

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
MAY 17, 2012 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **May 17, 2012** at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Karson Turner** called the meeting to order at **9:02 a.m.** and then **Commissioner Kenneth “Butch” Jones** led an invocation and the Pledge of Allegiance. Administrative Specialist II Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Councilwoman Rachel Keesling

Collier County: Commissioner Jim Coletta, Councilwoman Teresa Heitmann, Mr. Bob Mulhere, Mr. Alan Reynolds

Glades County: Commissioner Kenneth “Butch” Jones, Mr. Thomas Perry

Hendry County: Commissioner Karson Turner, Commissioner Al Perry, Mr. Melvin Karau

Lee County: Commissioner Ray Judah, Commissioner Frank Mann, Councilman Chris Chulakas-Leetz, Vice Mayor Mick Denham, Councilwoman Martha Simons, Ms. Laura Holquist

Sarasota County: Commissioner Carolyn Mason, Commissioner Tom Jones, Commissioner Willie Shaw

Ex-Officio Members: Mr. Johnny Limbaugh - FDOT, Mr. Jon Iglehart - FDEP, Ms. Maya Burke - SWFWMD

MEMBERS ABSENT

Charlotte County: Commissioner Chris Constance, Commissioner Tricia Duffy

Collier County: Commissioner Donna Fiala

Glades County: Commissioner Robert Giesler, Councilwoman Pat Lucas

Hendry County: Commissioner Daniel Akin, Commissioner Joseph Miller

Lee County: Councilman Forrest Banks, Councilman Joe Kosinski, Mr. Paul Pass

Sarasota County: Commissioner Christine Robinson, Councilman Kit McKeon, Mr. Felipe Colón

Ex-Officio Membership: Mr. Phil Flood - SFWMD

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #5
AGENDA**

Vice Mayor Denham made a motion to approve the agenda as presented and Ms. Holquist seconded the motion. The motion carried unanimously.

**AGENDA ITEM #6
Minutes of the April 19, 2012 Meeting**

Mr. Mulhere made a motion to approve the minutes of the April 19, 2012 Meeting and Commissioner Coletta seconded the motion. The motion carried unanimously.

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

Ms. Wuerstle noted that a report was distributed. She encouraged the members to attend the orientation meeting immediately following the Council meeting. There were also cut backs and two employees were let go. It reduced our operating costs by approximately \$45,000.00. Also one employee is out on disability, bringing the total cost savings to approximately \$55,000.00.

Ms. Wuerstle explained that staff has been working on the 2013 Budget. We will need a July meeting in order to approve the 2013 Budget.

**AGENDA ITEM #8(a)
March 15, 2012 SWFRPC Meeting Executive Summary**

The meeting executive summary is presented in the packet as an information item.

**AGENDA ITEM #8(b)
Grant Activity Sheets**

The grant activity sheets are presented in the packet as an information item.

**AGENDA ITEM #8(c)
Charlotte Harbor National Estuary Program (CHNEP)**

Dr. Lisa Beever, Director of the Charlotte Harbor National Estuary Program (CHNEP) gave a PowerPoint presentation on the CHNEP.

Commissioner Judah stated that the first sign of estuarine numeric nutrient criteria should have been established by last year and was not. He went on to state that even the freshwater streams and rivers had yet to be established. Dr. Beever responded that they've been established, they haven't been implemented. He then asked Dr. Beever to give some insight on the status with the impasse with the State of Florida and EPA, concerning numeric nutrient criteria. Dr. Beever explained that the State of Florida has basically included the freshwater flows and springs criteria that were in EPA. The State has also included a clause where they can review an impaired water body, and a water body that seems to be impaired based on the criteria. If they don't see excessive chlorophyll or low dissolved oxygen, then they won't put it on the impaired waters list. That's the point that the environmental agencies or environmental organizations are suing the State over the rule. It is the main point that they're making. It should be impaired if it exceeds the criteria, then we should work towards reducing the nitrogen and phosphorous in those waters.

Commissioner Judah stated that would be the nexus in establishing the criteria list, to accomplish to exceed certain classifications of nutrients. It seems that it is going to require another analysis or study on top of what is already transparent. He said that he understands why there's a difference of opinion there. He asked if the State of Florida had a rule in place and is implementing the same criteria that the EPA adopted.

Dr. Beever explained that the State of Florida has a draft rule that's undergoing review right now. EPA is reviewing that draft rule, including the estuary numeric nutrient criteria. But they're reviewing the whole rule currently.

Commissioner Judah then referred to the area wide Bone Valley EIS initiated by the US Corps of Engineers. He had not seen a change in the scope of work and the map that delineates where the EIS was to be conducted. In other words, what they call the Central Florida Phosphate District. We all know that phosphate mining north of us is affecting the East River and Charlotte Harbor. As he recalled the maps did not include all the way down to Charlotte Harbor for the EIS. He asked Dr. Beever if the CHNEP had worked with the Corps in order to get them to understand that it is a watershed. Dr. Beever explained that many of their analysis maps include the whole watershed. The CHNEP has provided them with half a terabyte of GIS information, all of our information, and worked with them to include an analysis of the whole study area. She said that we were disappointed when we learned that the hydrologic analysis will just include the properties that are owned by the phosphate companies that they're putting forward to come under the EIS.

Commissioner Judah said that it points to a very flawed study. It's all one watershed, and that's the reason why we want an EIS to begin with. So I guess what I'm hearing you say is that the Corps may be willing to accept some analysis or conducting some analysis, but yet it's not part of the "EIS evaluation".

Dr. Beever stated that it can't be verified because the draft EIS hasn't come out. We've only seen some of their mapping, which does include Charlotte Harbor. So their analysis mapping does include the whole study area and the context of land use and so forth.

Commissioner Judah noted that was in conflict with the maps which he had seen, so he would like to see the copies of the maps Dr. Beever was referring to that include Charlotte Harbor in the EIS analysis. Dr. Beever agreed.

Ms. Holquist stated that the Council and local governments had been working for years on fertilizer ordinances and asked Dr. Beever what the NEP's association was with those efforts.

Dr. Beever explained that soon after the resolution was adopted by the RPC, the CHNEP endorsed it. The CHNEP forwarded it to all of their partners, and staff has given testimony for a number of different counties and cities that were considering either strengthening their ordinance to match the RPC's recommendations or adopting a new ordinance such as in the case of City of Punta Gorda. Since the change in the State law that required a comprehensive non-point source reduction plan, we've forwarded our Comprehensive Conservation Management Plan (CCMP), as that comprehensive plan to reduce non-point sources. Both Charlotte County and the City of Punta Gorda have been able to use that plan as their evidence to the State that they do have such a plan.

Councilwoman Keesling announced that the City Punta Gorda passed their fertilizer ordinance yesterday evening.

Dr. Beever noted that with the City of Punta Gorda, every single one of our coastal counties and cities have an urban fertilizer ordinance in place. She thanked Councilwoman Keesling for advocating the ordinance to her Council. That's just an outstanding example of how regionalism works and the Regional Planning Council works with the sharing of best management practices between cities and counties.

Commissioner Judah asked Dr. Beever if she knew of the specifics on the settlement with South Fort Meade. Dr. Beever replied yes. Commissioner Judah asked Dr. Beever to give the Council a brief summary since it was an outstanding negotiated settlement regarding toxic mining.

Dr. Beever explained that the South Fort Meade extension was a new mine that had gotten permitted by the Corps of Engineers approximately a year or two ago. A coalition of environmental groups had sued over the Corps permit. Through the suit, there was a negotiation by Mosaic, the major phosphate company, and the State of Florida. Mosaic had purchased Peaceful Horse Ranch, which was on the Florida Forever list. The State couldn't afford to buy it. It was an important piece where the Horse Creek has a confluence with the Peace River. So they were able to purchase 5,000 acres at that confluence. They're holding it in trust, and they're going to donate it to the State when they're ready to accept it along with a management trust that will go along with that piece of property. In addition, the negotiation includes an expansion of the conservation easement that will be in the Fort Meade mine extension. So we're just really excited over this direction of phosphate mine permitting. We fully expect to see that technique included in the EIS in terms of mitigation. She understood that either Mosaic or CF Industries had hired Wild Lands Conservation, which is a land trust group that is dedicated to the preservation of Peace River because it's a big hole in environmental conservation. They were hired to look at opportunities for offsite mitigation and acquisition of that very important corridor.

AGENDA ITEM #8(d)
Statewide Energy Resiliency Strategy Project

Ms. Jennifer Pellechio of Staff gave a PowerPoint presentation of the project.

Ms. Holquist asked Ms. Pellechio to explain the project in more simple terms. Ms. Pellechio explained that the project consisted of producing an energy plan or an energy strategy.

Ms. Holquist referred to the slide illustrating “Interruptions and Fuel.” She asked if that was for if a hurricane hit that would stop us from being able to get natural gas in the State. Ms. Pellechio replied affirmatively. Ms. Pellechio referred to Mr. Tim Walker of staff who has also been working on the project with the Analysis Team.

Mr. Walker explained that the Team was not so much concerned with the reason for having an interruption. We just know there’s going to be an interruption. We’re formulating scenarios to run through the REMI model to see what the impact would be. We’re looking at different scenario, such as a 15 percent interruption in energy flow or a shutdown of our power plants. At this point in time, we’re still gathering the data. Part of that data is also a survey, which is going out this week. The survey will be sent to citizens asking various questions on how they would react to the situation or how they might adapt to alternative energy.

Ms. Holquist explained that she is currently working on a taskforce statewide that’s looking at Putnam’s Energy Policy. A problem that has been identified is that there are only two vaults of natural gas into the State right now, two pipelines. Both of them go towards the panhandle area. If we did have an interruption, it could definitely restrict our ability in the bottom part of the State in order to produce electricity. Over the years, maybe 10 years ago, the State balanced how it was producing electricity. We had coal, oil and natural gas. Nearly 80 percent of our power production, other than nuclear, is natural gas. We’re extremely dependent on those two pipelines. What makes it even worse for the State is that the middle part of the State has only two power lines that connect it to the rest of the nation that’s very different than the rest of the United States. We have to go up through Georgia. There are only 500 lines, which are not sufficient to provide power to the whole peninsula if something were to happen to our natural gas or to our connectivity. We’re looking at what would happen if we cannot get natural gas in the State; we have a serious ability to produce electricity. Going to the second point, energy efficiency, one of the issues Adam Putnam’s strategy is looking at is how to affect the costs and what would happen in the State if we did lose our ability to import electricity or import fuel, is to how really, seriously reduce the amount of electricity we’re using in the State. If we can do that, they think that we can reduce the amount of electricity in the State by 30 percent if we promote efficiency. The alternative energy investments right now is based on the lowest cost alternatives; these new solar plants, wind plants, and bio fuel. Something else that we’re looking at very seriously within the State is the bio fuel, that’s growing trees and burning them basically is bio fuel.

But that’s right now; they wouldn’t meet the threshold for return on investment because they’re very expensive. Right now, there’s not that economy of scale to bring down the cost of creating solar panels or building them. Solar panels are very expensive. Therefore, we have to determine if it’s better to look at a different return on investment for those alternative energy approaches, the green and all that - there are a lot of other things besides cost. There’s the cost to the environment, the cost to long term capability. What they’re working on is looking at all of those characteristics in the study for next year.

Commissioner Judah stated that the problem with the State is that they don't have an energy policy. A lot of it has to do with statutes of the legislature that hasn't been improved over the years. On one line, you're well aware of the statute today doesn't allow for businesses to enter into third party power purchase agreement to buy solar generated power. Those businesses that are able to provide solar generated power can't build solar facilities in excess of 2 megawatts. Again, that's a restriction on entrepreneurship and business opportunities in this State. We're the sunshine state, and we strangle the very resource that we should be promoting.

Commissioner Judah said that he hoped that in the strategy effort, we take into account the elimination of the prohibition of third party power purchase agreements, as well as the cap on the ability to create solar power, which we can't in excess of 2 megawatts. As for the low cost, it's no wonder they go to nuclear power because we the people subsidize the system.

Ms. Holquist stated that one of the issues we run into in all of this research we're doing is that the reason we're in this situation we are is because we have very powerful electric utilities in the State. They are actually restricting the ability for us to build another pipeline, restricting the ability of us to build another line up to Georgia and solve the problem because they're very powerful lobbyists within Tallahassee. She liked the fact that there is an independent group looking at the policy that isn't completely dominated by the independent power producers.

Mr. Mulhere asked Ms. Pellechio who initiated the grant application. Ms. Pellechio replied the Tampa Bay Regional Planning Council. Mr. Mulhere stated that he felt that there was an opportunity here. It's sort of been loosely already described, but there's an opportunity here for this region and the other regions to weigh in on strategies. If this doesn't affect a statewide economic development strategy, he didn't know what did.

Councilwoman Simons thanked Commissioner Judah for his comments. She stated that we are the sunshine state. A lot of people talk about the free market and then strangle hold the free market by having these taxes. She then referred to Ms. Holquist's comments regarding having more centralized power grids and energy delivery - keeping us vulnerable. She then said that what Commissioner Judah was pointing out was that when you decentralize, you have more regional power. You also decentralize the lobbying effort, and you decentralize the vulnerability in storms and crisis and whatever.

Councilwoman Simons asked Ms. Pellechio if this project was the Sun Shot grant. Ms. Pellechio replied no. Councilwoman Simons explained that the City of Bonita Springs signed onto the Sun Shot Grant because the City recognized that some of their building codes are outdated and permitting processes where people are putting solar or other alternative energy methods in their yard or in their house or their business that fall way beyond what today's technology. The City signed on, and she encouraged every city and county to look at it because some codes say you have to be a plumber to install solar. If there was a statewide energy policy, maybe we would also have a code standard and would be good for our economy.

**AGENDA ITEM #9
CONSENT AGENDA**

Mr. Mulhere stated that he had a conflict of interest and he abstained from voting on Consent Agenda Item #9(e) Parklands DRI - Notice of Proposed Change Staff Assessment.

Mr. Reynolds stated that he had a conflict of interest and he abstained from voting on Consent Agenda Item #9(d) Palmer Ranch DRI Increment XXI - Preapplication Meeting Questionnaire Checklist.

Councilwoman Simons moved and Commissioner Judah seconded to recommend approval of the balance of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statement for April 30, 2012; Agenda Item #9(c) Intergovernmental Coordination & Review and Public Transportation Coordination Joint Participation Agreement (JPA) Collier County; Agenda Item #9(f) Fountains DRI - Sufficiency Extension; Agenda Item #9(g) Miromar Lakes DRI - Development Order Amendment Review; Agenda Item #9(h) Endorsement of the Transportation Disadvantaged Service Plan; and Agenda Item #9(i) Glades County Hazardous Waste Assessment, Notification and Verification Program Contract. The motion carried unanimously.

AGENDA ITEM #9(d)

Palmer Ranch DRI Increment XXI - Preapplication Meeting Questionnaire Checklist

Mr. Mulhere made a motion to approve the questionnaire checklist and Commissioner Judah seconded the motion. The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #9(e)

Parklands DRI - Notice of Proposed Change Staff Assessment

Councilwoman Simons asked Mr. Mulhere if it was correct that previously the project came before the City Council at East Springs that the City lacked the requirement to build the commercial before building the residential. Mr. Mulhere replied that it was not part of the Parklands DRI. It was in the county's portion of the DRI.

Commissioner Judah moved and Councilwoman Simons seconded to approve the following recommended actions: 1. Notify Collier County, the Florida Department of Economic Opportunity and the applicant that the proposed DRI DO language changes and the Map H changes does not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC and that Council participation at the local public hearing is not necessary, unless requested by the City for technical assistance purposes. 2. Request Collier County to provide a copy of the proposed DO amendment to the Council to assure that it is consistent with the NOPC. The motion carried with Mr. Mulhere abstaining.

AGENDA ITEM #10(a)1
Budget & Finance Committee

Councilwoman Heitmann gave a verbal summary of what had been discussed at the Committee meeting. At the July meeting, we'll be having the final adoption of the 2013 budget and we need a quorum. Please keep that in mind you can phone in, but we definitely need your support and your review of the budget for July's meeting.

Ms. Wuerstle noted that there was a commercial realtor that was anxious to sign a contract. However, she had some concerns with their contract, such as they want to be able to get into the building on off hours and on Saturdays. She had some concerns about having the building open to them. She stated that she wanted to check with other realtors to see about the renewal of the lease. Once they find us a tenant, there's a certain percentage that we pay. But then they want a 3.5 percent every time we renew the lease. They haven't been negotiable on that item, so she wanted to talk to other realtors about this issue.

Councilwoman Heitmann asked Ms. Wuerstle if that information will be presented to the Committee. Ms. Wuerstle replied that it would.

AGENDA ITEM #10(a)2
Executive Committee

Ms. Wuerstle gave a verbal summary of what had been discussed at the Committee meeting.

Vice Mayor Denham discussed the status of Regional Watersheds Committee. The issue was whether we continue to have the meetings and send out the agendas and do minutes because of the budget constraints. There was not a consensus on that issue, so the committee members are still discussing that, and we will report back on it once it is resolved.

Ms. Holquist stated that she spoke with Senator Richter's Office yesterday about something totally different and his receptionist had mentioned that the Council meeting was on his calendar and that she was going to be talking to him about coming to the meeting today. So there must have been a miscommunication about that we wanted staff members. She then suggested conducting follow up phone calls to the legislators to explain the letter.

Councilwoman Simons stated that the City of Bonita Springs had the pleasure of having Ms. Wuerstle come to our City Council meeting in March in which case - there was some discussion that members of staff would be able to be contracted for their expertise to various local governments. She felt that it's a regional issue about how to address homelessness and every local government needs to look at their regulations. The City has a proposal coming forward for a 250 bed homeless shelter in our redevelopment area. The City of Bonita Springs did not have the regulations in place.

Chairman Turner asked Councilwoman Simons if she stated that it was an element for the City of Bonita Springs specifically or a developmental plan for the RPC's?

Councilwoman Simons explained that it was not in the regional plan on how to address social services? A doctor had given a presentation approximately about six months ago about health issues and various social issues. Ms. Wuerstle has expertise in this area as the Planning Director in Cincinnati, and has written and co-written papers nationally on this issue. The City was very excited because she was here, and she was disappointed that the Executive Committee wouldn't work on this issue. The City could contract with her.

Chairman Turner explained his perception and how he understood it. The City of Bonita Springs wanted Ms. Wuerstle to get involved with an issue that may be viewed as contentious with the City of Bonita Springs. Councilwoman Simons stated that it was not contentious with the City of Bonita Springs Council. The majority of our council would like to have her help.

Councilwoman Simons explained that the City of Bonita Springs needed Ms. Wuerstle's assistance in developing a permitting document so that the City can properly integrate such a facility into our community. Councilwoman Simons stated that Ms. Wuerstle was very knowledgeable about the subject in how all of the elements come together. The City was hoping that her expertise would help craft a document along with all of the interested parties.

Mr. Mulhere stated that he felt that the Council needed to be a little bit judicious with respect to what kinds of services the RPC offers either public or private sector clients to generate revenue. He said that it may not be a contentious issue with the City of Bonita Springs, but clearly it's a contentious issue as far as the community was concerned.

Councilwoman Simons stated that most people in the community pretty much know how they feel about it.

Mr. Mulhere stated that his concern was that if you're looking for expertise in a specific zoning related matter or even a policy related issue that's zoning related, he felt that that expertise had to come from someone who could be hired as an expert. Because this jurisdiction is part of this regional planning council, our executive director would not be well served to be that expert in that capacity.

Councilwoman Simons explained that the project has already been zoned. It is in the submitted development order and therefore will be built. What the City needs is to create the proper operating permit, and that's why the City wanted to have her assistance. This is not contentious in Bonita Springs. It might be contentious between communities because, frankly, the overwhelming response from the people throughout the city is we don't want it, but we're going to get it. So we have to figure out how to integrate that service into our community where we've spent \$38 million for redevelopment efforts.

Chairman Turner stated that another point that Councilwoman Simons made was that this is a regional issue. Every local jurisdiction is going to have to go down this path one day, and we need to be setting the template as we move forward.

Councilwoman Simons stated that there is a national effort because of what's happened with the real estate economy and people who have large tracts of land. There is a move for people who have that kind of property to talk to nonprofits about these types of facilities.

Mr. Mulhere stated that the only other thing he wanted to add was that whatever Ms. Wuerstle has published is available. Also, what other communities across the country have done is available. There are services offered by, for example, the American Planning Association, to their Planning Advisory Service that will provide those documents typically to an individual or a jurisdiction. He said that he felt that it wasn't a good idea for Ms. Wuerstle to be specifically identified as an expert on this issue for that jurisdiction.

Councilwoman Heitmann stated that she wanted to hear from the Council. But she had a little bit of a different take from that meeting. She said that she didn't understand that the City of Bonita Springs was seeking to contract the services. That's a whole different conversation than what she thought the Committee had.

Vice Mayor Denham stated that he felt that we need to be reminded that the Regional Planning Council is in a very tenuous financial position right now, extremely tenuous financial position. And any means or ways we can generate some revenue for this Council, whether it be with the executive director or otherwise, he felt we should take advantage of that because as Councilwoman Heitmann has just commented that was not as it was presented to the Executive Committee.

Councilwoman Simons stated that she would present that as a formal – if that is a consideration of the Executive Committee. However, it had not formally been addressed on our city council. It's not formally been addressed to approve funding because first, we wanted to seek her out to see if she would be interested. There's also a citizen's group that's raised a lot of money. This is an informal board meeting, so the citizens' groups might be able to come forth.

Commissioner Coletta stated that he respectfully disagreed with having our Council staff work on this issue. We first should be briefed by Counsel because what we're going to do is get directions from certain individuals to try and take this a certain way and we can't do that. Unless this Council is willing to give directions to staff on what to do – who pays for it is important, no doubt about it. But he does not want this Council taking a position on this and trying to move something forward without this Council buying into it first. He explained that he went through this whole process in Naples. When St. Matthew's House was first coming in the same thing rose up, the same kind of discord was in place. But as time went along, it did die off, and the majority of the people in that area grew to accept it. That's component of our society to have these facilities in certain places. If they're run right, and in the case of St. Matthew's House they are, there are benefits to the community, not a deterrent.

Mr. Mulhere stated that his recollection of the discussion, that Ms. Wuerstle was being requested to provide services for payment. Ms. Wuerstle replied that she did not know if it was for payment.

Councilwoman Simons explained that we're not there yet. Councilwoman Simons would need to see about payment for Ms. Wuerstle's services.

Vice Mayor Denham stated that he felt that Commissioner Coletta had a point. He didn't think the proposition promises that we will be providing a position on this Council, and that's not what he heard because he wouldn't have agreed that we should do that kind of thing. If we do have

some expertise to expedite permitting or ensure permits are done correctly that's a different proposition than what was presented.

Councilwoman Simons explained that the City of Bonita Springs needed to develop an operational permit, and Ms. Wuerstle understands the standard, so that we keep ourselves out of legal trouble for one thing because we don't want to regulate them out of business.

Ms. Holquist stated that from a strategy point of view, she felt that you have to look at the long term. You can't just look at this opportunity that comes up. You have to look at what is our long term strategic plan. What is our new direction. If our new direction is combining services to different cities and counties what are the parameters of those places? She felt that's the first thing that we do is look at building the parameters that will survive this situation and any other situation that comes up. That would be the first step before we make a decision.

Mr. Mulhere stated that if we're talking about the planning related policy matters that are one thing. We're talking about specific projects or zoning, he felt was something entirely different. If we're talking about a broad policy, that's going to be different.

Councilwoman Simons explained that it was for the whole city. It's not just for this one specific project. If another agency wants to come, they would have the route through social services and was zoned already.

Vice Mayor Denham stated that this Council is not being very helpful to our executive director. It wasn't too many meetings ago when we requested the executive director seek the services of various governments to find out whether the services of this staff on the Council could be useful to them. Now we are questioning whether that's the right thing to do.

Chairman Turner said that he didn't believe that Council was necessarily questioning whether it was the right thing to do. He felt that we're questioning the following: 1. The conversation that we seem to come across is the fee for services; and 2. if it was a zoning issue. He said that he felt that it was a long term solution that allows us to offer this. We have a resident expert that can offer a service. It falls within the confines of a regional issue and scope. It needs to be vetted more. With that, Councilwoman Simons, I would just request that we end this conversation. If you feel comfortable enough to bring something back to us at the next Council meeting, then by all means.

Counsel Donley explained that under Florida Statute 186.505, the Regional Planning Council's Powers and Duties, you are permitted to enter into contract to provide at cost such services related to its responsibilities as may be requested by local governments within the region and which the Council finds feasible to perform. And that under 20 to provide taxable assistance to local governments on growth management matters. She then said that she felt that those two clauses in the statutes gave permission to the Council to approve the contract and the services at costs that you deem feasible.

Chairman Turner stated that in accordance to the statutes it doesn't have to come back before the whole Council. Ms. Donley stated that if you deem it feasible and if this is a service that you want to provide to local governments.

Councilwoman Simons noted that the City of Bonita Springs has a small window that we should use to get moving here because the city has placed a moratorium May 18 to get the regulation in place.

Ms. Holquist requested Ms. Wuerstle's input on the issue.

Ms. Wuerstle explained that she understood the issue, and that she understood more than she did at the time of the Executive Committee meeting. She did not know there was an option for a contract for services. She did know that the project that's on the books is almost a done deal. They submitted their application prior to the moratorium.

Ms. Wuerstle explained that what they are looking for now is how to address this issue going forward. They need someone to look at the comp plan, and the regulations to see they have adequate protections in place, so that these facilities are sited in areas that they choose them to be sited and not just by default. Having said this, we all know that it is a controversial issue. She stated that she had already had calls from press asking to talk about this. There will be more, whether it's just a review of the comp plan because this is such a high profile project. It will not deal specifically with the map views. It will deal with their comp plan and their local regulations.

Ms. Holquist stated that she would hope that Council would allow the executive director to enter into an agreement with Bonita Springs for the costs to be paid.

Councilwoman Simons explained that she would have to present it to the City of Bonita Springs Council for the costs to be paid. She felt that it would get passed.

Ms. Holquist moved and Vice Mayor Denham seconded to allow the Executive Director to enter into an agreement with the City of Bonita Springs and that the costs be paid.

Commissioner Coletta asked if this going was to be an open format where is it nothing more than advice that can go either way. Or was it going to be particularly directed towards trying to bring a specific objective into play.

Councilwoman Simons explained that the city's objective was to work with our staff in the city, to help our staff with an operational shelter permit and with our comp plan as well. Look at what's appropriate on that site and the other sites, proofread social service sites for such things, and how the service that they bring will be able to smoothly work in the community.

Mr. Mulhere said that you're talking about land codes. Councilwoman Simons replied yes.

Commissioner Coletta said land codes can be determined to be one way or the other, supportive of something or not supportive of it, and he didn't think we should get in the middle of it without total direction and without hearing from this Council. You're getting into the middle of something that's going to affect the lives of many people on both sides of the issue.

Discussion ensued.

Commissioner Mann said that in the course of this conversation, there is still in his mind a lack of clarity as to exactly what it is that this Council and its executive director is going to be asked to do. He said that he was uncomfortable voting on a motion until he had a clear understanding as to what the scope of work is, how it is going to be performed, and what the deliverables are. If that can be brought back to the Council to look at the specifics, then he felt that we could move forward.

Councilwoman Heitmann stated that she would like to have Ms. Wuerstle clarify exactly what she understands that the deliverable should be.

Chairman Turner said that's what he heard and getting back to his point, we are under financial dire straits. He asked Ms. Wuerstle if she would like to clarify what her deliverables would be.

Councilwoman Simons stated that if we have to vote on every contract that comes before the executive director, I think that's limiting her powers for directing.

Chairman Turner agreed and said but this is an unusual situation.

Councilman Leetz said that he felt it needed to be noted that we've got hundreds of thousands of military investments that are going on. In Cape Coral, currently there are over 300 homeless individuals living in the woods. If you don't think homeless are in your neighborhood or in your backyard, then you have your eyes closed because it is going to be a regional problem.

Councilman Leetz said that the Council needed to look at the issue in the large scope because this region is situated because of our great climate. Right now the veteran homeless population is the greatest percentage of homeless. When Cape Coral opens its new VA hospital it will be attracting people to the region. He really applauded the City of Bonita Springs in trying to help these people. As this magnifies, and it will magnify with the current economy and with the nearly one million troops that will be getting discharged, the responsibility of this Council will be to address this regional issue because without those men and women who are being discharged, we wouldn't be able to sit here and do what we're doing.

Ms. Holquist stated that is exactly why she is supporting this. Whatever information the City of Cape Coral could use it to start creating a policy within the City of Cape Coral. It could be used nationwide and by other cities and counties. We went to the cities and counties and asked them for work for the RPC. If someone in this Council doesn't bring forward work, we're not going to have any.

Commissioner Coletta said that he agreed. This is a regional issue. It's a regional issue that goes a lot deeper than just St. Matthew's House located in one place in Bonita. They're not going to answer the questions and the issues that you're bringing up about the homeless throughout the area. St. Matthews takes a very specific few people that meet criteria that are unbelievable. For every person they take, they reject about eight. It's just the requirements they have. They're looking for people that they can reform which meets a certain scale.

Commissioner Coletta said that it is not the total answer. They're a partial answer to a much bigger problem. He said that he agreed that it should be brought back before the Council. We should have everyone here be able to talk about it. He felt that we've got to be careful where we're going here. He said that the resources on the RPC may be getting a little thin. They get thin, and they pull out of it, we've lost a tremendous opportunity. Then we have to go back and rethink this thing all over again. Bring it back to this Council to hear.

Mr. Mulhere stated that he had no problem with opportunities for revenue providing special services. However, he did still have a bit of a concern about the fact that it's just the timing. That this is a specific - I understand we're talking about general policy here, but you have a specific case that's related to this that is contentious. There is a possibility of litigation. That's why they filed the application prior to the moratorium. I think that we have to be careful about what we get involved in, or what we have our staff involved in with our blessing, having counterproductive effects on what we're trying to do, which is establish the value of this organization.

Commissioner Mason asked for someone to repeat the motion on the floor.

Ms. Holquist stated that she moved to allow staff/executive director to work with the City of Bonita Springs to put together a paid at cost agreement to provide services for creating operational shelter permits, and work with a comprehensive land use plan to provide an operating permit for shelter development.

Commissioner Mason stated that she felt that the Council is going to need more air time on this issue. Specifically because she knew that a lot of communities throughout the State are working on plans, ten year plans, to end homelessness, to prevent and end homelessness in their communities. In her opinion, we ought to wait and give it more time.

Mr. Perry said he believed that's the kind of policy we should be setting as a board and empowering the staff to do something. If it turns out it's not the kind of thing that the Council does, then the Council needs to direct staff to walk away from it. He does believe a contentious issue like this should come before this board so Council knows what is happening. He would hope that our advice would be impartial. That we'd simply be saying these are reasonable guidelines whether you're for or against it as to how one of these facilities should operate and that we not take the position as to whether it's good or bad. We should take the position that this is how you set it up going through these different things.

Councilman Leetz suggested before the Council that government has a tendency to not want to act out of fear. And in this case, I think that we have opportunity here to take a small step toward a big problem by offering our help to Bonita Springs, because this problem is going to magnify over the next decade. And if we don't address it in a small way today, then we're going to be well behind the eight ball when the time comes.

Chairman Turner called the question. The motion carried with a vote of 9 to 8.

Ms. Holquist moved and Vice Mayor Denham seconded to allow the staff/executive director work with the City of Bonita Springs to put together a paid at cost agreement to provide services for creating operational shelter permits and work with a comprehensive land use plan to provide an operating permit for shelter development. The motion carried.

Commissioner Mann asked for clarification that whatever happens in this negotiation, it would be coming back to the Council to get final approval. Commissioner Turner replied yes.

Ms. Holquist noted that there isn't a Council meeting until July. So maybe it can be at the Executive Committee meeting.

Chairman Turner explained that the staff will be allowed to move forward. Essentially, a report of what happened and what basically came out of that discussion will come back before the Council in July.

Commissioner Mann asked Commissioner Turner if the Council just authorized a carte blanc contract that will not be reviewed by the Council? Commissioner Turner replied yes.

AGENDA ITEM #10(a)3
Regional Strategy Committee

Ms. Holquist said the Committee held a meeting last Friday and stated that they were moving forward now with the rest of the workshops for the CEDS development plan. We started with the Department of Economic Opportunities forum in March and moved on to workshops that we reported on earlier that went from the middle of April until this last one coming up this Saturday. On Saturday, we'll be pulling together the aspect on all of the input we've received to date. And that will be the basis of beginning our comprehensive economic development plan.

The Regional Strategy Committee is the steering committee for that plan. There's a working committee that's beneath, which includes all of the economic development directors and many of the interested parties from throughout the region that will be doing the nuts and bolts. The Strategy Committee will be overseeing that product. She encouraged everyone who wanted to be a part to attend the working group meeting, which was June 1 at 10:00 a.m. at the Council's offices.

Ms. Holquist explained that the plan has to be in the same format as all the other regional planning councils within the State. This is the document that's going to allow us to have the beginnings of a regional plan for Southwest Florida. It's a component to the plan. It's also going to give us projects that we're going to file with the Federal government and that we're going to seek grant funding. So the projects are going to be very important. These projects are putting together a policy of homeless shelters. These projects can be environmental, they can be educational, and they could be all kinds of things. All of you have heard about the six pillars. Think about the six pillars and what's underneath the six pillars that can be a project for Southwest Florida. That's what this plan is going to encompass. The plan also has to have measurable goals that we have to be accountable

for going forward. We're creating those ourselves, so we can create our own metrics to judge whether we're moving forward properly or not.

Councilwoman Keesling asked if the issue of homelessness come up in any of the meetings that you've had so far. Was that ever brought out?

Ms. Holquist stated that she didn't remember it being raised as an issue or a priority project. I think the results of this meeting should be on the list. One pillar is quality places. It's not necessarily homeless shelters. Its abused women and all those things.

AGENDA ITEM #10(a)4 Regional Watersheds Committee

Vice Mayor Denham explained that the tenuous financial position of the Council has led to a decision to put the Committee on a six month hiatus. We will temporarily sunset it for a period of time until the council can begin to better understand the science and position and decide how it can better use its resources. Right now, staff is spread too thin to support this endeavor. This is disappointing to some, but what he wants to go on to do, is to talk about an alternative route of protecting the water quality. He then recognized Jim Beever for his support with the Committee.

Vice Mayor Denham then stated that he would like to outline a series of actions that he would begin to on how to support water quality working outside of the Regional Planning Council. The programs have already been discussed with the Sanibel City Council, and he has received the proper authority to speak on behalf of the City Council on what the actions are needed. We're looking at this in two different ways.

First, we're going to tackle this water quality issue, specifically the entity of fertilizer, which has been a five year battle every year where we were trying to build legislation, to defend this issue against not pre-empting fertilizer ordinances throughout the State. There are some 60 fertilizer ordinances now that have been approved throughout the State, and we have polled every year for the last four years to prevent those from pre-empting.

First of all, he wanted to refer to the legislative side. It seems to him that every year for four or five years, we've been very much on the defensive position. We've been defending our position against principally the fertilizer folks that want to pre-empt what the government is trying to do. Therefore, on the legislative side, what he had begun to do is to be much more offensive rather than defensive and come up with a bill, which protects the position that we've already established, which says we want to be able to protect what we've got.

The second thing and talking to my colleagues in the entire house, they think this is a more significant part of this program, is to have a very significant citizens' education program for this region. Quite frankly, it doesn't matter what the fertilizer companies say or what the law says. The people decide the way they put fertilizer down on their lawn and when you put it down. So I think a citizen education program is critical to defending the future of fertilizer ordinance because clearly, everything that I've read, every scientist, except for one group, has come forward and suggested that fertilizer - overuse of fertilizer has an implication to many on the water red algae, blue-green algae.

Some have evidence linked to red tide. So it is in there. He said for his colleague, Butch Jones, it's a two-legged animal problem and not a four-legged animal problem, and I recognize that. This is homeowners in the urban environment. To this end, I have been given authority to put together a program of having a region-wide citizens' education program, but it cannot be a Sanibel program. Sanibel has agreed to put up to \$100,000.00.

When I presented these last few pages at the Sanibel City Council, they said they supported the program. They felt this could not be just a local government program. You couldn't just talk to local governments and get a buy-in from them. We had to get buy-in from businesses and from the Chambers of Commerce and from environmental groups. What he would have hoped to do over the next three months, the time between now and September is talk to the Florida League of Cities and get their buy-in, and the environmental committee in August.

Vice Mayor Denham stated that he wanted to review this with the legislators. So he is going to be talking to the Lee County Commissioners and all of the legislators, and the mayors of the various cities. He said that we will be going to talk to the county commissioners. We're going to have to split this amongst various members of Sanibel's City Council.

We're going to talk to TDC, local realtors, and Horizon Council to try and get people to do two things. One, endorse the program and two, to push the legislation. Quite frankly, it is much more powerful if we've got a significant entity of people with various disciplines to work together to try and put together this citizens' education program. And what it will mean is the hiring of a significant PR consultant who is able to put together a meaningful program to convince people to use fertilizer responsibly. That's the game. To use fertilizer, not saying we're going to try and ban the use of fertilizer.

If we truly believe water quality is important to this region, and I think it impacts tourism, employment, way of life, health, it's an important regional issue, and then he thought he would like to at least get an endorsement from this Council on what he was doing.

I am trying to get an individual from each city council to join me in an ad hoc community outside of the Regional Planning Council to be able to work with him. He asked for the Council's endorsement.

Councilwoman Simons moved and Councilman Leetz seconded to endorse the educational program.

Ms. Holquist stated that she felt that both of those projects needed to be included in the Council's economic development plan.

Chairman Turner volunteered to serve on the ad hoc committee.

Councilwoman Simons stated to reiterate that all of these ordinances pre-empt agriculture because there is the Right to Farm Act in Florida. Vice Mayor Denham had won the Home Hero of The Year Award for the second time this year for his fight on fertilizer.

Vice Mayor Denham stated that unfortunately agriculture gets involved with the urban fertilizer law, which kind of irritates him because it's got nothing to do with them, and he wished they'd stay out of it. They cause more problems than the fertilizer industry when we're trying to negotiate the bill.

Mr. Perry said that if you're talking about agriculture, he thought it was critical for us to say that a lot of the problems are caused by homeowner. When you reach the people that you're reaching out to, why don't you reach out to some agriculture interests so that they can get their concerns in early so that if they are not supportive at least they are neutral on the issue as it comes forward.

Vice Mayor Denham said that he would be willing to that. But when we put together an ordinance, the golf courses came to us and said we would like to participate in this program, and we would like to work with you to limit the way you use it.

The motion carried unanimously.

**AGENDA ITEM #10(a)5
Estero Bay Agency on Bay Management**

The Committee report was presented in the packet as an information item.

**AGENDA ITEM #11
NEW BUSINESS**

No new business was discussed at this time.

**AGENDA ITEM #12
STATE AGENCIES COMMENTS/REPORTS**

FDEP - Mr. Iglehart stated that with the sunshine next week, there will be some algae blooms. We'll have a response for that. If people call, send them our way. The second one is hurricane season begins June 1st. The debris staging areas have all been approved in our region, which is essentially if FEMA finds replenishment funds.

**AGENDA ITEM #13
COUNCIL ATTORNEY'S COMMENTS**

Legal Counsel Donley had no comments at this time.

**AGENDA ITEM #14
COUNCIL MEMBERS' COMMENTS**

Councilwoman Simons announced that former City of Fort Myers Mayor Oscar Corbin passed away recently. He was also former Mayor Humphrey's father-in-law.

Commissioner Mann stated to Councilman Leetz, that he didn't think there's anybody in here that didn't agree totally about the issue of homelessness. So nobody on that vote was not supportive of the points that he made.

Commissioner Mann explained that he was a little upset that there had been a precedent that we haven't dealt with before in signing our staff out, contracting them out. We've never done that before. That's why he was a little uncomfortable giving what he thought was a blank check and a blank contract. You don't even know how much time this is going to require. We've been so tight on our budget, and we've had to lay off staff. He asked if we had enough time for staff to contract out and do their jobs or are we still overstaffed here. There are real legitimate questions that needed to be dealt with here, and that's why we're such a close vote. I'm not trying to start another debate. He cautioned Ms. Wuerstle to be very careful on what she did based on the nine to eight vote with a number of members absent on this very significant precedent.

Councilman Leetz stated that he had two items. First, just in the comment to Commissioner Mann, he didn't believe that the motion which allowed Ms. Wuerstle to commence a contract gave an option. Secondly on the homeless issue, he was very proud of the VFW Post in Cape Coral is holding a Benefit Chili Cook off on June 9th with the specific purpose of raising money for homeless veterans that are coming back to our county. It will be from 1:00 p.m. to 5:00 p.m., Saturday, June 9th. He encouraged all members who can make it to show up.

Councilman Leetz stated that the City of Cape Coral will make available to the RPC office space in their city hall if it would be wise to get out of this building entirely. It would seem that the annual payment for this building is eating up a lot of the capital. He was told to extend an invitation if you would care to consider moving to Cape Coral, we'll give you the best deal you can get in the county.

Councilman Leetz explained that the City of Cape Coral will get the RPC a separate space. We'll keep you separate for a few more years. It's an option because with the mortgage on this property and the note that you're paying, that return those workers that had to be laid off. Again, it's only an option. He didn't know if the RPC could get out of this building in any sort of a proper fashion.

Ms. Holquist stated that last October, the Council approved a specific recommendation under new direction to look at services. We had, as a group, approved that strategy. We want to bring forward that new direction again for everyone to understand.

Councilwoman Heitmann then said that she thought it was a great meeting. And I understand your caution, Commissioner Mann. I just wanted to acknowledge Vice Mayor Denham and Councilwoman Simons for both getting the Advocacy Awards from the League of Cities.

AGENDA ITEM #15
ADJOURN

The meeting adjourned at 11:02 a.m.

Commissioner Tom Jones, Secretary

The meeting was duly advertised in the May 4, 2012 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 38, Number 18.