

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
OCTOBER 15, 2009**

The regular meeting of the Southwest Florida Regional Planning Council was held on October 15, 2009 at the Charlotte Harbor Event and Conference Center at 75 Taylor Street in Punta Gorda, Florida. Chair Jim Humphrey called the meeting to order at 9:02 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:** Councilman Don McCormick, Commissioner Tricia Duffy, Commissioner Robert Skidmore, Mr. Alan LeBeau
- Collier County:** Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Mr. Bob Mulhere
- Glades County:** Commissioner Kenneth "Butch" Jones, Dr. Edward Elkowitz
- Hendry County:** Commissioner Karson Turner, Mayor Paul Puletti, Mr. Melvin Karau
- Lee County:** Mayor Mick Denham, Commissioner Tammy Hall, Mayor Jim Humphrey, Mayor Jim Burch, Councilman Tom Babcock, Councilman John Spear, Mr. Paul Pass
- Sarasota County:** Commissioner Jon Thaxton, Commissioner Carolyn Mason, Commissioner Tom Jones, Mr. George Mazzarantani, Councilman Ernie Zavodnyik
- Ex-Officio Members:** Ms. Dianne Davies - SWFWMD, Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Ms. Tammie Nemecek - EDC of Collier County

MEMBERS ABSENT

- Charlotte County:** Ms. Andrea Messina
- Collier County:** Councilman Charles Kiester, Commissioner Frank Halas
- Glades County:** Councilman Michael Brantley, Commissioner Paul Beck
- Hendry County:** Commissioner Tristan Chapman, Mayor Mali Chamness
- Lee County:** Commissioner Ray Judah, Ms. Laura Holquist
- Sarasota County:** Mr. David Farley

Ex-Officio Membership: Mr. Johnny Limbaugh - FDOT

INTRODUCTIONS

Chair Humphrey introduced Ms. Sarah Hines, Southwest Florida Regional Director from US Senator George LeMieux Office and also Ms. Diana McGee, Southwest Florida Regional Director from US Senator Bill Nelson Office.

AGENDA ITEM #1 AGENDA

Mr. Mulhere moved and Mayor Burch seconded to approve the agenda as presented. The motion carried unanimously.

AGENDA ITEM #2 MINUTES OF SEPTEMBER 17, 2009

Commissioner Mason moved and Councilwoman Heitmann seconded to approve the minutes of September 17, 2009. The motion carried unanimously.

AGENDA ITEM #3 CONSENT AGENDA

Commissioner Tom Jones pulled Item #3(g) City of North Port Comprehensive Plan Amendment for discussion.

Mr. Mulhere stated that he abstains from voting on Item #3(d) Toll-Rattlesnake DRI - Sufficiency Response Extension.

Commissioner Thaxton moved and Commissioner Hall seconded to approve the balance of the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for September 30, 2009; Agenda Item #3(c) FGCU and the SWFRPC Releases the Southwest Florida Regional Business Incubator Network Study - Press Release; Agenda Item #3(d) Toll-Rattlesnake DRI - Sufficiency Response Extension ; Agenda Item #3(e) The Fountains DRI - Sufficiency Response Extension; Agenda Item #3(f) Villages of Lakewood Ranch South DRI - Sufficiency Response Extension; and Agenda Item #3(h) Charlotte County Comprehensive Plan Amendment (DCA 09-02). The motion carried with Mr. Mulhere abstaining from voting on Item #3(d).

AGENDA ITEM #3(g)
City of North Port Comprehensive Plan Amendment (DCA 09-01)

Commissioner Tom Jones stated that the staff of the City of North Port had received DCA's objections, recommendations and comments and is currently working with DCA to address those issues.

Commissioner Tom Jones moved and Commissioner Hall seconded to approve staff's comments and authorize staff to forward comments to the Department of Community Affairs and City of North Port. The motion carried unanimously.

AGENDA ITEM #4
ALICO INTERCHANGE PARK DRI - SUBSTANTIAL DEVIATION STAFF ASSESSMENT

Mr. Utley of staff reviewed the item as presented.

Mayor Denham moved and Commissioner Hall seconded to recommend Conditional Approval of Alico Interchange Park Substantial Deviation DRI to be further conditioned on a finding of consistency with the local government comprehensive plan by the Lee County Board of County Commissioners. The motion carried unanimously.

AGENDA ITEM #5(a)
Lower West Coast Watersheds Implementation Committee - Vice Chairman Mick Denham

Mayor Denham gave a status report on the committee and suggested that a meeting be held of the committee in early December to review the Council's position on DEP's rule.

Mr. Jim Beever of staff reviewed the item as presented.

AGENDA ITEM #5(b)
Community Planning Month Proclamation - Mr. Ken Heatherington

Mr. Heatherington stated that as Executive Director of the Council and also as Chair of the American Planning Association (APA), he thought that it would be appropriate to designate the month of October as the "Month of Planning."

Commissioner Skidmore moved and Mayor Burch seconded to approve the Community Planning Month Proclamation. The motion carried unanimously.

AGENDA ITEM #6
PUBLIC COMMENTS

No public comments were made at this time.

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

Mr. Heatherington thanked Council staff for their hard work in putting together the "State of the Region Address" workshop and the "Green Region Expo", especially Ms. Rebekah Harp for the graphics and Mr. Jason Utley for arranging the program speakers.

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

SFWMD - Mr. Flood stated that due to the last legislative change, large permits no longer go before the district's governing board for approval and they have now been delegated to the Executive Director. As a result of that ruling the district has tried to do more public involvement and outreach by holding monthly regulatory meetings where any permit that is coming up for consideration or review can be discussed by the public. The next meeting is scheduled for October 20th and the next big permit for consideration is Babcock Ranch and anyone can participate by attending the meeting at the district's service center in Ft. Myers where they can participate via video conferencing.

Chair Humphrey stated that he would like to see the SFWMD hold their meetings at different venues throughout their district.

SWFWMD - Ms. Davies stated that the SWFWMD Governing Board is scheduled to hold their meeting and workshop at the Charlotte Harbor Event and Conference Center on Thursday, October 29th at 9:00 am.

Commissioner Thaxton asked if it was also the joint meeting with the Peace River/Manasota Water Supply Authority. Ms. Davies replied yes.

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

Counsel Donley stated that she had no comments at this time.

**AGENDA ITEM #10
COUNCILMEMBERS' COMMENTS**

Mr. LeBeau thanked the members for coming to Charlotte County and welcomed everyone.

Commissioner Turner thanked the entire Lee County delegation for allowing Hendry and Glades Counties for having more of a voice in Tallahassee this week. Representatives of both Hendry and Glades Counties were fortunate enough to be able to go to Tallahassee and meet with Governor Crist, Chief of Staff Eric Eikenberg, Secretary Mike Sole, and Ms. Karen Reimer on behalf of the Southwest Florida Region to discuss the Intermodal Logistics Center and the fact there is a major feeling throughout the region that the process has been spearheaded by the Palm Beach Port Authority. He explained that they asked Governor Crist to hold another stakeholder meeting that would further drive home the point that the Office of Tourism, Trade and Economic

Development and also the Florida Department of Transportation need to be significantly involved in the process of choosing the Intermodal Logistics Center for the southeast, southwest, and south central Florida regions for generations of the future.

Commissioner Turner then requested that the Council send a letter to the Governor echoing the sentiments of what that meeting was to cover and also in that process a copy is sent to Dr. Dale Grill with OTTED, Secretary Mike Sole, FDOT Secretary Stephanie C. Kopelousos, FDOT District One Secretary Stan Cann, and also FDOT District Representatives from District 4 and other areas of interest to be at the table.

Ms. Nemecek stated that the Collier County EDC has been working with Mr. Mark Morton as part of the regional initiative. Commissioner Turner stated that Port Manatee is going to be a major player for years to come along with Collier County, Lee County, etc.

Mr. Mulhere noted that at the Council's August Retreat there was a discussion of a RFP process and that there was an October deadline and that there was a suggestion that maybe that deadline might be extended. Commissioner Turner explained that the way it is currently looking the deadline is not looking like it is going to be extended. The groups that are giving presentations to the port authority are giving them as we speak and if everything stays on task the decision will be made on October 21st.

Mr. LeBeau moved and Mr. Mulhere seconded to send a letter to the Governor's Office requesting another meeting be held of the stakeholders to discuss the Intermodal Logistics Center.

Commissioner Thaxton suggested including a copy of the Council's resolution on the Inland Port Facility along with the letter.

The motion carried unanimously.

Commissioner Turner stated that on November 6-8 the Seminole Tribe will be hosting the Native American Indian Art Celebration.

Commissioner Thaxton stated that he needs some help in chairing the Council's Energy and Climate Committee. He asked for a volunteer as a co-chair to help him with the committee.

Commissioner Hall moved and Mayor Denham seconded to nominate Commissioner Ray Judah as Co-Chair of the Council's Energy and Climate Committee. The motion carried unanimously.

Chair Humphrey recommended that Commissioner Hall ask Commissioner Judah if he would be willing to take on the task.

Councilman Zavodnyik addressed the offshore drilling resolution which the Convocation of Governments of Sarasota County comprised of Longboat Key, City of Sarasota, City of North Port, City of Venice, and Sarasota County Board of County Commissioners had adopted and was emailed to the members previous to the meeting for their review. He then requested that it be placed on the Council's November agenda for discussion.

Councilwoman Heitmann stated that as Co-Chair of the Environment and Energy Committee of the Florida League of Cities, she supports placing it on the November agenda. She also suggested inviting Mr. Dean Cannon to hear the Council's opinion because he is pushing for offshore drilling throughout the state.

Commissioner Coletta introduced Mr. Neno Spagna who was one of the Council's original members. He then stated that it is time to hold the Council's annual Legislative Committee meeting, he would like to hold a meeting before the November Council meeting if possible or by WebEx/conference call. He is also finding it hard to chair the committee with his schedule and he would like to have a co-chair. He is hoping to ask Commissioner Turner if he would accept the challenge of being his co-chair of the committee.

Commissioner Coletta moved and Commissioner Hall seconded to nominate Commissioner Karson Turner as the co-chair of the Council's Legislative Committee. The motion carried unanimously.

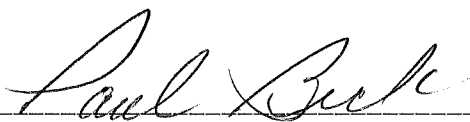
Both Commissioner Duffy and Mr. Mulhere volunteered to participate on the Legislative Committee.

Mayor Burch stated how he was impressed with how the City of Punta Gorda and Charlotte County has pulled together to recover from the 2004 hurricanes.

Chair Humphrey announced that this meeting was his last meeting with the Council after nine years of public service with the City of Fort Myers he will be leaving office on November 16th. He explained that he goes back 34 years with the second DRI and it was the first DRI that the Council denied (Estuaries DRI). He had the privilege serving as the Lee County Attorney and denied the DRI application with a 3-2 vote and it went onto several courts and also to the Florida Supreme Court.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 9:45 a.m.



Commissioner Paul Beck, Secretary

The meeting was duly advertised in the October 9, 2009 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 35, Number 40.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

| | |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LAST NAME—FIRST NAME—MIDDLE NAME <i>Mulhern, Robert James</i> | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>SW Florida Regional Planning Council</i> |
| MAILING ADDRESS <i>P.O. Box 1367 Collier</i> | THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY <i>Regional Planning Council</i> |
| CITY <i>Muldoon FL 34146</i> | NAME OF POLITICAL SUBDIVISION: <i>C</i> |
| DATE ON WHICH VOTE OCCURRED <i>10/15/09</i> | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE |

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Robert J. Mulhern, hereby disclose that on October 15, ²⁰⁰⁹~~19~~:

(a) A measure came or will come before my agency which (check one)

inured to my special private gain; or

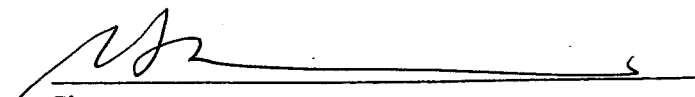
inured to the special gain of TOLL PATHS INC, LLC, by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

I am engaged as a consultant for TOLL PATHS INC, LLC, and therefore abstained from this vote. NOTE: There was no discussion and this item was approved unanimously, with my abstention.

10/15/09

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.