

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
OCTOBER 15, 2015 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **October 15, 2015** at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. In the absence of Chair **Bob Mulhere**, Vice-Chair **Don McCormick** called the meeting to order at **9:00 AM**. **Mayor Willie Shaw** then led an invocation and the Pledge of Allegiance. Nichole Gwinnett of staff conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Ken Doherty, Commissioner Tricia Duffy, Councilwoman Nancy Prafke, Mr. Don McCormick

Collier County: Commissioner Penny Taylor, Councilwoman Teresa Heitmann, Mr. Alan Reynolds

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Don Davis, Commissioner Julie Wilkins, Mr. Mel Karau

Lee County: Commissioner Frank Mann, Commissioner Cecil Pendergrass, Councilman Forrest Banks, Councilman Jim Burch, Councilman Mick Denham

Sarasota County: Commissioner Charles Hines, Councilman Kit McKeon, Mayor Willie Shaw

Ex-Officio: Ms. Sara Catala- FDOT, Mr. Phil Flood - SFWMD, Mr. Jon Iglehart - FDEP

MEMBERS ABSENT

Charlotte County: Ms. Suzanne Graham

Collier County: Commissioner Tim Nance, Mr. Bob Mulhere

Glades County: Commissioner Weston Pryor, Councilwoman Pat Lucas, Commissioner Tim Stanley

Hendry County: Commissioner Karson Turner, Commissioner Sherida Ridgill

Lee County: Commissioner Katy Errington, Mayor Anita Cereceda, Ms. Laura Holquist

Sarasota County: Commissioner Carolyn Mason, Mayor Rhonda DiFranco, Mr. Felipe Colón

Ex-Officio: Ms. Tara Poulton for Melissa Dickens – SWFWMD

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comment was given at this time.

**AGENDA ITEM #5
AGENDA**

Councilman Burch recommended moving Agenda Item #11(f) Legislative Priorities to the top of the agenda for discussion.

Vice-Chair McCormick noted that there would be an additional item added to the agenda regarding a letter of notification to the counties on the special assessment.

A motion was made by Council Burch to approve the agenda as amended. The motion was seconded by Commissioner Wilkins and passed unanimously.

**AGENDA ITEM #6
Minutes of the September 17, 2015 Meeting**

It was noted that the minutes of the September 17, 2015 meeting were going to be included in the November agenda packet.

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

Vice-Chair McCormick stated that a formal notification should be sent to the counties letting them know that there was no interest in the proposed onetime assessment.

Commissioner Mann asked who the letter was to be sent to. Vice-Chair McCormick explained that the letter will be sent to all of the counties within the region.

A motion was made by Commissioner Mann to send a letter of notification to the six counties stating that there was no interest in the proposed special assessment. The motion was seconded by Mr. Perry and passed unanimously.

**AGENDA ITEM #7(a)
Sale of the Building**

Vice-Chair McCormick announced that the Council did receive an offer of \$1.2 million for the building with no contingencies other than a 45 day due diligence regarding the condition of the building. There isn't a lease back provision included within the sale.

Ms. Wuerstle noted that the offer was included in the agenda packet. The offer came in at \$1.2 million from Family Health Centers. All of the counties were notified and the notice of sale was published for two weeks in each of region's newspapers. She then noted that today, October 15, is the deadline for a decision to be made on whether or not to accept the offer. She explained that with the sale price of \$1.2 million and after paying all of the fees involved the Council should net approximately \$150,000. In addition to that, since she had originally put in the FY15-16 budget the loan payment of \$128,000, plus utilities, etc. the Council's FY15-16 budget should increase approximately \$100,000, so the reserves should be able to be replenished with the savings.

Ms. Wuerstle explained that if the Council decided to accept the sale offer of \$1.2 million, she had a resolution prepared. There is also a second resolution authorizing the executive director to find a new location for the Council and authorizing the executive director to negotiate a lease. It is a very short turnaround with the 45 day due diligence and then closing within two weeks. The closing would be sometime in the middle of December and she would like to be able to have a new location selected and have moving completed.

Vice-Chair McCormick said that he felt that the Council needed to first discuss the issue of the sale of the building (Resolution #1) and if the Council passes the first resolution then move onto the second resolution with the authorization of a lease.

A motion was made by Commissioner Davis to approve the first resolution regarding the sale of the building. The motion was seconded by Councilman Burch.

Commissioner Doherty asked about the options for leasing, location, etc. and if staff could be able to move within the timeframe. Ms. Wuerstle explained that she believed that the move could be done. She believed that the first space that she would be pursuing is located within Lee County in downtown Fort Myers. The price seemed to be very reasonable; it had meeting space, parking, etc. If the Council approves the second resolution she would like to move forward in negotiating a lease with Lee County for the space.

Commissioner Mann asked Ms. Wuerstle if she had an idea of what the difference would be with a lease versus the current mortgage, since there currently isn't anything in writing with the potential landlord. Ms. Wuerstle explained that at the time that staff went to see the space for the first time, it was mentioned to staff that the rent would be approximately \$7.00 per square foot for 7,000 square feet which totaled \$49,000 annually and it included utilities, cleaning, there was a minimal parking fee, etc. She had estimated that for ten staff it would cost approximately \$3,000 which is less than what the current utilities bill is. The overall savings with a lease at \$49,000 versus a loan \$128,000 annually is approximately \$79,000.

Commissioner Mann asked if staff had an estimate on what the moving costs would be. Ms. Wuerstle explained that she didn't have an estimate at this time. Ms. Pellechio noted that when the Council moved from its North Fort Myers office to its current office location it cost the Council approximately \$25,000; however, there were a lot more staff and equipment, etc. to be moved.

Councilman McKeon said that he felt that this was outstanding considering all of the discussions that the Council has had over the past year. With the sale of the building it would get the Council

out of its current financial situation. He said that staff should be applauded for the work that they have done in order to get us to this point.

Commissioner Doherty asked Ms. Wuerstle if she had an idea of how many years the lease would be for. He felt that it shouldn't be a long-term lease. Ms. Wuerstle noted that since negotiations haven't been started she really doesn't know.

Councilman Burch asked for clarification if the motion included the approval of the resolution or just the sale of the building. Vice-Chair McCormick explained that the first resolution is the approval of the sale. As the motion maker, Commissioner Davis explained that his motion was to approve the first resolution, which was to approve the sale of the building.

Councilman Burch noted that he was concerned having the Council negotiating a lease with a county that has placed within their legislative priorities that they support the "opt out" legislation. So there is that issue that the Council would have a lease with a county who may choose to opt out of the Council. He said that he felt that the Council needs to be very careful on how a lease is structured due to that situation. He said that there is a possibility of conflict of interest.

Commissioner Duffy asked Ms. Wuerstle for her opinion on the proposed sale offer. Ms. Wuerstle said that she felt that it was a good offer on the building and that the Council should accept the offer for the sale of the building.

Commissioner Pendergrass said that on his behalf he isn't going to do anything to promote the Lee County BCC to "opt out" of the Council should the legislation pass. He will not be in Tallahassee lobbying for that effort. He feels that the Council would be a great tenant, Lee County would be a great landlord to the Council, and it is a great location for the Council.

Commissioner Wilkins pointed out that with such a short timeframe there needs to be some contingencies within the lease that if for some reason the sale doesn't go through that the Council wouldn't be committed to the lease. She then suggested asking Family Health Centers if they would consider giving the Council a grace period even if the Council had to pay for it in order to allow the Council more time to move after the closing.

Councilman Banks asked if the Family Health Centers was a private company. Ms. Wuerstle said that she didn't know at this time. Councilman Banks then said that if they are then it is a benefit to the City of Fort Myers because it would increase their tax revenues.

Commissioner Mann stated that could be a conflict of interest. Councilman McKeon explained that it is his understanding that it isn't a conflict of interest as long as there isn't any personal gain.

Commissioner Davis called to question. Call to question passed unanimously.

Vice-Chair McCormick referred to the first motion for action.

Commissioner Mann asked about Commissioner Wilkins' suggestion on requesting a grace period being part of the motion. Commissioner Davis stated that the first motion is just to approve the sale of the building. Commissioner Mann said that he felt that it needed to be included in the motion

regarding the sale of the building. It is a very quick closing on a million dollar sale and he doesn't feel that it would be unreasonable to ask for a grace period if needed.

The motion passed unanimously.

Vice-Chair McCormick then moved onto the second resolution regarding giving the executive director the authority to execute a lease agreement for the Council's new location.

A motion was made by Councilman Burch to approve the second resolution giving the executive director the authorization to enter into a lease agreement for a new location. The motion was seconded by Commissioner Davis.

Ms. Wuerstle explained that staff has been working with the realtor and there is an understanding that it is a real tight turnaround. She said that if a lease is agreed upon with Lee County it does have to go before the Lee County BCC for final approval. Staff has also been working with the investors and they have been very accommodating.

Commissioner Davis said that he has confidence within the executive director to make the correct decisions regarding the lease.

Commissioner Doherty asked Ms. Wuerstle if a conference call with some of the Council members in regards to either the sale of the building and/or the lease could it be done relatively easy. Ms. Wuerstle said yes it could be done.

Councilman Burch asked if the negotiated lease would be brought before the Council for their final approval. Ms. Wuerstle said that it wasn't her intent to bring it before the full board; however, if there is adequate time to bring it before the Council she would certainly do that.

Councilwoman Heitmann asked if such an issue wouldn't be a decision for the Executive Committee. Ms. Wuerstle agreed that if needed she would take it before the Executive Committee. Councilman Burch said that he felt that it needed to go before either the Executive Committee or the full board for a final approval.

Commissioner Davis called the question. Called question passed unanimously.

Vice-Chair McCormick moved onto the second motion on the second resolution giving the executive director authorization to enter into a lease agreement.

The motion carried unanimously.

AGENDA ITEM #11(f)
Legislative Affairs Committee

Commissioner Doherty stated that he agreed with the proposed legislative priorities with the exception of the \$2.8 million for the visitor center under Item #4. He explained that Charlotte County is currently in the process of trying to secure the land. Charlotte County Commissioner Constance will be presenting that information to the legislative delegation, he will be explaining that

it is still a priority for Charlotte County but will not be requesting any funds at this time because they simply are not at that point at this time.

A motion was made by Councilman Burch to approve Item #4 without the \$2.8 million and also approve the remaining listed priorities. The motion was seconded by Commissioner Doherty.

Commissioner Mann referred to Item #2 - County Opt-Out Provision from Regional Planning Councils and explained that Lee County's position and what was presented to the legislative delegation is opposite of what is listed within the Council's priorities. He suggested voting on Item #2 separate from the remaining priorities.

As the motion maker Councilman Burch agreed to remove Item #2 and vote on it separately from the remaining priorities. As the second, Commissioner Doherty agreed to remove Item #2 for discussion.

The motion passed unanimously as amended, not including Item #2 - County Opt-Out Provision from Regional Planning Councils.

Vice-Chair McCormick asked for action to be taken on Item #2 - County Opt-Out Provision from Regional Planning Councils.

A motion was made by Councilman Burch to approve Item #2 as presented. The motion was seconded by Mayor Shaw.

Commissioner Doherty went on record as being opposed to Item #2 because he felt that the Council needed to be very careful on what message they sent up to Tallahassee; because he felt that such a legislation could be catastrophic to the RPCs.

Commissioner Pendergrass stated that Sarasota County had taken the same position on Item #2 as Lee County and wanted to know if they had an update to their position at this time. Commissioner Hines explained that he did take the issue back before the Sarasota County BCC and they didn't change their position on the opt-out provision. He then said that he was obligated to vote "no" on Item #2 because it would be contrary to what the BCC had voted.

Councilman Denham asked how many counties within the region are in support of the opt-out provision. Ms. Wuerstle said that to her knowledge there were just the two counties within the Southwest Florida region.

Councilman Burch referred to Mr. Tuscan's comments at the September meeting in regards to having two counties support the opt-out provision and what the ramifications could be to the RPC.

Vice-Chair McCormick asked for a vote on Item #2 - County Opt-Out Provision from Regional Planning Councils as proposed within the Council's Legislative Priorities.

The motion carried with three opposed.

Councilman Denham asked what FRCA's position was on the opt-out provision; especially, since they are aware that two of the counties within Southwest Florida support the provision. Ms. Wuerstle explained that FRCA is aware of the situation because it was brought up at the last FRCA meeting. Mr. Book wasn't present at the meeting; however, Rana his assistant was present. She explained that there really weren't any comments made at that time on the issue.

Commissioner Mann asked for clarification that FRCA's Executive Director, Ron Book, was not in attendance at the last FRCA meeting. Ms. Wuerstle said that was correct, but his assistant was present. Her perception was that Mr. Book wasn't concerned about the opt-out provision. She said that she felt that it should be a big concern since it could have ramifications for all of the RPCs; especially since another county within another RPC supported the opt-out provision.

Councilman Denham asked what FRCA's position is on the opt-out provision. Ms. Wuerstle said that she hasn't seen FRCA's legislative priorities at this time. Usually FRCA does come out with legislative priorities and it is expected that all of the RPCs support those priorities. Councilman Denham stated that the RPCs are expected to pay their dues but with no return from FRCA. He has a great amount of concern on whether or not to continue being a member of FRCA. He asked Ms. Wuerstle what the annual dues were that are paid to FRCA from the SWFRPC. Ms. Wuerstle said \$20,500.

Councilman Denham stated that he didn't see any reason to keep paying FRCA over \$20,000 annually when the SWFRPC receives nothing in return. Ms. Wuerstle noted that \$15,000 hasn't been paid to FRCA from last year's dues. She then explained the organization of FRCA and stated that recently a new Chair had been appointed to FRCA's Policy Board. He has been attending the Executive Directors meetings, and he is now putting together a "path forward" committee to make some changes on the organization of FRCA. She said that if the new chair is able to make those changes that it would be a very positive move forward.

A motion was made by Councilman Denham to have a discussion on the possibility of having the SWFRPC discontinue being a member of FRCA if FRCA isn't supporting the SWFRPC. The motion was seconded by Commissioner Wilkins.

Councilman Denham said that with the changes made in the legislature, by removing DRIs, comp plan reviews, etc. that the same thing should be done to FRCA. Ms. Wuerstle explained that she felt if the SWFRPC pulls out of FRCA then the SWFRPC would be the next RPC that gets eliminated as did Withlacoochee.

Discussion ensued on FRCA not meeting the RPC's needs.

Councilman Denham noted that his motion was to have a discussion regarding FRCA, so further action needs to take place.

AGENDA ITEM #8 STAFF SUMMARIES

This item was for information purposes only.

**AGENDA ITEM #9
CONSENT AGENDA**

A motion was made by Commissioner Doherty to approve the consent agenda as presented and then Councilman McKeon seconded the motion. The motion passed unanimously.

**AGENDA ITEM #10
REGIONAL IMPACT**

Ms. Wuerstle explained that Mr. Dan Trescott of Trescott Planning Solutions would be presenting the following items.

**AGENDA ITEM #10(a)
Palmer Ranch Increment XII NOPC**

Mr. Trescott presented the item.

A motion was made by Commissioner Pendergrass to approve staff's recommendations. The motion was seconded by Mayor Shaw; the motion passed with Mr. Reynolds abstaining.

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

Councilman McKeon gave the report. He then referred to page 92 of the financials and explained that it illustrates the close out of FY4-15. The Council had approved for staff to take \$125,000 out of reserves in order to cover the Council's deficit. At this time the financials show that there is an increase of the deficit to \$139,000. However, on page 95 there is an unrecovered deficit of \$15,000. It is anticipated that revenue will be recovered in order to close out the FY14-15 year.

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

No report was given at this time.

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

Vice-Chair McCormick presented the item. He referred to a handout indicating which cities/counties haven't participated.

Councilman McKeon stated that he will speak with staff on getting a point of contact for the City of Venice.

Commissioner Doherty stated that he will also speak with staff in regards to getting a point of contact for Charlotte County.

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

Mr. Beaver noted that there wasn't a report for the ABM due to the regular meeting fell on Columbus Day so it had to be rescheduled to October 26.

AGENDA ITEM #11(e)
Executive Committee

No report was given at this time.

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

Mayor Shaw announced that the committee had met briefly last month and he is hoping to have a presentation given to the Council at a future meeting.

AGENDA ITEM #11(h)
Regional Transportation Committee

Ms. Wuerstle noted that the committee hasn't met; however, she had been in contact with FDOT District 1 Secretary Billy Hattaway and she is in the process of having him come down to give a presentation to the Council at a future meeting.

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

Councilman Burch gave the report.

Vice-Chair McCormick announced that the next meeting of the Council has been scheduled for November 12.

AGENDA ITEM #12(a)
Imperiled Species Management Plan Presentation

Ms. Claire Sunquist Blunden of Florida Fish & Wildlife Conservation Commission (FWC) gave a presentation of "Imperiled Species Management Plan".

Councilman McKeon asked Ms. Blunden the definition of "delisted". Ms. Blunden explained that when a species is "delisted" it means that that particular species didn't meet the FWC's criteria for listing.

Mr. Karau asked about the criteria it is based on. Ms. Blunden explained that FWC uses the international criteria, the ICN criteria. There are a number of factors that have to be considered and also its regional importance in Florida.

Commissioner Doherty asked Ms. Blunden to give an example of a delisted species. Ms. Blunden noted that the Brown Pelican came off the list; it was previously listed as a species of special concern.

Commissioner Wilkins asked Ms. Blunden if the alligator was still listed. Ms. Blunden explained that the alligator is still listed as similarity and appearance with the crocodile. FWC is in the process of re-evaluating the crocodile listing at this time. The alligator is not a protected species, since they are hunted and harvested, but they are still listed for similarity and appearance. Commissioner Wilkins clarified that it is against the law to shoot an alligator. Ms. Blunden said that he was correct. Commissioner Wilkins clarified that since the alligator has a hunting season it is not a protected species. Ms. Blunden said that was correct.

Councilman Burch asked Ms. Blunden to explain FWC's permitting process. Ms. Blunden explained that FWC's standard for a permitting process is not recovery, so the FWC doesn't use agency permitting to recover a species because they use their resources and conservation to recover those species. The burden is not on the permittee to recover state listed species because they are at a different threshold.

Discussion ensued on FWC's processes.

Councilman Banks asked Ms. Blunden what was the habitat for the Sanibel Rice Rat. Ms. Blunden explained that the Sanibel Rice Rat lives in freshwater marshes and mangroves. Mr. Beaver explained that the Sanibel Rice Rat was restricted to the central freshwater wetland on Sanibel Island.

Discussion continued on the changes in FWC's policies.

Ms. Blunden continued with her presentation. She announced that the draft management plan and its associated rules will be presented to FWC's Commission in November 2015. There will be a 60 day comment period from November to January, then the comments would be incorporated and the final plan and associated guidelines would be presented in April 2016.

Commissioner Mann asked Ms. Blunden about the black bear. Ms. Blunden explained that the bear already had a management plan in place so it is not included within this plan. She explained that in 2012 the bear was delisted and it has come to the point where FWC will be executing a bear hunt.

Commissioner Mann asked Ms. Blunden the difference between the Big Cypress Fox Squirrel and the Sherman Fox Squirrel and asked if he needs to pay more attention to one than the other. Ms. Blunden explained that there are three species of the Fox Squirrel and the Caloosahatchee River is the dividing line between the Big Cypress and Sherman Fox Squirrel. The Big Cypress Fox Squirrel is listed as being "threatened" and the Sherman Fox Squirrel is listed as a "species of special concern". The Big Cypress Fox Squirrel habitat is predominantly wetter cypress habitats. Mr. Beaver explained that there are subspecies of the fox squirrels.

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

FDEP - Mr. Iglehart announced that DEP's drinking and wastewater project RFP are out.

FDOT - Ms. Catala noted that she had distributed a handout regarding the upcoming FTP Webinar.

SFWMD - Mr. Flood announced that the SFWMD has a new executive director

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

No comments were made at this time.

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

Councilman Denham stated that the City of Sanibel and a number of businesses on Sanibel have been very engaged with the Solar Ready II project.

Councilman McKeon announced that he was unable to attend the November 12 meeting due to a scheduling conflict.

**AGENDA ITEM #16
ADJOURNMENT**

The meeting adjourned at 10:20 a.m.



Mr. Forrest Banks, Secretary

The meeting was duly advertised in the October 1, 2015 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 41, Number, 170.