

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
MAY 18, 2017 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on May 18, 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 9:06 AM. Mayor Shaw then led an invocation and the Pledge of Allegiance. Ms. Nichole Gwinnett conducted the roll call and noted that a quorum was present.

MEMBERS PRESENT

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

Collier County: Commissioner Bill McDaniel, Commissioner Penny Taylor, Councilman Reg Buxton, Mr. Bob Mulhere

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

Hendry County: Commissioner Julie Wilkins

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

Sarasota County: Commissioner Charles Hines, Mayor Willie Shaw, Councilman Fred Fraize, Commissioner Debbie McDowell

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

MEMBERS ABSENT

Charlotte County: Ms. Suzanne Graham

Collier County: None

Glades County: Commissioner Donald Strenth, Councilwoman Pat Lucas

Hendry County: Commissioner Karson Turner, Commissioner Mitchell Wills, Vice-Mayor Michael Atkinson, Mr. Mel Karau

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

Sarasota County: Commissioner Michael Moran, Mr. Felipe Colón

Ex-Officio: Ms. Tara Poulton-SWFWMD

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #5
AGENDA**

There were no changes made to the May 18, 2017 agenda.

**AGENDA ITEM #6
MINUTES OF THE MARCH 16, 2017 AND APRIL 20, 2017 MEETINGS**

A motion was made by Mr. McCormick to approve the March 16, 2017 and April 20, 2017 minutes. The motion was seconded by Commissioner Mann and passed unanimously.

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

**AGENDA ITEM #7(a)
Quorum Requirements Memo**

Ms. Wuerstle presented a memo which gave a breakdown of the quorum requirements of other Regional Planning Councils. The SWFRPC currently requires a majority of the voting board members and four of the six Counties to be present. The Council has had trouble making a quorum recently and Ms. Wuerstle suggested that the Council consider a less restrictive quorum requirement at the next meeting. She recommended removing the requirement that four of the six Counties are present and revise the voting member requirement to one-third of the membership.

Commissioner Wilkins asked what the average attendance of the meetings has been and what would need to be done to the Council's by-laws. Ms. Wuerstle stated that the Council is usually two or three members short of a quorum at the time of the roll call.

A motion was made by Commissioner Wilkins to move forward with the staff's recommendation.

Mr. Perry asked if any of the entities on the Council such as Counties with several cities or the governor appointees, currently comprise one-third of the membership by themselves. Mr. Perry stressed that more than one County should be present to have a quorum. Chair Burch recommends that staff look further into this issue and make sure that the requirement is equitable for all member entities.

Commissioner Wilkins withdrew the motion until the Council and staff can further look into this issue.

Councilwoman Matthews commented that Sarasota County leaving the RPC would further impact the quorum status.

Ms. Wuerstle reminded everyone that there will be a meeting on beach renourishment taking place immediately after the Council meeting.

**AGENDA ITEM #7(b)
Audio Upgrade Quotes**

Ms. Wuerstle presented several quotes on the upgrades to the Council's audio system. She explained that just a few minutes ago, she was asked to withhold her recommendation as additional information is still coming in. She will have a recommendation next month.

Ms. Wuerstle then presented a three minute educational video on the Promise Zone. She then reminded the Council that the Promise Zone will have been in place for one year, next month. Much of the first year was organizational and the SWFRPC has just identified a candidate for their VISTA volunteer position and offered him the position. She stressed that Glades, Hendry, and Collier Counties must submit their job descriptions to gain a VISTA volunteer.

Commissioner McDaniel stated that this is the first time he's heard that the Counties needs to submit a job description and there was no discussion of that requirement at his CRA meeting. Ms. Wuerstle explained that if the Counties do not submit their job descriptions soon, their VISTA volunteer spot will go to another agency. Commissioner McDaniel wanted to know who in Collier County Ms. Wuerstle has been sending these requests to. Ms. Wuerstle told Commissioner McDaniel that they will discuss this after the meeting and added that Glades County Manager, Paul Carlisle had submitted their job description. Mr. Perry urged officials from these Counties to push their staff to have their VISTA volunteers ready by the deadline. Chair Burch additionally urged everyone to utilize the RPC. Commissioner McDaniel clarified that he just wants to make sure that important information is going to the proper individuals.

Commissioner Mann asked how the VISTA volunteers were funded. Ms. Wuerstle explained that they were not funded by the RPC, but by VISTA through the Promise Zone initiative. The RPC, Human Trafficking Foundation, Immokalee Foundation, Glades, Hendy, and Collier County will each have a volunteer. Commissioner Mann asked if the Promise Zone could exist without the RPC. Ms. Wuerstle did not know the answer to that. Mr. McCormick added that this Promise Zone is the only one in the nation that is managed by an RPC. Commissioner Storter-Long explained that with the limited resources of Glades and Hendry Counties, they would not be able to run the Promise Zone without the RPC and she is appreciative of all of the work they have put into this initiative. She, like Commissioner McDaniel was also unaware of the job description requirement for the VISTA volunteers. She asked that for all outreach to County staff, the RPC staff copy the respective County Commissioners on the Council. Chair Burch and Commissioner McDowell agreed with that recommendation.

**AGENDA ITEM #7(c)
FRCA March Report**

This item was for information only.

**AGENDA ITEM #8(a)
GRANT ACTIVITY SHEET**

This item was for information only.

**AGENDA ITEM #9
CONSENT AGENDA**

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

**AGENDA ITEM #10
REGIONAL IMPACT**

**AGENDA ITEM #10(a)
Palmer Ranch Increment XXV Final DO Review**

Mr. Trescott presented the item.

A motion was made by Mayor Shaw to approve staff's recommendations as presented. The motion was seconded by Commissioner Doherty and passed unanimously.

**AGENDA ITEM #10(b)
Babcock Ranch MDO/IDO NOPC Assessment**

Mr. Trescott presented the item.

Commissioner Mann asked what would trigger the four-laning of SR 31. He also noted that the developer had agreed to pay for that widening. Mr. Trescott answered that the second increment of the project will probably be that trigger. Commissioner Mann explained that Lee County will be receiving the traffic impacts of this development, not Charlotte County. Mr. Trescott explained that Increment I initially proposed 3,000 units, however that would have triggered the four-laning, so the developer changed the request to 2,000 units. Mr. Steve Leung with David Plummer & Associates explained that the next increment will establish whether or not the four-laning requirements are triggered. Roadway improvements that have been made since the approval of Increment I, Phase I in 2009 have made the widening unnecessary for this Phase. He adds that widening may be required after 2026 when the project builds out further than 2,000 units. Commissioner Mann asked about the current construction on SR 31 in Lee County. Mr. Walls answered that this is an FDOT resurfacing project. Commissioner Mann clarified that this is an exemplary development, but he feels it is in the wrong place and will have major impacts on Lee County.

A motion was made by Commissioner Doherty to approve staff's recommendations as presented. The motion was seconded by Commissioner McDaniel.

Mr. Mulhere asked for clarification about a slide in the presentation that mentioned a simultaneous increase and decrease. Mr. Trescott explained that it is a summary of Table 10a that shows an increase in Phase I of 500 units, totaling 2,000 and a decrease in hotel rooms and office. Mr. Jim Paulmann from Stantec explained that the confusion is in the traffic numbers, which are broken down into two phases. The Increment is based on 2,500 units, which is being reduced to 2,000. The change of 1,000 units is what was approved for Phase I for traffic purposes.

Chair Burch asked for clarification on what is actually being built relative to what was previously approved. Mr. Trescott explained that the two phases have been combined into one and that is accounting for the confusion. Mr. Paulmann explained that Phase I and II were originally approved for 2,500 units, they are proposing to combine the two phase for a total of 2,000 units.

Commissioner McDaniel asked the Charlotte County Commissioner present to explain their plans for this project given that the impacts will be on Lee County, specifically, supplying infrastructure to relieve traffic impacts in Lee County. Commissioner Doherty deferred to the consultants present. Mr. Gary Nelson with Kitson & Partners explained that Charlotte County has waived transportation impact fees on Babcock Ranch, which allows them to do an independent study and collect their own fees. These fees have allowed them to help plan for Lee County improvements. Commissioner Doherty added that their MPO is constantly looking at SR 31 as well. Mr. Trescott pointed out that this is a perfect example of why the DRI process existed. Commissioner Tiseo explained that the intent is to keep Babcock Ranch residents in Babcock Ranch by providing facilities and services on-site. Commissioner Mann appreciated the comments, but added that 80% of the traffic impacts of Babcock Ranch will be in Lee County and the residents cannot live solely on-site before the project is fully built-out.

Commissioner McDowell asked for the plans for the proposed Elementary School. Mr. Nelson clarified that a public charter school that will open in August and serve K-6. They plan to add a year each subsequent year and will eventually be K-12. Commissioner McDowell asked what would happen to a student who does not fall within that initial grade range. They will go to the Charlotte County public school system.

Commissioner Wilkins asked for clarification on the PD&E study. She pointed out that the consultant claimed that there was a PD&E study, but Mr. Walls said there was not. Mr. Walls clarified that there is a PD&E study for the Babcock portion. He previously said that there was not a PD&E study done for the segment Commissioner Mann was concerned with.

Mr. Perry abstained from the voting.

The motion carried with one opposed and one abstention.

**AGENDA ITEM #10(c)
Lee County Comp Plan Amendment DEO 17-1ESR**

Mr. Trescott presented the item.

Mr. Mulhere stated that this project addresses the issue of balancing property rights and protection of natural resources better than what is currently in the comprehensive plan. Commissioner Mann is protective of the DR/GR, but much of that area is former agricultural land that has been plowed. This area is not wildlife habitat and the surface and ground water flows have been interrupted. This amendment will reestablish the natural state that has been lost due to farming. Environmental groups have spoken positively about this project. Commissioner Mann was comfortable with this project.

A motion was made by Commissioner Mann to approve staff's recommendations as presented. The motion was seconded by Commissioner McDaniel.

Commissioner Pendergrass voted against this amendment when the transmittal came to the Lee County BOCC due to traffic concerns on Corkscrew Blvd. The County is waiting on the traffic impact analysis. He does, however, see the project as a great enhancement on the property overall. Commissioner McDaniel asked Commissioner Mann about the traffic in the area. Commissioner Man explained that Alico Road will be a reliever and major improvements are planned on reconnecting to SR 82 and beyond. All of the County's planning efforts are focused intensely on the traffic. Lee County still grows at over 10,000 people a year and the County keeps that in mind. Commissioner Mann reiterated that Lee County staff is comfortable with this proposal. The amendment passed 4-1 in the Lee County BOCC.

Chair Burch asked if the DR/GR is a mitigation area. Mr. Trescott explained that it is not a mitigation area, but mitigation is being done on this particular project. Commissioner Mann pointed out that 60% of the subject property will be restored by this project. Chair Burch stressed that it is important to view the impacts based on what is happening in the County as a whole rather than just one particular project. Commissioner Pendergrass added that the ground and surface water in that area flows southwest, but there are no plans for surface water flows on the north side of the property.

Ms. Jennifer Hecker from the Charlotte Harbor National Estuary Program (CHNEP) explained that there is an initiative underway that is looking to do a watershed model across the Bonita Springs and Lee County DR/GR called the South Lee County Watershed Initiative. The CHNEP has taken lead in facilitating this dialog. She encouraged everyone to track this project on the CHNEP's website.

The motion carried with two opposed.

**AGENDA ITEM #10(d)
Hendry County Comp Plan Amendment DEO 17-3ESR**

Mr. Trescott presented the item.

A motion was made by Commissioner Wilkins to approve staff's recommendations as presented. The motion was seconded by Commissioner Storter-Long.

Chair Burch asked if FPL was paying for this project. Mr. Trescott confirmed that they were. Commissioner Storter-Long recalled that when FPL considered a coal fire plant in Glades County,

they determined that there was not enough sunshine for the project to be feasible. Mr. Trescott added that solar cells were much more expensive then. Mr. Mulhere explained that this is a question of cost vs return. He liked that FPL is moving forward with solar.

Mr. Perry abstained from the vote.

Commissioner Wilkins asked if heat will be emanating from the facility. Mr. Trescott answered that it would not.

The motion carried unanimously with one abstention.

**AGENDA ITEM #11
COMMITTEE REPORTS**

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

Mayor Shaw gave his report and explained that the Council is in better financial condition than it was at this point last year.

**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**

Mr. Beaver presented the item including information on Cela Tega and his recent climate change plans in Cape Coral and Pelican Cove. He added that the SWFRPC is a leader in the nation in this field of work. He would be willing to do this work with any community in the region and offered to help find funding for these projects. He added that the RPC can also do this work at a lower cost than out-of-state firms and he does these studies with heavy community involvement.

Commissioner Storter-Long asked what FEMA's reception was to the Pelican Cove project. Mr. Beaver explained that his climate change project for Punta Gorda was a benefit to the City in regards to their insurance. He described the implementation plans as "no regrets action" explaining that they save the communities money and make them safer.

AGENDA ITEM #11(e)
Executive Committee

Chair Burch reported that the Committee discussed affordable housing. Mayor Shaw will have updates on that issue in the future.

AGENDA ITEM #11(f)
Legislative Affairs Committee

Mr. McCormick and Chair Burch reported that there is nothing detrimental to the RPC to bring to the Council's attention.

Commissioner Mann asked Mr. Flood about SB 10. Mr. Flood commented that there are some good aspects to SB 10. He further reported that Everglades restoration received \$135 million for existing projects and \$34 million for water storage and treatment north of Lake Okeechobee. SB 10 has \$33 million for land acquisition and planning for a reservoir this year. He explained that it is a little different than what is in the Integrated Delivery System. Vice-Mayor Denham called it a good compromise to what was originally proposed. Mr. Perry added that his community is happy with the SB 10.

Vice-Mayor Denham announced that Sanibel has had two significant projects approved totaling about \$2.5 million: the modification of their central water system to remove nitrogen and the Jordan Marsh restoration project.

Chair Burch stated that the resolution to the water situation will be a win-win for everyone. Vice-Mayor Denham added that another project that needs to be done is to clear any obstructions on Alligator Alley to allow water flow.

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

Mayor Shaw reported on this morning's meeting on affordable housing. Staff has been instructed to conduct further research on the issue, including identifying stakeholders. He thanked the RPC for the affordable housing symposium last month. He explained that a housing development going into the Promise Zone will shine a light on this issue and serve as an example for the region. He added that the Continuum of Care and the United Way's A.L.I.C.E. Report outlines stakeholders that they are currently looking at. He hopes that the RPC can be instrumental in helping to solve this issue.

Commissioner McDaniel asked if the goal was for the RPC to determine affordable housing parameters. Mayor Shaw explained that the plan is for the Council to be instrumental in discussing the issue and fostering collaboration. Commissioner McDaniel added that the communities within Southwest Florida have very different needs and would have different definitions. Mayor Shaw agreed.

Vice-Mayor Denham requested that the executive director of Sanibel's workforce housing program make a presentation to the Council at a future meeting. Ms. Wuerstle will add that presentation to a future agenda.

AGENDA ITEM #11(h)
Regional Transportation Committee

Ms. Wuerstle announced that Mr. Tim Walker has been working with FDOT on putting together the GIS layers for the regional transportation map. Chair Burch added that this map will inform the economic overlay map. The next Regional Transportation Committee meeting has not been scheduled yet.

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 gave his report during the Legislative Affairs Committee report

AGENDA ITEM #12
NEW BUSINESS

Ms. Wuerstle explained that next year's budget needs to be approved and the Council has historically had trouble making a quorum in July and August. She stated that she has reason to believe that the Council will have trouble making a quorum in June as well. She asked if any members present know if they will be unable to make the June 15 meeting. Three hands were raised. Council decided to leave the meeting date at June 15.

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

Mr. Terry Cerullo with FDEP announced that the 5th Annual South Florida Regional Brownfield Symposium will take place on June 7-8 in Sebring. Four RPCs are sponsoring this event, including the SWFPRC. It will include grant writing training for brownfield grants. It will also include information on solar energy. DEP is also offering online data tools at the event.

Mr. Walls provided Commissioner Mann with more information on the SR 31 resurfacing. The resurfacing is being done due to accidents that were happening in that area. Ms. Sarah Catala with FDOT congratulated Chair Burch on the birth of his grandchild and Mr. Trescott on his son's graduation from veterinary school.

Mr. Flood reminded everyone that we are still in the dry season and urged everyone to conserve water. He explained that we have had only 51% of our typical rainfall this dry season.

Mr. Jim Kelter with FWC announced that the listing status of burrowing owls has changed from a “species of special concern” to “threatened”. The permitting rules regarding burrowing owls will change. The FWC has two stakeholder meetings scheduled: June 14 in Cape Coral and June 15 in Marco Island.

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

No report was given at this time.

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

Mr. McCormick thanked Ms. Hecker for participating in the meeting. He also added that, regarding the water situation, he would like to take a look at what would happen as land comes off the tax rolls. Chair Burch asked the FDEP representatives present to see what they could find out about that situation.

Commissioner Mann announced that a super-majority of the Lee County BOCC has directed staff to take the steps necessary for Lee County with pull out of the SWFRPC. He commented that it is highly likely that this will happen. Commissioner Pendergrass added that this is a conversation to remain a member, but withdraw from payment. He added that Commissioner Kiker attended a meeting where other Counties discussed doing the same.

Commissioner McDaniel asked if it is time to discuss the relevancy of the RPC going forward. Chair Burch explained that the Council has had these discussions and there are certain things that the RPC must do statutorily. Mr. Mulhere commented that relevancy needs to be a continued discussion for the RPC. He brought up the Promise Zone as an example of the Council’s relevancy. Commissioner McDaniel stated that the entire premise of the RPC is counter-intuitive in that all of the independent municipalities and counties are competing for funding. He states that he is not qualified to render an opinion on the other counties. He thanked Ms. Wuerstle for sending his staff the comprehensive plan amendment proposals for the other counties and cities.

Commissioner McDaniel asked that the relevancy conversation be an agenda item for the next meeting. Chair Burch seconded that. Ms. Wuerstle explained that there are legal issues that she would like to see addressed before that discussion takes place.

Commissioner Doherty asked if the Lee County directive was to gather information on Sarasota County’s decision to pull out, or to prepare Lee County to pull out as well. Commissioner Mann confirmed that the directive was to prepare an agenda item to vote to pull out of active participation during the next regular BOCC meeting. Commissioner Mann urged that the relevancy discussion be held at the next meeting before the governments go on summer break. He clarified that he was not supportive of the County’s decision to pull out. Chair Burch agreed that this discussion needed to happen now. He asked Commissioner Mann what the value of the discussion would be to Lee County if they vote to pull out before next meeting. Commissioner Mann explained the County will still be an active member for one year after the vote. The County

can reconsider the vote during that time. The Council may be able to change the County's thinking during that time, but it needs to happen right away. Mr. McCormick urged the Council members to consider what the region would look like in the future if the RPC did not exist. What mechanism would the State have to deal with ongoing issues?

Commissioner Storter-Long announced that she will be unable to make the June 15 meeting.

Commissioner Mann explained that the discussion next meeting will be one of an ongoing series of discussions to determine the RPC's relevancy and no final action needs to be taken. It needs to happen now regardless of the status of the legal issues. Chair Burch asked for the members to bring back a list of concerns regarding the RPC. Mr. Perry agreed that this discussion should happen now. Commissioner McDaniel suggested that the discussion be a monthly agenda item.

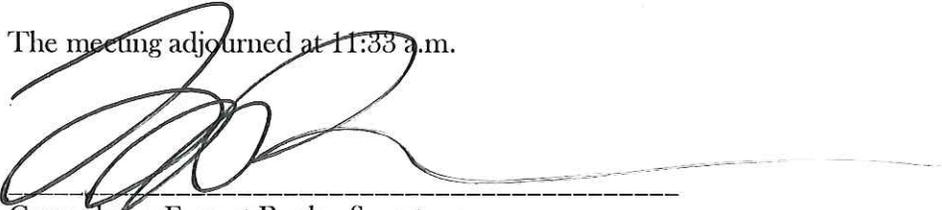
Commissioner Pendergrass reiterated that he heard feedback from a seven county summit that other counties wished to back out of funding the RPCs. Commissioner Doherty explained that their County Administrator was looking for clarification on Sarasota County's action. He added that their attorney may not agree with what Sarasota County did. Commissioner McDaniel stated that his staff has asked him about the RPC as well. Commissioner Storter-Long explained that this is why it's important to get the legal issues worked out. Ms. Wuerstle stated that in her conversations with the County attorneys, some of them are worried that they will have to make up the difference for the lost Sarasota County dues. That is not the case. The assessments will not increase. Mr. Mulhere added that the motivation to withdraw from paying dues may be purely financial rather than a question of relevancy. Mr. Cerullo asked if it would help for the State Agencies to prepare a statement on the value of the RPC.

Commissioner McDowell recognized the North Port Fire Department and all of the other entities that helped with the large fire in North Port.

Commissioner McDaniel added that he will be having a meeting on beach renourishment immediately following this meeting. This meeting was advertised in accordance with the State of Florida.

**AGENDA ITEM #16
ADJOURNMENT**

The meeting adjourned at 11:33 a.m.



Councilman Forrest Banks, Secretary

The meeting was duly advertised in the May 8, 2017 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 43, Number 89.