

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
NOVEMBER 20, 2014 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on November 20, 2014 at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chairwoman Teresa Heitmann called the meeting to order at 9:03 AM and Commissioner Tim Nance then led an invocation and the Pledge of Allegiance. SWFRPC Planner 1/Grants Coordinator, Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Chris Constance, Commissioner Tricia Duffy, Councilwoman Nancy Prafke, Mr. Don McCormick

Collier County: Councilwoman Teresa Heitmann, Commissioner Tim Nance, Mr. Bob Mulhere, Mr. Alan Reynolds

Glades County: Commissioner Donna Storter-Long, Mr. Thomas Perry

Hendry County: Commissioner Don Davis, Commissioner Daniel Akin, Mr. Melvin Karau

Lee County: Commissioner Frank Mann, Commissioner Cecil Pendergrass, Councilman Forrest Banks, Councilman Rick Williams for Councilman Jim Burch, Vice Mayor Doug Congress, Ms. Laura Holquist

Sarasota County: Commissioner Cheryl Cook for Commissioner Rhonda DiFranco, Mayor Willie Shaw, Councilman Kit McKeon

Ex-Officio: Ms. Sara Catala for Ms. Carmen Monroy - FDOT, Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD

MEMBERS ABSENT

Charlotte County: Ms. Suzanne Graham

Collier County: Commissioner Georgia Hiller

Glades County: Commissioner Paul Beck, Councilwoman Pat Lucas

Hendry County: Commissioner Karson Turner, Mayor Phillip Roland

Lee County: Mayor Anita Cereceda

Sarasota County: Commissioner Charles Hines, Commissioner Carolyn Mason, Mr. Felipe Colón

Ex-Officio: Ms. Melissa Dickens – SWFWMD

Ms. Gwinnett announced that there was a quorum present at that time. Chair Heitmann welcomed Lee County Commissioner Cecil Pendergrass to the Council.

**AGENDA ITEM #4
PUBLIC COMMENTS**

There were no public comments made at this time.

**AGENDA ITEM #5
AGENDA**

Commissioner Nance made a motion to approve the agenda as presented and the motion was seconded by Commissioner Cook. The motion carried unanimously.

**AGENDA ITEM #6
Minutes of the October 16, 2014 Meeting**

Commissioner Nance made a motion to approve the minutes of the October 16, 2014 meeting as presented and the motion was seconded by Mayor Shaw. The motion carried unanimously.

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

Ms. Wuerstle presented the item. She announced that a quorum wasn't able to be obtained for either date in December (December 11 or 18) for the December Council meeting, and then asked the Council for their recommendation.

Vice-Mayor Congress asked if there were any important issues which the Council needed to address in December. Ms. Wuerstle replied she asked the appropriate staff and there weren't any important issues.

A motion was made by Vice-Mayor Congress to cancel the Council's December meeting. The motion was seconded by Commissioner Davis and passed unanimously.

She noted that SWFRPC bags had been distributed to the members. She explained that the bags were from the IT Workshop that was hosted by the SWFRPC, City of Cape Coral, and Lee County. She then briefly reviewed the grant writing flyer which was also distributed.

Ms. Wuerstle gave a brief overview of the grants staff is currently working on, such as: The Promise Zone Designation and the I-75 Medical Manufacturing Corridor.

Chair Heitmann asked Ms. Wuerstle is what ways the members could assist with the I-75 Medical Manufacturing Corridor grant. Ms. Wuerstle explained that letters of support/commitment are

needed from colleges, medical community, etc. She noted that she would like to obtain a direct contact for Arthrex in order to discuss their needs.

Commissioner Nance recommended to Ms. Wuerstle that she contact the Operations Director, Andy Owen at Arthrex,

**AGENDA ITEM #8(a)
Grant Activity Sheet**

This item was for information purposes only.

**AGENDA ITEM #9
CONSENT AGENDA**

**A motion was made by Mr. McCormick to approve the consent agenda as presented;
Commissioner Nance seconded the motion.**

Vice Mayor Congress referred to the Council's Financial Statements and suggested that it would be appropriate to have the Council's Treasurer give a high-level summary of the financial statements, since at one-point in time there were some financial issues with the Council.

Ms. Wuerstle noted that Councilman McKeon, who is the current Chair of the Council's Budget & Finance Committee, was prepared to give a report. Councilman McKeon reported that currently the Council's finances are in line with its budget. However, the Council's finances are little bit tighter due to the CHNEP relocation to the City of Punta Gorda; where the NEP's funds provided the Council with a buffer. He noted that the Council's financials would probably dip in December and he would be prepared to give a more detailed report at the January meeting. The major issue that the Council has faced was the loss of its CPA Firm and staff is currently in the process of seeking another CPA firm to overlook the Council's financials.

Vice-Mayor Congress questioned the reason the Council lost its CPA firm. Ms. Wuerstle explained that in the past, the Council used the Cordell CPA firm and they recently lost their CPA. She has been researching other CPA firms along with contacting SCORE in Collier County who are retired executives and they match those individuals up with what the agencies are looking for.

Vice-Mayor Congress recommended that the financial statements be pulled from the consent agenda and placed on the agenda as a separate item.

**AGENDA ITEM #10
REGIONAL IMPACT**

Mr. Crawford gave a PowerPoint presentation on the following items.

AGENDA ITEM #10(a)

Lee County Comprehensive Plan Amendment (River Hall) - CPA2012-01

Mr. Crawford gave a presentation on the River Hall project. He also acknowledged Mr. Russell Schropp representing the applicant.

Commissioner Mann stated that he wanted to make sure that the process for this project is very clear because there are individuals from both sides present at the meeting on this issue.

Mr. Perry stated to Mr. Crawford that he wanted to make sure that the Council understood the significance of approving staff's recommendation. Mr. Crawford explained that the process was that staff would submit the Council's recommendation/comments to the Florida Department of Economic Opportunity (DEO), along with the other agencies' comments (FDOT, FDEP, etc.) If the Council approved staff's recommendations then it would be stating that the proposed amendment was inconsistent with the Council's Strategic Regional Policy Plan (SRPP) and DEO should not approve the amendment as presented.

Commissioner Pendergrass asked Mr. Crawford where he obtained the information that there was a lack of public input, because within the last 60 months of being on the Lee County BCC there had been public input on many factors regarding this issue. He stated that he had gone to the community of River Hall, walked it and spoke to many of the residents of River Hall. He stated that approximately 72% of the River Hall residents supported the proposed amendment. Mr. Crawford explained that when staff prepared the report they were receiving complaints from both the public and county staff stating that they didn't meet with the residents of River Hall or Fort Myers Shores, and specifically the adjacent area of Caloosa Shores. Commissioner Pendergrass stated there were public meetings held within River Hall. Mr. Crawford stated concurred; however, there were no public meetings held for the surrounding areas around River Hall.

Commissioner Pendergrass stated that he attended 13 public meetings on this issue with public input from residents of Morse Shores, North Fort Myers, and Collier County. This is why he is questioning staff's comment in regards to not having public input, because he doesn't understand where that information came from. Mr. Crawford stated that it came from county staff at the time the report was being put together. Commissioner Pendergrass asked Mr. Crawford for the date that the "no public input" information was given to staff. Mr. Crawford stated that he didn't have that information available at that time. Commissioner Pendergrass then asked Mr. Crawford for the name of the county staff which provided that information. Mr. Crawford explained that he didn't compile the report so he did not have that information. Commissioner Pendergrass stated that the Council is going to hear input based on county staff even when you don't know who the information came from. Mr. Crawford asked Commissioner Pendergrass if he wanted the name of the specific planner that supplied the information. Commissioner Pendergrass said yes, he wanted to know who gave Council staff the information stating that there was no public input. Mr. Crawford said that he doesn't have that information since he wasn't the staff that put the report together. Commissioner Pendergrass restated that the Council was going to hear this report without having the proper information. Mr. Crawford said that he believed that it was the proper information, but he didn't personally prepare the report and explained that the staff member who put the report together was no longer with the Council.

Chair Heitmann stated that it may be more appropriate being that it is a staff issue that both Council staff and Commissioner Pendergrass work together on this issue. Commissioner Pendergrass explained that both he and Commissioner Mann had sat on many public meetings with public comment regarding this issue within the last 18 months, and that is why he is feeling confused about why the statement of "lack of public input" was placed within the report. He then noted that the next process will be the zoning hearing process where there will be community meetings held through the LPA and also the Lee County BCC with public input.

Ms. Wuerstle explained that the report has not been sent to DEO at this time, so the Council can discuss the report and change the recommendation. Whatever the Council decides today will be sent to DEO for their review. She explained that staff has only 30 days to review comp plan amendments and often it conflicts with the Council's meeting schedule. In those situations, staff sends their report/recommendations up to DEO before it goes before the Council for their review. After the Council meeting is held, staff then sends a letter to DEO explaining that Council's position on the staff report. With this project the timeline fit into the Council's meeting date and a report will be sent to DEO with the Council's official recommendations.

Commissioner Pendergrass explained that he had attended an Alva Community meeting approximately one year ago and there were only seven people in attendance, including him. So, at that meeting he agreed that there was a lack of public input. Mr. Crawford stated that staff would be happy to correct that portion of the report to make it accurate.

Commissioner Mann stated that his earlier comment regarding public input had to do with today's Council meeting, because the Council hasn't heard this issue prior to today. The issue has come before the Lee County BCC four times and it had been denied previously three times and then the last time it went before the BCC it passed with a 3-2 vote. He noted that this proposed amendment has been very controversial at the Lee County level and there has been public input, but not from this Council. He then asked what the process was for the public to provide input at today's meeting. Chair Heitmann explained that the process was that staff gives their report, then the petitioner, and then the Council would take public comments.

Commissioner Nance asked the Lee County BCC members to explain to the Council exactly where the project currently is in the process and whether the Lee County BCC voted on the issue and recommended transmittal to DEO. Commissioner Mann said that in October the Lee County BCC voted to transmit by a 3-2 vote and the point he was trying to make is that it took four times before the Lee County BCC before it got approved. The project had failed three times previously before the Lee County BCC with the increased density by 850 units. The issue is a density issue. The argument has been whether we want that much density in what has been traditionally thought of as a rural part of the county. The project is located in the eastern portion of Lee County, close to where it joins to Hendry County. The Local Planning Agency (LPA) voted not to transmit in their recommendation to Lee County and the Lee County Planning staff also recommended not to transmit. Then three previous times the Lee County BCC had opted not to transmit. One time it was transmitted but it failed to be adopted when it returned.

Commissioner Nance asked for clarification from Commissioner Mann that the project had its first transmittal and the Lee County BCC has not sent back a second reading. Commissioner Mann clarified that the Lee County BCC had voted to transmit the project. It is then sent to DEO where

they look for input from various other agencies, including the RPC. At this time, it is our opportunity to comment on the process at which DEO will entertain and make a final decision as to whether or not they want to send it back to Lee County for final adoption.

Commissioner Pendergrass stated to Commissioner Nance that within the last few years that he has been on the BCC, Lee County staff actually approved the project and then it went before the Lee County BCC and failed with a 2-2 vote, due to the BCC having only four members at that time. The plan then came back before the Lee County BCC and with the BCC having all five members present the project passed with a 3-2 vote to only transmit. He said that he was very vocal at that time that he wouldn't support any high end density, but he was supportive of the plan going through the process, such as the hearing examiner process in order to have public input, which there was at that time. The plan then went back before the Lee County BCC with a recommendation from the hearing examiner in order to avoid any legal ramifications.

Mr. Mulhere gave the Council a brief summary of the local government comprehensive planning process and the subsequent zoning process.

Commissioner Mann stated that the very "guts" of the entire issue is indeed the density increase; it has nothing to do with zoning. What the applicant has asked for and argued for the last 10 years and has failed to get, is the reason it has been brought before us today. It has to do with an increase of 850 additional units in a rural area and up against a highway (SR80) that has already been designated by FDOT as failing today. This is more than waiting for the zoning to discuss the density issue. The issue is whether or not there will be an additional 850 units in an area that has already been approved for 2,000 units.

Mr. Mulhere said that the two primary issues that staff has raised at this point was the proximity to Hickey Creek Mitigation Park and changing the community plan which includes the lack of public involvement/involvement. He then asked Mr. Crawford if the density issue was addressed as a concern. Mr. Crawford said it was mentioned within the changing the community plan.

Commissioner Pendergrass stated that the project keeps being referred to as being in a rural natural area. The community is a gated golf course community and the area in question is behind the gates of the golf course community where there is a restaurant and 45,000 square feet of commercial use and it also has a Lee County Elementary School.

Commissioner Storter-Long asked what the build-out percentage was for the 2,000 units. Commissioner Pendergrass said that he believed that it is currently 35-40%. Commissioner Storter-Long stated that she would also like to know the build-out date.

At this time, Chair Heitmann requested that the applicant's representative give his presentation.

Attorney Russell Schropp with Henderson and Franklin Law Firm in Fort Myers explained that he represented GreenPointe Communities who is the applicant and petitioner for the project. He explained that there was a concurrent zoning pending along with the plan amendment. The zoning and plan amendment are tracking together, so when the plan amendment went back to the Lee County BCC for their adoption it would also include the zoning.

Mr. Schropp noted that staff's report and Mr. Crawford's comments essentially raise two issues. The first issue was the plan amendment would increase the density adjacent to the Hickey Creek Mitigation Park; however, he felt that staff's report failed to consider three important factors. First, the mitigation park is not immediately adjacent to River Hall; there is a 250' wide canal between the Mitigation Park and River Hall. The canal itself is approximately 65' in width and the right-of-way is approximately 250' in width. Then along the eastern boundary of River Hall, adjacent to the canal, is a large conservation area along the entire eastern boundary of the project. The width of the conservation area ranges from 670' to nearly half a mile. Secondly, he felt that it was important to recognize the development that would be authorized by this plan amendment is actually going to be further away from the Mitigation Park than the development that has already been previously approved. The nearest residential lots that are within the existing approved areas of River Hall are approximately 870' away from the Mitigation Park. The new areas will be approximately 2,500' away from the Mitigation Park.

Mr. Schropp then said that staff had overlooked the fact that this plan amendment actually changes the future land use map designation of the conservation area. It changes it from rural, which actually allows the density of one unit per acre under the Lee Plan, to conservation lands which allows no residential density under the Lee Plan. So the conservation area along the eastern boundary of the River Hall project actually removes the potential under the Lee Plan to do residential development immediately adjacent to canal which is adjacent to the Mitigation Park. He would respectfully submit that the plan amendment affords greater protection to the Hickey Creek Mitigation Park than is presently provided under the Lee Plan itself.

Mr. Schropp stated that the second area which staff had objected to was that the plan was "being amended without meaningful engagement and participation by the public". There wasn't any analysis done within the staff report and no background to support such a statement. He then offered two responses to that statement; the first was he felt that it was simply incorrect. The procedures adopted by Lee County for amending the plan within that area of the county requires that there be community meetings out in the community of Caloosahatchee Shores during the plan amendment process. In this case, there were at least three community meetings held during this plan amendment process. The last community meeting resulted in significant proposed changes by the applicant to the plan amendment itself, so he respectfully submits that there was a substantial opportunity for input and the input was meaningful.

Mr. Schropp explained that beyond the community meetings held by the applicant, there were two public hearings held before the LPA and also two public hearings were held before the Lee County BCC; all of which lasted several (3-4) hours. Some of the provided input was favorable towards the plan amendment and some were not in favor, but there certainly was an opportunity to engage and participate in the plan amendment process. He respectfully submitted that staff's finding was not supported by the actual process in which Lee County had gone through in this proceeding. His second response to the public participation concern was if the RPC staff was in the proper position to evaluate the local government plan amendment process to determine if meaningful public input or an opportunity to provide input was provided. He believes that it is the local government's jurisdiction and function to provide the process by which the public participates within the plan amendment process. All local governments must follow the procedures established within the statutes; but, beyond that the county could establish additional procedures. It is incumbent on the local government to follow the procedures within the statute and also whatever

additional procedures the local governments want to add. He then respectively suggested that the RPC staff and Council couldn't look in hind-sight at what the local government has done within the process and make a determination as to whether or not the process was meaningful or significant.

In closing, Mr. Schropp respectively requested that the comments/recommendations made by staff not be approved by the Council and then transmitted to DEO.

Commissioner Pendergrass stated that for any members who weren't familiar with the location of the project it would be helpful for staff to bring up an aerial view of River Hall on Google Earth which shows that the project backs up to Lehigh Acres with the density area, also Hickey Creek and the area of conservation. He said that River Hall is already an established community with roads and infrastructure.

Mr. Schropp gave a review of the aerial photo of the River Hall community.

Mr. Mulhere asked for clarification on the total project (1,064) acreage. Mr. Schropp explained that the 1,064 acres is the portion that is being amended. He said that the total project acreage is approximately 1,680. Mr. Mulhere asked what the total density would be after the plan amendment. Mr. Schropp stated that the total density would be approximately 1.4 units per gross acre. Mr. Mulhere asked Mr. Schropp for clarification on the plan amendment and whether it was proposing to remove or eliminating the ability to develop up to 1.5 units per acre by changing the land use designation on the 417 acres that abuts the canal, which then abuts to Hickey Creek Mitigation Park and then transferring it into the development area. Mr. Schropp said that was essentially correct except the density allowed would be 1.0 unit per acre and not 1.5. The area is currently designated as rural and would be amended to conservation.

Mr. McCormick stated that from a planning point of view it is essentially a 3,000 unit project and 2/3 of the project was originally approved approximately 5-6 years ago, so why wasn't the proposed amendments included at the beginning of the project, especially with its impacts on SR80. Mr. Schropp explained that part of the project was approved in the late 1990s which was known as Hawks Haven and he believed that the project was approved for 1,598 units at that time. Land was added to the project later and went through subsequent rezoning and was then approved for 1,999 units, which is just one unit below the DRI threshold. At that point, around 2010, the project went into bankruptcy; then GreenPointe Communities purchased the property out of bankruptcy, stabilized the community and essentially acquired a large amount of debt on the property and is trying to move forward. The project has always been planned by previous developers for density above and beyond 1,999 units. Both the sewer and water was planned and sized accordingly, along with the water management plan system; so the area that is remaining for development in the southern part of the project is the area that the applicant would like to provide for additional density (851 units).

Mr. Reynolds asked Mr. Schropp for clarification. He wanted to know if, as a result of this amendment the amount of land that would be designated for protection would increase from 223 acres up to 417 acres. Mr. Schropp stated that he believed that was a correct statement. Mr. Reynolds said that by doing so, you are increasing the conservation area and moving the density further away from the mitigation park. Mr. Schropp stated that as he had previously indicated that

the existing development areas will remain unchanged, but the new development area is the large unplatted area as shown on the project's site map.

Mr. Karau asked Mr. Schropp how far away Hickey Creek was from the project. Commissioner Mann responded by stating that Hickey Creek was approximately ½ mile east of the project. Mr. James Beever of staff explained that Hickey Creek is a tributary to the Caloosahatchee River. He showed the members where Hickey Creek was located on the map.

Commissioner Storter-Long referred to the elementary school located within River Hall and asked if it has been determined that the school would be able to handle the extra students if the amendment was approved. Mr. Schropp explained that the Lee County School Board did not object to the proposed changes and indicated that the elementary school would be able to handle the extra capacity. Commissioner Storter-Long asked if the utilities for the increase have been determined. Mr. Schropp explained that the utilities have been sized for the number of units being proposed.

Mr. Mulhere referred to the prescribed burns for the Hickey Creek Mitigation Park and asked if there would be any objection at some point for notification. Typically in the past there has been some form of notification at the time of transfer of ownership that there would be prescribed burns. Mr. Schropp noted that the prescribed burns would be an expected condition which usually comes out of the zoning process.

Mr. Perry asked Mr. Schropp if he knew how often there were prescribed burns at the Hickey Creek Mitigation Park. Mr. Schropp stated that he didn't have that information at this time. Mr. Beever explained that the Hickey Creek Mitigation Park is managed by the Florida Fish and Wildlife Conservation Commission in coordination with the Lee County Land Management Program. He explained that the burning is done in units so the mitigation park is segregated into burn units and the general cycle is approximately 5-7 years in order to maintain an open habitat for Florida Scrub Jays and gopher tortoises. The area within River Hall, formerly Hawks Haven, is where the preserve was established at the time Hawks Haven was created for Florida Scrub Jay and it is also the gopher tortoises receiving area, which also should be fire managed. It was established as a conservation area at the time of approval of Hawks Haven.

Ms. Holquist referred to the comments made about the transportation impacts and asked for clarification. Mr. Scropp introduced the transportation planners from David Plummer and Associates. He said that he believed that SR80 was still operating under an acceptable level of service. From the information that he has been given SR80 is at an existing Level-Of-Service (LOS) B from I-75 to Werner Drive and then LOS A from Werner Drive to Hendry County.

Ms. Holquist asked if SR80 would stay at LOS B and A once River Hall has been fully developed. At that time Mr. Scropp introduced Mr. Steve Leung, who is the traffic consultant for the applicant with David Plummer and Associates to explain the transportation issues. Mr. Leung explained that the issue with the LOS on SR80 was as Mr. Schropp had explained. SR80 is currently LOS B and LOS A from I-75 to the Hendry County line. He said that from the traffic studies and comprehensive plan amendment, along with the previous rezoning study that reflects the build out of the project, shows an acceptable LOS on SR80. He said all of the traffic issues; both roadways

and intersections have been and currently are addressed as part of their overall application that will be brought before the hearing examiner and Lee County BCC.

Chair Heitmann asked to hear from FDOT's representative. Ms. Catala apologized stating that she didn't receive a copy of the agenda in order to be prepared. However, FDOT was still conducting their analysis of the proposed comprehensive plan amendment, so FDOT had not submitted their formal comments on the project.

Commissioner Mann stated that by having sat through three separate hearings on the issue, he has heard the transportation discussion before which he had made referenced to earlier in the meeting. He said that he was quoting from Lee County staff's reports; two reports recommended that the project not be transmitted and one report recommended transmittal of the amendment. The one that recommended transmittal failed on a 2-2 vote before the Lee County BCC. He noted that Lee County staff was concerned with the transportation question and stated within their report *"whether or not the 50% increase in density is approved for the project, SR80 is still expected to be considered as failing."* The information came from DOT and county records. He explained that the information was presented as public testimony from transportation experts to the Lee County BCC. Now, he is hearing from Mr. Leung the total opposite and asked for the reasoning behind his analysis. Mr. Leung explained that the segment of SR80 being identified as potentially having deficiency in 2035 was from Buckingham Road south of SR80. In terms of a comprehensive plan amendment, they looked at the ultimate need for 2035 and Buckingham Road, which is planned for two lanes divided, but the ultimate need was four lanes. When it was considered as part of the comprehensive plan amendment traffic study, it could only be assumed to be two lanes in the future.

Commissioner Mann explained that Buckingham Road runs perpendicular to SR80 and he was referring to SR80 being designated as *"failing"* whether or not the additional 850 units were added to the project. This only exacerbates the designation that exists today in FDOT's records. SR80 is projected to fail, not Buckingham Road. This is why if you add an additional 850 units, 1,015 vehicles times 6-10 trips per day generated by each household, it exacerbates and already failing situation. Mr. Leung clarified that the existing conditions on SR80 don't have a problem. Commissioner Mann told Mr. Leung that he would grant him that, but we are here planning and looking ahead and trying to make good decisions for the future. Mr. Leung said that SR80's potential deficiency was identified at the intersections. Also Lee County staff in the previous applications, including the current application, would've identified improvements at the intersections that would support the additional densities from the River Hall project, along with the growth within the surrounding area to meet sufficient level of service standards. This came from the county staff recommendations, as well as from the traffic study as a result of the rezoning study.

Commissioner Constance asked for clarification that there were only five slides presented on the project. Mr. Crawford stated that was correct. Commissioner Constance stated that he agreed with Commissioner Mann because it seemed clear to him that there will be traffic issues.

Mr. Mulhere asked for clarification on the comment made "that there was going to be some improvements made to SR80 that would either accommodate or minimize the impacts on the LOS so it wouldn't be failing with respect to the additional units" and that those improvements were turn lanes. He then asked if there was any mitigation required on the part of the applicant as

it relates to that and where are those improvements located. Mr. Leung explained the intersection improvements on SR80 include turn lanes at River Hall Parkway, which is the main access on SR80 and it extends west to the Buckingham Road intersection and SR31. The turn lane improvements would provide, not necessarily improve the LOS in the numbers, but it would provide better flow for the three intersections by turning vehicles on and off SR80. These are some of the improvements that were recognized by both county and FDOT staff. The more critical improvement would be at the River Hall Parkway and SR80 where FDOT had completed a signal warrant study that established that a signal would be warranted at that location. The signal would serve the elementary school and future traffic, not from just River Hall but also the recently approved CPD north on SR80. There have been a number of improvements that have come online that would mitigate any potential deficiency along SR80. Mr. Mulhere asked Mr. Leung if there was a fair share payment for the signalization at SR80 and River Hall Parkway. Mr. Leung explained that River Hall is fronting the funds for both the design and construction of the signal.

Councilman Banks stated that within the last six months the Council approved all types of plans within Hendry and Glades Counties and during those discussions there was never anything brought up about the traffic impacts on SR80. He is concerned that the Council had approved all of the other plans, but now they were having an extensive discussion on the River Hall project and he finds a little irony it.

Commissioner Storter-Long stated that Commissioner Mann was informed that there was an expectation of failure on SR80. She then said that she would like know what the impacts would be to SR80 with the additional 850 units and also the timeline. Commissioner Mann responded by saying that he couldn't supply the specific date; however, he was quoting from staff recommendations and information that was presented to the Lee County BCC based on FDOT's numbers and their projections. SR80 was scheduled to fail in terms of level of service. He said that Mr. Mulhere's question to Mr. Leung specifically referred to whether or not the proposed intersection improvements (turn lanes) to SR80 would prevent it from failing and the answer was that it wouldn't. The answer from Mr. Leung today was it would mitigate, which was correct but only for that small area, not with the additional 850 units.

Commissioner Pendergrass referred to Commissioner Mann's comments and stated that he believed that it would be 2035. His perception with regard to this aspect was that he could stand strong with Commissioner Mann because we don't want to look like Miami or have urban sprawl. However, the 850 additional units are going into a suburban gated golf community instead of going across the street. Last month the Lee County BCC voted 5-0 to approve a commercial center across the street from River Hall without much discussion. He doesn't want it go in Alva or Olga, but within the next 30 years as the community grows where would you rather have those units go. In the future the Lee County MPO would be able to address the issue of failing roads and what needs to be done to get the traffic from A to B.

Mr. Reynolds stated that he was prepared to make a motion. Chair Heitmann stated that she had a couple of other members who wanted to comment and then she had to ask if there was any public comment. The Council must hear public comment before any motions are made.

Commissioner Nance stated that he was uncomfortable with what the Council was doing with the issue brought before them because clearly this is a very highly contentious issue within Lee County.

This issue isn't any different than what is brought before each of the local jurisdictions. It was his opinion that the issue fails to arise to the level of consideration for the Council because he doesn't feel that it meets the criteria as being defined "regional". The way he reads it and understands is that staff has made the determination that it is regional, but he doesn't see it being a use of regional significance, unique, or a change that would be applied outside the jurisdiction. He didn't feel that it was any different than being a contentious growth related issue. He then said that he was very "ill" at ease with the Council members having to make that decision when clearly; there isn't enough information on an issue that has been discussed in Lee County for years. He said that he was very uncomfortable going forward with this item because he didn't feel that the Council was properly informed or prepared. There have been suggestions made at today's meeting that the project has not met the proper procedure with community involvement. Clearly, the Lee County BCC has already taken action on this project.

Commissioner Davis stated that he agreed with Commissioner Nance's comments.

Mr. Perry explained that traffic issues are some of the concerns which the RPC staff needs to consider during their review and it isn't an issue where staff brought it back to the Council as a concern. He believed that the item was brought before the Council as a public meeting and the public is invited to give their input, so the Council has done their part at the public end. The Council shouldn't be criticizing other government agencies on how they are obtaining public input through their process. He also stated that the other concern was the prescribed burns and being a resident of Glades County where they always burn the sugar cane fields, he doesn't see it being an issue.

At this time, Chair Heitmann asked for any public comment on the item.

Ms. Karen Asfour, resident of River Hall, explained that her property abuts both the preserve and wetland, behind and beside her home. The particular wetland and preserve where she lives is also in direct relation to the Hickey Creek Mitigation Park and she has had wildlife come from the mitigation park such as, black bear, sandhill cranes, gopher tortoise, and river otter. The wildlife come and go because she can see all the way into the mitigation park and back to her house. She announced that she had recently become involved with the East Lee County Council and the Fort Myers Shores Civic Group that does the planning for the area. The people involved with the Fort Myers Shores Civic Group is very disturbed with the fact that all of their planning that was conducted and put forth over the years is being ignored. She then said that she supports staff's recommendations.

Mr. Max Forgey, Forgey Planning Services on behalf of the East Lee County Council referred to Commissioner Pendergrass's comments on how River Hall is a developing community with its infrastructure already in place. He said that the infrastructure that is already in place is consistent with the existing development order that went through a long process of approval and the applicant is now requesting from the Lee County BCC and subsequent bodies to approve a change of what has already been approved. There is an established entitlement of 1,999 residential units and the community was marketed on that basis. People had purchased land and built homes with that understanding, because they reviewed the maps with the purchase of the land(s) and now the applicant is changing things around. He said that FDOT had stated that they haven't had sufficient time to review the proposed changes in order to submit their final comments and it is also

unfortunate that the Lee County MPO had not commented on the future traffic on SR80 and how the proposed changes would impact SR80.

Finally, there is the issue that is very important to the residents of River Hall and also the Fort Myers Shores community that there exists a neighborhood plan that was approved by the Lee County BCC and an ordinance which is enforced. Now the applicant is asking to change the conditions of the plan in order to bypass the neighborhood plan. He said that Commissioner Mann had stood up very eloquently for community planning and the rich tradition that Lee County has for interactive planning between the governing body and local community. He asked that the Council also stand up for the rights of "mom and pop" in their own communities in order to do effective community planning.

Ms. Julian Thomas from the Conservancy of Southwest Florida stated that the Conservancy supports staff's recommendations. She said that there had been two recent staff reports from Lee County and within both those reports Lee County staff raised concerns regarding increased interactions between wildlife and people with the Hickey Creek Mitigation Park. The issue was raised by Lee County staff and still remains an issue today and she believed that it was the main issue of why Council staff had concerns.

Ms. Thomas then noted that another concern is the amendment would take 27% of the rural lands in this portion of Lee County and change them from a rural designation to suburban. This is a change of character and she felt that this change of character is what isn't consistent with the current adopted regional plan, as well as the current adopted Lee County Plan that shows the area as rural. She then referred back to a question that one of the Council members had made asking how many units have been built to date. She explained that there are currently 350 units built, which is less than 20%.

Mr. McCormick stated that he had a procedural question. He said that Commissioner Nance had raised the issue of having the Council not take any action on this item and there is a timeline that has to be met from DEO. He said that he is concerned with the Council not taking any action because the DEO will continue to move forward through the process without the Council's comments.

Mr. Mulhere stated that one option is that the Council states to DEO that they felt that there weren't any regional issues to be addressed.

Mr. Beever stated that he would be speaking to the first point of the Hickey Creek Mitigation Park. The Hickey Creek Mitigation Park is a regional resource because every one of the local jurisdictions who have had gopher tortoises permitted has had it mitigated at this regional mitigation park. So gopher tortoise impacts in Sarasota, Charlotte, Collier, Glades, Hendry and Lee Counties have been off-set by the establishment of the Hickey Creek Mitigation Park in this location. The Florida Game and Fish Commission had setup regional areas so they would have a large and manageable enough area in order to maintain the gopher tortoises. The park also has several areas of Florida Scrub Jay, which is a federally listed species and by definition of the SRPP is a regionally significant issue. It is also part of a greenway for Hickey Creek that has the conservation land and the conservation lands that were acquired to the east and also the addition of the Hawks Haven conservation area, which was established to address listed species on that

property. This is all connected into a regional greenway and regional greenways are also identified in the SRPP as regionally significant resources. So in a biological, planning and factual basis, based on what the SWFRPC has adopted as to what constitutes regional issues, the Hickey Creek Mitigation Park is a resource of regional significance.

Second point, fire impacts from controlled burning can extend miles. Many communities within the region who have been adjacent to conservation areas, such as the Oscar Sheerer State Park, have coordinated with the adjacent conservation lands and have set up programs to establish and prevent issues such as assisted living facilities, hospitals, etc., areas which house people with respiratory issues, to be adjacent to the air shed of controlled burning. This controlled burning is absolutely essential to maintain scrubs and Flatwoods that maintain a population of gopher tortoises that every one of the local jurisdictions has contributed to.

Mr. Schropp made a statement in response to Ms. Thomas's observance that the proposed amendment would eliminate 27% of rural lands within the eastern portion of Lee County. He explained that the plan amendment does change the designation of the property from rural lands to sub-outlying suburban; however, immediately prior to the motion to transmit the plan amendment by Lee County BCC by a 4-1 motion did find that this project is not rural, but a suburban gated golf course community. That was in the approved motion made by the Lee County BCC.

In addition to Mr. Beever's comments, no one can understate the significance of the Hickey Creek Mitigation Park. It is a very significant resource and one of east Lee County's attractions. He stated that the plan amendment would not move any residents closer to the Hickey Creek Mitigation Park than already what exists. In fact, they would be three times further away than anything that is already within River Hall. With regards to the conservation area, the area along the eastern boundary of River Hall for the most part is already under conservation easement. The future land use designation map however, shows it as being still a rural classification, which technically allows development. The plan amendment actually places that area into a conservation category and the conservation easement will be increased slightly.

A motion was made by Commissioner Pendergrass to have the Council take no action due to there not being any regional impacts based upon the request of the applicant. The motion was seconded by Councilman Banks.

Commissioner Mann stated that he lives in the eastern portion of the Lee County and as a Lee County Commissioner he represents the entire eastern portion of Lee County. So he speaks with personal concerns as well as being a Lee County Commissioner representing that portion of the county. He also noted that he will be speaking as a former State Legislator. He then went on to explain why this issue had come before the Council. He was a member of the Florida Legislature when the legislature created the regional planning councils (RPCs) and the reason for creating the RPCs in 1975 was due to subdivisions such as Lehigh Acres, Cape Coral, Golden Gate, and Port Charlotte throughout the State of Florida. This was due to "*no planning*" at that time. The legislature crisscrossed the State of Florida with asphalt, approximately ¼ inch thick so the grass was growing through it the following year. Water was diverted and destroyed the aquifers, wildlife habitats and was bringing chaos to paradise. The legislature finally said it wasn't a good thing and wanted to do something about it in order to correct those issues and prevent it happening in the

future. The legislature recommended having a comprehensive plan for the State of Florida, whereby they would ask that the individual counties adopt their own plan for some reasonable growth and not just "*kill the goose that laid the golden egg*". We are a magnet for our own destruction and we have to do a better job; because not only is it environmentally damaging, it is "*economically stupid*" because it costs more money. Just think about how many more vehicles that EMS would require to send folks to the outlying areas to help someone who is sick because they bought an inexpensive piece of property to build a house on. It is "*economically efficiency*" and "*environmental sanity*" and that was reason that the legislature invented planning, because it did not exist prior and the State of Florida was being destroyed.

Each county thereafter, adopted their own plans as did Lee County. It was not easy and even beyond that, at the Legislature's direction, Lee County along with other counties invited individual communities to adopt their own community plans and have a voice in this "*great democracy*" in managing their own destiny. What Lee County did in the eastern portion of the county was due to them having six units per acre and larger in some cases. We said to the citizens who lived in the eastern portion of the county that they would like to preserve the rural character and densities at the level that they are. A lot of them were agriculture, largely one unit per acre and the local communities adopted through Lee County those plans to protect themselves. When the land was purchased out in River Hall, they thought that they were purchasing in a one unit per acre for the foreseeable future for their lifetime. The developers have come along and said "*we thank you for holding this density level where it is in a nice little holding pattern*" and now we are here and going to increase the density level by 50%. We are making a mockery out of the entire planning process as envisioned by the legislature in 1975 and adopted locally.

The RPCs were created 3-4 years after the first comprehensive act; recognizing that there was "*regional connectivity*" and what you just did here might hurt the guy next to you. So that is why we are here and when you have a major corridor, such as SR80 going east to west. He said Councilman Banks was correct, the Council should be paying attention to the potential impacts that the project could have on Hendry County. When the Babcock development was approved, which he has not been happy about, there will be 50,000 people driving down SR31 coming into Lee County from Charlotte County and that is a "regional" impact. All of the issues with River Hall have a regional impact and his point is that we exist to work and plan more efficiently than ever before. We are here today to make sense out of what used to be chaos and for over a decade those citizens in the eastern portion of Lee County worked hard in hearing after hearing to get finally to the point where they could take it to the Lee County BCC and say this was their community plan and would like the BCC to adopt the plan. He said that Lee County BCC adopted the community plans unanimously and haven't ever turned down a community plan and there is currently 15 community plans within the entire county.

Now, is Lee County's comprehensive plan and every other plan simply a holding pattern for the next developer coming down the road or does it mean something. This is a fundamental question, if we are not going to say it means something then we just need to close our books here today and say "gosh it has been nice". We can save the State some money and also the county tax payers and just shut the doors; because planning is not important to us. But planning is important; both economically and environmentally it is important. It is also important to the citizens who thought they had a promise when they moved to where they live today, that the density was going to stay what it is currently.

He submitted to the Council that the River Hall proposed comprehensive plan amendment is regionally significant and felt that it was also personally significant to those citizens who thought that they had a promise. Frankly, it was broken by the Lee County BCC by one vote and the only time it had passed within the four times that it went before the BCC. It is important for the Council to take a stand on this issue. He said that he felt that motion should be defeated and accept a motion to accept staff's recommendation, because that is what the Council is here to do - plan - and he encourages all the members not to walk away from that responsibility.

Commissioner Mann stated that he felt the motion needed to be conducted by a "roll call" vote.

Chair Heitmann stated that she would be ending the discussion on this item at this time.

Mr. Karau asked that the motion be restated for clarification.

A motion was made by Commissioner Pendergrass to have the Council take no action due to there not being any regional impacts based upon the staff's recommendations the area of mitigation at Hickey Creek was conservation land and the request was beyond the current permitted property zone. The motion was seconded by Councilman Banks. A roll call vote was conducted and the motion passed with a 12 to 8 vote.

<i>MEMBER</i>	<i>AYE</i>	<i>NAY</i>	<i>NO VOTE*</i>
Commissioner Chris Constance			1
Commissioner Tricia Duffy	1		
Councilwoman Nancy Prafke			1
Ms. Suzanne Graham	1		
Mr. Don McCormick		1	
Commissioner Tim Nance	1		
Councilwoman Teresa Heitmann		1	
Mr. Robert Mulhere	1		
Mr. Alan Reynolds	1		
Commissioner Donna Storter-Long	1		
Mr. Thomas Perry	1		
Commissioner Don Davis	1		
Commissioner Daniel Akin			1
Mr. Mel Karau		1	
Commissioner Frank Mann		1	
Commissioner Cecil Pendergrass	1		
Councilman Forrest Banks	1		
Councilman Rick Williams		1	
Vice Mayor Doug Congress	1		
Ms. Laura Holquist	1		
Councilman Kit McKeon		1	
Commissioner Cheryl Cook		1	
Mayor Willie Shaw		1	
TOTALS	12	8	

(*) - "No Vote" is for members who were present during roll call, but did not vote on the item when the roll call vote was conducted.

Chair Heitmann thanked the Council for their indulgence and time.

Mr. Crawford noted that staff's recommendation would be changed to reflect the Council's recommendation and provided to DEO immediately. Commissioner Mann stated that the motion didn't include changing staff's recommendation; it was that it was not a regionally significant issue. Commissioner Storter-Long noted that the Council just voted to not take any action, which means no input.

Mr. Crawford asked for clarification if the Council was directing staff not to do anything with the report. Commissioner Mann stated that he believed that the Council did not recommend staff to change their recommendation, but that the Council voted not to take any action.

Chair Heitmann asked for clarification on the motion. Ms. Gwinnett stated that the Council voted not to take any action based upon the project not having regional impacts. Chair Heitmann said that the motion was that the "Council" would take no action so there is now going to be a debate on whether it was "Council" or "staff". Staff presented a recommendation for approval or not, along with a recommendation by the Council and the motion passed that the Council would take no action.

Commissioner Davis stated that if staff was going to send a recommendation up to DEO against the Council's motion then why have the Council vote in the first place. Commissioner Mann clarified that staff will now not be sending any report to DEO regarding the project, per the Council's direction.

AGENDA ITEM #10(b)

Sarasota Interstate Park of Commerce (SIPOC) DRI - Substantial Deviation

Mr. Crawford presented the item.

A motion was made by Ms. Holquist to approve staff's recommendations.

Commissioner Cook referred to the 2050 Plan in Sarasota and as Commissioner Mann had noted earlier in the meeting, the Council is a planning Council and not an economic development Council. She said that her concerns were the brand new mall, Benderson Rowing Park, and most importantly at the Sarasota-Manatee County Line there are massive infrastructure problems such that the Sarasota-Manatee MPO requested funding from the State. To add even more development in that area while not even considering the 2050 Plan, this is even more of a microcosm of what Commissioner Mann had referred to during the 1970s, as far as bringing some type of plan to chaos. She said that she was wondering if this is something that the Council should obtain more detail on before taking action. She explained that it was important for the Council to understand the impacts from a development that has already gone on here, such as the impact fees and struggling to pay for the current infrastructure.

Commissioner Cook stated that she was looking at the Council for direction on how to specify the questions and/or articulate what should be asked in order to take action. Mr. Crawford stated that he felt that Commissioner Cook's concern was a valid one and he agreed that there is a lot of

development, along with substantial impacts both to the infrastructure and the environmental aspects of the project. Staff conditioned the report before the developer can actually start building, the impacts of the project whether they are on the roads, pipes, etc. is mitigated through the county and at the expense of the developer or whatever county funding sources have been allocated for the areas previously approved. In terms of the doing the 2050 Plan, it will be consistent.

Mr. Crawford explained that when staff reviews a project, they don't object to the proposed plan, but want to make sure that it is mitigated and that is why staff has significant conditions on the approval to make the developer mitigate those impacts of concern.

Mayor Shaw referred to a project where the southwest wetlands were traded for five acres up on the Braden River where many issues hadn't been approved. He said that he agreed with Commissioner Cook's earlier comments that there is so much more conversation that hasn't been brought before the public in such a way that it impacts this area. He said that he hasn't heard anything from the residents living west of the project who have suffered with the wetlands because there is a lot of flooding during the rainy season. He isn't aware of the impacts that the builder/developer addressed within the mitigation process. Mr. Crawford explained that there were discussions regarding the flooding issues at meetings with Sarasota County staff and those issues have been addressed with conditions listed within the project. He explained that staff did not receive any input from anybody west of the project that objected to what was being proposed. He explained that staff did review all of the infrastructure issues in order to make sure that they were mitigated by the developer through the development order that will be issued for the project based on the conditions that would be put forward.

Commissioner Duffy noted that she had visited the project and felt that it was a well done project and Sarasota County, staff, and the developer really deserve credit for a gorgeous, well done project. She said that she would be happy to make a motion to approve staff's recommendations.

Councilman McKeon asked if Sarasota County was the governing agency for the project. Mr. Crawford explained that Sarasota County drives the process on this project; whereas usually within the DRI process the Council's staff would be driving the process. The Council becomes more of a reviewer to Sarasota County, but staff takes their comments and incorporates them into the substantial deviation report which is then provided to DEO. Once DEO does their review, Sarasota County would produce a new development order, and the last step is Council staff would present the development order to the Council for their review and action.

Commissioner Storter-Long asked Mr. Crawford if the project includes both Sarasota and Manatee Counties which makes it a "regional" project and Manatee County is not covered under the SWFRPC, does Manatee County have to hold a hearing on the project also. Mr. Crawford explained that Manatee County doesn't need to hold a hearing since the project is mainly located within Sarasota County. If Manatee County had any objections then staff would've incorporated their comments into the report.

Commissioner Mann asked what staff was recommending. Mr. Crawford explained that staff was requesting the Council to approve the recommendations of the staff in order to forward the report to DEO and Sarasota County. At this time, it was noted that staff's recommendations were not included within the materials of the packet.

Chair Heitmann requested that Mr. Crawford list staff's recommendations. Mr. Crawford stated that the following was staff's recommendations for the project:

- Find the proposed changes, such as the increase in square footage, retail and office space, housing regionally significant and increased development are less significant impact on regional resources, which is what the DRI is.
- To approve the conditions provided within the regional report as a result of the substantial deviation. Those conditions are assurances that the regional impacts will be mitigated.
- To approve the applicant's request of changes to the existing SIPOC DRI by approving the office, retail and housing proposed changes and also the map change which needs to occur that is a comprehensive plan change.

Commissioner Mann stated that for future reference for the elderly and infirmed that staff provide their recommendations either on the first page. Mr. Crawford apologized for not having the recommendations present.

Chair Heitmann called to order.

A motion was made by Ms. Holquist to approve staff's recommendations and forward the report to both DEO and Sarasota County. The motion was seconded by Commissioner Duffy and carried unanimously.

AGENDA ITEM #11(a)

"ECO"nomics: The Connection between Environment, Quality of Life and Economy Presentation

Ms. Nicole Johnson from the Conservancy of Southwest Florida gave a PowerPoint presentation. She explained that she felt it was very important for the RPC to hear about "ECO"nomics, which is a phrase that captures very well the interrelationship and interdependence between our economy, quality of life, and the quality of the environment. As elected officials and leaders of the community are really in a pivotal and important position, because you are able to get all of the various stakeholders together and talking - environmental community, community organizations, chambers of commerce, and economic development councils, etc. You can lead by example by facilitating that type of communication and really getting everyone talking.

Ms. Johnson explained that the RPC, as an organization, is also in a very good position conduct the studies and provide the information that then can be taken out to the public.

Commissioner Cook referenced the recent election and Amendment 1 had passed with at least 80% of the votes. With the voting results, it shows what the voters are trying tell us.

Mr. Mulhere stated that one of the things that you often hear is the concern over the loss of the ad valorem tax dollars that would be attributable to a piece of property that might be more significant in an urban setting and less significant in a rural setting. On the converse of that, there have been a

lot of studies done that provide an economic analysis of the benefit of having natural and conservation lands that are accessible to the public, tourists, and have a value (i.e., Everglades). Most of the counties within the region have expressed the desire to focus on getting their fair share of ecotourism dollars.

Chair Heitmann announced that there wouldn't be any reports given on Agenda Items #12(a), 12(e) and 12(g). She stated that Agenda Item #12(f) would be moved up to be the first report given.

AGENDA ITEM #12(f)
Legislative Affairs Committee

Vice-Mayor Congress gave the committee report.

Ms. Catala asked how the regional transportation plans factor into the existing MPOs and the newly formed TPO, which both Glades and Hendry Counties are part of. The Council is asking for \$4 million to do what. Is the Council planning on forming a regional MPO? Ms. Wuerstle explained that it wasn't the intention of the Council to form a regional MPO. The MPOs have stated that they would participate as long as they didn't have to contribute financially. She explained that the recently completing the Veterans Transportation Plan Study found that everyone was working within their own silo and there wasn't a lot of coordination among the MPOs and both the private and public transportation providers. It was discussed and decided to do a regional transportation plan that would include all of the transportation providers throughout the Southwest Florida Region.

Ms. Catala asked how it would factor in to the ability of going after funding. Does it mean that the Council would be in direct competition with the MPOs and TPOs going after the same funding resources? Ms. Wuerstle stated that it wasn't the Council's intention to be in direct competition with the MPOs and TPOs for funding.

Ms. Catala asked what it would like with FDOT's 2040 Needs Plan and the Long Range Transportation Plans that have been developed through the MPOs and TPOs. Ms. Wuerstle stated that she didn't have an answer at this time. She explained that the Council's Regional Transportation Committee was scheduled to hold a meeting immediately following the Council meeting and she would have more information available at that time. It was a project that has been discussed with a desire to also seek funding to cover the costs of putting the plan together. She explained that there was a proposal that has been prepared, but it hasn't been vetted at this time with the Council's Regional Transportation Subcommittee. So, until the committee had the time to review the proposal and give their input, the proposal wouldn't be released to the full Council for their review and recommendation.

Vice-Mayor Congress noted that the legislative priorities have not been approved at this time. He explained that it contains a compilation of everyone's priorities and speaking with the RPC in order to understand where their priorities are and putting it into a package where everything could be reviewed.

Ms. Catala asked if Ms. Monroy had been involved in the discussions of the regional transportation plan. Ms. Wuerstle explained that Ms. Monroy is a member of the Council's

Regional Transportation Committee. However, she hasn't seen the written proposal because it is being presented to the committee at its meeting today.

Councilman Banks stated that there are MPOs located throughout the State and one of his favorite comments has been for 20 years is if we were to build a railroad from Fort Myers and Sarasota and try to meet up somewhere in Punta Gorda it wouldn't meet. He knows that FDOT has plans, but nowhere can anyone pick up a map that shows how Southwest Florida is dealing with their transportation. On the other hand, he felt that \$4 million is a golden figure and it might get thrown out at the very beginning. Vice-Mayor Congress explained that the \$4 million figure was discussed and debated and he feels the same way that it is too much to ask the legislature for at this time. However, the \$4 million is over a long period of time (5 years). It may make sense to instead of having a failed effort to really get more "seed" money for the beginning stages of the project and then request more as the project moves forward.

Ms. Catala stated that she had some concern since there are already established MPOs and both Hendry and Glades Counties are now part of the Central Florida RPC/TPO and if the Council starts developing a plan how is it going to impact their TPO plan. She didn't know if it was taken into consideration during the discussions.

Mr. McCormick said that he understood that it would be "new" money and won't be taking funding away from anyone. Also, the Council wanted to have the legislators know what the project's size really is.

Vice-Mayor Congress continued with his report with the Council's proposed 2015 Legislative Priorities.

Mr. Mulhere said that he felt that the committee did an excellent job. He then stated that from working with the Florida Chapter of the American Planning Association (FAPA) had a similar approach and it did help a lot because you don't get much time or exposure. The opportunity is where if something comes up and are able to point to this would be very helpful.

Mr. Mulhere then referred to the recent discussion of regional transportation where it has been perceived as having a priority and also relates to enhanced connectivity with regional transportation issues. He suggested that regional transportation become one of the Council's legislative priorities.

Commissioner Storter-Long asked the Council to consider supporting under "e" in Glades County there is a proposal for another 18,000 acres to be placed into conservation. Glades County is an ideal spot for conservation and Glades County recognizes the importance; however we also recognize the impacts that it has had on the county's economy. Glades County is asking for support for legislation on the land placed into conservation development and the rights could stay with its current owner and they would have the option to put it on another piece of their property. The second option would be to give it to the county and it could be placed somewhere else within the county. It is a win-win for everyone because the conservation is needed, but the county is forfeiting future development rights at that time. Vice-Mayor Congress stated that he believed that it has been addressed within the document.

Mr. Mulhere announced that Mr. Reynolds was responsible for working on a project that did just that and it was adopted at the State level.

Commissioner Constance announced that he had been sitting in at the Grove Agriculture and Environment Section at the Florida Association of Counties (FAC) legislative meeting in Tampa and one of the real big issues being discussed was Amendment 1 on water and land conservation. FAC wants to have the local jurisdictions at the table “pushing the train”; hopefully more than the State because it is going to affect Southwest Florida. The first priority is going to be Amendment 1 and the second priority will be payment in lieu of taxes. It has been noted that if lands are pulled off of the local jurisdictions’ tax rolls for conservation purposes the loss of revenue needs to be addressed.

Mr. McCormick thanked both Vice-Mayor Congress for his efforts and also Mr. McCabe of staff who has done most of the work and putting the documents together.

Vice-Mayor Congress noted that the committee had discussed other issues of regional concern such as, human trafficking, fracking, off-shore drilling, water-land conservation, etc. The document will continue to be refined throughout the year.

A motion was made by Mr. Mulhere to approve the Council’s 2015 Legislative Priorities as modified. The motion was seconded by Councilman McKeon.

Councilman Banks stated that the Council is asking for funding to be returned to the RPC and then further down the document we are asking for \$4 million to conduct a regional transportation plan. The legislature and governor will only give so much, so he felt that asking for \$4 million for a regional transportation plan was too much to ask for. Vice-Mayor Congress stated that he didn’t disagree and then suggested that under “D” discuss the scope of the project as being a \$4 million project. Such as, requesting a certain amount in Year 1, another amount in Year 2 and so forth.

Mr. Reynolds stated that he felt that the list was very good; however, if the Council wants to have an impact the legislature he felt that the Council’s top priority should be the re-establishment of funding for the RPCs and spend time on developing a new strategy on how the Council could engage the governor’s office.

Chair Heitmann said that she agreed with Mr. Reynolds’ suggestion. She agreed that things need to change, especially since it seemed that FRCA can’t always be relied upon to get the funding returned to the RPCs, even though the Council pays a lot of money to have their support. However, she believed that the Council’s position needs to be sent to FRCA. She then asked Mr. Reynolds if he would be able to attend FRCA’s Legislative meeting in January and/or have either Vice-Mayor Congress or Mr. McCabe include it in the Council’s legislative priorities.

Commissioner Constance noted that within the FAC’s legislative packet for growth management implementation there is a statement on regional planning stating to “support full funding for regional planning councils and at a minimum cover the costs for the RPC’s statutory responsibilities and to support and enhance the economic development activities, oppose legislation prohibiting or restricting the ability of an RPC to provide planning and technical services to its local governments.” There is also a revised/approved statement on DRIs stating “support

legislation that strengthens intergovernmental coordination to ensure that land development projects don't result in adverse impacts on a neighboring jurisdiction without properly being mitigated by the approving jurisdiction." The reason for that statement was during the 2014 Legislative Session bills were filed that expanded the areas where DRIs would be exempt.

Chair Heitmann requested Commissioner Constance to forward that information to Mr. McCabe and also any other information that he would feel to be pertinent.

Vice-Mayor Congress stated that everyone's priorities are listed in the appendices.

The motion carried unanimously.

AGENDA ITEM #12(a)
Budget & Finance Committee Report

No report was given at this time.

AGENDA ITEM #12(b)
Economic Development Committee

Councilman Banks gave the committee report at this time. Staff has begun the process of scheduling the next committee meeting.

AGENDA ITEM #12(c)
Energy & Climate Committee

Mr. McCormick stated that he had no report to give at this time; however, the committee will be meeting immediately following the Council meeting.

AGENDA ITEM #12(d)
Estero Bay Agency on Bay Management Committee

No report was given at this time.

AGENDA ITEM #12(e)
Executive Committee

No report was given at this time.

AGENDA ITEM #12(g)
Nominating Committee

No report was given at this time.

AGENDA ITEM #12(h)
Quality of Life & Safety Committee

Mayor Shaw gave the committee report at this time. He is planning on having the committee meet sometime in January.

Chair Heitmann noted that Mayor Shaw had requested that if any member has a member of his/her community who they feel would like to serve on the committee to please either contact or have them contact Ms. Wuerstle. The committee needs members from each county within the region to serve on the committee.

AGENDA ITEM #12(i)
Regional Transportation Committee

Ms. Wuerstle gave the committee report and stated that the committee would be meeting immediately following the Council meeting.

AGENDA ITEM #13
NEW BUSINESS

Commissioner Mann gave a brief overview of the item. He explained that there is a research station located in Immokalee and there were plans to downsize the center, but both the governor and legislature changed their minds. The center is a vital part of the region's agriculture industry, particularly the threat of the ongoing citrus diseases that have become very significant. The center needs to remain open and be able to grow which is stated within the proposed resolution.

A motion was made by Councilman Banks to approve the request for a resolution from the SWFRPC supporting the budget request made by the South Florida Ag Council to the Florida Legislature for continued funding of the Southwest Florida Research and Education Center. The motion was seconded by Mayor Shaw and passed unanimously.

AGENDA ITEM #14
STATE AGENCIES COMMENTS/REPORTS

SFWMD - Mr. Flood announced that on December 2 at the Fort Myers City Pier building in Downtown Fort Myers, the SFWMD will be hosting their 2nd Caloosahatchee Community Forum (Charlotte, Glades, Hendry and Lee Counties) to discuss regional priorities for water storage and treatment.

FDEP - Mr. Iglehart announced that FDEP had conducted all day training in Spanish for the Lee County Fertilizer Ordinance and 21 Latino companies were certified to be able to apply fertilizer and pesticides.

Councilman McKeon asked if there was still talk within the legislature to try to circumvent the home rule on the fertilizer ordinances. Commissioner Mann said that they are still out there.

AGENDA ITEM #15
COUNCIL ATTORNEY'S COMMENTS

No report was given at this time.

**AGENDA ITEM #16
COUNCIL MEMBERS' COMMENTS**

Mr. McCormick announced that he had attended a meeting discussing an unintended consequence of Amendment 2 where staff conducted a survey of the younger generation and found an increase of drug use and awareness within the middle school population over the previous year.

Vice-Mayor Congress announced that Sanibel was recognized as the Silver Award Winner as a bicycle friendly community. Sanibel is one of four communities that have the silver status within the State of Florida. Silver is the highest in the State of Florida, Sanibel has over 25 miles of bike paths.

Commissioner Storter-Long said that she had heard it twice now where staff had submitted a report to DEO before it went to the Council. She asked if there was a possibility to request a schedule change because this Council can't be the only Council that has the same problem. With the River Hall issue it made a big difference. Ms. Wuerstle stated that she agreed with Commissioner Storter-Long and stated that it had been discussed internally and she decided to wait until after the first of the year when there will be a new executive committee. Staff then could take that issue before them to discuss some options. She doesn't know if things could be changed at the staff level, but it can be changed internally at the Council.

Councilman McKeon thanked Sanibel for joining the City of Venice as being a Silver Award Winner for being a bicycle friendly community.

**AGENDA ITEM #17
ADJOURNMENT**

The meeting adjourned at 11:55 a.m.



Mr. Don McCormick, Secretary

The meeting was duly advertised in the November 10, 2014 issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 40, Number 219.

REQUEST FOR PLACEMENT ON AGENDA
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

✓ (TAP)

10/13

Name:

Karen Asfour
(Please Print)

Organization (if any):

Address:

17131 Easy Stream

Agenda Item Number:

10a

Amount of Time Requesting:

Signature

Karen Asfour

Date

11/30/2014

✓
10:15
REQUEST FOR PLACEMENT ON AGENDA
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

Max FERGUSON A/C

(Please Print)

Organization (if any):

FERGUSON PLANNING SERVICES

Address:

4637 VINCOMES BLVD #1
CAPE CORAL 33904

Agenda Item Number:

R/VOR HOME

Amount of Time Requesting:

1 MIN

Signature

Date

**REQUEST FOR PLACEMENT ON AGENDA
OF THE**

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

Julianne Thomas

(Please Print)

Organization (if any):

Community of

Address:

10000 Highway

Agenda item Number:

1000

Amount of Time Requesting:

5 min

Signature

Julianne Thomas

Date

11-20-14

10:19