

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JUNE 19, 2008**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **June 19, 2008** at the offices of the Southwest Florida Regional Planning Council at 1926 Victoria Avenue in Fort Myers, Florida. The meeting was called to order at **9:10 am** by **Chairman Andrea Messina**. **Commissioner Janet Taylor** led the Prayer and the Pledge of Allegiance. Administrative Services Specialist Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Adam Cummings, Councilmember Marilyn Smith-Mooney, Ms. Andrea Messina, Mr. Alan LeBeau

Collier County: Councilman Charles Kiester, Ms. Laura Holquist, Ms. Patricia Carroll

Glades County: Commissioner Paul Beck

Hendry County: Mayor Paul Puletti, Commissioner Janet Taylor

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

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

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

MEMBERS ABSENT

Charlotte County: Commissioner Tom Moore

Collier County: Commissioner Jim Coletta, Commissioner Frank Halas, Councilwoman Teresa Heitmann

Glades County: Councilman Michael Brantley, Commissioner Kenneth "Butch" Jones, Dr. Edward Elkowitz

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

Lee County: None

Sarasota County: Commissioner Paul Mercier, Councilman Ernie Zavodnyik

Ex-Officio Membership: None

**AGENDA ITEM #1
AGENDA**

Chairman Messina introduced Councilman John Spears, City of Bonita Springs as the Council's newest member and also noted that Commissioner Janes is participating by phone.

Commissioner Blucher moved and Commissioner Beck seconded to approve the agenda as presented. The motion carried unanimously.

**AGENDA ITEM #2
MINUTES OF MAY 15, 2008**

Commissioner Thaxton moved and Commissioner Blucher seconded to approve the minutes of May 15, 2008. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Mayor Humphrey moved and Commissioner Thaxton seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for May 31, 2008; Agenda Item #3(c) Charlotte County Comprehensive Plan Amendments (DCA 08-2); Agenda Item #3(d) Collier County Comprehensive Plan Amendments (DCA 08-2); Agenda Item #3(e) Toll Rattlesnake DRI - Sufficiency Response Extension Request; Agenda Item #3(f) North Port Gardens DRI - Sufficiency Response Extension Request; Agenda Item #3(g) Florida Gulf Coast Technology & Research Park DRI - Sufficiency Response Extension Request (Withdrawn); Agenda Item #3(h) Big Cypress DRI - Sufficiency Response Extension Request; Agenda Item #3(i) Shell Point DRI - NOPC; Agenda Item #3(j) Lakewood Ranch Corporate Park DRI - NOPC; and Agenda Item #3(k) Stoneybrook DRI - NOPC. The motion carried unanimously.

**AGENDA ITEM #4(a)
Glades County Comprehensive Plan Amendments (DCA 08-1) Continuance of
American Prime II Property (COMP08-05LS)**

Mr. Crawford reviewed as presented.

Mayor Denham asked what the process is. Mr. Crawford explained that DCA has received a copy of the report as a staff report and staff is asking the Council to find the project "regionally significant and not consistent" with the SRPP. The Council's official recommendation will be sent to DCA. DCA has already issued their ORC report on the project, which will be taken under consideration, because this will have to go back to the Glades County BOCC to get adopted and then go back to DCA for their final review. These comments will then be included in the final review by DCA.

Commissioner Thaxton moved and Councilman Kiester seconded to have the Council find the proposal “regionally significant and inconsistent” with the SRPP and adopt recommendations from staff comments.

Mr. Matthew Amster, Law Firm of Bercow, Randell, and Fernandez from Miami representing American Prime II, LLC, and the owner of the subject property and the applicant of the land use amendment, gave a verbal presentation of the subject property and project which will consist of single-family homes.

Commissioner Thaxton asked what the current zoning of the property is. Mr. Amster replied that it is a mixed of open use flood plain to the north. Commissioner Thaxton asked how many total residential units are accommodated in the zoned districts on the property. Mr. Amster replied that he didn't have that current number. Commissioner Thaxton stated that if you are going to talk about property rights then you need to know how many units are presently vested under the constitution, which is the current zoning, and how the Council's recommendation is going to be compromising your ability to use the property under the present zoning. Mr. Amster stated that he believes that land use does provide rights and that you don't just adhere to your zoning. He explained that the land use was approximately 1,362 units, so he would estimate that the zoning would allow approximately two-thirds of that and the applicant is seeking a lower number than the existing zoning, as well as the existing land use.

Commissioner Beck explained that the area has a rehydration from time to time and asked if it comes from the flood waters from the Caloosahatchee River. Mr. Amster replied that presently, the level of the Caloosahatchee River is kept at 3.2 feet on a regular basis and it is mostly controlled to maintain that level. The lowest elevation of the property, which is in the northeast corner, is at 7 feet and the remainder of property, towards the southwest, moves up to 10-12 feet in elevation. In regards to rehydration, it wouldn't be flood waters from the Caloosahatchee River, but rainfall that would cause flooding, as well as collection through the canals from the general area.

Mayor Humphrey stated that he concurs with Commissioner Thaxton's comments and in reviewing staff's report; he did not rely heavily on SFWMD desire to acquire the property. He then noted that FDEP had stated that without enforceable restrictions that proposed land use designations would allow 8,250 dwelling units. He asked Mr. Amster if he disagrees with that statement. Mr. Amster replied no; from the beginning of the proposal the applicant had the restriction of a maximum of 624 units.

Mayor Denham stated that he had never seen a report come before the Council with such a strong indictment against a project. It is truly an environmental and economic concern and is another imposition on the water quality in Southwest Florida.

The motion carried unanimously.

AGENDA ITEM #5(a)

Regional Visioning – Implementing myregion.org – Mr. Phil Laurien, ECRPC Executive Director

Mr. Laurien gave a PowerPoint presentation on implementing myregion.org.

Mayor Denham stated that the vision could be enhanced if gasoline prices went from \$4.00 per gallon to \$11.00 per gallon, as in Europe, which would change the visioning process significantly. Mr. Laurien stated that Mayor Denham is correct in his comment and it has been proven with the increase in the cost of fuel, what is probably going to be a nationwide trend. The \$4.00 per gallon gasoline cost is promoting smart growth.

Mr. Heatherington gave an overview of the regional visioning process which the Council is participating in and will be holding a workshop on in October in coordination with the Tampa Bay RPC and the Central Florida RPC.

Commissioner Bigelow asked if the chambers of commerce have been included in the process. Mr. Laurien explained that the chambers are a critical part of the process.

AGENDA ITEM #4(c)

Appointing a Representative to the Peace River Basin Management Advisory Committee – Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Commissioner Cummings volunteered to represent the Council on the Peace River Basin Management Advisory Committee.

Mayor Humphrey moved and Mayor Denham seconded to appoint Commissioner Adam Cummings as the Council’s representative on the Peace River Basin Management Advisory Committee. The motion carried unanimously.

AGENDA ITEM #4(b)

2008 July Retreat – Mr. Ken Heatherington

Mr. Heatherington gave a brief overview and announced that the Council’s newest member, Councilman John Spear, will be attending the retreat.

AGENDA ITEM #5(b)

Legislative Wrap-up – Mr. Ken Heatherington

Mr. Heatherington introduced Florida Representative Garrett Richter.

Representative Richter gave an overview of the latest legislative session which dealt with budget issues in accordance to the current economy.

Ms. Holquist asked Representative Richter his opinion on the issue of offshore drilling and if they were proposing 3 miles or 50 miles offshore. Representative Richter explained that he did see the news article and that it was his understanding that 100 miles offshore is the limitation. In fact, there is a resolution that was actually required in Washington, at the federal level, and there was a suggestive resolution that did not get put through in the session, to renew the limitations or restrictions of offshore drilling. He feels that the debate is heating up dramatically and it is due to the rising fuel costs and energy which is going to take center stage in all public debates. He believes that the United States, as a country, needs to expand our energy supply whether it is nuclear, wind, solar, bio, drilling, etc. if we want to have more control of our own destiny. We are going to have to increase alternate supplies for energy, because we have already proven over the years we are not real anxious to change our habits.

Chairman Messina referred to the “65% Solution,” where the school districts are going to be required to spend 65% of their dollars in the classroom. The reality is that every county in the State, except for Glades County, because they miss it by 1%, already does that. The 65% Solution provides a guide for vouchers. She then asked Representative Richter if he was aware that all counties already participate, except for Glades County, and has there been any discussion on the issue, and it is really being about a guide for vouchers. Representative Richter explained that there was a discussion in session relative to the 65% Solution. In some of the committee meetings, he did become aware that most of the counties do already commit. He had been led to believe that sometimes it is the way you measure or what you categorize different expenses and spending habits within the school districts. He noted that Chairman Messina’s assessment of the amendment is accurate.

Chairman Messina explained that the public schools do embrace the A+ and the A++ Legislation, but when you give vouchers to kids and send them to private schools they are not held to the same standards and that is what the public schools are asking for and that is why the school boards oppose the vouchers. The private schools need to be held to the same standards as the public schools if they are going to be allowed to use the vouchers.

Commissioner Cummings stated that he agrees with Chairman Messina’s comments because he has two children in the public school system and would like to see it get off the bottom of the chart for the nation. He then referred to Ms. Holquist’s comments on offshore drilling and explained that part of his background is a Merchant Ship Officer. He has worked in the oil field both as a ship officer on a drill ship and as an ordinary seaman on the supply boats. He has a Bachelors of Science in Marine Transportation and one of the things that he had to study was offshore oil well drilling, where he spent 4 ½ years on a little pile of dredge behind Galveston Island sitting across from Texas City, which is a giant refinery. So he is familiar with the oil fields, specifically in the Gulf of Mexico, and what he is concerned about is what is missing from the conversation. What he keeps hearing is the opposition of seeing the rigs offshore and is there going to be a spill from those rigs, which is a minority of the issue. What is missing from the conversation is that offshore oil well drilling is a heavy offshore industry that requires a heavy onshore industry to support it. When the cost of running supply boats and crew boats back-n-forth from their developed infrastructure in Louisiana and Texas exceeds the amortization costs of developing new infrastructure onshore here in Florida, that is where the real impacts will incur, and you will see those investments occur and that will be the other big push to site them.

Representative Richter asked Commissioner Cummings if he thought that was good or bad. Commissioner Cummings replied that if you feel that tourism is Florida's major industry along with retirement and development, then are you going to bring in another industry that is going to have serious negative impacts for that type of economic diversification. He suggested spending time in Cameron, Louisiana and Texas City, Texas to see if that is what you want for Florida. Furthermore, the big bottleneck is not exploration, but the refineries, and those rigs will have to supply the oil somewhere, it doesn't just come up to the rig. Where are those refineries going to go? The answer to the question is, the closest point to the new exploration, and unless you are prepared to site those new refineries in the State of Florida, the Governor and Legislature really need to think on whether or not they really want to open that door. He explained that he was listening to President Bush's speech on both short and long term goals, with possibly opening up the continental shelf to oil exploration, and he explained that just to get the permitting for exploration is approximately 10 years, then it is another 10 years for a platform. In his opinion, for the length of time that it would take to get an oil rig up and running and producing oil, it would be better to get serious in developing alternative sources. Representative Richter thanked Commissioner Cummings for his comments and appreciated his input on the issues given his background.

Commissioner Cummings asked if the federal government is allowing the State of Florida to give input on the offshore drilling issue, because it is his understanding that under maritime law, it states that the State's jurisdiction doesn't go out to any of the limits that are under consideration. Representative Richter stated that he will answer the question from a political standpoint and that one of the initiatives on the resolution, that would have been sent from the State to Washington, that states "please renew the ban on drilling" as an example. What that does is it gives every politician in Washington cover to do whatever they want or to do that and state that this is what the State of Florida wants, so he has found that the environment of politics is governed by volunteers, professionals, and people seeking cover.

Commissioner Blucher referred to the "Certificate of Need" Bill which generates new hospitals. He asked Representative Richter if he feels that the bill will come back and what can the people of North Port do to help to make the bill come back, as they are in great need of a new hospital. Representative Richter explained that an honest answer is that he doesn't know, but there was a lot attention on the Certificate of Need Bill, and there are significant advocates on both sides of the issue. Because there are significant advocates on both sides of the issue, he personally feels that the bill will resurface.

Commissioner Bigelow stated that he was upset with Governor Christ's flip on offshore drilling. He feels that what we need to be doing is recognizing that we are addicted to oil and it is too expensive to remain addicted, so let us not add to the addiction and have the legislature urge and help the RPCs and local governments go in a new direction (i.e. myregion.org). Representative Richter agreed and stated that it needs to be multi-tasked and find new sources of energy to include everything.

Commissioner Beck stated that he feels that if we don't do any offshore drilling, that the pressure of the cost of fuel is going to be so tremendous, that the delivery of goods and services in Southwest Florida is going to be so high, and that we are not going to be able to afford it. He feels that somewhere along the line there needs to be some intelligent drilling, until a better method is

found to relieve the pressure for the delivery of goods and services. Representative Richter stated that most of the constituents that he receives emails from supports drilling. Commissioner Beck noted that there is a 40% surcharge placed on items brought in by truck due to high fuel costs.

AGENDA ITEM #5(c)
Lower West Coast Watersheds Subcommittee Report - Mayor Mick Denham

Mayor Denham stated that he doesn't wish to give a progress report at this time due to the lack of members present. He then requested that the item be moved up in the agenda so that he has adequate time allocated to give a proper report.

Vice Chairman Humphrey suggested moving the item up on the agenda because it is an important topic.

Mr. Heatherington stated that staff will place the item under the "Administrative Agenda" section of the agenda in order to give it some priority.

AGENDA ITEM #5(d)
Other Emerging Regional Issues

Lake Belt Area Mining Update - Ms. Liz Donley

Ms. Donley explained that she is hoping that there will be more information available in August and September. The ruling came down from the Circuit Court, but it wasn't certified yet and it won't be certified until June 23rd, and so the soonest the Circuit Court has to issue its mandate or the certified copy of the order is June 30th. She doesn't anticipate any movement on this item until August.

AGENDA ITEM #6
PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #7
DIRECTOR'S COMMENTS

Mr. Heatherington noted that the following items will be included on the August Agenda:

- Lower West Coast Watersheds Subcommittee Report item will be moved to the Administrative Agenda
- Isles of Athena

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

FDEP – Mr. Iglehart announced that there is an algae symposium being held at the SFWMD office at 12:00 p.m.

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

Counsel Donley had no comments at this time.

**AGENDA ITEM #10
COUNCILMEMBERS’ COMMENTS**

Mr. Heatherington announced that EDA has invited the RPC to apply for a substantial grant. Ms. Pellechio explained that staff is in the process of submitting the application for a Regional Incubator Network Feasibility Study by next Thursday.

Vice Chairman Humphrey requested a verbatim report on Commissioner Cummings background.

Ms. Holquist suggested having the Executive Committee meet to discuss the issue of members blocking out their schedules for the meeting from 9-12 in order for the Council to complete their business. Vice Chairman Humphrey agreed with Ms. Holquist’s suggestion and perhaps to send out a note to the membership requesting their attendance until noon.

Commissioner Blucher stated that he feels that by having a set aside time for speakers may have backfired.

Mr. Heatherington suggested discussing the issue at the Retreat on July 17th.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 11:53 am.

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the June 6, 2008 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 34, Number 23.