

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
FEBRUARY 18, 2010**

The regular meeting of the Southwest Florida Regional Planning Council was held on February 18, 2010 at the Southwest Florida Regional Planning Council - 1<sup>st</sup> Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chair Mick Denham called the meeting to order at 9:00 a.m. Commissioner Carolyn Mason led an invocation and Councilman Chuck Kiester led the Pledge of Allegiance. Senior Administrative Staff Nichole Gwinnett conducted the roll call.

**MEMBERS PRESENT**

- Charlotte County:** Councilman Don McCormick, Commissioner Robert Skidmore, Ms. Andrea Messina
- Collier County:** Councilman Charles Kiester, Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Commissioner Frank Halas
- Glades County:** Commissioner Kenneth "Butch" Jones, Dr. Edward Elkowitz
- Hendry County:** Commissioner Karson Turner, Commissioner Tristan Chapman, Mr. Melvin Karau
- Lee County:** Commissioner Tammy Hall, Commissioner Ray Judah, Mayor Mick Denham, Ms. Laura Holquist, Councilman Forrest Banks, Mayor John Sullivan, Councilman Tom Babcock, Mr. Paul Pass, Councilman John Spear
- Sarasota County:** Commissioner Carolyn Mason, Mr. George Mazzarantani, Commissioner Tom Jones, Councilman Ernie Zavodnyik
- Ex-Officio Members:** Ms. Dianne Davies - SWFWMD, Mr. Jon Iglehart - FDEP, Mr. Phil Flood - SFWMD, Mr. Johnny Limbaugh - FDOT, Ms. Tammie Nemecek - EDC of Collier County

**MEMBERS ABSENT**

- Charlotte County:** Commissioner Tricia Duffy, Mr. Alan LeBeau
- Collier County:** Mr. Bob Mulhere
- Glades County:** Councilman Michael Brantley, Commissioner Paul Beck
- Hendry County:** Mayor Paul Puletti, Mayor Mali Chamness
- Lee County:** None

**Sarasota County:** Commissioner Jon Thaxton, Mr. David Farley

**Ex-Officio Membership:** None

## INTRODUCTIONS

Chair Denham introduced: Ms. Diana McGee, Regional Director from US Senator Bill Nelson's Office.

### AGENDA ITEM #1 AGENDA

Ms. Messina moved and Commissioner Coletta seconded to approve the agenda as presented. The motion carried unanimously.

### AGENDA ITEM #2 MINUTES OF JANUARY 28, 2010

Commissioner Tom Jones stated that he had a correction under Agenda Item #11, page 14 of 105. He explained that it should read that "Commissioner Tom Jones announced that the City of North Port was about to have their groundbreaking for the Toledo Blade project and that the Sumter Boulevard project had received \$1.4 million in Stimulus funds."

Councilman Kiester moved and Commissioner Halas seconded to approve the minutes of January 28, 2010 as amended. The motion carried unanimously.

### AGENDA ITEM #3 CONSENT AGENDA

Commissioner Judah moved and Mr. Pass seconded to approve the consent agenda: Agenda Item #3(a) Intergovernmental Coordination and Review; Agenda Item #3(b) Financial Statement for January 31, 2010; Agenda Item #3(c) The Fountains DRI - Sufficiency Response Extension; Agenda Item #3(d) Millennium Corporate Center DRI - Pre-Application Questionnaire Checklist; Agenda Item #3(e) Charlotte County Comprehensive Plan Amendment (DCA 10-1); and Agenda Item #3(f) Member Appointments and Certification for the Glades and Hendry County Joint Local Coordinating Board for the Transportation Disadvantaged. The motion carried unanimously.

### AGENDA ITEM #4 VILLAGES OF LAKEWOOD RANCH SOUTH DRI - STAFF ASSESSMENT

Mr. Dan Trescott of staff gave a PowerPoint presentation.

Mr. Mazzarantani moved and Ms. Messina seconded to recommend Conditional Approval of the Villages of Lakewood Ranch South DRI to be further conditioned on a finding of consistency with the local government comprehensive plan by the Sarasota County Board of County Commissioners.

Commissioner Judah stated to Mr. Trescott that he feels that we are past the terminology of “drainage basins” and the thought process should be more towards watersheds. He doesn’t feel that it is a subtle point, but an important point, that we start looking at these watersheds as an interval part of an entire ecosystem and not to just drain water off the land, and suggested that staff can change that terminology. He then asked Mr. Trescott to elaborate on how the applicant is capturing traffic in terms of providing employment centers next to the living areas, so the residents don’t have to travel great distances to their places of employment; in order to make sure that they are consolidating to a mixed-use development.

Mr. Trescott said to Commissioner Judah that he will start working on changing the terminology over to watersheds from drainage basins.

Mr. Todd Pokrywa, Vice President of Planning at Schroeder Manatee Ranch, Inc. explained that the project is in between two of the largest major employment centers in Sarasota County and immediately adjacent to the project is the Lakewood Ranch Corporate Park DRI, which has entitlements for 6.2 million square feet and to date 2 million square feet has been developed. Within Lakewood Ranch there are approximately 15,000 jobs; however, many of those people are coming from offsite areas and other counties and that is why it is being proposed that so much workforce and affordable housing be built immediately adjacent to these two employment centers (Lakewood Ranch Corporate Park and the International Trade Center). Overall, it is our objective to reduce the amount of traffic coming from offsite and burdening the surrounding roadway network, by having a better balance of housing to jobs and providing that workforce and affordable housing being immediately adjacent.

Mr. Richard Stiles, Traffic Consultant with the project explained that with working both Sarasota County and FDOT, they came to an agreement on how to model the project and it wasn’t to call it internal capture but put in a more precise connection network between the adjacent DRIs to show a more interaction between the projects.

The motion carried unanimously.

#### **AGENDA ITEM #5(a)**

**Lower West Coast Watersheds Implementation Committee - Mr. David Crawford**

#### Fertilizer Legislative Update

Mr. Jim Beever of staff explained that there was a wide number of issues going on relating to water quality issues in terms of rules in legislation that the committee has been keeping track of. One that has recently come up since the last meeting is SB494 known as the Fertilizer Glitch Bill. The bill adds further barriers for local governments to be able to adopt a stricter fertilizer rule than the State’s standard which was in the prior year’s fertilizer standard. It inserts non-regulatory advisory agencies into the process requiring that local governments contact and consider their materials.

Also, it does not seem to grandfather prior adopted local government fertilizer rules. This is something that the committee is watching and that all local governments need to be aware of. In a roundabout way it is another unfunded mandate, because it will require the local governments to go through many more steps before they are able to adopt a fertilizer ordinance that protects the water quality within its watershed. As you know within the Council, there has been great concern that you are required to meet water quality standards with TMDLs in impaired waters and one of the tools that are available to you are the regulation of residential fertilizer, and that tool maybe removed if this bill passes in its current language.

Chair Denham explained that he been in touch with his legislative staff in Tallahassee and they are watching this bill very closely and in their opinion it doesn't have "a lot of legs" at the moment, but if it should get some legs he will personally do whatever he can to abort this activity.

Commissioner Judah moved and Councilman Zavodnyik seconded to have staff prepare a letter for the Chair's signature opposing the amendment that would pre-empt local governments' oversight and regulation of fertilizer. The motion carried unanimously.

Councilman Spear requested that a copy of the signed letter be sent to all of the Council members.

#### Stormwater Rulemaking Progress Report

Mr. Beever explained that the committee is awaiting FDEP to produce the next draft for the committee's review. He understands that the next draft is scheduled to come out sometime in February.

Mr. Iglehart stated that the next draft is scheduled to come out at the end of the week.

Mr. Beever explained that the committee is anticipating that the next draft will include a lot of the improvements that FDEP has considered from the inputs that have been put together and will be addressing nitrogen as well as phosphorus, along with a number of other factors that will further improve stormwater treatment throughout the State including Southwest Florida. The committee is looking forward to seeing the next draft so the committee can see if it includes the things that we have been told that it is going to include so we can put together a letter of support for this issue.

#### Designated Uses and Surface Water Classification System Rule Update

Mr. Beever explained that the process continues in the review of the designated uses. There is a proposal to add one more designated use to the State, a different type of Class III water, which would address a lower water quality inside a specific parameter. Their next workshop is February 22<sup>nd</sup> from 1 to 5 pm at the Windham Orlando Resort.

#### EPA Numeric Nutrient Standards

Mr. Beever announced that the EPA has proposed Numeric Nutrient Standards for the State of Florida and a number of different entities have reviewed the proposal and submitted comments. The committee is currently reviewing the proposal, it provides nutrient standards for fresh waters, both lakes and streams, and then into the future for estuarine waters. The committee's position to

date is that it would be better if we set our nutrient standards based upon our local knowledge of the nutrient balances that we have already developed within our region.

Commissioner Judah stated that it is his understanding that the Southwest Florida Water Management District has provided for the resources to conduct the appropriate analysis of local sites in their water bodies, but the South Florida Water Management District has not stepped forward to help in the funding of the analysis of water bodies that are local to our area.

Mr. Flood explained that the South Florida Water Management District did receive the request from the Charlotte Harbor National Estuary Program (CHNEP). District staff did have some specific questions which were sent back to CHNEP staff and they have responded back to those questions, but at this point the District has not made a decision to move forward, but has not said no to the funding. District staff is still reviewing the information that CHNEP staff had responded back with.

Commissioner Judah asked the criteria between loading versus concentration, is EPA focusing on one or the other or both. Mr. Beever explained that it is a mix, in some cases they are looking at concentration and in other cases they are looking at loading.

Ms. Holquist stated that it is her understanding that the EPA Numeric Nutrient Standards has really good legs and that it would take congressional intervening to stop it from happening and you could expect everything to start to kick-in by October. From the development side, a lot of developers are saying that it is way too expensive to develop, but we have seen some engineering reports state that it might be less costly to develop under the new rules because the biggest impact is going to be on the utility companies. It is really going to affect the cities, counties and utility systems.

Mr. Beever said that part of it is really unanswered questions; the main concern has come from utilities both public and private. It is whether they need to meet these standards with the effluent that they emit from their final treatment, or does that standard have to meet in the receiving water body after the mixing.

Chair Denham gave an overview of HB727 regarding sewage treatment.

Commissioner Judah explained that it would be a benefit to Lee County's utilities as a cost standpoint if the Numeric Nutrient Standards were adopted; because of the current problems that we are having with the nutrients creating the green algae issues with the water treatment processes, it is extremely costly to correct. He then asked Mr. Iglehart how it conflicts with FDEP's efforts in implementing TMDL's in regards with what EPA is promoting with the Numeric Nutrient Standards. Mr. Iglehart explained that it would make it more expensive for the local governments to comply with the TMDL criteria.

Ms. Donley announced that on March 3<sup>rd</sup> the CHNEP is sponsoring a workshop committee meeting at the Council's offices to discuss the various water quality rules that are currently being proposed.

Councilman McCormick asked if there is good baseline information on water quality that is consistent throughout our area. Mr. Beever replied yes, but he wouldn't say that it is consistent. Some of the coastal counties have a much better comprehensive data set than the interior counties. Some water bodies have been much thoroughly studied than others. We do have enough for estuarine set points and for our major freshwater bodies.

Chair Denham explained that the committee has included a draft resolution in the Council's agenda packet for the Council's review; however, Dr. Elkowitz has some minor changes which will be made and then the resolution will be brought back to the Council for approval at its March 18<sup>th</sup> meeting.

Dr. Elkowitz stated that he would like to include hydrocarbons and EDCs in surface water. Mr. Beever stated that it is appropriate to include both hydrocarbons and EDCs.

**AGENDA ITEM #6(a)**  
**SFWMD Lower West Coast Water Supply Plan Update**

Mr. Flood introduced Ms. Cynthia Gefvert, Section Leader, Water Supply Planning of SFWMD's Water Supply Management Department.

Ms. Gefvert gave a PowerPoint presentation on SFWMD's Lower West Coast Water Supply Plan Update.

Councilman McCormick asked if the ASR well program has been on hold because of the arsenic problem. Ms. Gefvert replied that it is her understanding that there are issues with it and they haven't solved the arsenic migration issue. There are people looking at various methods and until the issues are resolved the ASR well program is on hold.

**AGENDA ITEM #6(c)**  
**Other Regional Issues**

Chair Denham stated that there are no other regional issues at this time.

**AGENDA ITEM #7**  
**PUBLIC COMMENTS**

Ms. Jessica Staubs, The Conservancy of Southwest Florida expressed the Conservancy's concerns about the proposed Designated Uses and Surface Water Classification System Rule. She distributed a handout listing their concerns.

**AGENDA ITEM #8**  
**DIRECTOR'S COMMENTS**

Mr. Heatherington thanked staff for their time in preparing the Villages of Lakewood Ranch South DRI Staff Assessment. He then read a message from Ms. Tina Matte in regards to the passing of Mr. Steve Webb and asked for a moment of silence.

Mr. Heatherington announced that there was a guest commentary in the Fort Myers News-Press in response to an earlier news article that described the Council as “eco-activists.”

Mr. Heatherington stated that under legislative monitoring there are a number of shell bills.

Mr. Heatherington noted that the Harborview Substantial Deviation DRI Staff Assessment will be on the March 18<sup>th</sup> agenda.

**AGENDA ITEM #9  
STATE AGENCIES COMMENTS/REPORTS**

SWFWMD – Ms. Davies announced that the SWFWMD is currently in the process of updating their Regional Water Supply Plan and will be requesting time on the Council’s agenda to give a presentation to the Council on the update within the next couple of months.

FDOT – Mr. Limbaugh announced that FDOT is currently in the process of updating its Florida Transportation Plan to 2060. The plan is a guiding principal of how to address transportation of the future to look at safety and how to approach safety as a priority, as well as security, mobility, etc. It also sets goals and objectives that FDOT can share with our MPOs and our other jurisdictions as the MPOs develop their Long Range Plans and the rural counties do their comprehensive plans and address transportation needs. FDOT will be conducting a webinar to kick-off the process on March 10 from 2-3 pm; we have set up a couple of locations (SWFRPC and FDOT/SWAO, District 1 Offices) for those who do not have internet access. It is a statewide event so there are various locations across the state that will be participating.

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

Ms. Donley stated that she had no comments at this time.

**AGENDA ITEM #11  
COUNCILMEMBERS’ COMMENTS**

Chair Denham announced that Sanibel opened its newest edition of below market rate housing. They opened 16 brand new accommodations, which are salary capped for people earning \$45,000 or less and the program has been in existence for 30 years; there are currently 98 homes within the program on Sanibel and they are operated by a non-profit organization. He explained that within the last 16 units that just opened eight of the units are available for purchase.

Mr. Pass announced that the 2010 Census has started and he emphasized that the people of the area need to be counted because Florida is not receiving its fair share of federal money.

Mr. Heatherington stated that the Council had signed a partnership agreement with the Census Bureau and he received a call from the Census Bureau asking for the use of space within the Council’s offices during April 27-30<sup>th</sup> so they can count the surveys locally.

Commissioner Butch Jones noted that there was an article in the Governing Magazine on Water Wars and he encouraged everyone to read the article. He then invited everyone to the Chalo Nitka Festival in Moore Haven on March 5-7<sup>th</sup>.

Mr. Karau invited everyone to the Swamp Cabbage Festival in LaBelle on February 27-28<sup>th</sup>.

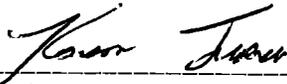
Commissioner Hall invited everyone to Edison Festival of Light Grand Parade in downtown Fort Myers on February 21<sup>st</sup>.

Mr. Mazzarantani thanked staff for their hard work on the DRI staff assessment.

Commissioner Turner invited any of the members that would like to ride a horse in the Chalo Nitka Parade or the Swamp Cabbage Parade to contact him. He asked the members to please support the local 4-H groups.

**AGENDA ITEM #12  
ADJOURN**

The meeting adjourned at 10:15 a.m.



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Commissioner Karson Turner, Secretary

The meeting was duly advertised in the February 5, 2010 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 36, Number 05.