

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
FEBRUARY 17, 2011**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **February 17, 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 **9:00 a.m.** **Commissioner Carolyn Mason** led an invocation and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Tricia Duffy, Councilwoman Rachel Keesling, Mr. Michael Grant

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

Glades County: Ms. Shannon Hall

Hendry County: Commissioner Karson Turner, Commissioner Joseph Miller, Mr. Melvin Karau

Lee County: Commissioner Frank Mann, Councilman Mick Denham, Mayor John Sullivan, Commissioner Brian Bigelow, Councilman Tom Babcock

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

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

MEMBERS ABSENT

Charlotte County: Commissioner Robert Skidmore, Ms. Andrea Messina

Collier County: Mr. Bob Mulhere

Glades County: Commissioner Paul Beck, Commissioner Kenneth "Butch" Jones, Councilwoman Pat Lucas

Hendry County: Commissioner Tristan Chapman, Commissioner Daniel Akin

Lee County: Councilman Forrest Banks, Councilwoman Martha Simons, Ms. Laura Holquist, Mr. Paul Pass

Sarasota County: Mr. George Mazzarantani

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

INTRODUCTION OF NEW MEMBERS

Chair Kiester introduced the following new member:

- Commissioner Joseph Miller, City of Clewiston

PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #1 AGENDA

The following changes were made to the agenda:

- Consent Agenda Item #3(d) SWFRPC 2011 Committee Structure was pulled from the consent agenda and placed under Administrative Issues as Agenda Item #4(a.a.) for discussion.
- Legal Counsel Donley requested that Agenda Item #4(a) Appointment to the Estero Bay ABM Committee be deferred until the April Council meeting.
- Moved Agenda Item #5(a) The Impact of Multiple Freezes on Agriculture up to become the new Agenda Item #4(a) under Administrative Issues.
- US Senator Nelson's Legislative Aide, Ms. Diana McGee, presented a video from Senator Nelson regarding the high speed rail issue.

Ms. Carroll moved and Mayor Sullivan seconded to approve the agenda as amended. The motion carried unanimously.

AGENDA ITEM #2 MINUTES OF JANUARY 20, 2011

Commissioner Turner moved and Commissioner Mason seconded to approve the minutes of January 20, 2011 as presented. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Commissioner Turner moved and Commissioner Mason seconded to approve the balance of the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for January 31, 2011 & Grant Activity Status Sheet; and Agenda Item #3(c) Member Appointments and Certification for the Glades & Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged. The motion carried unanimously.

**AGENDA ITEM #4 (a.a.)
SWFRPC 2011 COMMITTEE STRUCTURE**

Chair Kiester explained that he pulled this item from the consent agenda for discussion. He explained that after reviewing the Council's committees and rules he realized that there were some committees that were established in the 90's and haven't met in a number of years. He feels that the Council needs a Budget and Finance Committee which has the mission of overseeing the Council's finances. Also, he feels that the current treasurer of the Council should be the Chair of that committee. He then recommended that any committee that is formed under the Council has a balance of membership, such as having a representative from a county, city and governor appointee at a minimum. He explained that the committees are open to all members who wish to participate.

The Executive Committee consists of the officers of the Council (Chair, Vice Chair, Secretary and Treasurer). The Nominating Committee is set by the Council's Rule.

Chair Kiester then explained that the Legislative Affairs Committee was the second committee which he felt needed to be established. He thanked those members who have participated on committees in the past for their participation.

Memberships for the committees will be posted on the Council's website at www.swfrpc.org.

Chair Kiester then opened it up for discussion and/or if the Council wished to re-established a committee that was dissolved.

Commissioner Bigelow questioned the Estero Bay Agency on Bay Management (ABM) membership and why there isn't a Lee County elected official representative on the ABM, while there are representatives from the City of Bonita Springs and Town of Fort Myers Beach. Mr. James Beever of staff explained that Lee County is a full member of the ABM, which county staff has been participating to represent the county. Mr. Paul O'Connor, Lee County's Planning Director has been elected the ABM's 2011 Chair. Several other county departments are also represented, including the 2020 Land Acquisition Program and recreation section. However, if an elected official would like to attend the ABM, they would be welcome.

Commissioner Bigelow asked if there is a requirement for the amount of members on the ABM. Mr. Beever explained that there isn't a requirement the number of members, the process for initial establishment was listed within the settlement agreement which listed the initial membership and then the ABM can add members after they request to participate. A member has to show that they have representation or jurisdiction within the Estero Bay watershed and then there is an attempt by the ABM to balance membership.

Councilwoman Heitmann expressed her concern of the dissolution of the Lower West Coast Watersheds Implementation Committee (LWCWIC) because the Committee was very productive and there were still some issues that need to be followed up on. Mr. Heatherington explained that he had asked staff to continue efforts through both the ABM and Legislative Affairs Committees which have some funding behind them. He noted that the LWCWIC was an unfunded mandate, so it was funded through the local assessments or other funds that were available.

Commissioner Mann asked for clarification that the mission of the LWCWIC will be met through either the ABM or the Legislative Affairs Committees. Mr. Heatherington replied yes. Mr. Beever explained that the materials that have been worked with in regards to these issues have been reported to the Legislative Affairs Committee and to the extent that if the issue affects the Estero Bay watershed it will also be brought before the ABM.

Chair Kiester stated that he feels comfortable that as long as the Council is kept up-to-date on what the ABM is doing and even not doing then he is ready to move forward and ask that the Council approve the Council's 2011 Committees (Budget & Finance, Legislative Affairs, Executive Offices, Nominating and ABM).

Commissioner Bigelow requested to hear from the former Chair of the LWCWIC, Councilman Mick Denham. Councilman Denham stated that if the Council deemed that the LWCWIC wasn't necessary anymore then he will accept it. But in his opinion, the water issues in the region cannot move forward without a committee to follow and track those issues, because he feels it will be very difficult. The LWCWIC had been very effective due to its membership and their support.

Commissioner Bigelow suggested not dissolving the LWCWIC, but to put the committee on a year hiatus until funding is found for the committee. Chair Kiester stated that if it is the consensus of the Council to keep the LWCWIC, then we are going to at least take a look at its representatives to see which members of the Council would still be willing to serve on the committee.

Commissioner Mann stated that there isn't any city within Southwest Florida that pays closer attention to what is going on to our coastal waters than the City of Sanibel. There is also the Sanibel-Captiva Conservation Foundation who also wants the water issues addressed. He also noted that all five Lee County Commissioners are very sensitive to area waters as is both FDEP and SFWMD.

Councilman Denham noted that over the past six years the LWCWIC put forth over five resolutions which then became ordinances to a number of communities which was the basis for a number of the fertilizer ordinances throughout the State of Florida. He noted that the Committee also had to do with the abandoning of the private sewage treatment facilities throughout Southwest

Florida. It was also very instrumental in the work towards septic system ordinances which are now at the state level. The committee was very active in the Stormwater Rule which is now a statewide issue. The continuing work to make from a legislative viewpoint is to make some of these things happen.

Commissioner Mann asked how the LWCWIC is an unfunded mandate. Mr. Heatherington explained that each staff member that is assigned to that committee has to have a funding supply to charge their time to and the local assessments are usually charged unless it is related to an ongoing grant or contract. Commissioner Mann asked how the LWCWIC has been funded for the past six years. Mr. Heatherington explained that it has been funded through local assessments. Commissioner Mann asked how much does it cost to run the committee.

Councilman McKeon noted that the City of Venice is currently doing the same thing by streamlining some of their committees, but they have also asked their staff to conduct an analysis of the cost versus benefit. Mr. Heatherington directed staff to conduct a cost analysis of the LWCWIC. Councilman McKeon recommended to the Council to reconsider dissolving the LWCWIC.

Commissioner Bigelow stated that since this seems to be linked to the ABM, why doesn't this issue be tabled until when the Council discusses the ABM issue in April so that staff will have the cost analysis done. Chair Kiester explained that the way he sees it, if and when the Council needs a committee is when it is established, that does not preclude sitting down in March or April and come up with another committee based on the consensus of the Council.

Chair Kiester explained that what he is currently requesting from the Council is to receive input on the committees and also approve the five committees as he has proposed with the principals such as having the Chair of the Budget and Finance Committee be the Treasurer and that the Council try to seek a balance of membership (county, city and governor appointee representatives) on all committees to the extent that we can.

Mr. Grant moved and Commissioner Tom Jones seconded approve the five committees as proposed (Budget and Finance, Executive, Legislative Affairs, Nominating and ABM) with the principals such as having the Chair of the Budget and Finance Committee be the Treasurer and that the Council try to seek a balance of membership (county, city and governor appointee representatives) on all committees.

Councilman McKeon asked if the motion included the dissolution of the LWCWIC and all of the other committees. Chair Kiester replied that in accordance to the Council's rules that happens automatically with the changeover of the officers.

Mr. Flood noted that the ABM doesn't address regional water quality issues. The ABM is very focused in its membership and its boundaries cover only the Estero Bay watershed.

Mr. Babcock explained that he sits on both the LWCWIC and also the ABM as the Council's representative. The LWCWIC had evolved beyond what the ABM does and there was strong participation from other agencies on the LWCWIC.

Mr. Grant called to question. The question passed.

The motion carried with two opposed.

Councilman McKeon stated that since the ABM is apparently funded at this point, is there a potential marriage of the two committees (ABM and LWCWIC). Mr. Heatherington explained that the ABM hasn't been funded in the past, Lee County, SFWMD and FGCU because of the settlement agreement had agreed only this year to pay towards the ABM. Staff had gone to each of the agencies and stated that either we are going to re-visit the settlement agreement and have it dissolved or think about funding part of the ABM. The ABM is tied specifically to the settlement agreement. He then stated that he agrees with the SFWMD that we do need a regional water quality/quantity committee.

Councilwoman Heitmann moved and Councilman McKeon seconded to re-establish the Lower West Coast Watersheds Implementation Committee and also have the committee's structure, membership and Chair be determined between now and the Council's March meeting.

Commissioner Mann noted that in accordance with the ABM's settlement agreement it is strictly a Lee County focus, so the two committees cannot be combined.

Ms. Davies stated that if the LWCWIC was re-established that she would be willing to serve on the committee.

Councilman McKeon stated that he would like to research funding sources for the LWCWIC such as through the Gulf Coast Community Foundation.

The motion carried unanimously.

**AGENDA ITEM #4(a) (formerly Agenda Item #5(a))
The Impact of Multiple Freezes on Agriculture – Mr. Robert Halman, Collier County
Agricultural Extension Services**

Mr. Robert Halman of the Collier County Agricultural Extension Services gave a PowerPoint presentation on the impact of multiple freezes on agriculture throughout the region.

Commissioner Coletta asked what the long-term effects with the citrus crops are. What are going to be the outcome and also is there any action that the Council can take to help. Mr. Halman explained that he had spoken to Dr. Fritz Roka at IFAS in Immokalee and in agriculture you have to deal with the weather and disease and things to that nature. The University is working on citrus greening and the other citrus diseases and many of the producers are adapting some of their growing practices to help with that.

Mr. Karau noted that there are many abandoned groves which are probably carrying diseases over to healthy groves. It was mentioned that the USDA has stated that they will come in and remove

the abandoned groves at no charge to the landowner and then they are pulverizing the material and removing it for ethanol production.

Mr. Halman stated that growers are being very careful about all of the diseases that are out there; however, if there is property adjacent that is not being compliant then citrus greening is carried by a vector and they can fly right over to a healthy grove.

Ms. Davies noted that in the northern portion of the region the growers use water to protect the crops from freezes and asked if the same method is used in the southern portion of the region. Mr. Halman replied that in some instances yes. Unfortunately it is really only used by the large growers because they have both the equipment and availability of the water; while the smaller growers have to go to other extremes to do that.

Mayor Sullivan asked with the freezes year after year and the weakened plants, does insect infestation follow with that. Mr. Halman replied yes, it actually happened this year. We found a lot of plants which got weakened during the January freeze and survived and even yielded some fruit. But those were the first ones to also drop their fruit during the last freeze. One researcher stated that they thought because of the January freeze they thought that the insect population would be less, but it was not. The insect population worked on them during the summer months and during that time a lot of the growers had to do more spraying for insects, so some of those plants were weakened and some either died or lost their fruit.

Commissioner Turner referred to Country of Origin Labeling “COOL” as something that our country is missing the mark on. Our federal representatives don’t understand that the people in this country don’t have a problem with walking into a food store and see a box that has the American flag and a box that has the Chili flag or Peru flag and then pay the higher price for the American produce. Whenever there is any kind of a scare with a food safety issue it is amazing how quickly the Agriculture Extension Services know exactly where it is. If that scare occurs in the Mid-West it didn’t come from a Floridian grower, it came from Mexico or a South Texas grower. If it happened in California, it probably came from a Mexico or California grower. They can look on the calendar and see where and when the produce was grown. It was noted that the Council needs to be one of the catalysts that sends it up to our State legislators and then to our federal legislators to let them know that Country of Origin Labeling needs to play a more prevalent role in America. Going into other growing seasons is not America competing with Mexico, Chili, or Peru. It is America competing against American gorillas that are down there and producing our produce that we are going to consume at a much cheaper cost and until they know that we want to level the playing field they are not going to do anything about it.

US Senator Nelson - High Speed Rail

US Senator Nelson’s Aide Diana McGee showed the Council a video on YouTube from Senator Nelson regarding the potential impacts that it would have on Florida’s economy if Florida rejects the federal funds for the high speed rail project.

AGENDA ITEM #4(c)
SWFRPC Information Technology Update – Ms. Jennifer Pellechio

Ms. Jennifer Pellechio of staff gave a PowerPoint presentation on the SWFRPC's information technology updates. She announced that the Council has re-designed its website and also has a Facebook and Tweeter accounts. The accounts are a one-way communication instead of a two-way communication for the Public Records Laws.

Commissioner Bigelow asked if someone uses the "Tweet" link to say or ask a question then nothing goes back to that person. Ms. Pellechio explained that with Tweeter, if it is a general information request then staff will respond. Executive Director explained that most "tweets" are usually one-way communications and aren't usually replied to, but Facebook isn't and is expected to be replied to. Commissioner Bigelow stated that there should be a statement placed on both stating that the Council's general policy is not to respond due to Florida's Public Records Laws.

Ms. Pellechio explained that the Council has joined services with the Lee County Clerk of Courts Office with a result in savings of over \$23,000 annually.

Mayor Sullivan asked with disaster recovery does the Council do real-time updates. Ms. Pellechio explained currently the Council has the policy where they take their tapes off-site. The Council's goal is to have it real-time, but that is where the costs become involved with the hardware.

Commissioner Bigelow stated that sometimes you need to put yourself in the user's shoes and know your audience, so if there is an item on the agenda which someone wants to make a comment on through the Council's website, how will that be handled. Ms. Pellechio explained that there are several different ways. The info email is one way; there is also WebEx where we can set up the Council meeting up to be live on WebEx for people to participate, which is done for the smaller committees.

Ms. Toni Bleiweiss from the Lee County Clerk of Courts gave a PowerPoint presentation on Lee County's Disaster Recovery Consortium.

Councilman McKeon asked if Sarasota County has any type of disaster consortium. Ms. Bleiweiss explained that Sarasota County sponsors the Florida Technology Disaster Recovery Consortium (FTRDC) and Lee County still partners with them. She then explained that she borrowed some of the work that the FTRDC and they are very active and meet bi-monthly and partnerships from Martin County and beyond.

AGENDA ITEM #4(b)
Estero Bay Agency on Bay Management Report – Mr. James Beaver

Mr. James Beaver of staff presented this item.

Commissioner Tom Jones moved and Councilman McKeon seconded to approve the ABM's Workplan. The motion carried unanimously.

AGENDA ITEM #4(d)
SWFRPC SRPP Update - Mr. David Crawford

Mr. David Crawford of staff presented this item.

Councilwoman Keesling asked how the attendance has been at the public meetings. Mr. Crawford explained that there were 10 attendees, but only one person was from the public.

AGENDA ITEM #4(e)
Community Collaborative Initiative Issues - Mr. Ken Heatherington

Mr. Kenneth Heatherington presented this item.

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

Mr. David Hutchinson of staff presented this item.

Councilwoman Heitmann stated that she feels that TABOR is “One Size Fits All” which places the cities and counties into one for funding and budgeting and that is dangerous.

AGENDA ITEM #5(c)
Health and the Integration of Planning - Mr. Ken Heatherington

Mr. Kenneth Heatherington presented this item.

Councilman Denham asked how this effort is being funded. Mr. Heatherington explained that staff is writing a proposal with Police Chief Baker on Safety Issues Planning.

AGENDA ITEM #5(d)
Legislative Summary Report - Mr. David Hutchinson

Mr. David Hutchinson of staff reviewed the item as contained within the agenda packet.

Chair Kiester asked Commissioner Turner who is Chair of the Council’s Legislative Affairs Committee if the Committee should meet before the Council’s March meeting to discuss some of the legislative issues which were brought up today. Commissioner Turner replied yes, to make sure that everyone is on the same page.

Commissioner Bigelow asked how much state funding does the Council currently receives and also how much does the Council anticipates receiving from the State for next year's budget. Ms. Yell of staff explained that the current grant is \$220,000 and the proposal for next year is zero. She also noted that the State has also stated that they are thinking about possibly reducing this year's last quarter.

Commissioner Turner explained that the Governor is very aggressive about this issue and the word is that there is "actually teeth in this one". There is a sect in Tallahassee that wants to completely abolish DCA and a sect that wants to completely abolish RPCs. He then said that this is where we, the elected officials, need to stand up and say what is our role and how do we want to make sure that our legislators know that it is essential that this Council exists. Mr. Hutchinson explained that there is a general misconception among the legislators who are generally in favor of the RPCs that the RPCs receive all types of funding and that they don't need the State's funding, but the State's funding is a very crucial part of the RPC's role.

Mr. Beaver reviewed HB457 and SB606 which are pre-emption of local fertilizer ordinances in the State of Florida. What is different from these from previous bills which grandfathered previously adopted ordinances, such as the City of Sanibel, Sarasota, and Lee County; there is language which preempts anything that regulates fertilizer and places all of the authority in Agriculture and Consumer Services.

AGENDA ITEM #6 DIRECTOR'S COMMENTS

The Executive Director noted that he was recently in Washington D.C. at the National Association of Regional Planning Councils (NARC) meeting and met with legislative staff of/and Congressman Tom Rooney, Congressman David Rivera, Congressman Mario Diaz-Balart, Congressman Connie Mack and Senator Bill Nelson.

AGENDA ITEM #7 STATE AGENCIES COMMENTS/REPORTS

There were no comments at this time.

AGENDA ITEM #8 COUNCIL ATTORNEY'S COMMENTS

Counsel Donley had no comments at this time.

**AGENDA ITEM #9
COUNCILMEMBERS' COMMENTS**

Commissioner Turner announced that the Hendry County BOCC recently passed a Pill Mill Moratorium. There are many talks throughout the State of Florida with the disallowance of the electronic database to be created, but he would like to get on board with what this region has done. Hendry County followed what Palm Beach County did because they were very aggressive. Senator Dave Aronberg has been appointed by Pam Bondi to be the "Pill Mill Czar". When Hendry County started its efforts it had three pill mills that had opened. Both the Cities of LaBelle and Clewiston have adopted the moratorium. He requested to gather information from the other cities and counties around the region on what they are doing to stop pill mills and also place a letter in the Council's Legislative folder to the legislature.

Mr. Heatherington asked what the electronic database does. Commissioner Turner explained that the electronic database would stop those individuals that go to a doctor that does not actually assess patients but writes the patient a prescription for pain killers of the patient's choice and then the patient goes to another doctor that does the same thing and then goes to a pharmacist who is linked to those two doctors and gets the prescriptions filled. The patient doesn't usually consume the pills themselves they usually sell them on the black market. The electronic database will allow a patient's name to be entered into the database and linked to specific physician and pharmacy, so if that same patient goes to another pharmacy in another town or state that pharmacist will see that patient has already purchased those drugs on a specific date.

Councilman McKeon stated that there are two sides to the coin. There are people with legitimate reasons for needing those prescriptions and uses legitimate pain clinics. Councilwoman Heitmann noted that there was a misconception and that the electronic database was not for those patients with the legitimate reasons. She noted that approximately nine people die per day from overdose in the State of Florida.

Commissioner Tom Jones thanked staff for their efforts with the SRPP EAR process and the public hearing in the City of North Port.

Counsel Donley announced that Chair Kiester will close the business of the Council at this time; however, if any member wishes to participate on the Lower West Coast Watersheds Implementation Committee that he requests that they remain.

Commissioner Bigelow asked why it has to be done after the meeting. Counsel Donley stated that it doesn't if any member wishes to participate that they can email Ms. Gwinnett.

**AGENDA ITEM #10
ADJOURN**

The meeting adjourned at 11:38 a.m.

Councilwoman Teresa Heitmann, Secretary

The meeting was duly advertised in the February 4, 2011 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 37, Number 05.