

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JUNE 15, 2017 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on June 15, 2017 at the offices of the Southwest Florida Regional Planning Council-1400 Colonial Boulevard, Suite #1 in Fort Myers, Florida. Vice-Chair Perry called the meeting to order at 9:02 AM. Commissioner Doherty then led an invocation and the Pledge of Allegiance. Ms. Margaret Wuerstle conducted the roll call and noted that a quorum not was present. A quorum was reached later in the meeting.

MEMBERS PRESENT

Charlotte County: Commissioner Ken Doherty, Commissioner Joe Tiseo, Councilwoman Lynne Matthews, Ms. Suzanne Graham

Collier County: Mr. Bob Mulhere

Glades County: Commissioner Donald Strenth, Mr. Thomas Perry

Hendry County: Commissioner Mitchell Wills, Commissioner Julie Wilkins, Mr. Mel Karau

Lee County: Commissioner Frank Mann, Commissioner Cecil Pendergrass, Councilman Jim Burch, Councilman Forrest Banks, Vice-Mayor Mick Denham, Councilman Greg DeWitt

Sarasota County: Councilman Fred Fraize, Commissioner Debbie McDowell

Ex-Officio: Mr. Phil Flood-SFWMD, Ms. Megan Mills-FDEP, Mr. Stephen Walls-FDOT

MEMBERS ABSENT

Charlotte County: Mr. Don McCormick

Collier County: Commissioner Bill McDaniel, Commissioner Penny Taylor, Councilman Reg Buxton,

Glades County: Commissioner Donna Storter-Long, Councilwoman Pat Lucas

Hendry County: Commissioner Karson Turner, Vice-Mayor Michael Atkinson,

Lee County: Councilwoman Anita Cereceda, Councilmember Jim Wilson, Ms. Laura Holquist

Sarasota County: Commissioner Charles Hines, Commissioner Michael Moran, Mayor Willie Shaw, Mr. Felipe Colón

Ex-Officio: Ms. Tara Poulton-SWFWMD

**AGENDA ITEM #5
AGENDA**

Non-voting items were moved to the beginning of the meeting until a quorum could be reached.

**AGENDA ITEM #7d)
Quorum Requirement**

Ms. Wuerstle explained that an official decision on the quorum could not be made today due to the notification requirements in the interlocal agreement and bylaws. She presented a draft resolution that would change the quorum requirement to one-third of the voting members with two of the six counties needing to be represented. She also brought up the issue of nonparticipating governor appointees and whether they should be considered members. Commissioner Tiseo explained that Charlotte County has had a similar problem with their committees and stated that something needs to be done about the Council's quorum issues. Mr. Mulhere explained that it may not be up to the Council to decide if a governor appointee is active or not, but this issue should be brought to the governor's appointment office. Mr. Perry added that the best course of action would be to ask these inactive governor appointees to resign. Commissioner McDowell recommended that more than two counties should need to be present to vote on regional issues. The current requirement is four out of six counties. Commissioner Doherty added that there is a discrepancy between the bylaws and the interlocal agreement.

**AGENDA ITEM #4
PUBLIC COMMENTS**

Mr. Lee Ford of the 21st Century Collaboration, an economic community development committee, explained that he attended the meeting because of the news of Lee County pulling out of the RPC. The Collaboration works on the redevelopment of the Martin Luther King and Dunbar community and they have used the RPC a number of times for grant services. They are currently in the process of writing a market analysis grant. They want to know what impact Lee County's decision would have on their ability to use the RPC for those redevelopment efforts.

Mr. Perry explained that Lee County gave a 12 month notice, so there will be no impact until that 12 month period is over. He believed that something will be worked out by that time to ensure that the Council's work continues beyond that.

At this point in the meeting a quorum was reached.

**AGENDA ITEM #6
MINUTES OF THE MAY 18, 2017 MEETINGS**

A motion was made by Commissioner Doherty to approve the May 18, 2017 minutes. The motion was seconded by Mr. Mulhere and passed unanimously.

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

Ms. Wuerstle presented the April 2017 financials. She explained that the financials are strong and the Council is in a better financial position than last year at this same point in time.

A motion was made by Mr. Mulhere to approve the April 2017 financials. The motion was seconded by Commissioner Tiseo and passed unanimously.

**AGENDA ITEM #7(a)
FY15-16 Audit**

Mr. Jeff Tuscan presented the FY15-16 audit report. The SWFRPC was given an “unmodified” opinion, which is the highest level of opinion that an auditor can issue. A footnote was added that two counties planned on pulling out. This will be a consideration for future audits. Commissioner Doherty announced that Charlotte County has also given a 12 month notice to pull out of the RPC.

A motion was made by Vice Mayor Denham to approve the FY15-16 Audit. The motion was seconded by Commissioner Tiseo and passed unanimously.

**AGENDA ITEM #7(b)
FY 17-18 Proposed Budget**

Ms. Wuerstle presented the FY 17-18 Proposed Budget. This budget was made with the knowledge that Sarasota County and Lee County will stop providing funding during the fiscal year. Charlotte County's withdrawal has not been accounted for.

Vice-Mayor Denham asked what the budgeted DRI revenue was. Mr. Mulhere answered that it was \$35,000, but he believes that the DRI revenue was higher during this current fiscal year. Ms. Wuerstle confirmed that DRI revenue was higher than \$35,000, but she wanted to be conservative with the budget. Mr. Mulhere asked if the RPC received revenue for comprehensive plan amendment reviews. Ms. Wuerstle answered that those reviews are currently covered by part of the counties' dues. However, the Council will have to discuss whether they want to charge for the reviews of the counties that have pulled out. Vice-Mayor Denham asked about the DRI requirements for the RPC. Mr. Mulhere answered that the RPC is required to review any amendments to existing DRIs including NOPCs, which the RPC receives money for. Ms. Wuerstle added that the region has close to 200 DRIs, with 54 active DRIs in Lee County. Vice-Mayor Denham asked about the authority the RPC has regarding DRIs. Mr. Mulhere answered that the RPC can only make recommendations and the local government does not have to follow those recommendations. He added that the applicant typically responds favorably to the RPC's recommendation. Ignoring the recommendation also puts the applicant in a more difficult situation if there is a third party challenge.

A motion was made by Mr. Mulhere to approve the FY 17-18 Proposed Budget with an additional adjustment accounting for Charlotte County's decision to withdraw funding from the RPC. The motion also included a recommendation that staff make proposals for fees

associated with the Council's statutory obligations for counties that pull out of the RPC. The motion was seconded by Councilman Banks and passed unanimously.

**AGENDA ITEM #7(c)
Attorney General's Opinion**

Mr. Perry stressed the importance of being factual when discussing this topic and not bring this to the point where the RPC is fighting with its member organizations. The Attorney General's opinion is a step that the Council needs to take to be factual when having discussion with the counties. Mr. Mulhere agreed and added that there is nothing to be gained by creating controversy. He believed the RPC still serves a vital role in the region.

A motion was made by Mr. Mulhere to seek the attorney general's opinion. The motion was seconded for discussion by Commissioner Wilkins.

Commissioner Wilkins added that this is not an aggressive action towards the counties that chose to pull out. This is about finding out the facts. Commissioner Doherty explained that the Attorney General's opinion is not binding and may not change Charlotte County's decision. Charlotte County wishes to redefine the RPC in a way that would add more value to the counties. He doesn't think seeking the Attorney General's opinion is worth the time or money. Commissioner Pendergrass was told that the RPC has no authority to go after a county for funding. Mr. Perry explained that he has no interest in suing the members of the Council. He agreed that the Council needs to work hard during this 12 month period to resolve these issues. Mr. Mulhere explained that the RPC has been having these relevancy discussions for years, starting with the economic downturn and the loss of the State funding. Commissioner Tiseo added that the language in the interlocal agreement regarding withdrawal is very loose and vague.

Vice-Mayor Denham asked what the membership status would be for the Counties that withdrew funding. Ms. Wuerstle clarified that Charlotte County is withdrawing funding, but wishes to work with the Council to redefine the RPC's purpose, Sarasota County will be withdrawing funding and will no longer participate/vote, and she has not heard anything on Lee County's position. Commissioner Mann explained that the AG's opinion will answer these questions, but Lee County has four strong votes to no longer participate or pay dues. He is in favor of receiving the AG's opinion, since it will do no harm.

The item was called to a vote by Mr. Perry. The motion passed unanimously.

Ms. Wuerstle announced that the DEO grant period was now open and proposals are due next week. The RPC would be available to help with any proposals and they are already working on 6 grants. She also announced that 4 additional VISTA volunteers have been awarded (one each for the City of LaBelle and Hendry County and 2 to work region-wide on the opioid epidemic).

**AGENDA ITEM #7(e)
USDA Home Repair Community Outreach Meeting Flyer**

This item was for information only.

**AGENDA ITEM #7(f)
FRCA April 2017 Report**

This item was for information only.

**AGENDA ITEM #8
STAFF SUMMARIES**

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

This item was for information only.

**AGENDA ITEM #9
CONSENT AGENDA**

A motion was made by Mr. Mulhere to approve the consent agenda as presented. The motion was seconded by Commissioner Doherty. The motion passed unanimously.

Commissioner Mann noted that he voted against the Lee County amendment during the Lee County BOCC meeting. However, he will follow the County's majority decision and vote for approval for the Council.

**AGENDA ITEM #10
REGIONAL IMPACT**

**AGENDA ITEM #10(a)
Charlotte County Comp Plan Amendment DEO 17-2ESR**

Commissioner Doherty stated that Charlotte County does not agree with the Council staff's recommendation and the County staff was available to present their case after the Council staff.

Mr. Kammerer and Mr. Beever presented the Council staff report. Mr. Beever explained that staff found a potential problem that could allow an entity to obtain a permit and not act upon it. Density could be moved under a TDU program, even if the permitted environmental resource was not removed. Council staff met with Charlotte County and Mr. Beever drafted alternate language that was not incorporated by Charlotte County. The Council staff report recommends using the Council staff's suggested language.

Mr. Mulhere explained that once an ERP (Environmental Resource Permit) is issued, no impacts can occur without compliance by the ERP. Mr. Beever explained that this is legally true, but functionally it is acknowledged that this is not always the case. Compliance rates can be poor with ERPs. Mr. Beever pointed out that other entities including the Nature Conservancy of SWFL had recommended denial of this amendment as well.

Ms. Claire Jubb, Community Development Director of Charlotte County, presented the Charlotte County staff report. She explained that Charlotte County has a finite number of units that can be

transferred. She added that applying the Charlotte County Comprehensive Plan in its entirety addresses the issues that Council staff brought up. She also added that Charlotte County calculates gross acreage and not net acreage. DEO and DEP found no issues with the amendments. She explained that Council staff's proposed language would cause more harm than the County's language. She requested that the Council vote to approve the language as provided by Charlotte County.

Commissioner Tiseo reiterated that FDEP found no issue with Charlotte County's language. Commissioner Doherty added that the Council staff's proposed language makes no sense and would be more harmful. Mr. Mulhere further explained the ERP mitigation process.

A motion was made by Mr. Mulhere to approve Charlotte County staff's recommendations as presented. The motion was seconded by Commissioner Wilkins.

Commissioner Pendergrass pointed out that the meeting had lost a quorum during the presentations. No vote was made at this time

**AGENDA ITEM #11
COMMITTEE REPORTS**

**AGENDA ITEM #11(a)
Budget & Finance Committee**

This item was presented during the director's report.

**AGENDA ITEM #11(b)
Economic Development Committee**

No report was given at this time.

**AGENDA ITEM #11(c)
Energy & Climate Committee**

No report was given at this time.

**AGENDA ITEM #11(d)
Estero Bay Agency on Bay Management (EBABM) Committee**

No report was given at this time.

**AGENDA ITEM #11(e)
Executive Committee**

Mr. Perry explained that the Committee briefly met to discuss the audit and came to the same conclusion as the Council. He complimented staff on their performance.

AGENDA ITEM #11(f)
Legislative Affairs Committee

No report was given at this time.

AGENDA ITEM #11(g)
Quality of Life & Safety Committee

No report was given at this time.

AGENDA ITEM #11(h)
Regional Transportation Committee

No report was given at this time.

AGENDA ITEM #11(i)
Interlocal Agreement/Future of the SWFRPC Committee

No report was given at this time.

AGENDA ITEM #11(j)
Water Quality and Water Resources Management

Vice-Mayor Denham reported that the modified SB 10 has been approved. However, two projects of significance to the region were vetoed.

AGENDA ITEM #12
NEW BUSINESS

None

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

Mr. Walls thanked everyone for their patience on Colonial Blvd. in Lee County. He hopes to have good news on that project soon. A public hearing was to be held today.

AGENDA ITEM #10(a)
Charlotte County Comp Plan Amendment DEO 17-2ESR

The meeting regained a quorum at this time.

A motion was made by Mr. Mulhere to approve Charlotte County staff's recommendations as presented. The motion was seconded by Commissioner Wilkins. The motion carried 14-3.

**AGENDA ITEM #14
COUNCIL LEGAL CONSULTANT'S COMMENTS**

No report was given at this time.

**AGENDA ITEM #15
COUNCIL MEMBER'S COMMENTS**

Commissioner Tiseo explained that this vote and the quorum difficulties are discouraging. Commissioner McDowell and Vice-Mayor Denham agreed.

Councilman Fraize has been told that expanding County/City staff capabilities are responsible for the lack of perceived value in the RPC.

Commissioner Wilkins explained that a brochure prepared by the RPC for LaBelle contains errors and stated that the City did not get to approve it. Mr. Wuerstle explained that Ron Zimmerly, the City's point of contact for this project Manager reviewed it.

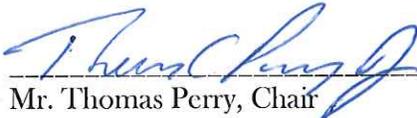
Mr. Mulhere suggested that voting items be moved to the beginning of the agenda so they can be voted on before losing a quorum.

Mr. Perry thanked everyone for coming and stated that he will work hard in his upcoming tenure as Chairman to address the Council's issues.

A discussion was had regarding the need for a July meeting and whether a quorum could be reached. Commissioner Doherty suggested Committee meetings be held instead if a quorum cannot be reached. Mr. Perry believed the most important step is for staff to have a discussion with the counties. No final decision was made on the July Council meeting.

**AGENDA ITEM #16
ADJOURNMENT**

The meeting adjourned at 11:03 a.m.



Mr. Thomas Perry, Chair

The meeting was duly advertised in the June 6, 2017 issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 43, Number 109.