BOCC had passed a resolution urging the SFWMD and Corps of Engineers not to forget that Lee County has water quality issues and projects that the county is dependent upon and that will continue to move forward. He then suggested that Council staff contact Lee County staff to discuss the issue.

The motion carried unanimously.

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

Lake Belt Area Mining Update - Ms. Liz Donley

Ms. Donley stated that the case is back in the District Court and the Circuit Court's opinion has been certified back to the District Court. It is her expectation that the District Court will have a new decision before the end of the year, but keep in mind that the Circuit Court did not have a problem with the holding of the Court; they just had a problem with the way the District Court had gotten to that point. So there will probably be a new opinion at the end of the year with better documentation and policies. Currently, there is mining going on within the Lake Belt Region.

Other Emerging Regional Issues - Mr. Ken Heatherington

Mr. Heatherington announced that at the FRCA Policy Board meeting in August, Mayor Humphrey was elected as its 1st Vice President.

Mr. Heatherington announced that Ms. Nemecek, along with Ms. Mary Helen Blakesley from the Governor's Office participated in the OTED conference call regarding Tropical Storm Fay damage assessment.

Ms. Nemecek stated that she applauds Enterprise Florida, State of Florida, and 405 for all of their efforts in coordinating fast recovery in relation to businesses. There is a great cooperative spirit between the EDCs, RPCs, and the State of Florida for emergency response situations.

Mr. Beaver introduced the newest employee of the RPC, Ms. Whitney Gray, as its Environmental Scientist.

**AGENDA ITEM #6
PUBLIC COMMENTS**

No public comments were made at this time.

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

Mr. Heatherington had no Director comments at this time.

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

SFWMD - Mr. Flood stated that the SFWMD is dealing with sheet flow and local flooding from Tropical Storm Fay.

FDOT - Mr. Limbaugh stated that FDOT is also dealing with local flooding from Tropical Storm Fay, especially in Glades and Hendry Counties. On SR78 there was a washout of a bridge.

FDEP - Mr. Iglehart stated that FDEP's final order for Tropical Storm Fay will only include Glades County.

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

Counsel Donley announced that the Council will be amending its rules. In September, staff will be asking the Council to allow them to issue a notice of amendment of its rules (Chapter 29I F.A.C.) She explained that in the past, it was thought that the Council would have to appeal all of its rules to bylaws; however, it looks like with the new administration they are more open to allow us to amend our current rules. Then we need to follow the regular rule procedure and notice the rules, post the rules, hold a public comment period at a Council meeting, and then hopefully the new rules will be in-place with the amendments by January 2009.

Chairman Messina requested that the Executive Committee review the draft amended rules before they are presented to the full Council in September.

**AGENDA ITEM #10
COUNCILMEMBERS' COMMENTS**

Ms. Carroll stated that there are Constitutional Amendments that are proposed for November, and one of particular interest to the School Districts is Amendment #5. The Circuit Court has upheld a complaint that Amendment #5 is misleading to the voters, and the judge ruled in the School Board Association's favor and has ordered Amendment #5 to be removed from the ballot. The main reason that the judge had ruled against Amendment #5 was because wording stated that the property tax would be removed, required by a local effort, and be replaced by another source of income, that was to be at least a one cent sales tax and was to be guaranteed for one year. The overall message to the voters was that it would be importunity and that the legislature would be committed to replace the money lost through the property tax on a regular basis. She explained that the wording in the Amendment basically referenced one year only.

Commissioner Jones announced that from the intersection of SR29 and SR79 all the way to Palmdale is closed due to flooding in Glades County. In some sections of SR78 there is two feet of water over the roadway, and also CR74 is still closed. Glades County received over 22 inches of rain and over 84 mph winds.

Chairman Messina reviewed the distributed handouts regarding the HazMat Training Courses.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 11:08 am.

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the August 1, 2008 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 34, Number 31.