

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JANUARY 20, 2011**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **January 20, 2011** at the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Chuck Kiester** called the meeting to order at **9:02 a.m.** **Commissioner Butch Jones** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Deborah Kooi conducted the roll call.

MEMBERS PRESENT

- Charlotte County:** Commissioner Robert Skidmore, Commissioner Tricia Duffy, Mr. Michael Grant
- Collier County:** Councilman Charles Kiester, Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Ms. Pat Carroll
- Glades County:** Commissioner Kenneth "Butch" Jones, Ms. Shannon Hall
- Hendry County:** Commissioner Karson Turner, Commissioner Tristan Chapman, Commissioner Daniel Akin, Mr. Melvin Karau
- Lee County:** Commissioner Frank Mann, Councilman Forrest Banks, Councilwoman Martha Simons
- Sarasota County:** Commissioner Carolyn Mason, Commissioner Christine Robinson, Commissioner Tom Jones, Councilman Kit McKeon
- Ex-Officio Members:** Mr. Johnny Limbaugh - FDOT, Ms. Dianne Davies - SWFWMD, Mr. Phil Flood - SFWMD, Mr. Jon Iglehart - FDEP

MEMBERS ABSENT

- Charlotte County:** Councilwoman Rachel Keesling, Ms. Andrea Messina
- Collier County:** Mr. Bob Mulhere
- Glades County:** Commissioner Paul Beck, Councilwoman Pat Lucas
- Hendry County:** Commissioner Mali Gardner
- Lee County:** Councilman Mick Denham, Mayor John Sullivan, Commissioner Brian Bigelow, Ms. Laura Holquist, Councilman Tom Babcock, Mr. Paul Pass
- Sarasota County:** Mr. George Mazzarantani, Mr. Felipe Colón

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

INTRODUCTION OF NEW MEMBERS

Chair Kiester introduced the following new members:

- Commissioner Christine Robinson, Sarasota County BOCC
- Councilwoman Martha Simons, City of Bonita Springs
- Commissioner Daniel Akin, City of LaBelle

PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #1 AGENDA

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

AGENDA ITEM #2 MINUTES OF DECEMBER 16, 2010

Commissioner Turner moved and Mr. Grant seconded to approve the minutes of December 16, 2010 as presented. The motion carried unanimously.

AGENDA ITEM #3 CONSENT AGENDA

Commissioner Turner moved and Commissioner Skidmore seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for December 31, 2010 & Grant Activity Status Sheet; Agenda Item #3(c) Executive Summary - 1st Quarter; Agenda Item #3(d) Olde Cypress DRI - NOPC; and Agenda Item #3(e) SWFRPC Budget Amendment FY 10/11 - December 31, 2010.

Councilwoman Simons noted that she was a member of the Estero Bay Agency on Bay Management (ABM) and when she reviewed the Council's financial statement that there seems to be a potential for funding for the ABM. In the past, the Council had made a decision not to fund the ABM, but she feels that it is a valid and important arm of the Council.

Commissioner Mann noted that the Council did take action and requested temporary funding from Lee County, FGCU and SFWMD in the amount of \$2,500 each. Those entities have paid for this year and the ABM is still housed within the Council.

Councilwoman Simons stated that she believes that the ABM has a \$22,000 budget, but she appreciates those entities for their contributions.

The motion passed unanimously.

AGENDA ITEM #4(a)

Lower West Coast Watersheds Implementation Committee Report – Mr. David Crawford & Mr. James Beever

Mr. James Beever of staff reviewed the item as presented. The State's model fertilizer ordinance is not proceeding forward due to the implementation of the recent bill and also the Governor's Executive Order #1. He also reviewed the four goals adopted by the Committee. The Committee will be reviewing HB 239 which prohibits FDEP from enforcing federal water quality standards adopted under new nutrient standards.

Chair Kiester asked which is more restrictive, the federal or state regulations. Mr. Beever explained that currently under the Clean Water Act, the federal government delegated to the State of Florida water quality review, so the only standards that are being applied within the state at this time are state standards.

Chair Kiester asked what happened to legislation that created outstanding Florida Waters OFWs and doesn't it have some specific standards. Mr. Beever explained that the legislation has been in place. At the time that each OFW is designated there is a study done where water quality samples are taken to determine if standards should be in perpetuity from that point forward.

Councilwoman Simons asked how is a water body determined to be impaired or not impaired at the time of designation. Mr. Beever explained that at the time that most of the OFWs within Southwest Florida were designated, the rule didn't exist. So at the time that the OFWs were designated they took whatever the baseline was at the time. Estero Bay's designation baseline was taken when the tributaries for Estero Bay were designated in 1990s, even though they were probably in much better shape in the late 1960s when the bay was designated. There has been a push to try to weaken the baselines, but it hasn't happened so far. Both FDEP and the WMDs have been standing by it and stating that it needs to be what's designated and needs to be where we are moving towards.

Mr. Beever explained that the impaired waters rule is more recent (6 years ago) and we are in year 5 of the cycle. With those standards, what constitutes impaired is related to a large database which has been collected by the state. The database compiles the conditions of the state's water bodies and the ones that are exceeding levels beyond what seems to be normal are the ones that are considered impaired for a variety of different things. A water body can be impaired for a number of different parameters, such as nutrients, metals, fecal coliforms and some water bodies are impaired for multiples of these parameters.

Councilman McKeon asked what the basis was to stop HB 239 from moving forward. Mr. Beever explained that the main reason was because it costs too much to implement federal nutrient standards. He also noted that there was a large contingency that feels the numeric nutrient content is being driven from a federal standpoint has poor data supporting its standards.

AGENDA ITEM #4(b)
SWFRPC Annual Audit FY 2009/2010 - Mr. Jeffrey Tuscan, Tuscan & Company

Mr. Jeffrey Tuscan of Tuscan and Company gave the Council an overview of the Council's annual audit for fiscal year 2009/2010. He reviewed the capital assets and net assets unrestricted – term usually called “reserves”. The Council's unrestricted reserves going into FY 2011 are \$560,000 and the Council's goal is to monitor and continue to build those reserves.

Councilwoman Simons asked if the Council's reserves are in CDs. Mr. Tuscan replied yes.

Commissioner Duffy asked what the difference was between the DRI and DRI monitoring fees. Mr. Trescott of staff explained that the fees are guided by the State's DRI Review Fee Rule when an application is submitted. The monitoring fee is accrued after the project has been approved, there is a requirement for an annual monitoring report which includes a fee of \$250.

Councilman McKeon asked how the assessments are allocated for the jurisdictions. Ms. Janice Yell of staff explained that the assessments are based on 30 cents per capita which is based on the population statistics. Some cities are paid through the county, such as the City of Venice.

Commissioner Duffy asked staff to give an example of an average population for a county. Staff explained that Charlotte County's 2010 population in April was 166,746, with an increase of 965 people according to the last census. With the 30 cents per capita it would average to approximately 1/3 of the population. Most other counties lost population, including Lee County which lost 10,179 people and Sarasota County which lost 5,340 people for a net loss in the region of 17,861 people.

Councilwoman Simons asked if the population is counted twice, the unincorporated municipalities and incorporated municipalities or as an entire county. Mr. Tuscan explained that the population is counted only once because it is based on the federal census. Staff explained that the cities are backed out of the county's total when a city opts to pay their assessment.

Councilman Banks asked if there is any estimate on how fast OPEB is expected to grow next year. Mr. Tuscan explained that the cost of medical is taken into account and most of these are projecting double digit increases. It is projected on who could buy insurance. Projections will be lower as this entity does not pay for retirees, but allow retirees on the plan.

Commissioner Skidmore moved and Commissioner Chapman seconded to approve the SWFRPC's Annual Audit for FY 2009/2010 as presented. Motion carried unanimously.

AGENDA ITEM #4(c)

Appointment to the Peace River Basin Management Advisory Committee - Ms. Liz Donley

Ms. Donley presented this item. She explained that the committee is planning to meet twice a year. Prior representatives were former Charlotte County Commissioner Adam Cummings and Lee County Commissioner Tammy Hall.

**Commissioner Mann moved and Councilwoman Simons seconded to appoint
Commissioner Bigelow to the Peace River Basin Management Advisory Committee as the
SWFRPC's Representative. Motion carried unanimously.**

Ms. Donley stated that she will send notification to Commissioner Bigelow of the appointment.

AGENDA ITEM #4(d)

SWFRPC SRPP Update - Mr. David Crawford

Mr. David Crawford of staff presented this item. He explained that staff has begun the workshop process and creating the TAC committee and scheduling the CAC meetings.

Mr. Heatherington noted that the Council's website is www.swfrpc.org and the Council's regional vision is a separate website <http://www.swflregionalvision.com/> and the reason that it is separate is because staff didn't want it to be a government only process.

AGENDA ITEM #4(e)

Community Collaborative Initiative Issues - Mr. Ken Heatherington

Mr. Heatherington presented this item. The idea with the Community Collaborative Initiative was to discuss what we are working on and what needs coordination and what doesn't. Below lists what is currently being worked on at the RPC.

- 1) Health Planning and Sustainability – next issue of sustainability that we can approach after discussion with the Chair.
- 2) Green Conference & Expos – discussion with regional coordinators on sustainability and they agreed need cooperation and coordination. Perhaps move around county and region. Didn't make sense to have underfunded, under attended conferences.
- 3) Climate Prosperity – Southwest Florida Region was designated as one of the only Climate Prosperity regions in the country in 2008 by Dr. Weiss. Staff has had a discussion with Dr. Weiss recently and there is a possibility of traveling to Brazil in mid-May on behalf of the RPC paid for by Department of State.
- 4) Agriculture and Food System Planning.

- 5) Statewide Broadband Invitation – have federal grant approved, but it is being held up by Governor's Office. All 11 RPCs will participate.
- 6) Multi- Region Energy Plan – have proposal by National Association of Regional Councils (NARC), which includes the Tampa Bay RPC and the Southwest Florida RPC in compiling a model energy plan for the State of Florida. This effort would include bringing together numerous stakeholders, including Progress Energy, Duke Energy, FPL, etc.
- 7) Regional Transportation Public Private Partnership Alliance – there is a need for further collaboration on a number of issues and how those issues will be accomplished.
- 8) Babcock Steering Committee and Conservation Blueprint – Staff is working with the Charlotte Harbor National Estuary Program (CHNEP) in advancing the work of both the steering committee and conservation blueprint. Mr. Beever of staff explained that this was an ongoing effort over the past three years to develop a conservation blueprint for the region which would show interconnection of different conservation lands. Areas then could be worked out through various means such as conservation easements and other methods of interconnecting all of the landscapes that are within Southwest Florida. This initiative has resulted in a study with a report (blueprint) which is being utilized by the Fish & Wildlife Commission in a pilot project to look at the linkages within Southwest Florida, among the linkages is between Myakka State Park Preserve system and Babcock Ranch system. The effort has been scientifically vetted. The Council has contributed significantly throughout the process with its GIS database and its local knowledge with regards to wildlife issues. Staff has met with state agencies several times and working with number of interested ranchers about setting up a conservation easement, where they would be continuing their ranching and agricultural activities at the same time providing a landscape that would support the wildlife that is present in those areas. Staff noted that FWC has information on their website on this effort.

Mr. Heatherington asked how the national refuge north of Lake Okeechobee fits into this initiative. It was explained that it was a relatively new concept that was announced by the federal government. It includes establishing a new national wildlife refuge along Kississimmee River watershed located north of Lake Okeechobee. The federal government has also been working in this area with agricultural landscape people who are interested in trying to maintain the agricultural landscape and provide water quality protection.

Commissioner Coletta requested to discuss the current master plans and public access issue in Collier County because it has become a real concern. There is an ongoing project in Collier County where a consortium is trying to purchase private land and turn it into panther preserve, which in turn will limit public access. Mr. Beever explained he was familiar with several issues going on in Collier County. He was one of the people who helped establish the first Rural Land Stewardship program in Collier County. He was assigned by the Fish and Wildlife Commission at that time to assist with the process to set up the rural land and rural fringe stewardship programs. He has heard about the proposals to modify that which is being worked on by the landowners and also about the proposed expansions, but it looks like that modification to the Rural Land Stewardship seems to be what is moving forward. Commissioner Coletta explained that the consortium issue is a separate effort from the Rural Land Stewardship Program and asked that any information with respect to this

issue be sent to the Collier County BOCC. Mr. Beever suggested that Collier County BOCC contact the Director of the USF&WS in regards to the issue.

AGENDA ITEM #5(a)
Hendry County's Economic Strategy and Land Use Plan Presentations

Commissioner Tristan Chapman gave presentation on Hendry County.

Dr. Fritz Roka, UF-IFAS in Immokalee gave a presentation on the agriculture industry of Southwest Florida.

Ms. Judi Kennington-Korf, Hendry County Administrator explained that Hendry County had entered into an agreement with most of the counties within Southwest Florida for commercial agriculture assistance and as a result, Hendry County Cooperative Extension Office and their commercial Ag agents assist other counties (Charlotte, Lee, Collier, Glades or Hendry) to benefit from the program. She explained that Hendry County is home to several threatened and endangered species. In 2008, RWA was engaged to work on Hendry County's long-term growth management out to 2040. The focus was primarily on rural and agriculture lands, and thus the Rural and Agriculture Lands Study was born. An eleven member committee was appointed by the Hendry County BOCC. The purpose of the study is to maintain the long-term viability of agriculture. The study identifies areas that will preserve environmentally sensitive areas while it will also allow large land owners to be able to use their land more wisely.

Mr. Roger Harrison, Hendry County Economic Development Director announced that Hendry County currently has eleven open prospects. He noted that recently a strategic planning session was held and even though the Hendry County EDC is tasked with economic development it also does a lot of community development by making Hendry County a better place to "live, work and play". The EDC decided to focus in four areas: business retention, business expansion, new business recruitment, and tourism. He then gave an overview of various projects throughout Hendry County.

Mr. Flood stated noted that the SFWMD just recently went out for bid seeking proposals from ranchers to store water on their lands which would also help the issue of the SFWMD purchasing private land and taking it off the local government's tax rolls.

Chair Kiester introduced Matt Spielman of Congressman Mack's office.

AGENDA ITEM #5(b)
Legislative Summary Report - Mr. Dave Hutchinson

Mr. David Hutchinson of staff reviewed the item as contained within the agenda packet. He also gave an overview of the FRCA meeting in Tallahassee. He noted that the following items will be addressed: Medicaid Reform, Pensions, Prison Privatization, Education (expanded voucher models and teacher tenure and some of the elements that were included in last year's SB6 which was vetoed), TABOR, and Litigation Reform (at a minimum in the context of Medicaid). It was

suggested by Councilwoman Heitmann for the board to take an active role in lobbying for the RPC issues and not just the local issues.

It was announced that February 7 -9 are the Capitol Days sponsored by the Florida Chamber. The Florida Association of Counties is March 23-24.

Commissioner Coletta suggested that approximately six or more should try to go to Tallahassee in March because he feels that it would be more effective.

Mr. Heatherington explained that staff will be going to a luncheon with the Chair immediately following the board meeting to discuss the Council's Committee structure and for the Legislative Committee there was a brief discussion of asking Commissioner Coletta, Mr. Grant, Commissioner Mann, and Commissioner Turner to serve on the committee. He then stated that he will have Mr. Hutchinson contact each of the Committee members to discuss the mission of the committee.

Commissioner Duffy brought up the issue of Sunshine when members travel together to Tallahassee. Counsel Donley explained that it would have to be noticed properly in order not to be in violation of the Sunshine Laws.

Commissioner Skidmore explained that Janette S. Knowlton, County Attorney of Charlotte County Attorney's Office has advised that Commissioners not travel as a group. Counsel Donley stated that she will research the Attorney General's Office website and see if there are any unofficial opinions regarding the issue. Commissioner Skidmore stated that he would have Charlotte County attorney send wording to Ms. Donley.

Chair Kiester asked that the RPC members be copied on the Sunshine correspondence.

Chair Kiester noted that another committee that will be under discussion will be the Council's Budget Committee. He explained that he has reviewed the Council's rules and apparently all of the current committees cease and desist with the election of a new Chair. One of the more meaningful committees will be the Budget Committee and where as it didn't occur before he feels that the current Treasurer should be Chair of the Budget Committee as opposed to a volunteer.

AGENDA ITEM #6 DIRECTOR'S COMMENTS

The Executive Director announced that the Gulf Citrus Ball is scheduled for April 6 at the LaBelle Civic Center.

AGENDA ITEM #7
STATE AGENCIES COMMENTS/REPORTS

SFWMD – Mr. Flood noted that there continues to be in a rainfall deficit and asked that everyone continue to be cognizant of water usage.

FDEP – Mr. Iglehart announced that a new FDEP Secretary has been approved by the Governor and Cabinet and his first order of business was to seek and obtain approval for the Snook Bight Marina on Fort Myers Beach.

SWFWMD – Ms. Davies noted that SWFWMD's Regional Water Supply Plan update has been completed and will go before the Governing Board for approval. However, due to the recent changes in Tallahassee and potential changes to the Growth Management Act, staff is recommending that the Governing Board hold off on approval till December 2011.

AGENDA ITEM #8
COUNCIL ATTORNEY'S COMMENTS

Counsel Donley noted that the Lee County MPO Staff Services Agreement was approved by FDOT; however, staff is waiting for FHWA's comments.

AGENDA ITEM #9
COUNCILMEMBERS' COMMENTS

Commissioner Butch Jones announced that there will be three festivals held in Glades County during February: Ortona Cane Grinding, Sour Orange and the Brighton Rodeo.

Commissioner Mason announced that Sarasota County is partnering with Sarasota's Suncoast Partnership (Homeless) to conduct a 10 year plan.

Commissioner Skidmore announced that Charlotte County has a new airline, so now there are three airlines at the Charlotte County Airport – Allegiant, Direct and Vision.

Commissioner Duffy announced that she had visited a development in Tallahassee with green space and a playground and it was very well designed.

Mr. Heatherington noted that he had lunch with Senator Mike Bennett and the Senator was optimistic that there will be continued funding for the Department of Community Affairs to some degree.

Commissioner Turner announced that the annual Swamp Cabbage Festival in LaBelle.

**AGENDA ITEM #10
ADJOURN**

The meeting adjourned at 11:38 a.m.

Councilwoman Teresa Heitmann, Secretary

The meeting was duly advertised in the January 7, 2011 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 37, Number 01.