

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

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **February 21, 2008** at the Southwest Florida Regional Planning Council at 1926 Victoria Avenue in Fort Myers, Florida. The meeting was called to order at **9:07 am** by **Chairman Andrea Messina**. **Commissioner Kenneth Jones** led the Prayer and **Commissioner Jim Coletta** led 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, Council member Marilyn Smith-Mooney, Mr. Alan LeBeau

**Collier County:** Commissioner Jim Coletta, Commissioner Frank Halas, Ms. Patricia Carroll

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

**Hendry County:** Commissioner Janet Taylor, Mayor Paul Puletti, Mr. Melvin Karau

**Lee County:** Commissioner Brian Bigelow, Commissioner Bob Janes, Vice Mayor Larry Kiker, Mayor Mick Denham, Mayor Jay Arend, Mayor Jim Humphrey, Mayor Eric Feichthaler

**Sarasota County:** Commissioner Jon Thaxton for Commissioner Shannon Staub, Commissioner Jim Blucher, Mr. David Farley

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

**MEMBERS ABSENT**

**Charlotte County:** None

**Collier County:** Councilman Charles Kiester, Ms. Laura Holquist, Councilman Bill Willkomm

**Glades County:** Councilman Michael Brantley

**Hendry County:** Commissioner Bill Maddox, Mayor Mali Chamness

**Lee County:** None

**Sarasota County:** Commissioner Paul Mercier, Councilman Ernie Zavodnyik, Mr. George Mazzarantani

**Ex-Officio Membership:** Ms. Janet Watermeier - Watermeier Consulting & Property Services

### **INTRODUCTIONS OF NEW MEMBERS**

Chairman Messina introduced Commissioner Bob Janes, Lee County BOCC as the Council's newest member.

#### **AGENDA ITEM #1 AGENDA**

Chairman Messina noted that Consent Agenda Item #3(g) Harborview Substantial Deviation - Request for Sufficiency Response Extension was a walk-on item; however it was included in your agenda packets. Also, due to time constraints it has been requested that Agenda Items #6(a) and 6(b) be moved up to before Agenda Item #5(a).

**Mayor Humphrey moved and Commissioner Moore seconded to approve the agenda as amended. The motion carried unanimously.**

#### **AGENDA ITEM #2 MINUTES OF JANUARY 17, 2008**

Commissioner Janes moved and Mr. Farley seconded to approve the minutes of January 21, 2008. The motion carried unanimously.

#### **AGENDA ITEM #3 CONSENT AGENDA**

**Mayor Humphrey moved and Commissioner Moore seconded to approve the consent agenda as amended: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for January 31, 2008; Agenda Item #3(c) Palmer Ranch Increment III NOPC - Lowes Home Improvement; Agenda Item #3(d) Sarasota County Comprehensive Plan Amendment (DCA 08-1); Agenda Item #3(e) City of Fort Myers Comprehensive Plan Amendment Airside Plaza DRI (DCA 08-1D); Agenda Item #3(f) Tradeport DRI - Request for Sufficiency Response Extension; and #3(g) Harborview Substantial Deviation Request for Sufficiency Response Extension. The motion carried unanimously.**

#### **AGENDA ITEM #4(a) Executive Committee Report - Chairman Andrea Messina**

Chairman Messina gave the Executive Committee report.

**Commissioner Janes moved and Mr. Farley seconded to approve the job description as presented. The motion carried unanimously.**

Chairman Messina asked the Council to give the Executive Committee the authority to enter into the contract with Mr. Heatherington.

Ms. Donley reviewed the Executive Director's contract as per the direction of the Executive Committee.

Commissioner Janes asked if the contract is comparable with other similar positions throughout the state. Chairman Messina explained that one of the items is a comparable salary study. However, the committee reviewed his previous salary and went with a percentage increase.

Chairman Messina explained that the committee discussed the issue of a percentage salary increase and cap and felt that since the cost of living (COLA) increase was eliminated, that future salary changes would be based on a performance appraisal based system that Mr. Heatherington would receive a certain percentage based on his performance.

Chairman Messina explained that the committee would not even expect a 10% pay increase in most years because the committee would want to look at the economic situation as well as the other employee compensations within the organization.

Commissioner Blucher reminded the members that the COLA automatic increase was removed and is based on performance 0-10%.

**Council member Smith-Mooney moved and Mayor Feichthaler seconded to give the Executive Committee the authority to enter into the contract.**

Commissioner Bigelow asked if members of the Council would be able to discuss issues of the job description and the Executive Director's contract at the time of the annual review with members of the Executive Committee without violating the Sunshine Laws. Ms. Donley explained that he is welcome to attend the Executive Committee meeting when they discuss the Executive Director's annual review in either September or October.

Chairman Messina stated that any Council member can go on record at any time making comments by either written or oral.

Commissioner Blucher suggested asking Council members for feedback that at the time of appraisal.

**The motion carried unanimously.**

**AGENDA ITEM #4(b)  
2008 Strategic Plan - Connecting the Regions - Mr. Ken Heatherington**

Mr. Heatherington explained that he has arranged presentations for the following months:

- March – Mr. Bill Hammond – Connecting with Nature
- April – Impact of Agriculture on Southwest Florida
- May – Celebration of Southwest Florida Native American Culture

Mr. Heatherington asked for volunteers for a steering committee since Collier, Glades, and Hendry Counties have great impacts. The school boards, the Chamber of Southwest Florida, Hodges University, FGCU and ECC are willing to participate as well.

Commissioner Coletta stated that he is very interested in participating, but the problem that he sees is that you can only have one representative from each county; otherwise, there will be the violation with the Sunshine Law. He suggested that a breakdown be sent by email and he would like to give Commissioner Halas a chance to respond.

Mr. Heatherington stated that there would be a legislative wrap-up also in May. He has had discussions with Representative Richter and Senator Saunders regarding their attendance.

- June – Continuation of the May Legislative Wrap-Up & Regional Visioning
- July – 2008 Council Retreat at the Babcock Wilderness Lodge w/Eco Tour
- August – Energy for the Future which includes the Green Energy
- September – Green Technology/Building
- October – Regional & Metropolitan Coordinating Conference in Sebring
- November – Regional Transportation Needs

Dr. Elkowitz stated that since the Council will be having a heritage month for Native Americans, when would the other minorities (blacks, Hispanics, etc.) be highlighted. Mr. Heatherington explained that during his discussions with Ms. Williams at Hodges University, it was agreed that there is a need to celebrate all communities. He explained that this will be a topic of discussion in the future.

Mr. Heatherington reviewed the item as presented in the packet.

Commissioner Thaxton stated that he has attended the “One Bay” meetings in Tampa and noted that one of the most important issues that need to be looked at carefully is the finances to cover the increase of population. Mr. Heatherington stated that he agreed with Commissioner Thaxton.

Mayor Denham stated that he has had discussions with many people recently predicting that we are at the beginning of a 7 year drought period. Conservation is the means by which we currently tackle the drought issue, but that may not be enough if you look at any plans for 5-10 years and the water quantity is going to be a major issue for the Southwest Florida Region.

Mr. Heatherington explained that water has been identified as being one of the infrastructure issues and that it is up to the RPCs as to decide what number of issues you will address, water certainly being one of them. In the short term, 7 to 10 years may be important to address our water supply issue and, in the long term, we may also address climate change and the fact that we may lose parts of the coastline in the next 50 years.

Commissioner Bigelow stated that “we are on the road to ruin.” We keep approving large communities such Ave Maria and Babcock and Estero Bay is nearly dead. We need to be more educated on urban sprawl and feels that Commissioner Thaxton has said it best “what are we going to do with the people that keep coming.”

Commissioner Cummings stated that there have been three issues brought up that we need to proceed with:

- ❖ **Water** – One of the waterways that we need to keep our eyes on is the Peace River and Myakka River portion of the Charlotte Harbor basin. Looking at the long term plans for the water management district and the water supply authority, there are over \$1 billion worth of projects and going from roughly 25 million gallons per day annual average withdrawals to approximately 100 million gallons per day annual average withdrawals. Even at the current withdrawals (25 million gallons) we are getting rid of what had been held out as environmental protection for the withdrawals, 10% was the magic number. It is presently at 12% and the cutoff had been 100 cubic feet per second. The cutoff now is 90 cubic feet per second and the reason is because if you get down to 86 cubic feet per second you start sucking too much saltwater into the intake structure and the plant can’t treat it. It is not an environmental protection but an operational limitation.
- ❖ **Vision** – One of the big concerns he had with this is that when this was brought up before the community was handed the growth projections and the comprehensive plans were never reviewed. We do have the Growth Management Act and laws that we are required to follow. We need to look at visioning within the context of that and what tools do we have; look at the economics of it; the growth management tools that we pick to try to steer that growth in a more cost effective manner as in not doing urban sprawl; and making better use of the infrastructure that is already in place.
- ❖ **Budget** – We need to find out what is the most cost effective way to meet the needs of our community without taxing people out of their homes, which means looking at new taxing structures.

#### **AGENDA ITEM #4(c)**

#### **FRCA Policy Board Meeting Update – Mayor Jim Humphrey, FRCA 2<sup>nd</sup> Vice President**

Mayor Humphrey gave a report on the FRCA Policy Board meeting. He explained that one of the discussions was a major change to Section 186.507 F.S. which if adopted each RPC may prepare and adopt a Strategic Regional Policy Plan that will be based on and contain future regional elements. The criteria includes three public hearings and a stakeholder workshop with the various agencies because, once adopted, the other agencies will be required to not only support it but will be required to have their plans consistent with and support the implementation of the regional vision.

Chairman Messina stated that she has asked Mr. Heatherington to either send links via email of the legislation and the Century Commission so the members will have the information to review.

Mr. Heatherington stated that Cambridge Systematics is the statewide consultant for FDOT and they are involved, in part, in the Heartland 2060 Plan and MyRegion.Org, etc. Mr. Heatherington stated that he would ask that if this Council decides to move forward with its vision that FDOT look into the opportunity of having Cambridge Systematics provide consulting services to this region as well. Mr. Limbaugh stated that at the Tallahassee level, FDOT has funds set aside for assisting with regional visions so there are some opportunities, if there is a proposal set forth, FDOT can participate at some level.

**AGENDA ITEM #4(d)**  
**Appointment of a SWFRPC Representative to the CHNEP Policy Committee - Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

Mayor Feichthaler volunteered to represent the Council as its representative on the CHNEP's Policy Committee.

**AGENDA ITEM #6(a)**  
**SFWMD Northern Everglades Project Presentation - Ms. Agnes Ramsey, SFWMD**

Ms. Ramsey gave a PowerPoint presentation on the Northern Everglades project.

Mayor Denham asked if there is going to be a water quality component to the C-43 reservoir. Ms. Ramsey explained that the C-43 water quality project is separate from that particular program. Mayor Denham stated that before the water from the C-43 is discharged into the Caloosahatchee River there will be a means of cleansing that water. Ms. Ramsey explained that the water will be clean before it reaches the estuary.

Mayor Denham stated that the C-43 reservoir is primarily to protect the estuary and the estuary communities and asked but what are the benefits for Glades County.

Commissioner Jones explained that Glades County didn't have any input on the \$38 million deal because it was already a done deal. The three most developable parcels of land within Glades County were the three parcels where the reservoirs are (Ortona, Lakeport, and Buckhead Ridge). At the county's budget workshop last year, they had to cut approximately \$1 million out of an already small budget and now, in addition to that, due to the Governor's amendment, we have to cut an additional \$532,000 are faced with the prospect of layoffs; deputies, EMS, county employees, etc. because we have simply ran out of money and we are not that far from becoming a welfare county.

Mr. LeBeau asked what is the percentage of land is owned by government entities (SFWMD, Corps of Engineers, State, etc.) in Glades County. Commissioner Jones replied that Commissioner Beck has those figures. Mr. LeBeau stated that he would like to know how much land is owned by government entities in each of the counties throughout Southwest Florida.

Commissioner Beck explained that the amount of property that the SFWMD owns in Glades County is 8,200 acres, not including the 1,900 acres that was recently purchased; however, there are other government agencies that own property throughout the county.

Commissioner Beck explained that Glades County's total ad valorem collected this year is going to be approximately \$7,800,000 and that this year, with the amendment that was passed in January; we are losing another \$532,000 which is 6.8% of their total ad valorem.

Commissioner Bigelow asked Ms. Ramsey what is the percentage of the water coming out of the outfalls from C-43 on an annual basis. Ms. Ramsey replied in a year like this year not enough, but at a maximum it reaches 12,500 cubic feet per second (cfs) but she doesn't know the percentage. Commissioner Bigelow stated that he believes that it is roughly 52% of the waters that the SFWMD manages that are discharged out of Lake Okeechobee.

#### **AGENDA ITEM #6(b)**

#### **SWFRPC Resolution #2008-01 - Regarding Land Procurement in Glades County by the SFWMD and the US Corps of Engineers - Mr. Ken Heatherington**

Mr. Heatherington reviewed the resolution.

Commissioner Cummings stated that he believes that one of the things that we need to pay attention to is that we don't start comparing "apples to oranges;" because it depends on the develop ability of the lands surrounding the land being purchased and set aside. There is evidence that the value of surrounding land increases most of the time by more than the decrease you receive by purchasing a piece of the preserved land and setting it aside and taking it off of the tax roles. It would be self-evident that Glades and/or Hendry County where they don't have the same development potential that rule would not apply. But in a place like Charlotte County, it has been shown time and time again that acquiring preserved land increases your tax base it. He then stated that he wouldn't want to dampen the enthusiasm for land acquisition in places like Charlotte County.

Commissioner Cummings stated that he supports the resolution and feels that it applies to the areas in question but feels that it doesn't apply universally; particularly in places close to the coast that have development potential.

Commissioner Beck stated that he appreciates the Council's support and realizes that it is a regional issue and not just a Glades County issue.

**Commissioner Beck moved and Commissioner Taylor seconded to approve SWFRPC Resolution #2008-01. The motion carried unanimously.**

#### **AGENDA ITEM #5(c)**

#### **Legislative Subcommittee Report - Commissioner Jim Coletta**

Commissioner Coletta reviewed the item as presented. He also introduced the following guests:

- Mr. Dick Keen, Senator Mel Martinez's Aide - Naples Office
- Ms. Diane McGee, Regional Director for US Senator Bill Nelson

**Commissioner Coletta moved and Commissioner Blucher seconded to approve the SWFRPC 2008 Legislative Position Statement. The motion carried unanimously.**

**AGENDA ITEM #5(a)**

**The Chamber of Southwest Florida and The SW Florida Leadership Foundation Presentation - Mr. Steve Tirey, President/CEO, The Chamber of Southwest Florida**

Mr. Tirey indicated that due to time schedules that the two guests that were scheduled were unable to stay and he suggested that the Council have time on their agenda specifically set aside for speakers and requested that both speakers be able to reschedule to return at a future meeting to give their presentations. He then gave a brief verbal presentation of the Chamber of Southwest Florida and the Southwest Florida Leadership Foundation as described in the agenda packet and available handouts.

Chairman Messina stated to Mr. Tirey to extend the Council's apologies to the speakers.

**AGENDA ITEM #5(b)**

**Lower West Coast Watersheds Subcommittee Report - Mayor Mick Denham**

Mayor Denham gave a status report on the subcommittee's efforts.

Ms. Donley explained that staff is in the process of applying for DEP's Section 319 grant and RPC staff will be working with CHNEP technical staff to make sure that we get all the science correct and then staff will be consulting with city/county staff to make sure that all of the details are correct. The grant is due to Tallahassee at the end of May.

Both Chairman Messina and Mr. Heatherington thanked Mayor Denham for his efforts with the subcommittee.

**AGENDA ITEM #5(d)**

**Legislative Update - Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented. He also thanked both Mr. Keen and Ms. McGee for their attendance today and encouraged the members to stay after the meeting and participate in the meeting immediately following the meeting with Mr. Keen and Ms. McGee.

Mayor Arend explained that there will be several lobbying opportunities for those who will be in Tallahassee.

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

Ms. Corbett gave a review of the SWFRPC Green Team as contained in the agenda packet. She then approached the members with a proposal of sending out the member's agenda packets via email instead of through the mail to cut back on cost of shipping and paper.

Chairman Messina asked if staff would provide power supply for the members to bring in laptops. Ms. Corbett explained that members would be able to print out only the specific pages from the agenda that they would need instead of the complete agenda packet it would save paper and staff costs. She explained that she would compile a proposal that would list the actual costs per year and submit at the March meeting for the Council's consideration.

Commissioner Thaxton stated that he was ready to begin with the electronic agenda packets.

Chairman Messina stated that she believes that some members will want to bring in their laptops and that there will be need to be adequate power supplies. Ms. Corbett suggested also projecting the agenda packet's pages up on the projection screen and going through the packet as the meeting proceeds.

Commissioner Cummings stated that the difference between having either a laptop or a paper copy per just having it projected up on a screen is being able to look at different pages from what is currently being discussed; however, he supports the electronic version.

Mr. Heatherington suggested polling the members and asking what their preference is with an explanation of what the Council is proposing.

Mr. Heatherington continued reviewing the items contained in the packet.

**AGENDA ITEM #7**  
**PUBLIC COMMENTS**

No public comments were made at this time.

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

Mr. Heatherington invited members to have a brief discussion with both Mr. Keen and Ms. McGee in the 2<sup>nd</sup> floor meeting room on transportation funding.

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

No State agency comments or reports were made at this time.

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

Counsel Donley had no comments at this time.

**AGENDA ITEM #11  
COUNCIL MEMBERS' COMMENTS**

Ms. Carroll thanked all of the cities and counties who had worked with the school districts on the Public School Element within their comprehensive plans which are due in March.

Council member Smith-Mooney suggested adding the Charlotte County Airports commercial flight information in the Economic Views newsletter.

**AGENDA ITEM #13  
ADJOURN**

The meeting adjourned at 12:20 pm.

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Commissioner Paul Beck, Secretary

The meeting was duly advertised in the February 1, 2008 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 34, Number 05.