

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
MAY 19, 2011**

The regular meeting of the Southwest Florida Regional Planning Council was held on May 19, 2011 at the Southwest Florida Regional Planning Council - 1<sup>st</sup> 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 Butch Jones led an invocation and Commissioner Carolyn Mason led the Pledge of Allegiance. Administrative Staff Specialist Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

- Charlotte County:** Commissioner Tricia Duffy, Mr. Michael Grant
- Collier County:** Councilman Charles Kiester, Councilwoman Teresa Heitmann, Mr. Bob Mulhere
- Glades County:** Commissioner Kenneth "Butch" Jones, Ms. Shannon Hall
- Hendry County:** Commissioner Karson Turner, Commissioner Tristan Chapman, Commissioner Daniel Akin
- Lee County:** Commissioner Frank Mann, Mayor John Sullivan, Commissioner Brian Bigelow, Councilwoman Martha Simons, Councilman Forrest Banks, Ms. Laura Holquist
- Sarasota County:** Commissioner Christine Robinson, Commissioner Tom Jones, Mr. Felipe Colón, Commissioner Carolyn Mason
- Ex-Officio Members:** Ms. Dianne Davies - SWFWMD, Mr. Phil Flood - SFWMD, Mr. Jon Iglehart - FDEP

**MEMBERS ABSENT**

- Charlotte County:** Commissioner Robert Skidmore, Councilwoman Rachel Keesling, Ms. Andrea Messina
- Collier County:** Commissioner Jim Coletta, Commissioner Donna Fiala, Ms. Pat Carroll
- Glades County:** Commissioner Paul Beck, Councilwoman Pat Lucas
- Hendry County:** Commissioner Joseph Miller, Mr. Melvin Karau
- Lee County:** Councilman Mick Denham, Mr. Paul Pass
- Sarasota County:** Councilman Kit McKeon, Mr. George Mazzarantani

Ex-Officio Membership: Mr. Johnny Limbaugh - FDOT, Ms. Tammie Nemecek - EDC of Collier County

## INTRODUCTIONS

Mr. Heatherington introduced the following guests:

- Mr. Mike Brennan, Regional Director for U.S. Senator Marco Rubio
- Ms. Leah Valenti, Deputy District Director for Congressman Tom Rooney
- Mr. Greg Gilman, Director, Hendry County EDC

## PUBLIC COMMENTS

No public comments were made at this time.

## AGENDA ITEM #1 AGENDA

Commissioner Tom Jones moved and Commissioner Turner seconded to approve the agenda as presented. The motion carried unanimously.

## AGENDA ITEM #2 MINUTES OF MARCH 17, 2011 & APRIL 21, 2011

Commissioner Turner moved and Mayor Sullivan seconded to approve the minutes of March 17, 2011 and April 21, 2011. The motion carried unanimously.

## AGENDA ITEM #3 CONSENT AGENDA

Commissioner Tom Jones moved and Mr. Mulhere seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for April 30, 2011 & Grant Activity Status Sheet; Agenda Item #3(c) Glades-Hendry TDSP; Agenda Item #3(d) Member Appointments and Certification for the Glades and Hendry County Joint LCB for the Transportation Disadvantaged; Agenda Item #3(e) Town of Longboat Key Comprehensive Plan Amendments (DCA 11-2); Agenda Item #3(f) Collier County Comprehensive Plan Amendments (DCA 11-1); Agenda Item #3(g) University Town Center (aka Sarasota Interstate Park of Commerce) DRI - NOPC; Agenda Item #3(h) Hazardous Waste Operations and Emergency Response/Hazardous Materials Awareness Level/Refresher Training; and Agenda Item #3(i) Funding Agreement Between Sarasota County and the SWFRPC on behalf of the

Charlotte Harbor National Estuary Program (CHNEP) for FYs 2011-2013. The motion carried unanimously.

**AGENDA ITEM #4  
SOUTH LABELLE VILLAGE DRI - STAFF ASSESSMENT**

Mr. Jason Utley of staff gave a PowerPoint presentation.

Commissioner Chapman moved and Commissioner Turner seconded to approve staff's recommended action: The Southwest Florida Regional Planning Council recommends Conditional Approval of the South LaBelle DRI to be further conditioned on a finding of consistency with the local government comprehensive plan by the City of LaBelle City Commissioners.

Commissioner Bigelow asked Mr. Utley if this development is considered sprawl. Mr. Utley explained that the applicant has proposed a 30 percent capture and has agreed to focus on bicycling and walking activities. They want to make sure that the residents use alternative modes of transportation to the maximum extent possible. He doesn't believe that it is sprawl.

The motion carried with two opposed.

**AGENDA ITEM #5(a)1  
Budget & Finance Committee - Commissioner Carolyn Mason**

Commissioner Mason announced the next meeting has been scheduled for May 23<sup>rd</sup> at 10:30 a.m. where the committee will be reviewing the Council's annual budget for FY 2011/12.

**AGENDA ITEM #5(a)2  
Estero Bay Agency on Bay Management (EBABM) - Mr. James Beaver**

Mr. James Beaver of staff presented this item as contained within the agenda packet.

Councilman Banks asked Mr. Beaver how the recent State's budget cuts is going to affect the Estero Bay Aquatic Preserve Office. Ms. Donley explained that the current State budget has the office staying open with State staff, but the OPS positions which were staff that were hired with no benefits (temporary/full-time) will not be funded. The Aquatic Preserve management staff is dealing with the situation on how they are going to handle taking care of Estero Bay; because even though the office is going to be open, the budget available to do all of the regular functions is not going to be there.

**AGENDA ITEM #5(a)4**  
**Regional Watersheds Committee - Mr. James Beever**

Mr. James Beever of staff presented this item as contained within the agenda packet. He noted that the Fertilizer Pre-emption Bill (HB 457/SB 606) did not pass in the legislature. There was a pre-emption on sales of fertilizer that was combined into the Agriculture Bill 7215. Local governments can still place sale restrictions as long as it is done up to and before July 1, 2011.

Mr. Beever noted that Charlotte County is in the process of amending their Fertilizer Ordinance and Hendry County had adopted their Fertilizer Ordinance.

Mr. Beever announced that the septic tank rules did not make it through the legislative session.

**AGENDA ITEM #5(a)3**  
**Legislative Affairs Committee - Commissioner Karson Turner**

Commissioner Turner stated that he commended the legislature on how they made the cuts.

Commissioner Mann stated that he would like to refer back to the septic tank legislation, where approximately a year ago the legislature passed an expansive measure that stated local governments are going to be in the "septic tank regulation business." They subsequently extended the implementation date of that so that they could make changes to the language. So did the whole bill die in the legislature? What is the legislature's position on the septic tank legislation today?

Commissioner Turner explained that the legislature did not repeal anything at this time. They did get into committee and determined which regions they would like to have the inspections occur, because this was more of an issue having to deal with the natural springs in the northern part of the State. Commissioner Mann stated that it surprises him, because that is not what he previously heard. Earlier, Lee County was impacted because of Lehigh Acres with their upwards of 10,000 septic tanks. He was not aware of the geographic realignment of the bill which would only apply to certain parts of the State and he doesn't understand how the Legislature could single those areas out.

**AGENDA ITEM #5(a)5**  
**Executive Committee - Chair Chuck Kiester**

Chair Kiester reviewed the item as presented and distributed items.

Counsel Donley stated that previously the Council had approved the establishment of the following committees:

1. Executive Committee
2. Budget & Finance
3. Legislative Affairs
4. Regional Watersheds

She explained that the revised resolution, pursuant to Rule 29I.005(4), establishes those subcommittees as standing committees which would exist from year to year. She explained the reason for the resolution, as opposed to a change to the Council's rule, is that the State is still under somewhat of a moratorium of rule changes put forward from the Governor; so this is a way the Council could move forward with enacting these changes to the way the Council does business without going through the rule change process.

**Councilman Banks moved and Mr. Grant seconded to approve SWFRPC Resolution #2011-01 – Resolution Regarding Southwest Florida Regional Planning Council to Establish Standing Committees.**

Commissioner Bigelow stated that with the statement within the resolution, under the Executive Committee, "immediate past Chair", may become problematic if that individual is no longer an elected official or a member of the Council. Counsel Donley explained that the reason for placing the immediate past Chair was to assist with history and continuity.

Commissioner Bigelow stated that he noticed that the Estero Bay Agency on Bay Management was not listed as one of the Council's standing committees. Counsel Donley explained that the reason that the ABM was not listed as one of the standing committees was because it was not established through the Council's rules; it was established through a Settlement Agreement.

**The motion carried unanimously.**

**AGENDA ITEM #6(a)  
Community Collaborative Initiative Issues – Mr. Ken Heatherington**

Mr. Heatherington reviewed the item.

Commissioner Chapman stated that agriculture is the second economic drive in Florida next to tourism. He stated that making the distinction between small and large farmers would be a mistake. We need to be all inclusive because if you really want to have some output from the conference and some substance, you really want to have all farmers involved.

Councilwoman Simons announced that the City of Bonita Springs is looking into expanding their agricultural uses because they are looking at a long-term sustainability plan for the city. Rising fuel costs are going to lead us into having more farms closer to our urban areas, so the city is looking into urban farming.

Commissioner Turner stated that he agrees with the August date being too soon for the conference. Also, there is no need to make a division between the large and small farmer. He feels that we need to be proactive on how the moderator understands that the small farmer has a very hard time attending a conference. They need to have a lot of time to prepare and it needs to be built around their growing season, which is very difficult to do. The small farmers' perspective on any conference where a regulatory agency is going to be speaking and mentoring them on what

they are to be doing to better meet the mandates on what they already need to swallow bitterly makes it a bit of a non-starter for attendance sometimes.

Commissioner Turner stated that the Hendry County Economic Development Council and US Sugar Corporation held the first Ag Expo this in conjunction with the annual equipment auction.

**AGENDA ITEM #6(b)**  
**SWFRPC Strategic Regional Policy Plan (SRPP) Presentation – Mr. David Crawford**

Mr. Crawford gave a PowerPoint presentation on the item.

Commissioner Bigelow expressed his concerns in regards to transportation and what it means for the future.

Councilwoman Simons stated that when she hears multi-modal transportation, she thinks of rail and she would like to see a push on rail and mono-rail.

Mr. Grant stated that he appreciates the conversation regarding transportation; however, where is the money going to come from for rail other than from the residents that live within those communities. It is not self sustaining now and it probably won't be for the long-term future.

Mr. Mulhere explained that there are ways to incentive the use of transit so that it is used more by those that have no other choice. These include incentives by employers and also promoting more electronic access to the office.

Councilwoman Simons stated that the rail will be paid for by long-term planning by placing development around those lines. If you have density around rail lines, then those are the people that will use it.

Mayor Sullivan stated that freight rail could be a real "shot in the arm" for the economy, because you can move product in and out of the area at a much cheaper price. At the same time, in other places they use freight rail to subsidize passenger rail which is always a losing proposition.

Ms. Holquist asked Mr. Crawford if he had to make any kind of assumption within the plan as to when there would be a market recovery and moving on from the recession which we are currently in. Mr. Crawford explained that the SRPP EAR doesn't currently make such a projection because that takes a much longer term view. The Economic element within the plan echoes the Chamber's six pillars concept.

**AGENDA ITEM #6(c)**  
**2010 Annual Report – Mr. Ken Heatherington**

Mr. Heatherington reviewed the item briefly and then introduced Ms. Rebekah Harp of staff who produced the Council's Annual Report.

Ms. Harp explained that she changed the layout of the report and also added photos of the members. She noted that she listed the Council's accomplishments and updates. All of the photographs that were included in the report were taken by Ms. Whitney Grey of staff.

Ms. Pellechio noted that the Annual Report is located on the Council's website both on the homepage and also under publications.

**AGENDA ITEM #6(d)**  
**Legislative Summary Report - Mr. David Hutchinson**

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

Ms. Holquist stated that there is a bill for sunseting the Century Commission in two years. The purpose of the Century Commission was to deal with growth management issues. In two years the Century Commission was planning on putting together a strategic plan, but with the current budget constraints and also what is happening with the Department of Community Affairs there is a great concern that the Commission will not be able to complete the plan. The Commission is meeting in two weeks to determine how to move forward, either to look into private funding sources in order to complete the plan or to focus on other issues for the next two years. The Commission has been working very closely with Chamber and the six pillars and it is real important that if you haven't started within your municipalities or counties, looking at the six pillars and incorporating it is something that is almost standardized throughout the State now.

Mr. Heatherington noted the Energy Enterprise Zone and the Sarasota County EEZ which did pass. Mr. Hutchinson explained that some of the new incentives may have passed but the project is still at the county level. Commissioner Robinson explained that the property has not been officially designated. However, with the legislative incentives and now with the county stepping forward with some financial incentives maybe the project will start moving forward.

Councilwoman Simons announced that the Dog Track gambling did not pass.

**AGENDA ITEM #6**  
**DIRECTOR'S COMMENTS**

Mr. Heatherington announced that he will not be in attendance at the June meeting.

Chair Kiester noted that there is some concern that there will be a quorum issue for the June meeting. There are three very important issues on the agenda for June and he asks that everyone tries to attend the meeting.

Mr. Heatherington noted that the three items are: Council's Annual Budget, Hacinda Lakes (a.k.a. Toll Rattlesnake) DRI - Staff Assessment, and North Port Gardens DRI - Staff Assessment.

Counsel Donley explained that the Council does not have a proxy process; however, the Council can meet its quorum by electronic participation.

**AGENDA ITEM #7  
STATE AGENCIES COMMENTS/REPORTS**

SFWMD - Mr. Flood announced that are five new Governing Board members have been appointed along with a new Executive Director. He also announced that anyone in the Lake Okeechobee service area will be moving up to Phase 3 Water Restrictions.

Councilwoman Simons suggested sending a letter to the five new Governing Board members and new Executive Director stating that the Council looks forward to continuing their successful partnership.

SWFWMD - Ms. Davies announced that the SWFWMD is still in the Phase 1 water shortage.

FDEP - Mr. Iglehart announced that on Tuesday the Florida Cabinet approved Moonshine Marsh Island project in Glades County which also part of the Seven Mile Linear Park. What this did was shifted the board's moratorium on island development to specific projects.

**AGENDA ITEM #8  
COUNCIL ATTORNEY'S COMMENTS**

Counsel Donley announced that HUD has announced that they will be releasing the Sustainability Communities Grant RFP again this year, which the Council had applied for last year's grant and was debriefed on what they could have done better. So as a region staff is getting ready to apply for this year's grant. Staff is in the process of putting together a two page abstract.

Counsel Donley announced that the Gulf Coast Ecosystem Restoration Task Force was formed by a Presidential Executive Order and has a meeting periodically throughout the Gulf Region. They are going to be meeting June 1<sup>st</sup> in Pensacola and at that time they will be taking additional comments about the concerns that Floridians have about the restoration of the Gulf. In addition, they are taking online comments and she strongly urges everyone to be involved because this is restoration of the entire Gulf of Mexico and not just those parts that were affected by the oil spill.

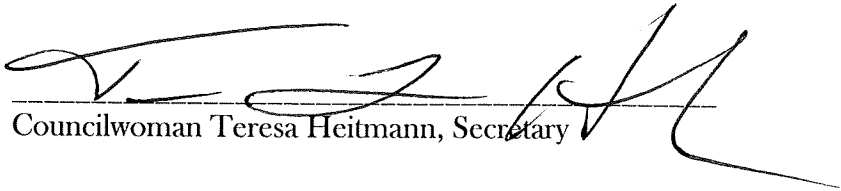
**AGENDA ITEM #9  
COUNCILMEMBERS' COMMENTS**

Commissioner Tom Jones asked that everyone remember our veterans for the Memorial Day holiday.



AGENDA ITEM #10  
ADJOURN

The meeting adjourned at 10:45 a.m.



Councilwoman Teresa Heitmann, Secretary

The meeting was duly advertised in the May 6, 2011 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 37, Number 18.