

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

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **January 15, 2009** in the Southwest Florida Regional Planning Council, 1<sup>st</sup> Floor Conference Room located at 1926 Victoria Avenue in Fort Myers, Florida. Due to the absence of Chairman Andrea Messina, the meeting was called to order at **9:00 a.m.** by **Vice Chairman Jim Humphrey**. **Commissioner Butch Jones** led the Prayer and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

- Charlotte County:** Commissioner Tricia Duffy, Councilman Don McCormick, Mr. Alan LeBeau
- Collier County:** Commissioner Jim Coletta, Commissioner Frank Halas, Councilwoman Teresa Heitmann, Councilman Charles Kiester, Ms. Laura Holquist
- Glades County:** Commissioner Kenneth "Butch" Jones, Commissioner Paul Beck, Dr. Edward Elkowitz
- Hendry County:** Commissioner Karson Turner, Mayor Paul Puletti, Mr. Melvin Karau
- Lee County:** Commissioner Ray Judah, Commissioner Tammy Hall, Mayor Mick Denham, Mayor Jim Humphrey, Mayor Jim Burch, Councilman John Spear
- Sarasota County:** Commissioner Shannon Staub for Commissioner Jon Thaxton, Commissioner Carolyn Mason, Councilman Ernie Zavodnyik, Commissioner Tom Jones
- Ex-Officio Members:** Mr. Johnny Limbaugh - FDOT, Mr. Gordan Romeis for Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Ms. Dianne Davies - SWFWMD

**MEMBERS ABSENT**

- Charlotte County:** Commissioner Robert Skidmore, Ms. Andrea Messina
- Collier County:** None
- Glades County:** Councilman Michael Brantley
- Hendry County:** Commissioner Tristan Chapman, Mayor Mali Chamness
- Lee County:** Councilman Tom Babcock

**Sarasota County:** Mr. David Farley, Mr. George Mazzarantani

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

### **INTRODUCTION OF NEW MEMBERS**

Vice Chairman Humphrey welcomed the following new members:

- ❖ Commissioner Tricia Duffy, Charlotte County BOCC
- ❖ Commissioner Robert Skidmore, Charlotte County BOCC
- ❖ Commissioner Karson Turner, Hendry County BOCC
- ❖ Commissioner Tristan Chapman, Hendry County BOCC
- ❖ Commissioner Ray Judah, Lee County BOCC
- ❖ Commissioner Tammy Hall, Lee County BOCC
- ❖ Mayor Jim Burch, City of Cape Coral
- ❖ Commissioner Carolyn Mason, Sarasota County BOCC
- ❖ Commissioner Jon Thaxton, Sarasota County BOCC
- ❖ Commissioner Tom Jones, City of North Port

Vice Chairman Humphrey presented the Council's Award of Appreciation of Service to former Council Member, City of North Port Commissioner James Blucher.

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

Commissioner Janes moved and Commissioner Staub seconded to approve the agenda as presented. The motion carried unanimously.

### **AGENDA ITEM #2 MINUTES OF NOVEMBER 20, 2008**

Commissioner Halas moved and Commissioner Judah seconded to approve the minutes of November 20, 2008 as presented. The motion carried unanimously.

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

Commissioner Judah moved and Commissioner Halas seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statements for November 30, 2008 & December 31, 2008; Agenda Item #3(c) Charlotte County Comprehensive Plan Amendments (DCA 09-1); Agenda Item #3(d) City of Bonita Springs Comprehensive Plan Amendments (DCA 09-1); Agenda Item #3(e) Murdock Increments I, II & IV DRI - NOPC; Agenda Item #3(f) North Port Gardens DRI - Request for Sufficiency Response Extension; and Agenda Item #3(g) Toll-Rattlesnake DRI- Request for Sufficiency Response Extension. The motion carried unanimously.

**AGENDA ITEM #4(a)**  
**Election of 2009 Officers – Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

Chairman: Mayor James Humphrey, City of Fort Myers  
Vice Chairman: Mayor Mick Denham, City of Sanibel  
Secretary: Commissioner Paul Beck, Glades County BOCC  
Treasurer: Councilman Charles “Chuck” Kiester, City of Marco Island

**Commissioner Judah moved and Commissioner Halas seconded to approved the Nominations Committee Report and also approve the 2009 Slate of Officers. The motion carried unanimously.**

**AGENDA ITEM #4(b)**  
**Lower West Coast Watershed Subcommittee Report – Mayor Mick Denham**

Mayor Denham gave a PowerPoint presentation on the history of the subcommittee. He asked the Council to approve the Subcommittee’s final resolution (Resolution #2008-12) and also sunset the planning portion of the subcommittee. He then requested forming a different subcommittee which he is willing to Chair to start the implementation process.

Councilman Kiester stated that he hopes that part of the implementation process will include making presentations to the local governments on specific issues and resolutions. Mayor Denham stated that he would be willing to do that.

**Mayor Denham moved and Commissioner Judah seconded to approve SWFRPC Resolution #2008-12 Southwest Florida Regional Planning Council Stormwater Resolution for Retrofit Development. The motion carried unanimously.**

Commissioner Mason asked if the motion included the sunseting of the subcommittee. Chairman Humphrey replied no.

**Commissioner Hall moved and Councilman Spear seconded to sunset the Lower West Coast Watersheds Subcommittee effective February 1, 2009. The motion carried unanimously.**

Mayor Denham stated that he hopes to form the implementation subcommittee using some of the same members from the existing subcommittee. He stated that he would like to present to the Council at the February meeting a mandate for the implementation subcommittee.

**AGENDA ITEM #5(b)**  
**Legislative Subcommittee Report - Commissioner Jim Coletta**

Commissioner Coletta reviewed the item as presented in the agenda packet and distributed handouts.

Ms. Holquist expressed her concern with the length of the Legislative Priorities. Commissioner Coletta explained that the Legislative Subcommittee discussed that issue at great length and decided that even though some of issues are not going to be compelling issues for State's legislative body that they need to be kept in front of everybody until that point in time we are ready to move forward; because if they are taken off and then added again later it could raise problems. However, if the Council disagrees with the Subcommittee's decision then it can be amended to meet those needs.

Ms. Holquist suggested selecting approximately 10 main priorities that the Council would really want to emphasize. Commissioner Coletta noted that the Subcommittee had chosen six priorities in the very front. Ms. Holquist suggested making them six action points and focus on those and also have the Council focus on those action points to their legislators versus the overall issues.

Commissioner Halas stated that he feels that the priorities are very appropriate, especially with regards to the Sadowski Trust Fund because we all know that it is going to be raided heavily.

**Commissioner Halas moved and Commissioner Judah seconded to approve the Council's Legislative 2009 Priorities Statement as presented.**

Mayor Denham stated that he agrees with Ms. Holquist's comments regarding the length of the document, because he feels that with the length of the document he doesn't feel that it will be read. Therefore, he suggested having one sheet listing the priorities and a few comments and then the rest as a backup document.

Commissioner Coletta suggested that the way the motion is currently the Council could just elaborate on the six priorities on one sheet and then have the backup on the Council's position on every other issue behind it.

**Both Commissioner Halas and Commissioner Judah agreed to include Commissioner Coletta's suggestion to elaborate on the six priorities on one sheet and then have the have the backup on the Council's position.**

Chairman Humphrey requested that Commissioner Coletta give a report to the Council at the February Council meeting. Commissioner Coletta agreed.

Mayor Burch stated that he had read a news article which ties into this where the regional transportation and infrastructure where Fort Myers and Cape Coral were #1 in foreclosure once again. Another issue is the taking of \$700 million out of the Lawton Chiles Fund and the \$400 million out of another fund, and according to the news article the proposed way to repay the \$700 million Lawton Chiles Fund is to take what they are anticipating coming down from the Federal Government for the Economic Stimulus package, which absolutely ends up killing the cities.

**The motion carried unanimously.**

Commissioner Coletta emphasized that in order to have an effect in Tallahassee you need to go up there as a group and he asked the Council to direct staff to facilitate a Legislative Delegation Day.

**Mr. LeBeau moved and Commissioner Judah seconded to direct staff to facilitate a regional Legislative Delegation Day. The motion carried unanimously.**

**AGENDA ITEM #4(j)**

**SWFRPC FY 2007/08 Annual Audit - Mr. Jeffrey Tuscan, Tuscan & Company**

Mr. Tuscan reviewed the item as presented in the agenda packet and distributed handout.

**Commissioner Judah moved and Commissioner Hall seconded to approve the SWFRPC FY 2007/08 Annual Audit as presented. The motion carried unanimously.**

Dr. Elkowitz asked Mr. Tuscan how the Council can improve its reserves. Mr. Tuscan explained that he has had the discussion with management staff and it is an interesting question because the Council has a lot of grants; and grants use to provide some ability to provide net income within those grants, but most don't anymore. So the discussion was the option of charging different administrative fees for different projects to earn unrestricted income.

Dr. Elkowitz asked is there a way to cut expenses? Mr. Tuscan explained that like most governments, most of the expenses are personnel and the Council's personnel costs went up very slightly last year, essentially COLA (3.7%), and staff is watching expenses very closely.

Mr. Heatherington explained that staff has cut expenses in many ways:

- Changed vendor for lawn care services
- Changed equipment for in-house water supply
- Changed vendor for building maintenance
- Changed to a State controlled phone conferencing system

Dr. Elkowitz referred to the last page under "personal services" and asked Mr. Tuscan to explain the breakdown. Mr. Tuscan referred to pages 34 and 37 of the audit which illustrated the detailed line items for personal services.

**AGENDA ITEM #4(c)**

**291 Rules and Fee Agreement - Ms. Liz Donley**

Ms. Donley stated that a public hearing was held on Tuesday, January 6<sup>th</sup> and no comments were received. She explained that the rules have been forwarded onto to the Joint Administrative Procedures Committee (JAPC) and at this time no comments have been received; however, she does expect to receive some technical comments. She said that she still plans on presenting the rules for adoption at the Council February 19<sup>th</sup> meeting and once they are approved by the Council the rules will go into effect 20 days after the vote.

**AGENDA ITEM #4(d)**  
**Executive Director's Annual Review - Mayor Jim Humphrey**

Mayor Humphrey stated that the Executive Committee met on January 7<sup>th</sup> where the Committee performed an evaluation of the Executive Director's performance and it was determined that his overall performance had met or exceeded expectations. When it came to the budget and because the Council did increase the reserves and the Committee saw some affirmative action by Ken and the staff in trying to address some of the concerns that the Council is facing as it pertains to next year's revenue, the Committee was complimentary to him in that regard as well to other items in his evaluation. The Committee concluded that Executive Director should receive a merit increase; however, the Committee did acknowledge the current economy and the effect that it is having on all of our local governments as well as the region, so in reviewing his compensation there was a unanimous decision to increase his salary to \$116,500 which represented a 3% COLA and a 1% merit increase.

Mayor Humphrey explained that in accordance with the Executive Director's contract there is no action needed from the Council, but if there are any questions or concerns regarding the Committee's decision he will address them.

Commissioner Hall complimented Mr. Heatherington on his efforts as Executive Director.

Ms. Holquist stated that in her company they are actually rolling back salaries and doing no pay increases.

**AGENDA ITEM #4(e)**  
**Appointing SWFRPC Representatives to the CHNEP Policy Committee - Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented. He noted that both Commissioner Tom Jones of the City of North Port and Councilman Don McCormick of the City of Punta Gorda have agreed to serve as representatives to the CHNEP Policy Committee.

**Commissioner Halas moved and Commissioner Hall seconded to approve the nominations of Commissioner Tom Jones, City of North Port and Councilman Don McCormick, City of Punta Gorda as the Council's representatives to the CHNEP Policy Committee. The motion carried unanimously.**

**AGENDA ITEM #4(f)**  
**Appointment to the Peace River Basin Management Advisory Committee - Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

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

**Commissioner Halas moved and Commissioner Duffy seconded to nominate Commissioner Hall to the Peace River Basin Management Advisory Committee as the Council's representative. The motion carried unanimously.**

**AGENDA ITEM #4(g)  
Council Subcommittees Update - Ms. Liz Donley**

Ms. Donley reviewed the item as presented.

Councilman Heitmann volunteered to participate on the Climate and Energy Subcommittee.

Commissioner Staub stated that she will speak with Commissioner Thaxton to participate on the Council's Climate and Energy Subcommittee.

**Commissioner Hall moved and Commissioner Halas seconded to nominate Commissioner Thaxton to represent Sarasota County and Councilman Heitmann to represent the City of Naples on the Council's Climate and Energy Subcommittee. The motion carried unanimously.**

**AGENDA ITEM #4(h)  
Comprehensive Plans Update - Mr. David Crawford**

Mr. Crawford reviewed the item as presented.

**AGENDA ITEM #4(i)  
DRI Update - Mr. Jason Utley**

Mr. Utley gave a PowerPoint presentation.

Councilman Kiester asked if the Council is going to review the new Red Sox Stadium. Mr. Trescott replied yes, it will possibly come in as a Florida Quality Development (FQD).

Mr. LeBeau asked if the Council's charges for time extensions. Mr. Utley explained that staff charges their time to the project. Mr. LeBeau stated that he feels that it would be a good revenue source and there should be a minimum (i.e., 500-700) and then anything over that in hours it is billable. Chairman Humphrey stated that he agrees with Mr. LeBeau and that there needs to be some consistency.

**AGENDA ITEM #5(a)  
Inland Ports Presentation - Commissioner Paul Beck**

Commissioner Beck presented the item as contained in the agenda packet. He then requested staff to produce a resolution in support of the Inland Port for the Council's consideration at its February meeting.

Commissioner Jones reviewed the distributed handout which illustrated the amount of land that has been taken off Glades County tax rolls due to government land purchases. He then expressed the importance of the Inland Port project within the FREDI Region.

Ms. Tracy Whirls, Executive Director for the Glades County Economic Development Council gave a background overview of the Inland Port project.

Commissioner Judah asked if the Inland Port project conflicts with the US Sugar project. Ms. Whirls replied no, not that she is aware of.

Mr. Karau stated that he understands that the Panama Canal is being dredged to 50 feet in order to accommodate ships with a 50' draft. The Port of Miami has been approved for dredging to allow those ships to come in to that port which means that those container ships coming in increase from 5,000 containers to 15,000 containers. He stated that he had heard a presentation from WilsonMiller, Inc. and Ms. Janet Watermeier about the Hillard Property which is adjacent to the Airglades Airport in Hendry County and he feels that the Hillard property is an adequate site because it has the rail and an adjacent airport.

**Councilman Kiester moved and Commissioner Mason seconded to direct staff to prepare a resolution supporting the Inland Port facility within the FREDI Region.**

Commissioner Jones explained that the inland areas are not opposed to the flow-way of the 48,000 acres, which would take away from 187,000 as long as the remaining could be continued to be farmed. Because then you would have two things, you would have an agricultural community survive and also a 48,000 acre flow-way.

Commissioner Judah stated that given the 1-1.5 million acre feet of water storage deficit to provide for adequate storage or flows from Lake Okeechobee 48,000 acres isn't going to get it done, but on the other hand there are opportunities for land exchange.

Mayor Denham asked if he could get an overview of how the Inland Port facility would impact the flow-way.

Councilman Zavodnyik stated that he would like to hear more about the 3,650 jobs that is going to be created with the Inland Port facility at the presentation given at the February meeting.

Commissioner Turner stated that he will be taking an extremely active role in the project and he will even go a step further to show pictures of the Panamax ship's container load, current capacity load of the Panama Canal and what it will be in the future. Statement of facts of Dade County's Ports having the ability to handle those ships the moment they come online, and the Port of Everglades and Palm Beach County not having that ability as of this moment and they don't feel that the permitting rule will be within those timeframes of the canal expansion of the project occurring. He also feels that it is going to be a very easy process to obtain the data which shows the jobs and square footage storage space in association of that number and also that area's of how that distributorship will affect other satellite distributors.



Chairman Humphrey asked Commissioner Jones and Commissioner Beck to invite representatives from the FREDI Region to attend the February Council meeting in order to participate in the discussion regarding the Inland Port facility.

Commissioner Jones explained that the FREDI Region includes three regional planning councils.

Mayor Burch stated that he would like to see more information on the connection between Southwest Florida and the Panama Canal.

**The motion carried unanimously.**

#### **AGENDA ITEM #5(d)**

#### **Southwest Florida's Strategic Investment Framework – Mayor Jim Humphrey**

Chairman Humphrey reviewed the item as contained in the agenda item and distributed handouts.

Mayor Burch mentioned the “box fund” which a committee of the Legislature wanted to take out all of the box funding and the idea was to replace it with the money from the Stimulus Package. He emphasized that all of the local jurisdictions should be writing letters to their legislators stating that they don't approve of practices if local governments are submitting their “Get Ready To Go” lists if the money is already earmarked for other funds.

Mr. LeBeau stated that he likes Chairman Humphrey's concept because that is one of the goals that the Council has set for its self, to be regional.

**Mayor Denham moved and Ms. Holquist seconded to treat the issue on a regional basis.**

Councilman Zavodnyik stated that he doesn't feel comfortable voting on a prioritized list without bringing it before his city council for review.

Chairman Humphrey stated that he agrees with Councilman Zavodnyik and suggested that after the discussion at the Council's February meeting, each member can take the prioritized list to their individual local jurisdiction for review.

Councilman McCormick stated that he doesn't feel that he would have to take the prioritized list back to his City Council for review because the \$73 million projects that his city submitted don't qualify as regional projects; however, they will be submitted in other forms and in other ways and in some aspects of what Cape Coral does will affect Punta Gorda; therefore, he will be happy to work on developing a regional approach.

Mr. Heatherington gave an overview of the NADO and NARC conference call.

Ms. Holquist stated that she believes that this issue relates to the regional visioning process.

Commissioner Duffy explained that her County Commission had a discussion that their list was too long and she approves of the regional approach. She then expressed concern on how the list is going to be trimmed down regionally.

Chairman Humphrey stated that he was thinking of asking staff to coordinate with the various agencies to make a recommendation to the Council.

**The motion carried unanimously.**

At this time Chairman Humphrey turned the meeting over to Vice Chairman Denham.

**AGENDA ITEM #5(c)**  
**FL's Economic Stimulus & Upcoming Regional Leadership Conference**  
**- Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

**AGENDA ITEM #5(e)**  
**Southwest Florida's Regional Vision: People - Prosperity - Preservation "Working Together for a Better Tomorrow" - Mr. Ken Heatherington**

Ms. Holquist stated that she is on the State's Century Commission and the regional visioning is something that Century Commission has taken a leading role on and she feels that it is important that the Council understands where the regional visioning is intended to go and within government there is getting support for it to go. She explained the problems with the implementation of the visioning process.

Vice Chairman Denham asked how does it get facilitated.

Ms. Holquist explained that one of the recommendations from the Century Commission to the Governor is to strengthen regional control on being able to run the visioning and implementing the visioning.

Vice Chairman Denham asked Ms. Holquist how does the Council facilitate in trying to make the visioning process a more effective process in a more regional dialog. Ms. Holquist stated that she feels that what Mr. Heatherington had started with the regional visioning is excellent but this Council has to be a significant part of that regional visioning process by taking center stage. We have to include also the business leaders and also other leaders involved too.

Mr. Heatherington explained that this will be a continued item.

Commissioner Staub stated that she feels that each member should bring it before their local boards and ask them if they are willing to commit to be in a regional vision.

Mayor Burch strongly urged everybody to think about regional planning and vision relative to normal conditions which does not necessarily mean the Stimulus Package.

Vice Chairman Denham recommended that the vision issue be brought back for further discussion at a future meeting.

**AGENDA ITEM #5(f)**  
**Climate Prosperity Strategy - Mr. Ken Heatherington**

Mr. Heatherington reviewed the item as presented.

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

Commissioner Jones reviewed the item as presented and stated that he wasn't prepared to take any action at this time.

Councilman Heitmann stated that this issue affects the City of Naples and would like to have it discussed at a future Council meeting.

Vice Chairman Denham requested that it be placed on the Council's February agenda.

**AGENDA ITEM #6**  
**PUBLIC COMMENTS**

There were no public comments at this time.

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

Mr. Heatherington stated that at Chairman Humphrey's request he announced that in March there is a Festival of Flowers out at CREW and Chairman Humphrey suggested having the Council's March meeting out at the CREW property.

Mr. Heatherington announced that in order to move the Council meetings around the region the following locations have been selected:

- May - Seminole Tribe
- August - Kimal Lumber in Sarasota County
- October - Charlotte County Event Center

Commissioner Turner stated that he represents the Big Cypress Seminole Tribe in Hendry County and if the Council could move their meeting to a time in which they could include their families he would like to extend an invitation to Billy Swamp Safari which would be an incredible experience for the whole family. There is an eco-friendly hotel being constructed in 2010 and also there is the largest organic farm in Hendry County.

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

SFWMD - Mr. Flood announced that the kick-off workshop is scheduled for next Wednesday at John Boy Auditorium in Clewiston in order to obtain the community's vision on what to do with the US Sugar's lands.

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

Ms. Donley announced that staff is currently working the USEPA Region 4 to set up a green infrastructure workshop.

**AGENDA ITEM #10  
COUNCILMEMBERS' COMMENTS**

No Council members had comments at this time.

**AGENDA ITEM #11  
ADJOURN**

The meeting adjourned at 11:55 a.m.



\_\_\_\_\_

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the January 9, 2009 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 35, Number 01.