

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOVEMBER 19, 2009**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **November 19, 2009** at the Southwest Florida Regional Planning Council – 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. In the absence of the Acting Chair Mayor Denham, **Acting Vice Chair Charles Kiester** called the meeting to order at **9:00 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, Ms. Andrea Messina

Collier County: Councilman Charles Kiester, Commissioner Frank Halas, Mr. Bob Mulhere

Glades County: Commissioner Kenneth “Butch” Jones, Commissioner Paul Beck, Dr. Edward Elkowitz

Hendry County: Mayor Paul Puletti, Mr. Melvin Karau

Lee County: Commissioner Tammy Hall, Commissioner Ray Judah, Ms. Laura Holquist, Councilman Forrest Banks, Mayor John Sullivan, Councilman Tom Babcock, Mr. Paul Pass

Sarasota County: Commissioner Shannon Staub (alt. for Commissioner Jon Thaxton), Commissioner Carolyn Mason, Commissioner Tom Jones, Councilman Ernie Zavodnyik

Ex-Officio Members: Ms. Dianne Davies – SWFWMD, Mr. Jon Iglehart – FDEP, Mr. John Morgan (alt. for Mr. Phil Flood – SFWMD), Mr. Johnny Limbaugh – FDOT

MEMBERS ABSENT

Charlotte County: None

Collier County: Commissioner Jim Coletta, Councilwoman Teresa Heitmann

Glades County: Councilman Michael Brantley

Hendry County: Commissioner Tristan Chapman, Commissioner Karson Turner, Mayor Mali Chamness

Lee County: Mayor Mick Denham, Councilman John Spear

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

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

INTRODUCTIONS

Acting Vice Chair Kiester introduced new members of the Council: Mayor John Sullivan, City of Cape Coral and Councilman Forrest Banks, City of Fort Myers. He also introduced: Ms. Sarah Hines, Southwest Florida Regional Director from US Senator George LeMieux Office; Ms. Leah Valenti, Deputy District Director from US Congressman Thomas Rooney's Office; and Ms. Kara A. Moore, District Director from US Congressman Connie Mack's Office.

AGENDA ITEM #1 AGENDA

Mr. Heatherington noted that there were two walk-on items to the agenda: Consent Agenda Item #3(j) Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant – Walk-On Item and Agenda Item #6(d) 2010 Legislative Priorities Walk-On Item.

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

AGENDA ITEM #2 MINUTES OF OCTOBER 15, 2009

Councilman Zavodnyik stated that he had the following change to the minutes, on page 5 in the last paragraph which should read: "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."

Councilman McCormick moved and Councilman Zavodnyik seconded to approve the minutes of October 15, 2009 as amended. The motion carried unanimously.

AGENDA ITEM #3 CONSENT AGENDA

Acting Vice Chair Kiester noted that Agenda Item #3(f) Babcock Ranch Master Development Order DRI – NOPC was to be pulled for discussion purposes.

Commissioner Staub moved and Councilman McCormick seconded to approve the balance of the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for October 31, 2009; Agenda Item #3(c)

Estero Bay Watershed Public Symposium Report; Agenda Item #3(d) Review of the Revised Glades & Hendry Joint TD Bylaws ; Agenda Item #3(e) City of Venice Comprehensive Plan Amendment (DCA 09-1ER); Agenda Item #3(g) University Town Center (formerly Sarasota Interstate Park of Commerce) DRI - NOPC; Agenda Item #3(h) The Fountains DRI – Sufficiency Response Extension; Agenda Item #3(i) North Port Gardens DRI – Sufficiency Response Extension; and Walk-On Agenda Item #3(j) Hazardous Materials Emergency Preparedness (HMEP) Planning and Training Grant. The motion carried unanimously.

**AGENDA ITEM #3(f)
Babcock Ranch Master Development Order DRI - NOPC**

Mr. Dan Trescott of staff reviewed the item as presented.

Mr. LeBeau referred to Mr. Trescott's statement of taking the traffic study/impact out and making it a separate issue and come back with an amendment, he then stated that he feels that it has been the problem with Southwest Florida; that "we need to take the blinders off and look at the total picture." Mr. Trescott explained that the master traffic study is reviewing everything. It is a regional model and it includes everything within six counties and all he is saying is to do that because everything gets bogged down in traffic and it then holds up everything else in the application.

Commissioner Halas asked for staff's opinion on what they feel is going to happen when it is sent up to DCA. Mr. Trescott explained that DCA has already been working with staff and they haven't been very happy and that is why staff has required the NOPC. Commissioner Halas then stated that he agrees with Mr. LeBeau and that we need to look at the big picture and make sure that all of the issues are addressed. He then asked who is responsible for the major traffic impact costs (proportionate fair share, impact fees by both counties, etc.). Mr. Trescott explained that he believed that the applicant is going to pay for most of the transportation impacts.

Mr. Jim Paulmann of WilsonMiller, who represents the applicant, clarified the traffic study issue relative to the NOPC. He explained that it was DCA's recommendation that the applicant go through the NOPC process so that there is consistency between the master development order and the incremental development order that would be approved. The reason for that is when the project moved forward with the traffic study at the time of the MDO adoption, it was anticipated that the regional model that FDOT, District 1 was putting together was not going to be available; and it was recognized by the agencies along with applicant and Council that the approach would to move the project forward and to have the applicant (Plummer and Associates), put a model together and have that methodology approved by the regional agencies. But what happened was that the market slowed and when the increment was ready for submittal the FDOT regional model was completed, so the agencies stated to the applicant that they preferred that the regional model be used, which what was done and DCA stated that they also agreed, but that there was a consistency issue with the MDO, so DCA said process the NOPC, which provides that consistency stating that the regional model is going to be used instead of the model designed by Plummer and Associates.

Commissioner Skidmore moved and Commissioner Duffy seconded to recommend approval of staff's recommendations.

Commissioner Judah stated that there is going to be a long discussion related to both transportation and water issues under Agenda Item #4 Babcock Ranch Increment I DRI, but under the NOPC he doesn't want to lose sight of what Babcock is attempting to accomplish with the 75 megawatt photovoltaic electronic generating facility, which is very commendable. It is his understanding that it is all predicated on the legislature passing its energy bill to facilitate the ability of Babcock to put in-place the 75 megawatt photovoltaic electronic generating facility, which we all support. He asked to hear from the Babcock representatives so the Council recognizes the importance of conveying the message to the state legislature as to the importance of moving the energy bill through the legislative process and to allow for these kinds of innovative approaches to provide for alternative energy.

Mr. Ryan Fair, Manager of Project Development for FPL explained that he is also the lead developer for the DeSoto 75 megawatt solar facility at Babcock. He stated that what Commissioner Judah had stated is very critical for Florida's solar future. The DeSoto project received national acclaim where President Obama attended the commissioning of the facility. The facility is a 25 megawatt facility just north in DeSoto County on FPL owned land and the ability for that project to take place and move forward was an act of the State Legislature HB7133, that allowed 110 megawatts to be built in the State of Florida and of those 110 megawatts, FPL is building three projects, DeSoto being a solar photovoltaic site that is currently the nation's largest. There is one also being built at NASA and also a solar thermal facility is being built in Martin County. What is key about this legislation is that it was a onetime opportunity that allowed for large scale utilities to being able to build these types of projects in the State of Florida. There is no other legislation that allows that to continue, and in order for FPL to do a project like Babcock Ranch, which is going to be three times the size of the DeSoto facility and will be the largest solar photovoltaic in the world, the legislature needs to pass legislation to move these types of projects forward. Incidentally, HB7133 there was another part of the bill which had the Public Service Commission and the State Legislature to investigate the idea of a renewable portfolio standard that would allow a long term continuous industry-wide build out of solar, it would not just be on a large utility scale but it would also allow for roof top solar and other types of applications to take place. This is critical in the Babcock Ranch overall project because Babcock Ranch is not just looking at just one facility they are looking to make this really an energy efficient and smart city.

Commissioner Judah stated that he feels that FPL needs to be commended for their efforts with DeSoto and Martin Counties and also NASA. He said the legislature has a cap that needs to be broken to give innovative developments like Babcock Ranch an opportunity and throughout the State of Florida, so he is hoping that on the heels of moving forward with the Babcock Ranch project approval that we will then support a resolution to our state legislators to support a state wide energy bill that encourages and advocates the importance of providing for large scale solar energy facilities within the State of Florida.

Acting Vice Chair Kiester stated that Walk-On Agenda Item #6(d) 2010 Legislative Priorities includes listing priorities and strategies for the legislature to focus on and it lists the issues that are currently being discussed.

Dr. Elkowitz asked what happens after the master development plan is approved and the traffic survey doesn't meet its requirements, where do we go from there. Mr. Trescott explained that we are not approving anymore other than phase one/increment one. Dr. Elkowitz said that but now you have the master development plan and then you are going to do a survey on the traffic impacts and what if the master development plan doesn't fit into the traffic survey, where do we go from there. Mr. Trescott explained that the traffic analysis is going to be reviewed as a NOPC to the master development plan and he assumes that staff could take away development. Dr. Elkowitz stated that there is that assumption that we have to re-examine the master development plan, so in other words we are "putting the cart before the horse." Mr. Trescott replied yes, but with Increment I staff is recommending specific road improvements.

Commissioner Judah stated that the 2010 Legislative Priorities do not address the large scale solar energy facilities, so he suggested having a separate resolution for the Council's consideration at the appropriate time.

Mr. LeBeau stated that he agrees with Dr. Elkowitz because there are roads in Charlotte County that go under water during the rainy season and now you are adding all of this traffic to those roads and he doesn't see anything being done to address those issues. Then there is the issue with the sheet flow that comes off of Babcock Ranch and no one has addressed that issue. He feels that the road issue needs to be addressed first.

Commissioner Judah stated that unfortunately there is a misunderstanding, Lee County has sent its message loud and clear to Kitson and Partners and also to Charlotte County, that they wanted to see conditions incorporated in the master development approval, that will absolutely mandate that those roads are in-place and paid for by Kitson and Partners and special assessment district. Mr. LeBeau stated that Charlotte County should make sure that the same thing is done.

Commissioner Skidmore stated that Charlotte County would also not want to jump on the development rights by Kitson and Partners so they would want to see the Babcock Ranch project move forward.

Commissioner Staub referred to staff's recommended actions and pointed out that it is procedural where we have to do this in order to proceed to the next agenda item.

Commissioner Halas stated that he wants to make it understood that the parties of both Lee and Charlotte Counties understand the total ramifications.

The motion passed with two opposed.

Commissioner Judah moved and Ms. Messina seconded to prepare a resolution for the Chair's signature to send to the State Legislature, Governor, President of the Senate, and Speaker of the House, to support the flexibility of incorporating the Energy Bill that will allow for large scale photovoltaic electronic generating facilities and renewable energy standards to be built in the State of Florida.

Commissioner Judah stated that there is already a draft resolution pending and he will forward it to staff.

Commissioner Duffy announced that Charlotte County had a renewable energy workshop that was very successful where there were federal representatives from DOE and the discussion included what different states were doing to promote renewable energy and how California, Nevada and Arizona are way ahead of Florida. At the end of the workshop they realized that the legislators were in attendance so a mini workshop has been scheduled for Monday, November 23rd at 1:30 pm at the Charlotte Harbor Event and Conference Center and there will also be CDs available.

The motion carried unanimously.

AGENDA ITEM #4 BABCOCK RANCH INCREMENT I DRI STAFF ASSESSMENT

Mr. Trescott of staff reviewed the item as presented.

Mr. LeBeau asked where is the water stored onsite. Mr. Trescott replied that staff is requiring a 100 year/3 day storm event which is what Sarasota County requires, and staff has tried to get other counties within the region to do the same because it does reduce offsite flooding significantly by even more than four times the storage. The water management district requires a 25 year/3 day event, so staff's proposal is much greater storage.

Mr. LeBeau asked what kind of storage system will be put in place. Mr. Trescott explained that the water will be stored in lakes and wetlands. Mr. LeBeau asked how much impervious area will be added to the project. Mr. Trescott stated that the agricultural operations discharge more water offsite than development.

Mr. Jim Beever of staff explained the surface water management system with new retention standards for the Babcock Ranch project. Basically, how agricultural operations works in this part of Florida is it tries to retain as much water as possible during the dry season and discharges water that it does not need during the wet season. So the agriculture operations on the site basically reduce the flows to downstream areas during the dry season and increase flows during the wet season. Residential development of this design, with a surface water management system, creates a series of retention lakes systems which are not currently on the site and the water will be stored into those areas. The overall uses of that water in those lakes are for reuse on the site, so they are doing their irrigation from their storm water system. Each time you move water through these systems you increase the evapotranspiration and quite a bit of the water is lost to the atmosphere through the evaporation processes. At the same time they set new water control structures, approved by SFWMD, which will be at a higher level for the residential development than they are for the current agricultural operations.

Commissioner Halas asked where does the water go after the retention ponds are full is there a natural drainage system that will handle the extra water. Mr. Beever replied that ultimately the Caloosahatchee River receives all of the water from the site. The water is transported to the Caloosahatchee River through two major stream systems, Trout Creek and Telegraph Creek, and for Increment I it will primarily be through the Trout Creek system. He then explained that there is also a wetland area to the north known as Curry Lake and it receives and absorbs a lot of the water that would come off from Increment I also. He also explained that it is not a natural system

today so it is not a natural sheet flow system at this point, what they do in agriculture is they interconnect all of the wetlands through a series of agricultural ditches and those ditches move water much more quickly to the stream systems than they do under natural sheet flow.

Ms. Holquist asked if the development is going to improve the water runoff on the site because it is going to correct what has happened through agricultural uses of the land previously and it is going to put it back to more of a natural state; but if only the first phase of the development happens will that also take place over long term. Mr. Beever explained that in the total master development plan it does all interconnect into a fully integrated system, but it is important in these early developments that they be consistent within themselves; and potentially retain more than they would in the final, because when you have the other capacities built later you would then be able to deal with that further down the site. But for right now, they are going to want to try to keep more in the first increment and then as later increments come in place then you can fit the puzzle pieces together.

Dr. Elkowitz asked what is being done with the solid waste and where it is being disposed of, because he doesn't see it addressed within the staff assessment. Mr. Trescott explained that the solid waste issue was addressed in the mater application. He stated that there was no need to conduct further analysis on solid waste because it was addressed in the master application and it is all being taken to the Charlotte County Landfill.

Commissioner Duffy noted that the Charlotte County Landfill has approximately 20 years left and it can accommodate the solid waste from the Babcock Ranch Community.

Commissioner Skidmore moved and Commissioner Duffy seconded to recommend Conditional Approval of Babcock Ranch Increment I DRI to be further conditioned on a finding of consistency with the local government comprehensive plan by the Charlotte County Board of County Commissioners.

Commissioner Judah stated that he would like to hear from Lee County's staff which has comments on the written record pertaining to both the water and transportation issues. He wanted to make sure that hearing from staff, that if those conditions that were reported to the Council are incorporated as conditions into the increment today. Mr. Trescott explained that staff did attach Lee County's letter and have addressed their conditions.

Commissioner Halas stated that Charlotte County may need to look at this issue seriously when it was stated that their landfill still has 20 years left, he suggested that there is now a great opportunity to address recycling and be made mandatory that at least 80% of the goods stay out of the landfill and go into recycling. Mr. Trescott explained that it is part of the development order condition.

Mr. Roland Ottolini Director of Lee County Division of Natural Resources stated that he would like the Council to consider a few changes to the conditions on page 3 of "Staff's Recommendations" under Item 2, condition "L" for "Stormwater, Water Quality and Floodplain." He explained that Lee County had entered into a Settlement Agreement with Babcock Ranch which addresses Lee County's concerns of surface water impacts for the proposed development. Lee County is concerned with the volume, timing and distribution of flows coming off the proposed development and how that may affect Lee County, not only just for the 100 year event

but for the full array of storm events from the annual wet season-dry season to the 100 year or so. In part of that agreement, they have agreed to develop several models; natural systems model, existing conditions model, and a future build out model that will address the hydrological impacts. The ultimate goal was to, after development; try to achieve something closer to a natural system than what is out there today. He stated that he is not asking for anymore than what has already been agreed to in the agreement, so he would like for the Council to consider those changes in the staff's recommendation language.

Commissioner Staub asked Mr. Heatherington if staff is now putting conditions that have been settled by lawsuits in increments stipulations. Mr. Heatherington explained that he was under the understanding that when staff had the conversation with Lee County that the settlement agreement was not going to be part of the DRI development conditions, because it was part of the permit process. Commissioner Staub stated it used to be that if there was a settlement agreement it was a civil issue, and it was between the parties listed in the agreement and it did not have to be included in what was sent to DCA.

Mr. Ottolini stated that the recommended changes are relatively small and referred to page 3, under condition "L." He suggested adding "Owl Creek" to the receiving waters and also "25 year, 5 year, and annual wet season-dry season storm events."

Commissioner Skidmore stated that he would like to entertain a motion not to accept any additional comments or changes.

Mr. Ottolini explained that these recommendations are things that the applicant has agreed to do and he feels that it would be valuable to this Council's understanding if there has been a lot discussion of the potential impacts of receiving waters, which Lee County is basically going to bear the brunt of all of the outfall from Increment I and future phases.

Commissioner Hall asked Council staff if they have any issues from a staff perspective with what Lee County is asking to be the modification of language. Mr. Trescott replied that what is being asked for is already in the master development order and this particular increment doesn't drain into Owl Creek, so he doesn't see the need to change the increment at this point.

Commissioner Hall stated that since it is already in the master development order is there any harm in bringing it down into the increment and repeat in all of the increments.

Mr. Beever explained that staff has no objection to listing the other storm events. He also explained that he feels that when dealing with increments that staff be specific to which drainages that are affected, so there is a master condition which relates to this overall study, that was staff's recommendation and it should be incorporated by reference, anything that is in the master gets incorporated to the increment; but specifically for this increment, we should have these analyses of the many different storm events that Lee County is interested in within these particular watersheds and have it done pre-development; because the study could influence significantly the ERP permit from the water management district.

Dr. Elkowitz stated that he was handed the master plan for waste management and no where within the plan does it state about developing its own waste management system, but it does state that the Class 1 material will be disposed of in Charlotte County; it doesn't address hazardous waste or any other waste. Mr. Trescott explained that hazardous waste is handled by special handlers.

Commissioner Duffy stated that Charlotte County has a very good working relationship with Kitson and Partners and everything that she has seen as far as plans for Babcock Ranch has been everything that they can do to protect the environment regarding renewable energy and the solar plant, recycling, etc. In many cases they have exceeded the requirements for all different categories of this development; they have worked closely with the Council and SFWMD. The SFWMD has made recommendations and added requirements which Kitson and Partners have willingly adopted those requirements.

Mr. Trescott explained that as part of Increment I, staff received a letter from the landfill operator and the hauler stating that they can handle the waste. Dr. Elkowitz stated that the entire letter is stating is that the hauler will take responsibility under state, federal and local laws, but what he is asking for is for the applicant to place within the plan exactly which landfill will be handling all of the solid waste, hazardous waste, etc.

Commissioner Staub asked Mr. Beever that when he referred to all weather events and pre-development was included, was it made clear to the applicant. Mr. Beever replied that it was included because the typical analysis is done with regard to a storm water permit which looks at your current conditions and your future conditions; but does not do a strong examination of what the conditions were on the site prior to the alterations which were made to the site that are currently existing. This is an important factor with regards to the overall water management on this site. The applicant was aware that the Council was interested in it since it is something that the Council expressed over two years ago. Also, the 100 year storm event has been a recommendation that the Council has with regard to the resolutions that have been adopted in terms of our storm water resolutions of the Lower West Coast Watershed Committee.

Commissioner Skidmore stated that you dealing with a moving target, the applicant is trying to move ahead with phase one and it should be the Council's job to help facilitate that and not become a bureaucratic power ploy and an extra level of bureaucratic scrutiny that doesn't need to exist.

Commissioner Staub asked if the language that is being requested to be included in the staff's recommendations are already included in the settlement agreement regarding the storm events.

Commissioner Judah requested that Lee County's Land Use Attorney, Ms. Donna Marie Collins answer that question.

Ms. Collins explained that the information that Lee County is requesting to be included in the recommendation of approval for this project, has been addressed on a grander staked scale as part of the litigation settlement, that allowed this project to go forward because there was a challenge where Lee County claimed it wasn't consistent with the Charlotte County Plan; and after many months and a lot discussion, a settlement was reached where they agreed to do an array of items

over and above what was originally approved. What has happened now, is we are now adopting an increment and one argument is to say is that you don't have to restate anything in the increment; because it is already covered in the master or in the settlement agreement, but that is not really true because to the extent, they are not really consistent an ambiguity is created and ambiguities cause delay. She then stated that to answer Commissioner Staub's question is yes, the language that is being requested have been extracted from the settlement agreement.

Mr. Rob Bernsson, Attorney At Law representing Kitson and Babcock stated that he was aware of Lee County's comments since they were made through Council staff. Since the Council goes through the process at staff level, to go through all of the comments and bring forward recommendations to the Council, those conditions that they feel are appropriate to be contained in the recommendation for either approval or denial. What you have before you today is a recommendation for approval from Council staff that have evaluated all of the comments outside of this forum, but through their routine process of which they look at the comments. Many of the issues are covered in the master development order, and one of things that have been stated by DCA is that they will have issues with the development order where they are inconsistent. So where we have language already in the master development order that deals with the various creeks, to change that language in an increment puts the applicant at risk of having DCA finding the development order inconsistent with the master and that is why a master development order is done, in order to put those conditions in place up front. The staff reviewed Lee County's comments and included the appropriate comments in their staff recommendation. We are committed to working with both the transportation issues and the other issues as we move forward, up until the very day of adoption by Charlotte County. We continue a dialog with all the parties working together, including Lee County, FDOT, DCA, RPC, and Charlotte County. The work has been done behind the scenes to get to this point and to keep the project moving forward.

Mr. LeBeau asked Mr. Bernsson if the applicant would be willing to have the recommendations amended. Mr. Bernsson replied no.

Mr. Frank Mann, also Lee County Commissioner for District 5 which covers the northeastern portion of Lee County, he stated that he has been a lifelong resident of Lee County and the interests of both Charlotte and Lee Counties when it comes to the Babcock Ranch project are vastly different. Charlotte County will enjoy the ad valorem tax increase and impact fees they desperately need it, but Lee County will enjoy the impacts from the project. Lee County's DOT staff had recently come up with a figure of \$800 million in road impacts at build out for the project and even if the developer pays for those impacts, that is a huge human impact on Lee County, particularly the part that he represents. He stated that the nearest grocery store to the project is six miles straight down SR31, which is where everyone is going to go for years until they can finally afford to put the first grocery store in Babcock, and that impact alone on SR31 has been estimated and agreed to by state and county planners as to be having a potential impact as needing to expand SR31 at buildout 12 to 14 lanes.

Public Speakers

Mr. Robert Quillen of North Olga Association spoke of his support for the Babcock Ranch project.

Mr. Tom Mulling of North Olga Association spoke of his support for the Babcock Ranch project.

Mr. Dennis Van Roekel of North Olga Association spoke of his support for the Babcock Ranch project.

Mr. Nick Armeda spoke of his support for the Babcock Ranch project.

Mr. Joseph Sterlacci spoke of his support for the Babcock Ranch project.

Ms. Carla Palmer spoke of her support for staff's recommendations.

Ms. Deborah Liftig spoke of her support for the Babcock Ranch project.

Mr. Andy Getch of Lee County Department of Transportation spoke of his support for staff's recommendations.

Mr. Steven Brodtkin stated that he is strongly against the Babcock Ranch project due to the road and drainage issues.

Ms. Debbie Jackow stated that she is strongly against the Babcock Ranch project due to the impacts of the Bayshore and Alva communities.

Commissioner Halas asked how the solid waste issue is going to be addressed. Mr. Trescott explained that the incremental application requires a letter from the landfill hauler and landfill indicating that they accept the waste, which has been done.

Dr. Elkowitz stated that Charlotte County had discussions of putting a landfill on the four corners that impacts Glades, Lee, Hendry, and Charlotte Counties, so all he is asking for is an exact place where the waste is going to be dumped.

Commissioner Duffy explained that there was a proposal by Omni Waste to build a regional landfill and the Charlotte County BOCC unanimously voted it down approximately two years ago and there are no more plans for any other landfill in or near Glades County and the Babcock waste will be going to the Charlotte County landfill on Zemel Road in western Charlotte County.

Commissioner Skidmore stated that Omni Waste did challenge the decision and lost.

The motion passed after a roll call vote of 13 to 10.

AGENDA ITEM #5(a)

DOE Grant Opportunity – Retrofit Ramp-up and General Innovation Fund Programs

Mr. David Hutchinson gave an overview of the item.

Mr. Heatherington suggested that the grant go before the Council's Climate and Energy Committee for their input. Mr. Hutchinson stated that he agrees that the committee should be involved in the grant process.

Commissioner Judah moved and Commissioner Hall seconded to authorize staff to move forward with the DOE Grant Opportunity. The motion passed unanimously.

**AGENDA ITEM #6(a)
Offshore Drilling**

Councilman Zavodnyik explained that at the Council's August Retreat it was decided to have offshore drilling as one of the Council's priorities. He also noted that at the Sarasota Convocation which was held in Venice on September 29th, the offshore drilling resolution was adopted. He stated that he feels that it is incumbent upon the Council to take a leadership position and tell our legislative delegation what we feel should be done regarding drilling in the gulf.

Councilman Zavodnyik moved and Commissioner Judah seconded to add to Walk-on Item #6(d) Legislative Priorities that under "Natural Resource Issues including Water, Air, Energy and Climate" a sixth item would state "the Southwest Florida Regional Planning Council opposes oil and gas drilling in the territorial waters of the State."

Commissioner Beck stated that there are currently studies being done and he would be opposed to moving forward with a motion at this time until the studies are completed and we know what the ramifications are.

Dr. Elkowitz stated that he opposes the letter with the way that it is written. He then stated that he didn't mind Sarasota County stating that they don't want offshore drilling off their coastline, but he doesn't feel that it behooves the Council to state it is for the whole State of Florida. He then referred to the news article that he had distributed entitled "Will Russia Drill Off Florida's Coast?"

Commissioner Judah stated that ocean currents know no political boundaries and he feels that the Sarasota Convocation resolution is a very appropriate message that needs to be sent to the State legislature that is prime to face a very critical decision on influence from special interests and that is "big oil." He explained that Lee County is currently working on finalizing a deal with a company that converts algae to ethanol and have worked out a long term agreement with another company that converts grease to bio-diesel. There is a multitude of alternatives and options as opposed to move forward and jeopardize a \$60 billion tourism industry that relies on a good clean environmental feature such as Florida's coastline.

Commissioner Staub referred to Dr. Elkowitz's news article and stated that the article was referring to the federal waters and Russia will not be drilling within the state waters off of Florida's coast unless the state legislature allows it. She then stated that what concerns her is that even looking at the oil spill possibilities, let's look at the economics; what the proponents are saying is that Florida is going to receive billions of dollars per year from the drilling, but if you look at the states that already have oil drilling off their coast they have never received billions of dollars. She then said that she feels that for both our economy and environment it is important to send the letter.

Commissioner Tom Jones stated that the City of North Port has already endorsed the Sarasota Convocation resolution and it was also introduced and approved at the Manasota League of Cities meeting.

Mr. Karau stated that if it is not economically feasible then why the foreign countries are doing it. He believes that Brazil received a grant from the U.S. government to drill for oil with an exclusive contract with Russia.

Commissioner Tom Jones explained that if you go on the Department of Energy's website they have estimated that if the oil drilling is completed in the state waters all over the State of Florida, it will have the impact of less than 1 percent of the needs of our oil through 2030 and that 1 percent is only a small percentage of the 7 percent that we provide of our own oil.

Mr. Mulhere stated that he is opposed to offshore drilling, but he asked the Council if it is premature before seeing the outcome of the analysis to make a recommendation.

Acting Vice Chair Kiester asked when is the analysis due to be completed. Commissioner Staub replied in January.

Councilman Babcock explained that different areas receive the storm water and the people and they are sustainable, but they don't have a beach so they their rides are to Fort Myers Beach and that is why the quality of the water around Fort Myers Beach is very important for the economic conditions for all of Southwest Florida.

Mr. Pass stated that he agrees with Commissioner Judah and he then gave an overview comparison of Florida's beaches with Texas, Louisiana, Alabama, etc. and how the tar balls affects them.

Commissioner Staub stated that we have been told by the legislators, particularly in the Florida House, that they want to hear from us now.

Commissioner Mason stated that if communities have not been letting their opinions be heard prior to the study, and then it would have been pushed through the legislature, so she agrees that the Council needs to send a message to the legislature that we don't support offshore drilling.

The motion carried with four opposed.

AGENDA ITEM #6(b) Intermodal Logistics Center Status Report

Mr. Limbaugh gave an update status report. He explained that the Port of Palm Beach is moving ahead with their selection process and they are accepting comments from FDOT; they are also asking the four applicants to provide financial information and on December 17th, as long as there isn't any further change, the Port of Palm Beach will make a selection for the site.

Commissioner Judah asked why the Port of Palm Beach makes the final decision. Mr. Limbaugh explained that since it is their process, they can select the site and they have stated that they don't need FDOT funds or SIS funds to fund their projects. It is no different than the Lee County Port Authority moving forward with an RFP process.

Commissioner Judah stated that if the Governor's Office, FDOT, SFWMD, DCA, and FDEP all oppose the selected site, then he doesn't believe that it is going to work out to the Port of Palm Beach advantage.

Mr. Pass stated that the Governor's Office, FDOT, SFWMD, DCA, and FDEP have been asked to take control of the selection process because the decision should not be made by the Port of Palm Beach and they have all respectively declined.

Mayor Puletti explained that Mr. Pass's statement is correct, if the wrong selection is made, he expects that there will be several court challenges.

Commissioner Beck stated that there were several people who went to Tallahassee and it appears that FDOT and the Florida Chamber will be conducting two independent studies on traffic and the economic impacts. During the process, it was reported that the Governor had preferred it to be in Jefferson County, where the Jefferson County Board of County Commissioners had approved for the University of Florida build a satellite campus in the county. The University of Florida's response was we had no intention of building a satellite campus in Jefferson County. He then stated that he feels that the Port of Palm Beach can do whatever they want to, although they may get a port in of an intermodal district facility the main drawing card and state support will go towards where the studies state is the best area, which he feels will be either Glades or Hendry area and it will be a tremendous economic benefit.

Commissioner Butch Jones stated that one site that the Port of Palm Beach is interested in has raised a lot of environmental concerns due to it being in the direct path of the flow way.

Dr. Elkowitz stated that the Council has gone on record on finding out what other states are involved in the process, because he is under the impression that Texas and Georgia are in consideration and Florida is in competition with those other states.

Mr. Heatherington stated that the other possible sites are Atlanta, Savannah, Jacksonville, etc.

Dr. Elkowitz stated that he is under the impression that Texas is the leading state in the process because they are in the center of country that can go east and west where Florida is only on the east corridor. He asked that staff to review the issue and find out what other states are involved in the issue/process.

AGENDA ITEM #6(c)
Other Regional Issues – Southeast Florida Regional Climate Change Compact

Mr. Heatherington reviewed the item as presented.

WALK-ON AGENDA ITEM #6(d)
2010 Legislative Priorities

Mr. Heatherington reviewed the item as presented in the handout. He also noted that the priorities were amended as recommended in the discussion in Agenda Item #6(a) Offshore Drilling to add a sixth item under **“Natural Resource Issues including Water, Air, Energy and**

Climate” a sixth item that would state “the Southwest Florida Regional Planning Council opposes oil and gas drilling in the territorial waters of the State.”

Commissioner Judah moved Ms. Messina seconded to approve the 2010 Legislative Priorities as amended. The motion passed unanimously.

Mr. Pass asked if the Council is tied the same way elected officials are about opposing or being able to spend money to oppose a referendum item such as the hometown democracy issue.

Counsel Donley explained that there is some discussion among the regional planning councils about the applicability of the rule about spending public dollars to oppose specific legislation. She said that she is hoping that it will be worked out within the next month or so, because the Florida Regional Councils Association (FRCA) first came out with saying that we couldn't come out specifically opposing legislation or anything coming before consideration and two weeks later they said yes, that we could. Our process in the past has been to give the information to the Council members as educational and then let the members make decisions.

Mr. Pass stated that if hometown democracy passes it will have major impacts, then there won't be any funding for the Council or any other entity for two years because there will be zero outside investment coming into the State of Florida.

AGENDA ITEM #7 PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #8 DIRECTOR'S COMMENTS

Mr. Heatherington announced that staff has finalized the lease agreement for parking spaces in exchange for storage space with the State Probation Office.

Mr. Heatherington announced that native plant landscape in front of the Council's offices which were paid for by a CHNEP micro-grant.

AGENDA ITEM #9 STATE AGENCIES COMMENTS/REPORTS

FDEP - Mr. Iglehart announced that the CHNEP will be holding their annual Nature Festival on Saturday, November 21st from 10-3 at the Charlotte Sports Park.

SFWMD - Mr. Morgan announced that on December 18th at 9:30 am at the Estero Recreational Center the SFWMD will be hosting a workshop to discuss the update of the Lower West Coast Water Supply Plan.

**AGENDA ITEM #10
COUNCIL ATTORNEY'S COMMENTS**

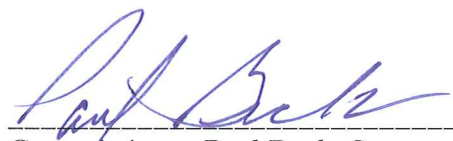
Counsel Donley announced the CHNEP's 2010 calendar has been published and distributed as a handout. She explained that there is a limited supply available and to contact CHNEP staff for copies.

**AGENDA ITEM #11
COUNCIL MEMBERS' COMMENTS**

No members' comments were made at this time.

**AGENDA ITEM #12
ADJOURN**

The meeting adjourned at 11:50 a.m.

A handwritten signature in blue ink, appearing to read "Paul Beck", is written over a horizontal dashed line.

Commissioner Paul Beck, Secretary

The meeting was duly advertised in the November 6, 2009 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 35, Number 44.

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

Robert Dillen

(Please Print)

Organization (if any):

N. OLGA ASS.

Address:

*22920 N. RIVER ROAD
ALVA, Florida*

Agenda Item Number:

Item 4

Amount of Time Requesting:

5-5 min

Signature

Robert Dillen

Date

November 19, 2009

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

Tom Mulling
(Please Print)

Organization (if any):

NORTH DGA ASSOCIATION

Address:

2469 DUNE HY

Agenda Item Number:

4

Amount of Time Requesting:

3 min.

Tom Mulling
Signature

11-19-07
Date

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

Dennis Van Roekel

(Please Print)

Organization (if any):

N. Olga

Address:

18321 N. Olga Drive
Alva, FL 33920

Agenda Item Number:

4

Amount of Time Requesting:

3 min.

Signature

Date

11-19-09

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

Nick ARMEDA

(Please Print)

Organization (if any):

Address:

*19440 ARMEDA RD.
33910*

Agenda Item Number:

4

Amount of Time Requesting:

1 min.

Signature

Nick Armada

Date

19 Nov 09

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

JOSEPH STERLACCI

(Please Print)

Organization (if any):

Address:

14130 DUKE HWY

Agenda Item Number:

4

Amount of Time Requesting:

2 MINS

Signature

Joseph M. Sterlacci

Date

19 Nov 09

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

CARLA PALMER

(Please Print)

Organization (if any):

SELF

Address:

6520 HIGHLAND PINES CIR.
FORT MYERS
33966

Agenda Item Number:

4

Amount of Time Requesting:

2 MIN

Signature

Date

11-19-09

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

Deborah Lifting
(Please Print)

Organization (if any):

Address:

9367 Via San Giovanni Street
Fort Myers, FL 33905

Agenda Item Number:

Item 4

Amount of Time Requesting:

2 minutes

Signature

Deborah Lifting

Date

11/19/09

REQUEST FOR PLACEMENT ON AGENDA
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

ANDY GETCH

(Please Print)

Organization (if any):

LEE COUNTY DEPARTMENT OF TRANSPORTATION

Address:

1500 MONROE STREET

PORT MYERS, FL 33901

Agenda Item Number:

4

Amount of Time Requesting:

3 MIN

Signature

Andy Getch

Date

11/19/2009

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

ROLAND OTTOLINI

(Please Print)

Organization (if any):

LEE CO NAT RESOURCES

Address:

1509 MONROE ST

FT MYERS FL

Agenda Item Number:

4 BARBORA

Amount of Time Requesting:

5 min

Signature

Date

11/19/07

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

Steven Brodtkin

(Please Print)

Organization (if any):

Address:

17720 Durrance Rd.

Agenda Item Number:

4 Babcock DR E

Amount of Time Requesting:

1 minute

Steven Brodtkin
Signature

11-19-09
Date

**REQUEST FOR PLACEMENT ON AGENDA
OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

DEBBIE JACKOW

(Please Print)

Organization (if any):

CONCERNED CITIZENS OF BAYSNORE
COMM

Address:

19950 MEREDITH RD

FT MYERS FL 33917

Agenda Item Number:

BABCOCK DCE

Amount of Time Requesting:

Debbie Jackow

Signature

11/19/09

Date