

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
OCTOBER 19, 2017 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on October 19, 2017 at the offices of the Southwest Florida Regional Planning Council-1400 Colonial Boulevard, Suite #1 in Fort Myers, Florida. Chair Burch called the meeting to order at 9:08 AM. Commissioner Shaw then led an invocation and the Pledge of Allegiance. Ms. Nicole Gwinnett conducted the roll call and noted that a quorum was present.

MEMBERS PRESENT

Charlotte County: Commissioner Ken Doherty, Commissioner Joe Tiseo, Mr. Don McCormick

Collier County: Commissioner Bill McDaniel, Mr. Bob Mulhere

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

Hendry County: Commissioner Julie Wilkins, Mr. Mel Karau

Lee County: Commissioner Frank Mann, Commissioner Cecil Pendergrass, Councilman Jim Burch, Councilman Forrest Banks, Councilman Greg DeWitt

Sarasota County: Commissioner Charles Hines, Commissioner Michael Moran, Commissioner Willie Shaw, Councilman Fred Fraize

Ex-Officio: Ms. Sarah Catala-FDOT

MEMBERS ABSENT

Charlotte County: Councilwoman Lynne Matthews, Ms. Suzanne Graham

Collier County: Commissioner Penny Taylor, Councilman Reg Buxton

Glades County: Commissioner Donald Strenth, Councilwoman Pat Lucas,

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

Lee County: Vice-Mayor Mick Denham, Councilwoman Anita Cereceda, Ms. Laura Holquist

Sarasota County: Mr. Felipe Colón

Ex-Officio: Mr. Phil Flood-SFWMD, Ms. Tara Poulton-SWFWMD,
Mr. Jon Iglehart-FDEP

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #5
AGENDA**

There were no changes made to the October 19, 2017 agenda.

**AGENDA ITEM #7
REGIONAL IMPACT**

**AGENDA ITEMS #7(a)
Palmer Ranch Increment XXVI Staff Assessment**

Mr. Dan Trescott presented the item.

A motion was made by Mr. Mulhere to approve the Palmer Ranch Increment XXVI Staff Assessment as presented. The motion was seconded by Commissioner Shaw and passed unanimously.

**AGENDA ITEM #8
CONSENT AGENDA**

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

**AGENDA ITEM #9
DIRECTOR'S REPORT**

Ms. Wuerstle presented the Director's Report.

**AGENDA ITEM #10(a)
Budget and Finance Committee**

Ms. Wuerstle presented the financials for May-August 2017. The August financials show a net income of approximately \$121,000. She anticipates closing FY17 (ending September 30) with a net income of approximately \$20,000.

A motion was made by Mr. Perry to approve the May-August 2017 financials as presented. The motion was seconded by Commissioner McDaniel and passed unanimously.

Ms. Wuerstle also explained that the FY18 budget was approved with a \$350,000 deficit. Council staff has received additional revenues through grants and contracts and that gap is now roughly \$116,000 with other grants still to come. Chair Burch commended Ms. Wuerstle and the RPC staff for all of their hard work in closing the gap.

AGENDA ITEM #8(a)
2017-2022 Comprehensive Economic Development Strategy (CEDS)

Ms. Wuerstle presented the 2017-2022 CEDS for further discussion. She requested that the item be amended to incorporate four Charlotte County projects that were not able to be added by the time the Council packet was finalized.

A motion was made by Councilman Banks to approve the 2017-2022 CEDS with the Charlotte County projects amendment. The motion was seconded by Mr. Mulhere and passed unanimously.

AGENDA ITEM #9(a) & 9(b)
Quorum Requirement Resolution and Bylaw Repeal Resolution

Ms. Nightingale presented the two proposed resolutions. The Bylaw Repeal Resolution repealed portions of the SWFRPC bylaws that are not required by law. She added that half of the RPCs have taken this approach with their bylaws. This action would help solve some of the inconsistencies with the interlocal agreement. The Quorum Requirement Resolution would reduce the quorum requirement from a majority of members to one-third of members. It would also only require that two counties be present to have a quorum. Ms. Nightingale added that about half of the State's RPCs require less than a majority for a quorum.

Commissioner Doherty asked if the resolution passed yesterday by the Lee County BOCC was distributed to the Council. Several of the Council members have seen it. However Ms. Wuerstle and the RPC staff had not seen it. Commissioner Doherty asked that this resolution be considered in the matter and asked Charlotte County to consider drafting a similar resolution. He also raised concerns about if the Council would be following the interlocal agreement requirements regarding these proposed resolutions. He encouraged the Council not to adopt these resolutions until these legal issues were resolved.

Commissioner Moran asked if the purpose of these resolutions was to deal with the quorum difficulties or to hinder the counties ability to withdraw from the RPC. Ms. Wuerstle explained that the intention was to simply reduce the quorum requirements to more easily attain a quorum in future meetings. The bylaws are not required to be in the State Administrative Code and removing them from the Administrative Code would give the RPC more flexibility in the future. Most of the RPCs have already done this. Chair Burch explained that the difficulty with a quorum is a by-product of being a regional entity as well as having certain governor appointees who never participate, but still count against the quorum. Mr. Mulhere stated that there are three governor appointees who have not attended a meeting in years. Most boards he has been on would remove members who do not participate over a certain period of time. Ms. Nightingale stated that these resolutions have nothing to do with limiting the counties' ability to withdraw from the RPC. Commissioner Hines added that he supports Commissioners Doherty and he believed that the

proposed amendments will attack the counties' ability to withdraw. Ms. Nightingale reiterated that this action is simply to help the Council reach a quorum and conduct business.

Commissioner Storter-Long suggested amending the quorum requirements to allow alternates such as planning directors or county managers. The requirements currently allow for other elected officials to be designated as alternates.

Commissioner Pendergrass added that he shares the concerns about these resolutions and believed that making these changes would discourage people from participating in the decision making process. He encouraged having members appoint alternates to alleviate the quorum difficulty. Commissioner Tiseo pointed out the specific change being proposed that might create the unintended difficulties that are being objected to. He suggested that the Council gain a full understanding of these consequences before voting to approve the resolutions.

A motion was made by Commissioner McDaniel to deny the two resolutions as presented. The motion was seconded by Commissioner Pendergrass for discussion.

Mr. Perry suggested that staff look at these unintended consequences and bring the issue back in a future meeting. Councilman Banks supported the motion and added that the counties that voted to pull out need to continue attending for the Council to reach a quorum. Commissioner Hines responded by saying that the Sarasota County Commissioners are on the phone today. He explained that the reason Sarasota has not participated is that the Council agenda includes items that Sarasota County believes are beyond the RPCs statutory requirements. They are supportive of DRI reviews and amendments, but don't think the County should participate in other issues, such as hurricane recovery.

The Council voted 9-5 in favor of the motion to deny the resolutions. However, the Council lost a quorum during the discussion. The motion did not pass.

Ms. Wuerstle announced that Chair Burch and Councilman Banks will be leaving the Council next month as they have not chosen to run for reelection. Mr. Perry will then become that new Chair and Commissioner Shaw will become the Vice-Chair. Chair Burch appointed Commissioner Doherty, Councilman Fraize, Councilman DeWitt, and Mr. McCormick to serve as the nominating committee for the Secretary and Treasurer positions.

**AGENDA ITEM #9(c)
Economic Recovery Briefing Meeting**

Ms. Wuerstle announced that there will be an Economic Recovery Briefing on November 1 at FGCU. She also added that she has coordinated calls between local governments with FEMA and the Army Corps of Engineers.

**AGENDA ITEM #9(e)
SWFRPC Return on Investment**

Ms. Wuerstle presented a return on investment spreadsheet that RPC staff calculated for the past 5 years. It included all grants, contracts, and DRIs for each County. Every County in the region has a

positive ROI. Councilman Banks added that the City of Fort Myers received a \$350,000 grant for police training that they would not have known about if it were is not for Commissioner Shaw bringing the City of Sarasota PD to an RPC meeting. He adds that the City is way ahead on their investment in the RPC. Chair Burch stressed the value of these regional discussions and applauded RPC staff on their efforts in raising this money.

Ms. Wuerstle added that EDA has reached out to the RPC to ask them to write a grant for a Disaster Recovery Coordinator to work out of the RPC for \$250,000 for the next 2 years. The Council also completed a FEMA Pre-Disaster Mitigation application for the City of Bonita Springs for \$3.1 million for flooding. The City of Bonita Springs has also contracted the RPC for \$50,000 to study their overall flooding issues.

AGENDA ITEM #9(f)
LEPC Presentation

Ms. Wuerstle introduced Cape Coral Fire Battalion Chief Matt Marshall to present on the Southwest Florida Local Emergency Planning Committee (LEPC). Battalion Chief Marshall explained that the LEPC is federally mandated and meets quarterly. He explained that it is highly likely that everyone in the room lives within one mile of a hazardous materials site. The LEPC is funded through the state HMEP grant for roughly \$100,000 per year which includes funding for trainings for first responders. This grant is ultimately paid for by the hazardous materials transportation industry. RPC staff member, Nicole Gwinnett, in charge of this grant and making sure the funds are efficiently spent. He stressed that the RPC is a major player in training emergency responders in how to deal with hazardous materials. The LEPC also created a hazardous materials guideline. He clarified that the RPC receives this grant by State Statute and the region would not receive the money without the RPC.

AGENDA ITEM #6
MINUTES OF THE JUNE 15 AND JULY 20, 2017 MEETINGS

The Council has lost its quorum and was unable to vote on the minutes. They will be added to the next meeting agenda.

AGENDA ITEM #10
COMMITTEE REPORTS

AGENDA ITEM #10(a)
Budget & Finance Committee

The May-August 2017 financial were presented and approved during the Director's Report.

AGENDA ITEM #10(b)
Economic Development Committee

No report was given at this time.

AGENDA ITEM #10(c)
Energy & Climate Committee

No report was given at this time.

AGENDA ITEM #10(d)
Estero Bay Agency on Bay Management (EBABM) Committee

No report was given at this time.

AGENDA ITEM #10(e)
Executive Committee

No report was given at this time.

AGENDA ITEM #10(f)
Legislative Affairs Committee

Ms. Wuerstle announced that FRCA sent her an un-submitted bill that would eliminate all State involvement in DRIs and NOPCs. Mr. Trescott believed that the AMDAs would remain intact and the RPC will retain a role in incremental applications for Palmer Ranch and Babcock Ranch.

Commissioner McDaniel stated that the Council was ineffective in elevating Babcock Ranch's effects on Lee County other than raising these issues with FDOT. Mr. Trescott responded by explaining that FDOT is still working with Lee County to review the cumulative traffic impacts and RPC encouraged this.

AGENDA ITEM #10(g)
Quality of Life & Safety Committee

No report was given at this time.

AGENDA ITEM #10(h)
Regional Transportation Committee

No report was given at this time.

AGENDA ITEM #10(i)
Interlocal Agreement/Future of the SWFRPC Committee

No report was given at this time.

AGENDA ITEM #10(j)
Water Quality and Water Resources Management

No report was given at this time.

AGENDA ITEM #11
NEW BUSINESS

Commissioner McDaniel asked for an update on the Promise Zone with Mr. Stoltzfus leaving the RPC. Ms. Wuerstle explained that the Promise Zone responsibilities have been split between herself, Ms. Gwinnett, and Mr. Kammerer. They are getting back on track after recovering from losing the Promise Zone Coordinators and recovering from the hurricane. Task force meetings were held earlier in the week and the decision was made to move these meetings to a quarterly basis. Commissioner McDaniel asked that the Promise Zone be made a recurring agenda item and expressed concern over having quarterly meetings as opposed to monthly meetings.

Commissioner McDaniel also recommended that the Regional Transportation Map be made a regular monthly agenda item as well. Mr. Tim Walker gave an interactive update on the transportation map. He added that he has added several of the layers that the Council suggested during the last update. He has also created a draft of the map that is live and available on the ArcGIS website. He is still working on adding more to the map, including the Future Land Use Map. Commissioners McDaniel and Wilkins complemented Mr. Walker on his outstanding work. Councilman Banks added that these maps may have the best chance at saving the RPC.

Mr. McCormick explained the RPC's role in reducing the hazard of the SR 80 and SR 27 intersection. The SR 31 and SR 74 intersection is now facing a similar issue just north of Babcock Ranch. He asked that the Council advocate FDOT to address this. Commissioner McDaniel stated that he believed that FDOT has done an admirable job in the past few years with that intersection. Mr. Trescott agreed to bring the issue up with FDOT.

AGENDA ITEM #12
STATE AGENCIES COMMENTS/REPORTS

No representatives from the State Agencies were present.

AGENDA ITEM #13
COUNCIL LEGAL CONSULTANT'S COMMENTS

Ms. Nightingale stressed that at some point the issues with the bylaws needed to be addressed. If the bylaws were repealed, new internal policies would need to be put in place. It was never the intent of the RPC to remove the power of the Counties to withdraw. Chair Burch stressed the Counties and Cities to appoint alternates to the RPC. Ms. Nightingale added that the inconsistencies with the bylaws go back many years and other RPCs have taken the actions that were suggested today. Commissioner Wilkins suggested making the resolution a "repeal and replace" document. Commissioner McDaniel clarified that he had no ill will when making his

motion. He was only attempting to ensure no unintended impacts were created by passing the resolution.

**AGENDA ITEM #14
COUNCIL MEMBER'S COMMENTS**

Mr. Mulhere, Commissioner Pendergrass, Mr. Perry, Commissioner Shaw, Mr. McCormick, Commissioner Wilkins, Commissioner McDaniel, and Commissioner Storter-Long all thanked Chair Burch and Councilman Banks for all of their work with the RPC and their respective Cities over the years.

Commissioner Wilkins raised permanent housing as a major issue post-Irma. She referenced a housing program used in Hurricane Katrina aid that would be helpful.

Commissioner McDaniel explained that Habitat for Humanity can be used as a lender for Irma recovery.

Chair Burch thanked the RPC for setting up the Irma recovery call with FEMA and the US Army Corp of Engineers. He recommended that the RPC be used as a resource for disaster recovery.

Councilman Banks explained the great value in gathering elected officials, state representatives, and governor's appointees from around the region to discuss major issues. He expressed disappointment in the Counties withdrawing and thinks the members get more than their money's worth. He is going to fill out an application to become a governor's appointee on the Council.

Chair Burch concurs with Councilman Banks on the value of the Council. He thanked that staff and empathized with their situation. He added that the region needs regional planning now more than ever given the growth that the region will be experiencing in the near future.

**AGENDA ITEM #15
ADJOURNMENT**

The next meeting will be on November 16. The meeting adjourned at 10:55 a.m.

Councilman Forrest Banks, Secretary

The meeting was duly advertised in the October 5, 2017 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 43, Number 193.