

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JUNE 20, 2013 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **June 20, 2013** 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 **9:01 a.m.** **Councilman Forrest Banks** led an invocation and the Pledge of Allegiance. Administrative Specialist II, Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Chris Constance, Commissioner Tricia Duffy, Vice Mayor Rachel Keesling

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

Glades County: None

Hendry County: Commissioner Karson Turner, Commissioner Don Davis

Lee County: Vice Mayor Doug Congress, Commissioner Frank Mann, Councilman Chris Chulakes-Leetz, Ms. Laura Holquist, Councilman Forrest Banks, Councilwoman Martha Simons

Sarasota County: Commissioner Charles Hines, Commissioner Carolyn Mason, Vice Mayor Willie Shaw, Commissioner Rhonda DiFranco for Commissioner Tom Jones

Ex-Officio Members: Mr. Phil Flood - SFWMD, Ms. Melissa Dickens - SWFWMD, Mr. Lawrence Massey - FDOT

MEMBERS ABSENT

Charlotte County: None

Collier County: Commissioner Tim Nance, Commissioner Tom Henning

Glades County: Councilwoman Pat Lucas, Commissioner Tim Stanley, Commissioner Dennis Griffin, Mr. Thomas Perry

Hendry County: Mayor Phillip Roland, Commissioner Daniel Akin, Mr. Melvin Karau

Lee County: Vice Mayor Joe Kosinski, Commissioner Tammy Hall

Sarasota County: Councilman Kit McKeon, Mr. Felipe Colón

Ex-Officio Membership: Mr. Jon Iglehart - FDEP

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were given at this time.

**AGENDA ITEM #5
AGENDA**

Ms. Holquist made a motion to approve the agenda as presented and Mr. Mulhere seconded the motion. The motion carried unanimously.

**AGENDA ITEM #6
Minutes of the May 16, 2013 Meeting**

Commissioner Mann made a motion to approve the minutes of the May 16, 2013 Meeting and Mr. Mulhere seconded the motion. The motion carried unanimously.

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

Ms. Wuerstle presented the item.

**AGENDA ITEM #7(a)
FY13 Budget Amendment Discussion**

Ms. Wuerstle presented the item.

Councilman Banks made a motion to approve the FY13 Budget Amendment as presented and Mr. Reynolds seconded the motion.

Commissioner Mann asked Ms. Wuerstle if the Executive Committee reviewed the budget amendments prior to them being presented to the full Council. Ms. Wuerstle responded that they were not presented to the Executive Committee due to the tight timeframe.

Councilwoman Heitmann explained that the Executive Committee has discussed the proposed amendments during their meetings.

The motion passed unanimously.

**AGENDA ITEM #7(b)
FY14 Preliminary Budget Discussion**

Ms. Wuerstle presented the item. She explained that she was able to balance the budget for FY14; however, she would have to eliminate the receptionist position. Currently, it is a contract position and it will be addressed with existing staff.

Chair Turner asked if there was an increase in DRI activity or additional income from grants then that position would be readdressed. Ms. Wuerstle noted that there is currently \$1.2 million in grant requests which are pending.

Vice Mayor Congress asked if the Council would be taking action on the FY2014 Budget at the August meeting. Ms. Wuerstle explained that the Council would be approving both the budget and work plan at the August 8 meeting. Vice Mayor Congress stated that he would like to have a narrative and an explanation of the assumptions. He also suggested having a comparative to the prior year budget in order to see where the variations were. Ms. Wuerstle explained that at the August 8 meeting the budget will be presented as a full budget document, including everything that was just requested, along with the 2014 Work Plan.

Discussion ensued.

Mr. Mulhere suggested that the Executive Committee review the budget prior to the August 8 board meeting.

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

The grant activity sheet was presented in the packet as an information item.

**AGENDA ITEM #9
CONSENT AGENDA**

Chair Turner stated that due to public requesting to speak on Consent Agenda Item #9(f) Coconut Point DRI - NOPC, he is going to pull the item.

Ms. Wuerstle noted that an updated version of Consent Agenda Item #9(g) Woodmere Village DRI - NOPC was distributed.

Mr. Mulhere made a motion to approve the balance of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statement for May 31, 2013; Agenda Item #9(c) Approval of the 2013-14 Glades-Hendry Transportation Disadvantaged Planning Grant Application; Agenda Item #9(d) City of Punta Gorda Comprehensive Plan Amendments (DEO 13-1ESR); Agenda Item #9(e) City of North Port Comprehensive Plan Amendment (DEO 13-1ESR); and Agenda Item #9(g) Woodmere Village DRI - NOPC. Ms. Holquist seconded the motion and the motion passed unanimously.

**AGENDA ITEM #9(f)
Coconut Point DRI - NOPC**

Mr. Crawford presented the item.

Ms. Chelsea Birczak from the Bonita Springs Area Chamber of Commerce and Bonita Springs Estero Economic Development Council asked the Council to support the Coconut Point DRI NOPC, so the Hertz Corporation can move ahead with their planning and construction of their headquarters in Estero. She noted that she had distributed two letters to the Council, one was from the Bonita Springs Area Chamber of Commerce and the second was from the Bonita Spring Estero Economic Development Council in support of the project. She then requested that the Council write a letter in support of the project.

Councilwoman Simons stated that the City of Bonita Springs has not formally addressed the project, but because they are one of the lead agencies on the Bonita Springs Estero Economic Development Council and as a member of the RPC, she supports the project.

City of Bonita Springs Mayor Ben Nelson thanked everyone for operating in an efficient and professional manner. He said that the City of Bonita Springs would like to see the RPC approve the project as presented.

Mr. Flood explained that the project has an existing stormwater permit in-place.

Commissioner Mann stated that he didn't feel it was necessary that the Council send a letter. He felt that a motion for approval would be sufficient.

Commissioner Mann made a motion to notify Lee County, the Florida Department of Economic Opportunity and the applicant that the proposed changes do not create additional regional impacts and that Council participation at the local public hearing is not necessary, unless requested by the county for technical assistance purposes. Request that Lee County provide a copy of the proposed development order amendment, and any related materials, to the Council in order to ensure that the amendment is consistent with the Notice of Proposed Change. Councilwoman Heitmann seconded the motion and passed unanimously.

**AGENDA ITEM #10(a)
RESTORE Act - Commissioner Chris Constance**

Commissioner Constance presented the item. He announced that all of the information is located on www.fl-counties.com

Commissioner Duffy stated that at the last RESTORE meeting there was a lot of focus on education on our waterways and the Gulf of Mexico. Also, one of the topics of discussion was tourism and fishing, especially tarpon fishing. She explained that there was uncertainty on the impacts of the spawning grounds for the tarpon since they go into the Panhandle and Alabama to spawn. There could be some significant economic ramifications to Southwest Florida.

Councilwoman Heitmann asked how it will be evaluated. Chair Turner explained that tag tests are going to be performed on the tarpon where the huge conglomerations occur.

Councilwoman Simons explained that the City of Bonita Springs had filed a lawsuit and was denied. It was determined that the City had no reason to file a lawsuit. She said that it seemed to

be a glitch in the bill which allowed for lawsuits and the date in which a lawsuit could be filed. Secondly, there is a local resource in FGCU who has been on the task force. She was curious on what research could be done to determine what damage had been done in order to prepare for a lawsuit. Chair Turner suggested that she visit with her Council internally and move forward from there.

Commissioner Duffy stated that the RESTORE Council focused on regional projects.

Ms. Donley announced that the Gulf of Mexico Alliance Meeting will be held in Tampa next week and on Tuesday they will have presentations on the RESTORE Act. She said comments are due on Monday to the Draft Implementation Management Plan which the RESTORE Council released at the end of May. She announced that Florida made an extremely strong showing within the Management Plan and she believed it was because everyone worked regionally and presented the projects.

AGENDA ITEM #11 NEW BUSINESS

Commissioner Constance announced that the USCORPS Areawide Environmental Impact Statement (AEIS) for phosphate mining was in its final form. Charlotte County had written a three page letter and every time it seemed that the County had submitted comments nothing seemed to change. Apparently Sarasota County was asking for a public hearing and he felt that it would be very important for all of the counties to put in a joint effort with regard to that. He explained that the area of concern is where Charlotte County receives its water supply and the county has a real issue with future mining in relation to decreased water flows; because two things are going to happen if you cut flows for a while and then re-establish flows: you may wipe out all of the marine biology which has occurred in those areas and it would probably take decades if it ever comes back. Secondly, if you decrease flows the point of high salinity moves from down in the harbor up river and then the county may have to actually move the extraction point and pipe water from way up river to where the head is in now to the reservoir system.

Commissioner Constance said that it is happening once again where we are not being heard and he didn't know if we needed to contact our congressmen and senators to lean on the USCORPS. He asked for the Council to send a letter agreeing to hold a public hearing. He suggested holding one public hearing inviting the counties involved along with the CHNEP and RPC.

Councilwoman Simons stated that she would support the letter.

Commissioner Duffy stated that she didn't believe that the Charlotte County BCC approved such a letter. Commissioner Constance explained that Mr. Andy Stevens wrote the three page letter based upon information from the CHNEP, which was approved by the administration and he signed it yesterday. Commissioner Duffy asked if it was approved by the Commission. Commissioner Constance stated that it was approved by the administration and it was for the Chair's signature. Commissioner Duffy stated that she didn't believe that it went before the BCC and she didn't feel comfortable in taking action on the issue until the BCC has taken action first.

Councilwoman Heitmann asked Commissioner Constance for clarification on what the letter was for. Commissioner Constance stated that the Sarasota County BCC had asked for a public hearing and when he spoke with Mr. Pat Layman at the water authority he was fairly certain that he would get three counties to weigh in and agree to that, so he is on board. He said that he was fairly certain that the CHNEP would be on board and he believes that Charlotte County is on board. He said that he would like a letter to support a public hearing in order to raise the issues at the public hearing.

Councilwoman Heitmann said in order to address Commissioner Duffy's concerns she suggested having a discussion and support of the letter after the Charlotte County BCC considers supporting the letter.

Commissioner Duffy explained that the Charlotte County BCC's next meeting is scheduled for next Tuesday. Commissioner Constance agreed.

Councilwoman Simons asked what the timeframe was. Commissioner Constance explained that the USCORPS intended to move rather slowly. He said that it would probably be 90 days before a public hearing would be scheduled, so letters coming in would really help that process and having a vote subject to Charlotte County BCC approval would be fine.

Commissioner Duffy stated that she didn't feel that she had enough information on the issue. She would like to obtain information from Sarasota County.

Chair Turner requested Commissioner Constance clarify what he would be requesting from the Council. Commissioner Constance stated that he would like a letter of support for a public hearing to occur inviting all of the counties involved along with both the CHNEP and the SWFRPC.

Commissioner Mason stated that she was not aware of the request for the public hearing.

Commissioner Constance stated that he heard it from Mr. Pat Layman of the water authority. He said that it may be happening at the staff level and the county commissioners may not know about it.

Commissioner Hines stated that there was a report given on Tuesday from the water authority and this issue was not mentioned that he recalls. He said that he didn't have a problem with a public hearing because it is a huge regional issue, but he would like to retrieve more information on where it was coming from.

Ms. Donley explained that the CHNEP's Management Conference through several meetings drafted a letter and then sent it to the CORPS. A number of technical issues were identified and also some procedural issues which the Management Conference was surprised. One of the procedural issues was that it appeared that the area which was considered under the AEIS was smaller than expected, since we know that there will be impacts experienced south of the area which was studied. There were multiple requests that the AEIS be broadened to include a larger area and also include future mining. The CORPS responded to the future mining concern by stating that they would deal with them as the permits come up. The CHNEP specifically requested that supplemental EIS be performed for each of those. As for asking for a public hearing, the

NEPA process has a very strict procedure so the NEPA process is outside that procedure. She didn't believe it would change that process, but she believed that it would be a good way for the area to express its concerns since it was a regional request to have it performed in the first place.

Commissioner Constance explained that he was informed of the public hearing from Mr. Layman and he felt that it would be a good idea to piggy-back onto the idea.

Ms. Donley noted that she had suggested to Ms. Wuerstle that for the August 8 SWFRPC meeting that there be a brief factual presentation on the AEIS process and what triggered the request, what happened, what comments were made and what the next steps are. By August we should have the response from the CORPS on how they are going to deal with all the comments that are received.

Commissioner Mason asked that once she and Commissioner Hines find out where the information has been coming from within their staff, who should they report back to. Ms. Wuerstle stated that Commissioner Mason should report back to her.

Councilman Banks stated that if both Sarasota and Charlotte Counties voted in support of the public hearing and sends the RPC a copy of their letters he would like to give Ms. Wuerstle direction to be able to draft a letter stating that the Council supports their request.

A motion was made by Councilman Banks to draft a letter in the event that both Sarasota and Charlotte Counties weigh into Ms. Wuerstle and state that they approve of the letter being drafted. Commissioner Davis seconded the motion and the motion carried unanimously.

Chair Turner stated that the governor came to Hendry County approximately one week ago. He noted that Hendry County was up for approximately \$11 million of separate programming of appropriations and one program which Hendry County has is a force main sewer line. Both the House and the Senate Committees approved the project for \$3.1 million and then Governor Scott line item vetoed the project.

Chair Turner said that Governor Scott stated that Hendry County needed to make it clearer to FDEP the need for the project. He then asked if Hendry County drafted a letter could he receive a letter of support from the SWFRPC which would be included in the packet to the state legislature on the 14 lobbying sessions and also to Governor Scott. He asked for feedback from the Council on whether or not they felt that he should move forward.

Chair Turner stated that if the Council concurred that the support letter could go on the consent agenda for the August meeting.

Ms. Holquist stated that the Council should start thinking about the Council's legislative agenda. Ms. Wuerstle explained that Mr. Sean McCabe of staff has been assigned to work on the Council's legislative agenda.

Commissioner Constance stated that since the August meeting there will be the AEIS overview, he suggested that at the September meeting there be a discussion on the legislative agenda.

Councilwoman Simons announced that the week of September 23 is the first interim committee meeting for the Florida Legislature.

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

FDOT - Mr. Massey announced that Ms. Carmen Monroy is the new Director for the Southwest Area Office.

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

No comments were made at this time.

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

Commissioner Mann thanked staff and the Council for their immediate attention to the Hertz project.

Commissioner Constance announced that Charlotte County held a workshop with their emergency manager, Mr. Wayne Sallade, on hurricane preparedness. Commissioner Constance said that during the presentation he noticed on the maps the SWFRPC's logos and asked why that was and Mr. Sallade explained that it was coordination effort and everyone was on board with the exception of Collier County. He said that Collier County doesn't want to acknowledge wind speed zone maps, flood elevations, etc. He suggested that both Collier County and City of Naples make a decision on their own on if this really is what they want and if they want their citizens properly informed.

Councilwoman Heitmann said that for five years she has been asking who, what, where, when and how and what is she supposed to know. She thanked Commissioner Constance for his support in wondering where Collier County is on this issue.

Commissioner Constance suggested that Council staff contact Collier County staff and ask where their maps are, what their plans are and what they are doing, because as members of this Council there needs to be a standard that every county adheres to.

Commissioner Duffy noted that Charlotte County has a collar system on the poles and it seems to work very well. She then expressed her concerns regarding hurricane evacuation.

Commissioner Constance expressed how important it was to address the evacuation needs for special needs residents.

Mr. Mulhere explained that Collier County does have lists of their special needs residents. He then stated that that Collier County used the SLOSH maps and asked Commissioner Constance which maps he was referring to.

Commissioner Constance stated that it was his understanding from Mr. Sallade that Collier County may have the elevation maps, but they didn't have the velocity maps.

Ms. Holquist stated that she felt that the issue of hurricane evacuation needed to go through a paradigm shift.

Mr. Mulhere stated that this used to be dealt with regionally, but he doesn't know if it is still being done that way.

Mr. Tim Walker of staff explained that the SWFRPC is heading a pilot program for creating new storm surge maps for all four of the coastal counties in Southwest Florida. We are creating more accurate maps based on the directional storms. He noted that all four of the emergency managers, including Collier County, are on board. The maps will give a more accurate picture based on directional storms as far as evacuation.

Councilwoman Simons spoke to the issue of not having enough hurricane approved shelters.

Vice Mayor Shaw thanked everyone for the DMI project presentation.

Chair Turner thanked Ms. Wuerstle for attending the City of Clewiston Council meeting.

**AGENDA ITEM #15
ADJOURNMENT**

The meeting was adjourned at 10:16 a.m.

Commissioner Tom Jones, Secretary

The meeting was duly advertised in the June 3, 2013 issue of the **FLORIDA ADMINISTRATIVE REGISTER, Volume 39, Number 107.**