

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
DECEMBER 16, 2010**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **December 16, 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 **9:03 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: Councilwoman Rachel Keesling, Commissioner Tricia Duffy, Mr. Michael Grant, Ms. Andrea Messina

Collier County: Councilman Charles Kiester, Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Mr. Bob Mulhere, Ms. Pat Carroll

Glades County: Commissioner Kenneth “Butch” Jones, Ms. Shannon Hall

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

Lee County: Councilman Mick Denham, Mayor John Sullivan, Commissioner Brian Bigelow, Commissioner Frank Mann, Ms. Laura Holquist, Councilman Tom Babcock, Councilman Forrest Banks

Sarasota County: Commissioner Carolyn Mason, Commissioner Jon Thaxton, Commissioner Tom Jones, Councilman Kit McKeon, Mr. Felipe Colón

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

MEMBERS ABSENT

Charlotte County: Commissioner Robert Skidmore

Collier County: None

Glades County: Commissioner Paul Beck, Councilwoman Pat Lucas

Hendry County: Mayor Mali Gardner

Lee County: Mr. Paul Pass

Sarasota County: Mr. George Mazzarantani

Ex-Officio Membership: Mr. Jon Iglehart - FDEP, Ms. Tammie Nemecek - EDC of Collier County

INTRODUCTION OF NEW MEMBERS

Chair Denham introduced the following new members:

- Commissioner Frank Mann, Lee County BOCC
- Commissioner Brian Bigelow, Lee County BOCC

AGENDA ITEM #1 AGENDA

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

AGENDA ITEM #2 MINUTES OF NOVEMBER 18, 2010

Ms. Messina moved and Commissioner Mason seconded to approve the minutes of November 18, 2010 as presented. The motion carried unanimously.

AGENDA ITEM #3 CONSENT AGENDA

Commissioner Tom Jones moved and Mr. Mulhere seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for November 30, 2010 & Grant Activity Status Sheet; and Agenda Item #3(c) Fountains DRI - Request for Sufficiency Response Extension. The motion carried unanimously.

AGENDA ITEM #4(a)

Lower West Coast Watersheds Implementation Committee Report - Mr. David Crawford & Mr. James Beaver

Mr. Beaver reviewed the item as presented in the distributed handout. He also discussed HB1565 which requires anytime that there is going to be a new rule or an amended rule, change to a rule, etc. there has to be an analysis of the adverse affect on small businesses or increase in regulatory costs to small businesses.

Chair Denham asked what is expected to happen with the Stormwater Rule. Mr. Beaver explained that he feels that there is going to be much longer time before there is going to be a Stormwater Rule brought forward because certain steps are going to have to be undertaken.

Chair Denham recognized Mr. Beaver for his efforts on the Fertilizer Rule.

AGENDA ITEM #4(b)
Elections of 2011 Officers - Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

The Council approved the Slate for the 2011 Officers:

Chair – Councilman Chuck Kiester, City of Marco Island
Vice – Chair – Commissioner Karson Turner, Hendry County BOCC
Secretary – Councilwoman Teresa Heitmann, City of Naples
Treasurer – Commissioner Carolyn Mason, Sarasota County BOCC

AGENDA ITEM #4(c)
Lee County MPO Staff Services Agreement - Counsel Liz Donley

Counsel Donley reviewed the item as presented.

Counsel Liz Donley explained that the Lee County MPO Staff Services Agreement has been approved by the Lee County MPO and has been forwarded to both the Florida Department of Transportation and the Federal Highway Administration for their review. She stated that she is requesting that the Council authorize the Chair to execute the agreement after its final review by both FDOT and FHWA.

Counsel Donley explained that the agreement contracts with the both the Lee County MPO and the SWFRPC to supply staff and services to the Lee County MPO. The difference between this staff services agreement and the previous one is that the statute with regards to MPOs changed and now the MPO Director will report directly to the MPO Board for policy purposes, but for personnel purposes the MPO Director will continue to report to the SWFRPC Executive Director.

Councilman Banks moved and Commissioner Mason seconded to authorize the Chair to execute the Staff Services Agreement after FHWA review unless there are substantive revisions. The motion carried unanimously.

AGENDA ITEM #5(a)
Amendment 4 Presentation - Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Commissioner Coletta stated that even though Amendment 4 has been defeated there are other elements in the works that will eventually have an impact on it. He believes that in the coming year there will be efforts made to further cut back on the municipalities' ability to be able to collect taxes.

Mr. Mulhere stated that he feels that Amendment 4 has created a high level of discourse as it related to land use change items. People should be involved earlier in the process rather than later.

Commissioner Thaxton stated that he didn't know if there was going to be much pushback from the defeat of Amendment 4. If there was any pushback then it would be a greater emphasis on local growth management and changes to charters and ordinances, etc. He stated that he feels that next battle for local governments will be people misreading the defeat of Amendment 4 and considering it some sort of a mandate to do away with growth management and environmental regulations. The battle that he is currently preparing for is the Taxpayers Bill of Rights (TABOR) Amendment.

Ms. Holquist stated that the word in Tallahassee is that Governor Elect Rick Scott is going to follow through with his campaign promise of eliminating the Department of Community Affairs (DCA). She doesn't believe that he will eliminate DCA in the upcoming year, but there is a more of a push at the regional level and the possibility of having the regional planning councils having more authority to make more approvals versus recommendations. There is talk about realigning the Department of Community Affairs with the Department of Transportation (FDOT) and the Department of Environmental Protection (FDEP).

Commissioner Thaxton stated that he believes that Tallahassee is going to maintain a skeleton image of DCA, which will probably be confined to hurricane evacuation issues and possibly intergovernmental jurisdictional impacts. But all of the DRIs and other similar issues will likely either be done away with or moved to the RPCs or some other defined entity; he believes that they will be given to the RPCs without any funding which will force the local jurisdictions to use their own local funds for those tasks.

Commissioner Coletta asked to hear from Mr. Heatherington. Mr. Heatherington explained that he feels that the oversight that the legislature is making is that if they sunset the regional planning councils, they can do away with the State's existing regional planning councils, but the Southwest Florida Regional Planning Council exists under an inter-local agreement and so the Council is actually a council of governments. Most of the Council's funding is 75-80% contracts and grants which doesn't include the State.

Commissioner Bigelow stated that he felt that Amendment 4 had the correct goal just the wrong path to reach that goal. He also suggested moving the public comment section of the agenda to the beginning of the agenda.

Councilman Kiester stated that he agreed with Commissioner Bigelow about having the Public Comment section moved to the top of the agenda. He also noted that the City Council of Marco Island limit public comments to those items not on the agenda because there is an opportunity for the public to comment on items on the agenda.

The Council discussed on how to get the public/community involved. There was discussion on how local jurisdictions get their communities involved through planning commissions by holding neighborhood meetings.

Councilwoman Heitmann stated that she has big concerns with the TABOR Amendment and wanted to know how the Council could address the issue. Mr. Heatherington stated that both he and Mr. Ron Book, Executive Director of the Florida Regional Councils Association (FRCA) had a discussion about TABOR and he believes that TABOR was only going to be required at the State level and not at the local level.

Commissioner Thaxton stated that if TABOR happens at the State level then you can count on it happening at the local level also. He then recommended getting the local chambers of commerce involved in regards to the TABOR Amendment.

Commissioner Mann made a historic observation that there is a pendulum swing. Where approximately 30 years ago, he was in Tallahassee in the legislature when the RPCs were created; the RPCs were the result, where Southwest Florida was used as the example, of what we can no longer allow to happen and it was pointed to Cape Coral, Lehigh Acres, General Development, Golden Gate Estates, etc. where there were hundreds of miles of substandard roads and canals which were causing saltwater intrusion and surface water disasters with changes in historic flow patterns. The legislature in the mid-1970s stated that they can't allow the State of Florida to continue on its current track because it is destroying the economy and environment. He then said that with the current discussion, he finds very interesting that the pendulum today has swung so far that there is actual discussions about the future and existence of RPCs, the very existence of DCA and he feels to the extent the legislature decides to limit the roles of RPCs and DCA or to limit the funding so the roles themselves are thereby limited. He feels that it will be directly related to the speed which the next Amendment 4 comes back, because the public wants managed growth.

Commissioner Duffy stated that she agrees with Commissioner Mann with that the public does want well managed growth, but she also believes that there is a big cry from a lot of people from the economic development arena who want Florida to be "shovel ready". Florida is competing against other states such as North Carolina, South Carolina and Tennessee, but Florida is losing businesses because those businesses can't handle the bureaucracy from both the State and counties with the permitting processes.

Chair Denham asked for clarification on what the Council wanted staff to complete. Commissioner Bigelow explained that it was the following issues: 1. Move Public Comment to the beginning of the agenda; 2. Brainstorm for some ideas and look for some models; and 3. TABOR. Chair Denham stated that those issues can be placed on the February agenda.

AGENDA ITEM #5(b)
SWFRPC Strategic Regional Policy Plan (SRPP) EAR - Mr. David Crawford

Mr. Crawford gave a PowerPoint presentation of the SRPP EAR process.

Mr. Crawford explained that the SRPP is not a comprehensive plan but a strategic plan that runs on two paths. The first path is where the region wants to be in the timeframe estimated; and the second path is what actions the Council itself takes in order to achieve those goals. The EAR needs to be completed by May 2011 and submitted to DCA by June 1, 2011.

Mr. Grant stated that he was concerned with the fiscal constraints that the local governments are currently facing why new components are being proposed to the SRPP if it is going to cost local governments to amend their comprehensive plans in order to be in compliance with the SRPP. Mr. Heatherington explained that it will continue as an evaluation and probably not as a new component, but it may be included as some other issues as part of the discussion. Mr. Hutchinson

explained that staff would not propose any components that would incur any more costs on the local governments.

Commissioner Thaxton suggested having the workshops held throughout the region (north, south and east).

Commissioner Tom Jones stated that in the interest of the City of North Port we need to remain nimble and close to our home base in order to have our land use and urban design elements taken care of at home. The City of North Port being only 25% built out and having over 103 square miles, we need to remain flexible on our land use in order to achieve diversity in our taxing. He then stated that he hopes that with all of the proposed changes to the SRPP would keep the City of North Port's home rule issues in mind. Mr. Crawford explained the platted lands component of the SRPP and that staff would be working with local staff on their issues.

Mr. Heatherington explained that staff would like to downsize the SRPP from its current two volumes. He also stated that he is planning on discussing with the Chair on forming a committee to work on the SRPP.

Commissioner Bigelow suggested combining transportation, urban design and land use. Also embrace mass transit and freight components due to the current energy crisis.

Mayor Sullivan stated that Southwest Florida is not capable of encompassing any type of large manufacturing companies without some sort of cheap reasonable transportation. It costs us more to bring in the raw product and it costs more to ship out the finished product, plus there are dividends attached to that.

AGENDA ITEM #5(c)
Community Collaborative Initiative - Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Commissioner Duffy explained how Charlotte County had achieved collaboration without a 501C(3). Members of the Charlotte County BOCC went to Washington DC and met with the Department of Energy and they found out about several different things. This is part of Charlotte County's effort on growing in the renewable energy sector. One of the ideas was an Energy Road Show which was travelling around the country but hasn't made a stop in Florida. Charlotte County decided to put in the request of the Energy Road Show with the help of Sarasota County and Lee County and all she did was send an email to those county representatives. All three counties worked together and got the road show to come to Charlotte County and it was all about creating jobs and renewable energy issues.

Chair Denham asked if there is a role for the Council to support that type of an activity. Commissioner Duffy stated that by being a member of the Council is what helped her because it is about relationships and knowing the other elected officials from other counties and being able to help one another.

After discussion the Council decided that there isn't a need for a 501C(3), because the Council felt they are the forum for the collaboration. The Council wanted to encourage the community to bring the issues to the Council.

Commissioner Chapman suggested collaborating with the Southwest Florida Economic Development Initiative.

Mr. Heatherington suggested adding an item on the agenda under Administrative Issues for collaboration issues.

Commissioner Coletta recommended to staff creating an Executive Summary of the monthly Council meetings for the members.

AGENDA ITEM #5(d)
Legislative Issues and Priorities Report - Mr. David Hutchinson

Mr. Hutchinson reviewed the item as presented.

Mr. Heatherington stated that Mr. Ron Book, Executive Director of FRCA had said that it was imperative that he speaks to Senator Bennett because he was very supportive of the RPCs.

Ms. Holquist suggested contacting Senator Garrett Richter who is on the Growth Management Committee and develop a relationship with the Florida House Representatives and Governor Elect Scott.

Commissioner Duffy suggested holding a special SWFRPC Board meeting and inviting all of the SWFL Legislative Delegation to attend.

The Council nominated Mr. Grant as a member of the Council's Legislative Committee.

Discussion ensued on the SWFRPC's Legislative priorities which were recently presented to the Lee County Legislative Delegation.

Ms. Holquist noted that she is a member of the Century Commission for a Sustainable Florida and sits on the Strategic Planning Committee and a bill was recently filed that deals with a lot of the issues that have been discussed at today's meeting, it maybe even an answer to Amendment 4. The bill was filed by Senator Bennett and it changes the focus of the Century Commission and focuses on creating a strategic plan for the State of Florida. What it calls for is the Century Commission creating the strategic plan that addresses eight essential issues within the State and then after two years when the plan is completed and sunseting the Century Commission, the plan will be turned over to other agencies to carry it forward. The plan will focus around the pillars of sustainability; which are economic, environmental, and social. Within those pillars there are issues such as water, growth management, infrastructure, health, human services, ethics and the government system.

**AGENDA ITEM #6
PUBLIC COMMENTS**

No public comments were made at this time.

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

Both Mr. Heatherington and Commissioner Butch Jones briefly reviewed Glades County BOCC Resolution – Creating a Regional Transportation Authority in the Heartland of Florida. Commissioner Jones stated that he would like to see all six counties within Southwest Florida adopt a similar resolution.

The Council awarded Mr. Daniel Trescott of staff a Certificate of Recognition for his 25 years of service.

Both Mr. Heatherington and Mr. Trescott announced the roll out of the Hurricane Evacuation Study Update which will be presented to the Council at a future meeting.

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

Ms. Dianne Davies, SWFWMD announced that the SWFWMD's Regional Water Supply Plan is scheduled to go before the Governing Board on January 25th for approval. Upon approval by the Governing Board all of the local governments within the SWFWMD's jurisdiction will be sent notices that the Regional Water Supply Plan has been approved which will start the 18 month time clock to submit their water supply work plans.

Mr. Phil Flood, SFWMD announced that it has been drier than normal and the predictions are that it is going to be a drier than normal winter. Last October was the driest October than ever experienced in the history of SFWMD and in November we had half of the typical rainfall. If things continue the way they are going then we are likely going to be looking at a water shortage, so now is the time to focus on water conservation. He asked that the local governments are encouraged to remind residents of current year-round measures.

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

Counsel Donley had no comments at this time.

**AGENDA ITEM #10
COUNCILMEMBERS' COMMENTS**

Commissioner Jon Thaxton distributed a handout regarding a “Public Records Request – Model Fertilizer Ordinance.” He stated that he brought the document to the attention of the Council for two reasons. First, he hoped that other jurisdictions would duplicate what Sarasota County had done in passing a resolution and secondly, he wanted to defer the issue to the Council’s Lower West Coast Watersheds Implementation Committee in hopes that they would review the issue in hopes in of having a consensus in possibly passing a similar resolution at this level.

Commissioner Thaxton moved and Commissioner Mason seconded to forward the distributed information onto the Lower West Coast Watersheds Implementation Committee in order for the committee to consider it as a potential Council action. The motion carried unanimously.

Chair Denham stated that as the Chair of the Lower West Coast Watersheds Implementation Committee he accepts the request.

Councilman Kiester thanked the Council for electing him as the 2011 Chair.

Commissioner Butch Jones brought up the shooting incident at the Panama City School Board meeting and the security issues that Glades County BOCC has during their board meetings. Commissioner Coletta suggested holding a seminar on security measures.

Mr. Heatherington noted that since the Hendry County presentations were cut short in November he would like to have them come back for the January meeting.

Commissioner Coletta gave an overview of the issues that Collier County is facing on the Everglades Interchange on I-75. He suggested inviting the responsible agencies to a future meeting of the Council to discuss the issue.

The gavel was exchanged from former Chair Denham to incoming Chair Kiester.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 11:35 a.m.

Commissioner Karson Turner, Secretary

The meeting was duly advertised in the December 3, 2010 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 36, Number 48.