

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

The regular meeting of the **Southwest Florida Regional Planning Council** was held on **February 19, 2009** in the Southwest Florida Regional Planning Council, 1<sup>st</sup> Floor Conference Room located at 1926 Victoria Avenue in Fort Myers, Florida. **Chairman Jim Humphrey** called the meeting to order at **9:00 a.m.** **Commissioner Butch Jones** led the Prayer and the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

- Charlotte County:** Councilman Don McCormick, Ms. Andrea Messina
- Collier County:** Councilwoman Teresa Heitmann, Councilman Charles Kiester, Ms. Laura Holquist
- Glades County:** Commissioner Kenneth “Butch” Jones, Commissioner Paul Beck, Dr. Edward Elkowitz
- Hendry County:** Commissioner Karson Turner, Commissioner Tristan Chapman, Mayor Paul Puletti
- Lee County:** Commissioner Ray Judah, Mayor Mick Denham, Mayor Jim Humphrey, Mayor Jim Burch, Councilman John Spear, Councilman Tom Babcock
- Sarasota County:** Commissioner Jon Thaxton, Councilman Ernie Zavodnyik, Commissioner Tom Jones
- Ex-Officio Members:** Mr. Gordan Romeis for Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Ms. Dianne Davies - SWFWMD

**MEMBERS ABSENT**

- Charlotte County:** Commissioner Tricia Duffy, Commissioner Robert Skidmore, Mr. Alan LeBeau
- Collier County:** Commissioner Jim Coletta, Commissioner Frank Halas
- Glades County:** Councilman Michael Brantley
- Hendry County:** Mr. Melvin Karau, Mayor Mali Chamness
- Lee County:** Commissioner Tammy Hall
- Sarasota County:** Commissioner Carolyn Mason, Mr. David Farley, Mr. George Mazzarantani

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

**AWARD PRESENTATION**

Chairman Humphrey presented former Chairman Andrea Messina with an award for her service as Chairman of the Council from January 2008 to January 2009.

**AGENDA ITEM #1  
AGENDA**

**The agenda was approved as presented by unanimous consent.**

**AGENDA ITEM #2  
MINUTES OF JANUARY 15, 2009**

Councilman McCormick referred to page 14 of 227, where Councilman Zavodnyik referred to “he would like to hear more about the 365,000 jobs that is going to be created.” He believes that it should be “3,650 jobs.”

**Commissioner Judah moved and Ms. Messina seconded to approve the minutes of January 15, 2009 as amended. The motion carried unanimously.**

**AGENDA ITEM #3  
CONSENT AGENDA**

Commissioner Tom Jones pulled Consent Agenda Item #3(e) City of North Port Comprehensive Plan Amendments (DCA 09-1) for discussion.

**Commissioner Judah moved and Commissioner Thaxton seconded to approve the balance of the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for January 31, 2009; Agenda Item #3(c) Town of Longboat Key Comprehensive Plan Amendments (DCA 09-1); Agenda Item #3(d) Lee County Comprehensive Plan Amendments (DCA 09-1); Agenda Item #3(f) Town of Fort Myers Beach Comprehensive Plan Amendments (DCA 09-1); Agenda Item #3(g) Big Cypress DRI – Request for Sufficiency Response Extension; Agenda Item #3(h) Harborview Substantial Deviation DRI- Request for Sufficiency Response Extension; and Agenda Item #3(i) North Port Gardens DRI – Request for Sufficiency Response Extension. The motion carried unanimously.**

**AGENDA ITEM #3(e)  
City of North Port Comprehensive Plan Amendments (DCA 09-D1)**

Commissioner Tom Jones thanked staff for their diligence in reviewing the comprehensive plan amendments and maintaining the time limits by transmitting their comments to DCA. He then

stated that he would like to add to staff's recommended action to allow the applicant of the Isles of Athena DRI to make a presentation before the Council at its April 16<sup>th</sup> meeting.

**Commissioner Tom Jones moved and Dr. Elkowitz seconded to amend staff's recommendation to include the opportunity from the representative of Isles of Athna to make a presentation to the Council at the April 16<sup>th</sup> meeting.**

Commissioner Thaxton stated that he would not support the motion and he would also implore the Council to also not support the motion, because if you took the time to read staff's comments they are critical. The Isles of Athna DRI, while certainly proposing to save some wildlife 2,000 acres, also will be destroying 3,500 acres. It is located on what he believes to be the single most environmentally sensitive piece of real estate under unified ownership remaining in Sarasota County. It will use I-75 as a collector road, there is no infrastructure to it or out of it, and it was purchased during the real estate boom and now the developer is looking for a way out.

Commissioner Thaxton explained that North Port's current comprehensive plan designation is agricultural which states it will preserve the very sensitive watershed that this property is in and it will preserve the environmental features that are known to be on this property, including a long list of endangered species; and it allows the developer an opportunity to profit from his acquisition. He has been watching the project go through the process and the county had attempted at one time to purchase it through its Environmental Lands Program. The county did not want to intensify the development because of the need for preserving the natural resources and so the developer simply annexed into the City of North Port where a deal such as this was struck, so he doesn't see the need to hear from the applicant on the project.

Mr. Crawford of staff reviewed the item as presented.

Commissioner Thaxton stated that the City of North Port currently has 58,000 platted vacant lots with an additional 25,000-30,000 other available development units as the result of recent annexation. The City of North Port currently has residential capacity to provide the need for residents for the next 70-100 years. The city currently has 400,000 vacant square feet of residential/commercial space. He said that one of the biggest issues facing the Southwest Florida Region is the overabundance of residential and commercial space.

Commissioner Tom Jones explained that his motion does not comment on staff's findings or the transmittal of those findings to DCA, but merely a motion to allow the developer to make a presentation before the Council in April.

Mr. Heatherington asked Mr. Trescott of staff to give an overview of the Isles of Athna DRI. Mr. Trescott explained that at the present time the applicant has refused to answer any further questions so the DRI application has been deemed insufficient, which according to the Council's DRI rules are grounds for denial.

Councilman Kiester stated that he doesn't have a problem with the applicant giving a presentation to the Council in April. He then gave an example of a similar project in Gainesville where the developer has sued the City of Gainesville, so he cautioned the City of North Port.

Commissioner Thaxton stated that he doesn't have a problem with having a presentation from the developer, but asked why wasn't the developer in attendance today.

Ms. Messina asked that since the developer has refused to answer any more questions from staff on the project, would it be beneficial to staff to have the presentation from the applicant. Mr. Trescott replied yes, if the presentation would include issues about the comprehensive plan and the DRI.

Chairman Humphrey stated that he has a concern when it was reported that the applicant had refused to answer any further questions and while he normally would want to respect that and make ourselves available; this a comp plan amendment where the applicant had separated from the DRI process and what he fears is that they are going to try to present their DRI requests to the Council and not really address the issues of the comp plan. He then stated that based on those concerns he can not support the motion because of the precedent it starts.

Commissioner Tom Jones emphasized that the current motion does not impede the time line in anyway.

Chairman Humphrey called a roll call on the motion.

**The motion failed with a vote of 9 to 11.**

**Commissioner Thaxton moved and Commissioner Judah seconded to approve staff's recommendations as presented. The motion carried unanimously.**

**AGENDA ITEM #4(a)**  
**Adoption of the Council's 29I Rules – Ms. Liz Donley**

Ms. Donley reviewed the item as presented.

**Councilman Kiester moved and Ms. Messina seconded to direct staff to forward their comments and changes to JAPC. The motion carried unanimously.**

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

Mayor Denham requested to defer his presentation to the March meeting.

**Councilman Kiester moved and Ms. Messina seconded to defer Agenda Item #4(b) Lower West Coast Watershed Subcommittee – Implementation Status Presentation to the March 19<sup>th</sup> Council Meeting. The motion carried unanimously.**

**AGENDA ITEM #5(c)**  
**Economic Stimulus Package – Mr. Ken Heatherington**

Commissioner Judah gave an overview of the Emergency Meeting of Lee County MPO on the Economic Stimulus Package where they are anticipating on receiving approximately \$25 million. The following projects were listed as priority projects:

1. Six Mile Cypress Parkway
2. SR82 (Lee Boulevard to I-75)
3. Six Laning of US41 from Corkscrew Road to San Carlos Boulevard

Councilman McCormick announced that the Charlotte County-Punta Gorda MPO had their emergency meeting Tuesday afternoon and approved 16 projects (\$8 million).

Commissioner Thaxton stated that he did not attend the Sarasota-Manatee MPO emergency meeting; however, they are expecting to receive approximately \$10 million and have agreed to split it down the middle and it will be used for smart transportation, enhancement, transit, trail, etc.

Commissioner Butch Jones stated that Glades County will be holding a meeting in the near future to discuss their projects.

Commissioner Turner stated that Hendry County will be holding a meeting in the near future to discuss their projects to see which projects can be started, but SR80 is their main priority.

Chairman Humphrey introduced Mr. Chad McLeod from US Senator Martinez's Office.

Mr. McLeod explained that Senator Martinez's office has received several project requests related to the Stimulus Package and they are encouraging everyone to make sure that they go to the Governor's Office and to the appropriate state agency. However, there is the ongoing appropriations process at the federal level where organizations can submit requests for federal funds and the deadline for project submission is March 2<sup>nd</sup>.

Chairman Humphrey introduced Ms. Diana McGee from US Senator Nelson's Office.

Ms. McGee announced that Senator Nelson's appropriations process deadline is February 27<sup>th</sup>.

Commissioner Thaxton stated that on behalf of the City of North Port, City of Venice and the unincorporated areas of Sarasota County, where last year as part of a local economic stimulus package passed a \$200 million bond referendum and to date we have \$25 million worth of projects on the ground and by July we will have \$98 million projects on the ground. Probably by February 2010, which is when we expect to receive the federal stimulus money, local governments of Sarasota, Venice, and North Port will have instigated approximately \$162 million worth of projects all with local contractor preference.

Chairman Humphrey asked what was the vote for the referendum. Commissioner Thaxton explained that the referendum was that there was a charter restriction as to the amount of money that we can bond for any cumulative issues that act as a single issue and he believes that it is

indexed at around \$18 million. It went to the voters and got the support of all of the business groups and municipalities in the county. It was overwhelmingly passed by the cities and unincorporated area in the county at a time when every consultant said that there was no way you are every going to get a bond or tax increase in this environment.

Mayor Puletti noted that Hendry County currently has the highest unemployment and homeless rates.

Commissioner Butch Jones stated that Glades County is second.

**Commissioner Thaxton moved and Commissioner Butch Jones seconded to direct staff to assist the rural counties in submitting applications to the state or any assistance they may need due to their lack of staff. The motion carried unanimously.**

#### **AGENDA ITEM #4(c)**

#### **Funding for the Estero Bay Agency on Bay Management & 2009 Workplan – Mr. Jim Beever**

Mr. Beever reviewed the item as presented.

**Commissioner Judah moved and Ms. Messina seconded to approve the ABM's Workplan for 2009.**

Councilman Babcock stated that he has enjoyed working with Mr. Beever since he has been appointed as the Council's representative to the ABM and he is also amazed at the knowledge that is available from the committee members. Based on the economic impacts and its impacts on the quality of Estero Bay and its watershed he cannot imagine why we wouldn't do everything we could to fund this effort.

**The motion carried unanimously.**

#### **AGENDA ITEM #5(a) Inland Ports Presentation**

Ms. Messina announced that she had to leave for another meeting but would like to state for the record that she was in support of the Inland Ports resolution.

Ms. Whirls stated that she was going to defer to Ms. Watermeier since she has the background on the Inland Port concept.

Ms. Watermeier gave a PowerPoint presentation on the proposed Inland Port.

Commissioner Chapman stated that both he and Commissioner Butch Jones work for a subsidiary of US Sugar Corp and on a personal level when your family, neighbors, and friends are impacted it is devastating. We are talking about the largest employer in both Glades and Hendry Counties which account for 1,700 jobs. Both Glades and Hendry Counties have the highest and second highest unemployment rate in a state of 67 counties along with a lot of challenges, including the

highest teen pregnancy rate, diabetes rate, along with six or seven other diseases. Sixty percent of the citizens live in mobile homes. Recently a survey that was performed and US Sugar Corp ranked within the 93 percentile for having the most concern for their employees out of all manufactures in the nation.

Commissioner Chapman stated that there is a perception in Hendry County that it was not supported by the coastal communities. The perception was, as he heard during his campaigning, that Hendry and Glades Counties was for the mines, prisons and landfills.

Commissioner Thaxton asked how many of the proposed jobs were permanent jobs versus construction jobs. Ms. Watermeier replied that the projections were permanent port and distribution positions.

Commissioner Thaxton asked what the mean area income is for Glades and Hendry Counties. Ms. Watermeier replied that it is approximately \$28,000 annually, which doesn't include the agricultural wages which are half of that. She then stated that if you factor in the wages from the US Sugar jobs that are going to be lost they average \$50,000.

Councilman Babcock then stated that the discussion seems too focused on the east coast of Florida with hopefully building towards the center, have there been any discussions about the west coast. Is the west coast going to play a bigger part or are we going to become competition for New Orleans or are there other opportunities that we haven't looked at. Ms. Watermeier explained that Tampa and Port Manatee are definitely going to plan for expansion but they don't really have that ability to dredge to handle the bigger cargo ships.

Mr. Heatherington asked who is handling the RFP and RFQ process. Ms. Watermeier replied that initially it was planned to be the Port of Palm Beach along with FDOT and their consultants because it was their project. However, as the US Sugar transaction gained more momentum and politics got involved, it is uncertain at this point as to who, what, where, why, etc. is going to happen. But if the Port of Palm Beach does move ahead with the process then it will be in their venue, but just because they choose one doesn't mean that there isn't an opportunity for another.

Ms. Tracy Whirls, Executive Director of Glades County EDC stated that she had a series of meetings with Mr. Dale Brill, Director of the Governor's Office of Tourism, Trade, and Economic Development (OTTED) in Glades and Hendry Counties and Tri Cities over in Palm Beach County and apparently the Inland Port discussion has reached a level where it is now being followed very closely at the gubernatorial level. OTTED, FDOT, DEP, DCA and the Governor's Chief of Staff are meeting on a regular basis with port representative to try to learn as much as they can on the project as it moves forward. She then introduced Mr. Mark Morton, Vice Chairman of the Glades County EDC.

Mr. Morton gave a Power Point presentation on the background logistics and regional implications for Southwest Florida on the Inland Port facility.

Commissioner Turner gave a PowerPoint presentation on the proposed expansion of the Panama Canal in 2014/2015 and the Panamax ships.

**AGENDA ITEM #5(b)**  
**Inland Ports Resolution – Mr. Ken Heatherington**

**Commissioner Judah moved and Mayor Denham seconded to adopt SWFRPC Resolution #2009-01 A Resolution of the Southwest Florida Regional Planning Council Expressing Support for an Inland Port Site Selection Process Focused Centrally Within the Boundaries of the South Central Rural Area of Critical Concern.**

Chairman Humphrey stated that there has been a request to combine the last two “Whereas” clauses within the resolution because they are too similar to read “Whereas, establishing a centrally located site within the South Central Rural Area of Critical Economic Concern will provide the most noticeable economic benefit to the South Central Rural Area of Critical Economic Concern” and also replace the language under Item 2 with “The Council requests that key legislative leadership within the State of Florida support an inland port site centrally located within the South Central Rural Area of Critical Concern that is economically and environmentally feasible for an inland port.”

**Both Commissioner Judah and Mayor Denham agreed to the amendments.**

Mayor Denham asked for clarification that the two identified sites in Glades and Hendry Counties are included in the resolution. Ms. Watermeier explained that the current resolution supports the FHREDI resolution and the wording of the “central” is what includes Hendry and Glades Counties. The Council is not being specific because she understands that the Council is trying to get all of the other RPCs to support that it goes into the RACEC Region. She stated that she does believe that there will be an opportunity in the future for another resolution when the RFP/RFQ comes to specify a specific location.

Commissioner Thaxton suggested adding a “Whereas” to the resolution to state: “Whereas, establishing a site that avoids impacts to designated Panther Merit Zones, the Everglades Agricultural Area, major drainage basins, conservation areas, and significant Florida Natural Areas Inventory (FNAI) habitats will provide for a most environmentally sustainable location.”

**Both Commissioner Judah and Mayor Denham agreed to the amendments.**

**The motion carried unanimously.**

Commissioner Thaxton requested that a copy of the final resolution be sent to the membership in order for it to be brought before their local jurisdictions.

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

Mr. Heatherington noted that there were no other emerging regional issues for discussion at this time.

**AGENDA ITEM #6  
PUBLIC COMMENTS**

There were no public comments at this time.

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

Mr. Heatherington announced that staff has been working on an EDA Grant and then asked Ms. Jennifer Pellechio of staff to give a brief overview of the project.

Ms. Pellechio gave an overview of the Disaster Resistance Planning and Recovery Program which identifies four different components that includes climate change, hurricane hardening, temporary housing and a toolkit. She explained that the grant is a 75/25 grant and staff is looking at a \$900,000 project. EDA is in great support of the proposed project and staff has already raised \$50,000 towards the 25% match which leaves \$175,000 remaining.

Ms. Donley explained that the funds from EDA are associated with Tropical Storm Fay and EDA has been told that they need to get these funds spent on projects within the affected areas. Then there will be stimulus funds following behind which staff will continue to monitor.

Mr. Heatherington announced that he had tickets available for the Musical Night With Nature on March 21<sup>st</sup> at the Estero Community Park Amphitheater which is part of the CREW process.

Mr. Heatherington announced that the March 19<sup>th</sup> meeting has been scheduled to be held out CREW and he has invited Chief Financial Officer, Alex Sink and it also coincides with CREW's Spring Flower Festival where there will be buggy tours available.

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

Ms. Davies stated that the Southwest Florida Water Management District has eight basin boards and those basin boards have local pots of money to provide for projects (water resources, flood control, restoration, etc.) The basin boards meet every other month and the next round is in April. We have added an item to the agendas entitled the Basin Activities Report, which allows anyone in Sarasota or Charlotte Counties and the municipalities within those counties are able to submit any announcements of upcoming events, project completions, successes, etc. to the Basin Boards.

Mr. Heatherington announced that the contact information for both the Manasota Basin Board for Sarasota County and the Peace River Basin Board for Charlotte County will be posted on the Council's website at [www.swfrpc.org](http://www.swfrpc.org).

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

Ms. Donley had no comments at this time.

**AGENDA ITEM #10**  
**COUNCILMEMBERS' COMMENTS**

Commissioner Beck thanked the Council for its support on the Inland Port resolution.

Ms. Holquist noted that she was in Tallahassee last week and the Growth Management Bill which was brought forward by Senator Bennett did have a lot of legs. The Association of Florida Community Developers legislative group is giving it a 90% likelihood of passing and she feels that it is something that the Council should be watching very carefully because it does include language that would eliminate DRIs in certain areas of the state, including most of Southwest Florida. She noted that it is called SB360.09 and does have support by DCA and the Governor.

Commissioner Thaxton stated that Sarasota County is watching SB360.09 carefully because the major thrust is consistent with other bills sponsored by Senator Bennett and it basically limits, restricts, and removes local jurisdiction. He also encouraged all of the local governments taking the Inland Ports Resolution to their respective bodies for passage, not so much for the benefits for rural counties, but anything that this part of Florida can do to build its rail industry and get that infrastructure in-place, because if you get it in-place for shipping the next thing that is going to come that is going to be available will be public transit and a whole lot of other things. You can't build the system based on the needs of public transit; you have to have businesses in the industry to support it first.

Councilman McCormick stated that Congressman Tom Rooney is very interested in the Hendry-Glades proposal. Also, Mr. Heatherington attended a City Council meeting and many of the city council members were quite taken with Mr. Heatherington's presentation.

Commissioner Judah stated that Senator Bennett has a pension for supporting preemption type legislation and asked that staff have those proposed bills brought before the Council at the March meeting so the Council can take action proactively to oppose such efforts on behalf of Senator Bennett.

Mayor Puletti thanked the Council for supporting the rural counties with both actions it took. He then invited everyone to the City of LaBelle to attend the Annual Swamp Cabbage Festival.

Commissioner Turner thanked the Council for its support and stated that all Hendry County is looking for is some kind of answer from Tallahassee on what is happening with the Inland Port project.

Commissioner Butch Jones thanked the Council for its support in passing the Inland Ports resolution and explained that Glades and Hendry County doesn't want a hand out, all they want is some assistance in being self supporting. He then announced that on March 7<sup>th</sup> the 60<sup>th</sup> Annual Chalo Nitka Parade will be held.

Councilman Zavodnyik stated that he supported the resolution and believes that we need to help Glades and Hendry Counties in these economic times; however, he believes that there is deindustrialization going on within the United States. Those trains that were shown going east were full, but when they go west to Long Beach they are not full. If the American automobile

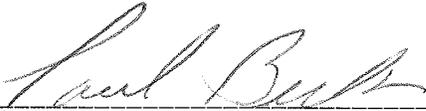
industry fails, it seems to him that it will further move this nation along into the deindustrialization of this wonderful country and if we build this inland port with all of these products coming in from China and the American people don't have the money to buy these products then what are we going to do with the product coming into the port.

Commissioner Tom Jones stated that the City of North Port continues to be vigilant of any legislative changes that may challenge Florida Statute 80.191 which grants the authority to charge an outside rate surcharge to utilities outside the city's limits. He explained that many of the cities charges the surcharge, such as City of LaBelle, City of Fort Myers, City of Venice, etc. and the City of North Port continues to be vigilant of any legislation and asks other municipalities to do the same and as of Monday, February 16<sup>th</sup> there has been no legislation affecting that Florida Statute filed.

Commissioner Tom Jones announced that the City of North Port is holding it 50<sup>th</sup> Anniversary Parade on Saturday, February 28<sup>th</sup>.

**AGENDA ITEM #11  
ADJOURN**

The meeting adjourned at 11:25 a.m.



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Commissioner Paul Beck, Secretary

**The meeting was duly advertised in the February 6, 2009 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 35, Number 05.**