

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SEPTEMBER 18, 2008**

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **September 18, 2008** at the offices of the Southwest Florida Regional Planning Council at 1926 Victoria Avenue in Fort Myers, Florida. The meeting was called to order at **9:02 a.m.** by **Chairman Andrea Messina**. **Commissioner Butch Jones** led the Prayer and the Pledge of Allegiance. Administrative Services Specialist Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Adam Cummings, Commissioner Tom Moore, Councilmember Marilyn Smith-Mooney, Ms. Andrea Messina, Mr. Alan LeBeau

Collier County: Commissioner Jim Coletta, Commissioner Frank Halas, Councilwoman Teresa Heitmann, Councilman Charles Kiester, Ms. Laura Holquist, Ms. Patricia Carroll

Glades County: Commissioner Paul Beck, Commissioner Kenneth "Butch" Jones

Hendry County: Mayor Paul Puletti, Commissioner Janet Taylor, Mr. Melvin Karau

Lee County: Mayor Mick Denham, Mayor Jim Humphrey, Councilman John Spear

Sarasota County: Commissioner Paul Mercier, Commissioner Jim Blucher, Councilman Ernie Zavodnyik

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD

MEMBERS ABSENT

Charlotte County: None

Collier County: None

Glades County: Councilman Michael Brantley, Dr. Edward Elkowitz

Hendry County: Commissioner Bill Maddox, Mayor Mali Chamness

Lee County: Commissioner Bob Janes, Commissioner Brian Bigelow, Mayor Eric Feichthaler, Councilman Tom Babcock

Sarasota County: Commissioner Shannon Staub, Mr. David Farley, Mr. George Mazzarantani

Ex-Officio Membership: Ms. Dianne Davies - SWFWMD, Ms. Janet Watermeier - Watermeier Consulting & Property Services, Ms. Tammie Nemecek - EDC of Collier County

**AGENDA ITEM #1
AGENDA**

Mr. Heatherington announced that there was a walk-on item entitled Agenda Item #4(d) Acquisition of a SWFRPC Company Vehicle.

Commissioner Blucher moved and Commissioner Taylor seconded to approve the amended agenda. The motion carried unanimously.

**AGENDA ITEM #2
MINUTES OF AUGUST 21, 2008**

Mayor Humphrey moved and Commissioner Blucher seconded to approve the minutes of August 21, 2008 as presented. The motion carried unanimously.

**AGENDA ITEM #3
CONSENT AGENDA**

Commissioner Blucher moved and Councilmember Smith-Mooney seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for August 31, 2008; Agenda Item #3(c) Glades County Comprehensive Plan Amendments (DCA 08-1ER); Agenda Item #3(d) Sandhill DRI - NOPC; and Agenda Item #3(e) Bella Terra DRI - NOPC. The motion carried unanimously.

AGENDA ITEM #4(a)

Lower West Coast Watersheds Subcommittee Report – Mayor Mick Denham

Mayor Denham noted that the Subcommittee is in the process of reviewing the final resolution, which is also the second part to the Stormwater Resolution.

AGENDA ITEM #4(b)

Proposed Amendments to SWFRPC Chapter 29I Rules - Ms. Liz Donley

Ms. Donley reviewed the item as presented.

Mr. Heatherington asked Ms. Donley to explain the reasoning behind why the Council is amending the Chapter 29I Rules and the priorities of the Chairperson and the bylaws. Ms. Donley explained that there was a discussion when Chairman Messina became Chairman on whether or not the Council had bylaws. The regional planning councils (RPCs) in Florida function in two different ways - some have repealed all of their rules and have written separate bylaws, like any nonprofit corporation or organization. While other RPCs have gone and revised the rules so they

are consistent with the statute. Staff has been debating on which one to do, during Governor Bush's administration; he was encouraging organizations to repeal their rules and to function under bylaws. Under the current administration, they are open to allowing the RPCs to amend the current rules. Staff feels that since the current rules seems to be working fine for the Council, it would be easier for the Council as a whole to revise the current rules rather than go through a year's exercise to create new bylaws.

Chairman Messina explained that the reason that she had brought the issue up is because she felt that it was important that the members understood the rules of the Council and how it operates.

Mayor Humphrey moved and Councilman Kiester seconded to approve the rulemaking timetable as presented. The motion carried unanimously.

AGENDA ITEM #4(c)

Southwest Florida Regional Planning Council Proclamation for the CHNEP National Estuaries Days - Ms. Liz Donley

Ms. Donley reviewed the item as presented.

Mayor Denham moved and Commissioner Beck seconded to authorize the Chairman to sign the Proclamation for the CHNEP National Estuaries Days. The motion carried unanimously.

AGENDA ITEM #4(d)

Acquisition of SWFRPC Company Vehicle - Mr. Ken Heatherington

Mr. Heatherington reviewed the item as presented.

Commissioner Halas asked why is there such a range in the quotes on the vehicles from \$22,000 to \$28,000. Mr. Heatherington explained that all of the vehicles had the same options; however, the quote from Bill Branch Chevrolet was higher because it was not quoted based on the state contract price.

Mayor Denham stated that he has some difficulty supporting the purchase of a vehicle at this time. Currently, we are facing an economic crisis locally and nationally and he doesn't feel that purchasing a vehicle is appropriate at this time.

Councilman Kiester asked if the State has increased its travel reimbursement rate. Mr. Heatherington replied no. Councilman Kiester stated that he supports the purchase of the hybrid vehicle, because he doesn't see the Legislature changing the reimbursement rate any time soon so staff will still be paying more for gas by using their own vehicles than what they will be getting reimbursed for.

Commissioner Halas suggested approaching each of the car dealerships and explain to them that the vehicle will be purchased under a state contract.

Ms. Holquist asked staff what the policy is for the use of the company vehicle. Mr. Heatherington explained that the policy is currently being revised.

Mr. LeBeau stated that if the same specifications were given to all three dealerships, he doesn't see a reason to wait to purchase the vehicle. He also stated that he agrees with Ms. Holquist that there needs to be a policy in place on the use of the vehicle.

Mr. LeBeau moved and Councilman Kiester seconded to approve the purchase of the Council's vehicle not to exceed \$22,287.00 using the State's procurement contract. Also, add a prerequisite of a development of a policy to correspond with this vehicle.

Ms. Holquist stated that she would prefer that the vehicle is purchased within the Southwest Florida Region due to the current economics within the region.

Both Mr. LeBeau and Councilman Kiester agreed to amend the motion to include Ms. Holquist's suggestion of purchasing the vehicle from a dealership within Southwest Florida if they could meet the state contract price.

Mayor Humphrey stated that the current motion is to purchase the hybrid sedan with the purchase price not to exceed \$22,287.00, with the prerequisite that staff will try to find a dealership within Southwest Florida, and also a policy will be adopted illustrating the use of the vehicle so there is a record. He then referred to the State's current statute for travel reimbursement which provides for special districts, cities, and counties to be able to set a different rate if they find it is necessary to have an appropriate return for the vehicle use. He asked if staff has reviewed that alternative. He said that he understands that it is a time sensitive issue; however, he would like to have staff research the option of a better reimbursement rate versus the purchase of a vehicle and having the continuing operation and maintenance of the vehicle, and replacement of the vehicle.

Commissioner Halas asked if the quote received from Alan Jay Automotive Network was the state procurement price. Ms. Donley replied yes, it was off of the state contract list that can be accessed online. Commissioner Halas then asked if the other two quotes were not tied into the state procurement price. Ms. Donley replied yes, staff requested bids on those particular vehicles. Commissioner Halas asked when staff went out for bids to those dealerships, why did they not state that it would be under the state procurement price. Mr. Hutchinson stated that the dealerships were notified that the vehicle would be purchased under the state procurement price.

Mr. Hutchinson explained the changes in the mileage reimbursement rate between the state and federal rates.

Councilman Kiester asked when the rules changed that the RPCs could change their mileage rates. Ms. Nancy Doyle of staff explained that in 2005, the Council had decided to go with the federal rate because the state had not recognized or changed theirs for so many years, but when the state changed theirs then the Council decided to change it back to the state rate. She explained that the Council does have the authority to set a rate of their own for travel.

The motion carried with three opposed.

SWFRPC Structure & Technology Working Group

Chairman Messina requested that Ms. Pellechio give an overview of the Working Group's September 10th meeting.

Ms. Pellechio of staff announced that at the November 20th Council meeting there will be wireless capabilities available to those members who wish to access the Council's agenda on its website. She also announced that staff has switched vendors for conference calls and is now using the State's Technology System through the Department of Management Services at a considerable cost savings of \$0.035 per minute compared to the previous vendor at \$0.50 per minute.

Ms. Pellechio explained that another item that the committee has been working on is web conferencing which has also been purchased through the Department of Management Services State's Technology System and the Council will be able to offer web conferencing through WebEx. The Committee decided to first start out with using web conferencing for the subcommittees in order to cut down on travel.

Ms. Pellechio announced the other issues discussed at the meeting were the Committee's long-term goals: document management system, reorganization of the agenda, and disaster recovery.

Commissioner Blucher asked if all of the documents within the Council are backed up. Ms. Pellechio explained that since she has been with the Council yes; however, the documents that are on old floppys, CDs, paper documents, etc. have not been scanned in and that is what staff is currently working towards completing. Commissioner Blucher then asked if the backups are kept onsite. Ms. Pellechio explained that is another issue that the Committee is working on. Staff is researching the costs involved. Currently, backups are done everyday and once a week a set of tapes are taken offsite.

Councilmember Smith-Mooney asked why the Council needs to keep some of their records forever. Ms. Gwinnett explained that according to the Florida Statutes, DRIs are required to be kept forever.

Commissioner Cummings explained that he is glad to know that DRIs are required to be kept forever because in there was one instance where it helped Charlotte County when they needed to go back 20+ years into a DRI file, which the Council had and neither the clerk's office nor the county's office could find.

Ms. Pellechio announced that the Council has been awarded an EDA grant for the Feasibility Study Regional Incubator Network.

AGENDA ITEM #5(a)

Going "Green" the Benefits of Green Technology and LEED Certification - Dr. Jennifer Languell, President/CEO of Trifecta Solutions, Inc. & Mr. Jack Williams, Director of Harvard Jolly Architecture, Inc.

Dr. Jennifer Languell gave a PowerPoint presentation on "Green Building Technology."

Mr. Jack Williams gave a PowerPoint presentation on LEED certification and green building design.

Commissioner Halas asked what is the cost differential between "going green" and building conventional school buildings. Mr. Williams explained that with building schools it isn't that big of a cost difference. Dr. Languell explained that it is a 2-3% increase; however, you recoup that cost back within 5 years and then you continue to make money because the operation and maintenance costs are less.

Ms. Holquist asked other than the green certification, are there other government subsidies to make the builders/developers move into the "green" direction. Mr. Williams replied that he couldn't speak for the builders/developers, but he isn't aware of any financial incentives for the public sector. Ms. Holquist stated then it is more of a market demand issue. Mr. Williams replied yes, it is primarily due to Governor Christ signing into law in June the "Energy Bill" which requires public buildings to become "green buildings" which goes into effect March 2009.

Dr. Languell explained that it is required for state buildings that they seek green certification, which requires a 15% energy reduction by March 2009 and also looking at a 50% reduction by 2020.

Mr. Hutchinson explained that staff has had some resistance from DRI developers to conditions that would even require for them to have demonstration of this sort of technology, and asked if Dr. Languell had an expert opinion on why this is the case given the facts presented. Dr. Languell stated that is because they are afraid of it. She said that the cost differentials are minimal; it is just a matter of education and lack of information.

AGENDA ITEM #5(b)
US Sugar Buyout Resolution - Mr. Ken Heatherington

Mr. Heatherington and Ms. Gwinnett reviewed the item as presented.

Ms. Holquist moved and Commissioner Blucher seconded to approve SWFRPC Resolution #2008-10 US Sugar Buyout.

Mayor Denham-requested to hear input from the members from Glades and Hendry Counties and also if the desires from both parties are being met with the resolution.

Commissioner Jones explained that the biggest concern with the sale of US Sugar is the potential loss of agriculture to local communities. Glades County doesn't object to the 48,000 acres for the flow-way, but any of the land that is not being used for the flow-way should be returned for agriculture use. Glades and Hendry Counties' agriculture communities 95% of their economy depends on agriculture. He said that he supports the resolution as presented.

Commissioner Taylor stated that she supports the resolution as presented and concurs with Commissioner Jones.

Commissioner Beck stated that he believes that Glades County has been a good steward of the natural resources, however, while Glades County may be part of the problem the problem begins in Orlando and comes south. He then said that Glades County wants to be part of the solution to the problem and that we need to keep agriculture sustainable. He then stated that he supports the resolution as presented.

Mayor Puletti stated that he supports the resolution as presented.

Commissioner Halas asked if there are any plans for cleaning the land/soil before the buyout. Commissioner Jones replied that he can't answer that question with any authority at this time.

Mr. Flood explained that as part of the acquisition the SFWMD is in the process of going through a judicial process and obtaining land appraisals and getting outside sources to take a look at the values. Also included is an environmental assessment for each parcel of land which includes sampling the soils. Once those are completed then the District will make a determination on whether or not it will be included as part of the acquisition at the cleanup, etc.

Commissioner Halas explained that his concern is that the taxpayers are going to end up paying for the cleanup of the land. He believes that it should be cleaned up before becoming public land.

Mr. Iglehart explained that FDEP's Fort Myers Office regulates US Sugar for hazardous wastes, etc. The Bryant Mill which was closed a couple of years ago has been completely cleaned. He stated that US Sugar has been a "very good player" in keeping waste streams regulated by DEP appropriately managed and any contamination issues have been cleaned up quickly. FDEP has been working with the consultants and he feels assured that the area is fairly clean.

Commissioner Halas asked what about the nitrate and phosphorus levels. Mr. Iglehart replied that those issues are taken care of by SFWMD. Mr. Flood stated that the environmental assessment will be completed in October and will be made available to public, along with a workshop and discussion on the assessment with the Governing Board.

The motion carried unanimously.

AGENDA ITEM #5(c)
Recommendations to the Water Congress - Mr. Jim Beever

Mr. Beever reviewed the item as presented and distributed handout.

Commissioner Cummings stated that he feels that recommendations are good; however, the first item under Short Term, he feels that the way we interpret the statutory requirement that the WMDs provide for all reasonably beneficially uses needs to be specifically addressed. He believes that it is interpreted that the WMDs are providing for all reasonably beneficially uses at a price the customer likes, rather than what is actually being discussed which is sustainability.

Commissioner Cummings referred to the second item under Mid Term and he believes it is going towards a more holistic approach towards hydrology in general and feels that there is a very important gap that has been found over a number of years in our permitting processes.

Commissioner Cummings moved and Councilman Spear seconded to approve the recommendations and also to work with staff to add one item involving water supply and annotations within the text.

Councilman Spear stated that he would like to comment on two items. First, the fourth item under Long Term and then the second item under Short Term. The fourth item under Long Term deals with modeling and he referred to Tropical Storm Fay which deposited 20-25 inches of rain throughout the State of Florida. Within five days huge amounts of sheet flow arrived in Bonita Springs leaving over 500 residents homeless. Some of those residents, approximately 300, are still in shelters. One of the issues that the City is trying to address is finding some of the causes for the flooding and part of the recommendations that have been made over the past 10-15 years have to do with restorations of natural flow-ways. In south Lee County everyone is at each others throats over whether some of those recommendations should be implemented based on whether we are just moving a flooding issue from one community to another community or we save one home at the expense of another. We end up battling over the quality of the data and the models used to reach the conclusions.

Ms. Holquist announced that she had been appointed to the Century Commission and as a follow-up to the Water Congress; the Century Commission will be holding meeting on November 9-10 where they will be taking the actions from the Congress and compiling them into the annual report to bring before the Governor and Cabinet in January.

The motion carried unanimously.

AGENDA ITEM #5(d) Other Emerging Regional Issues

Commissioner Beck explained that the ports of Tampa, Miami, Fort Lauderdale/Port Everglades, and Palm Beach have reached capacity and now there is research being done on constructing an inland port within FHREDI Region (Glades, Hendry, Highlands, Hardee, DeSoto, and Okeechobee Counties) which would encompass approximately 3,000 acres. He noted that FHREDI had passed a resolution which will be sent to the Governor and Cabinet supporting the inland port. FHREDI has identified three primary areas and two of them are in Glades County and the other is in Hendry County just south of the Airglades. The ports will employ approximately 65,000 people, so it will be a tremendous job base for the area. The port being centrally located, it will be able to draw from eastern Lee County, northern Collier County, eastern Charlotte County, and all of the FHREDI Region, including South Bay, Belle Glade, and Okeechobee areas. He stated that he will have a presentation ready for the November meeting.

**AGENDA ITEM #6
PUBLIC COMMENTS**

Ms. Gina Downs, Citizens Transportation Coalition gave a PowerPoint presentation on the I-75/Alligator Alley lease.

Ms. Carol Newcomb-Jones, US Green Building Coalition SW FL Chapter announced the new Southwest Florida Chapter had just held their kick-off meeting at the Eco Living Center at Rutenberg Park in Fort Myers. She stated that Chapter will be holding monthly meeting and the website is www.sustainableswfl.org. She also announced that she lives in a zero energy home, so it is possible to build a zero energy home in Southwest Florida.

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

Mr. Heatherington announced that Amendments 5, 7, and 9, which had to do with the property tax issue, have been removed from the ballot for November due to their authority to make constitutional amendments and the construed language they used. The other issue was Amendment 4 on the conservation issue. Another issue of concern was a letter from DCA which mentioned there were numerous counties and cities within Southwest Florida that have not adopted a water supply facilities plan. DCA has indicated that they will not be addressing any comprehensive plan amendments until the local governments adopt a water supply facilities plan.

Mr. Heatherington gave an overview of the Sustainable Solutions Conference scheduled for October 16th in Manatee County.

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

FDOT - Mr. Limbaugh announced that he has a flyer for the IROC project, FDOT is very pleased with the progress and the project is currently 100+ days ahead of schedule.

SFWMD - Mr. Flood announced that Staff has been working with state agencies and communities on developing the Caloosahatchee River Watershed Protection Plan which focuses on cleaning up the estuary and watershed, and which is a legislative requirement from the Northern Everglades Estuary Program. The draft plan is expected to be released at the end of the month and SFWMD is planning on giving a presentation to the Council on the Watershed Protection Plan.

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

Ms. Donley announced that earlier in the week, staff had met with Senator Martinez's Aide, Mr. Chad McCloud to discuss regional issues of concern that have a federal nexus. What came out of the meeting is we highlighted seven different points that have been coming before the Council and we asked Mr. McCloud if it would be helpful if we put together a one or two page summary of the issues so that they could be put before Senator Martinez when legislation occurs. Mr. McCloud

thought that would be a great idea. After speaking to Commissioner Coletta, she believes that staff will be working with the Council's Legislative Subcommittee to put the summary together so it can be sent up to our federal legislative delegation.

Commissioner Coletta stated that he would like to set up a time to convene the Legislative Subcommittee or even hold a web conference.

Mr. Utley announced that the DRI Workshop has been rescheduled to October 22nd at the Riverside Community Center.

AGENDA ITEM #10 COUNCILMEMBERS' COMMENTS

Commissioner Coletta stated that he would like to have the Council hold an Affordable Housing Symposium in November, but not in conjunction with the November Council meeting. He would like to have the symposium held and then bring the results back to the Council for their review and comment. He explained that there is a tremendous upheaval as far as affordable housing; the market will not sustain anymore affordable housing to be built because there is too much in the way of inventory.

Councilman Zavodnyik stated that on page 4 of the October 16th Sustainable Solutions Conference at 11:30 a.m. is "One Bay - Fulfilling Life's Possibilities" which he had recently attended the same program sponsored by the Gulf Coast Community Foundation of Venice by Tampa Bay RPC. It deals with scenarios on how it is going to be like in the Tampa Bay area by 2050. He recommends the members to attend the October 16th Conference and especially to attend that program at 11:30 a.m.

Councilman Kiester stated that the staff has been requesting the City Council of Marco Island to increase their water rate fees in order to make up for the water they were unable to sell during the drought where they went down to once per week water restrictions. He then asked if any of the other members in their communities have had the same problem.

Commissioner Coletta replied that Collier County had to deal with the same situation and he stated that he will not pay for a utility out of the county's general ad valorem. The utilities stand alone and cover their own costs, so if they can't cover the costs then they bear the consequences. You are not paying for the water; you are paying for the service.

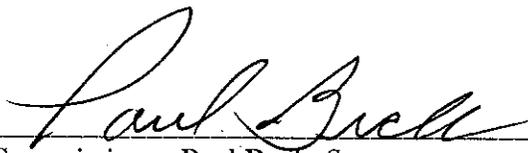
Councilmember Smith-Mooney stated that they have the same problem in the City of Punta Gorda and they have a unique water supply where there is more than we need and once it is tapped for our uses then it goes over a dam and out into the Gulf by Charlotte Harbor. No other provider or supplier of water can possibly benefit from the water once it goes over the dam if it hasn't been captured. The city had to raise their rates 15% this year and possibly another 10% next year.

Commissioner Cummings stated that the highest users also have the highest peaking factor. Their usage is mostly exaggerated because of the irrigation issue and not conserving will cost even your customers that are frugal with their water more money than if they were to conserve because that peaking factor comes into play.

Chairman Messina announced that this meeting was Commissioner Mercier's last meeting.

**AGENDA ITEM #11
ADJOURN**

The meeting adjourned at 11:47 am.



Commissioner Paul Beck, Secretary

The meeting was duly advertised in the September 5, 2008 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 34, Number 36.

REQUEST FOR PLACEMENT ON AGENDA
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

Janice A. Downs

(Please Print)

Organization (if any):

CITIZENS TRANSPORTATION COALITION

Address:

286 Tamiami Bay Dr, Naples FL 34110

Agenda Item Number:

PUBLIC COMMENT

Amount of Time Requesting:

10 min

Signature

Janice A. Downs

Date

9/18/08

REQUEST FOR PLACEMENT ON AGENDA
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

Carol Newcomb-Jones

(Please Print)

Organization (if any):

USGBC SW FL Chapter (Chair of Steering Committee)

Address:

1736 Maple Ave.
Ft Myers, FL 33901

Agenda Item Number:

Green Building

Amount of Time Requesting:

Carol Newcomb-Jones

Signature

Date

September 18th, 2008