

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
MAY 19, 2022, MEETING**

The in-person and zoom meeting of the Southwest Florida Regional Planning Council and Executive Board was held on May 19, 2022, at the South Florida Water Management District Office with a conference call option. Governor Appointee and Council Chair, Mr. Don McCormick called the meeting to order at 9:00 a.m. There was a quorum of the Executive Committee present.

BOARD MEMBERS PRESENT

Charlotte County: Mr. Don McCormick – Chair, Commissioner Jaha Cummings

Collier County: Commissioner Bill McDaniel, Commissioner Rick LoCastro (*Zoom*),

Glades County: Mr. Tommy Perry - Governor Appointee, Chairman Tim Stanley

Hendry County:

Lee County: Commissioner Cecil Pendergrass

Sarasota County:

OTHERS PRESENT

Ms. Margaret Wuerstle - Executive Director, SWFRPC, (*Zoom*)

Ms. Rebekah Harp - SWFRPC

Ms. Tracy Whirls - SWFRPC

Mr. Jim Burch – SWFRPC, (*Zoom*)

Ms. Asmaa Odeh – SWFRPC, (*Zoom*)

AGENDA ITEM #6(a)
MINUTES OF THE APRIL 21, 2022, MEETING

Commissioner Bill McDaniel offered a motion to accept the minutes of the April 21, 2022, Executive Committee Meeting. Mr. Perry seconded the motion to accept the minutes of the April 21, 2022, Executive Committee Meeting. The action was approved unanimously.

AGENDA ITEM #7(a)
FINANCIALS GOVERNMENT FUND ACTIVITY – PER AUDIT (INFORMATIONAL ITEM)

Ms. Harp explained that the chart is for informational purposes pulled from the audit charts per the request of Commissioner McDaniel for all to review. Ms. Wuerstle explained that the chart is to show a comparison from year to year of what has been happening. Commissioner Bill McDaniel explained that he requested this be in the packet to encourage a discussion of what we are doing with the organization. It shows that sooner or later we will run out of reserves. Commissioner McDaniel would like to request that this slide continually be brought forward in the meeting packets.

AGENDA ITEM #8(a)
ORGANIZATION STRUCTURE DISCUSSION: INTERLOCAL AGREEMENT AND BYLAWS

Commissioner McDaniel continued to explain the importance of discussion on the relevancy of the RPC and for those not in support, he encouraged discussion. Commissioner McDaniel continued to explain that during his five-year tenure on the board, there has been a continued discussion on relevancy. There was even a relevancy committee formed in the past which took many hours and a great deal of time from the members. If this organization is going to survive, there needs to be a revenue stream. As a point from Lee County's response letter, Commissioner McDaniel clarified that there is no obligation for contribution to this organization on a per capita basis. Commissioner McDaniel explained that his rationale is that those elected officials that are contributing, be able to make a determination as to whether or not there is relevancy for the taxpayers. If there isn't then you don't have to pay. If you don't pay you don't get to vote. McDaniel explained that there is nothing we are voting on, we are simply an advisory board. This organization should be carrying information from my neighboring counties, communities, and municipalities back to my staff. So that my staff has the capacity to know and form the decision based on what the other counties are doing. If this organization is going to stay around, we have to have a discussion on how we get there. If you don't like the relevancy of the organization, make suggestions. McDaniel continues to explain that he has said from the beginning that if somebody else, such as Cecil, has a better mouse trap, then let's talk about it and have a discussion about it. We can have the FGCU compact, that you and I can have with our issues like relevancy, sea level rise, etc.

Commissioner McDaniel continued to explain that with regards to relevancy, this organization has legal parameters. We are a legally constituted organization; we have a legal description of bylaws, and we have the capacity to do things in conjunction with each other. On a regionality

basis, Collier County needs to know what Lee County is doing with their GMP, when making substantive adjustments. Lee County has seen the burden by Charlotte County with Babcock Ranch. We saw that five years ago when looking at that comp plan amendment and the stress that has been put on Lee County's infrastructure because of the development in Charlotte County.

Commissioner McDaniel explained that he is not in disagreement with Lee County's letter to disband the requirement to be part of an RPC if there is no relevancy. However, McDaniel did not concur that we should throw in the towel. McDaniel explained that he would rather reorganize it, reconstitute it and rebrand. There are thriving RPCs in the State of Florida, Central Florida is in fact one of them. If Lee County wants to disavow the statutory requisite of being a member of an RPC and they are successful then so be it. McDaniel explains that he on the other hand believes that there is a rationale regionality that needs to be discussed and communicated. McDaniel continued to explain that we have commonalities in certain circumstances. We all have commonalities of resiliency. We have things that we can learn from each other, trials and errors. That is why the financial chart was pulled from the audit shows the history of the RPC. It's a direct correlation of the disavowment of the Department of Community Affairs. This organization has never amended its bylaws and has never amended its interlocal agreement – since the RPCs existence.

Commissioner McDaniel asked if we received any other responses, other than Lee County. Mr. McCormick responded that that is the only one received. Ms. Wuerstle interjected and said that we received the letter from Commissioner Pendergrass with Lee County. We also heard from Sarasota County stating that they passed it along to their administration. Ms. Wuerstle also heard from Commissioner Donna Storter-Long that they will be inviting us to the Glades County Board to do a presentation.

Commissioner Pendergrass asked if we have a quorum in which Mr. McCormick responds that we do have a quorum of the executive committee. Commissioner Pendergrass explained that the letter was sent on behalf of the Board of the Lee County Commissioners based on the information provided here last month. Commissioner Pendergrass stated that Commissioner McDaniel brought up Babcock Ranch and explained that Lee County has been successful working with the MPO for improvements to 31. Commissioner Pendergrass explained that back in 2012 Babcock Ranch brought him to the table of this board as well as all the comments made by this board for Riverhall's comp plan amendment. Commissioner Pendergrass explained that things like that have been around historically in the past. However, Lee county is moving forward with their projects, such as 31 and south Lee County. With the issue of the FGCU compact, that is going to be another discussion. Commissioner Pendergrass continued stating that he's not sure if they will be there next year and now you are seeing Lee, Collier and Charlotte County Managers taking a different approach like a compact with FGCU running it. Commissioner Pendergrass continued to explain that even with the compact, how do you justify charging travel or staff time for attending the compact meetings to the taxpayers. What is the public good for Lee County or Collier County other than getting grant money – what's the public good?

Commissioner McDaniel responded by explaining that he and Commissioner Pendergrass are friends but can disagree. The discussion needs to be had because it isn't just Lee County. If Lee County doesn't want to play, then so be it. They can take whatever actions they choose. If Charlotte, Collier, Glades, Hendry and Sarasota wants to play, then we will continue to move forward. Everyone is entitled to their opinion, and McDaniel's has the support to carry this forward from his board to see if we can provide some relevancy. McDaniel continued stating that he wasn't given an audience to come speak to Lee County's board. The last sentence in the letter from Lee County was a misinterpretation and a misrepresentation. McDaniel explained that in fact there is no dictatorial policy that states that you in fact have to pay. It is voluntary pay – if you don't pay and it is split into 4 payments, which gives you 90 days and if you don't see relevancy, then you don't pay. The only thing lost is the right to vote, and we can still bring back recommendations for all of us to carry back to our boards. This organization is strictly a regional planning council where we all get to compile, at a periodic time frame, of what's going on in a regional basis. There is no decision making, no authority here. Commissioner McDaniel explains that he certainly agrees with Commissioner Pendergrass and that he made a comment regarding Babcock Ranch and the lack of infrastructure that Charlotte County was providing and the burden that it put on Lee County's infrastructure specifically on 31.

Commissioner Pendergrass responded by explaining that this board with prior commissioners and one current commissioner fought strongly for many years against Babcock Ranch because they didn't want to see the road through Lee County. It happened so now Lee County has to supply the infrastructure. This is a perfect example of what happened back in 08-09 and why this was a useful platform to keep that from happening at the time with the DRI's.

Commissioner McDaniel agreed with Commissioner Pendergrass that with the disavowment of DCA and the restructure statutorily of the RPCs was mandated by Governor Scott and because of that dysfunctionality counterproductive maneuvers transpired. The difference is that the SWFRPC has not amended their charter, bylaws or their constitution to be in conformity with state statutes. That is the proposition that is here.

Mr. Perry explains that the council had a definitively regulatory purpose for many years. Previously one of the members of this board said they got their project through, and it cost a million dollars, which is a lot of money. Mr. Perry continued stating that isn't the case today. When he thinks regional planning council and looks at the Executive Directors desk, there isn't stacks of paper on regulatory issues, there are stacks of paper on saving the Everglades and running the systems that bring quality to the region. There is maybe one sheet on regulation. That's how we look at planning, we look at it as moving and approving development. Planning is a lot more than that, it's the opioid study that was done here. That effort was to plan and get people going in the same direction. Mr. Perry stated that the young people that worked on it at the SWFRPC did a great job. Mr. Perry continues that this organization has a place, its not as regulatory, its not as portent to development. It's coordinating efforts that are efficient at working across county lines. Mr. Perry explains that in past meetings he has defended the RPC,

but then trying to determine if the million-dollar budget is worth what it is doing. We now have shown that the organization can have a smaller budget and survive, but it has to be impactful, and it is not today. He believes that it is the counties decision, not the RPC or cities, the counties need to decide if they want to pay. There is somewhere in their back budget that if they decide that we are useful then they will pay. We need to be something like the 10-county coalition where we can come together and talk, and this should be a forum to help with discussions. However, it has to grow from the county's decision.

Commissioner McDaniel agreed with Mr. Perry explanation that is why he and Margaret redid the constitution to limit the membership to the signatory appointment and two commissioners from each county. This will bring it back to a smaller group to make some effective decisions and then see if Lee County wants to play and let them decide how many of their municipalities are going to be voting members along the way and if they are going to pay.

Commissioner McDaniel stated that we need to limit the time that we present to the county boards. He explained that the letter sent to each of the counties by Mr. McCormick, was in his opinion, more in the letter than just the issue of the bylaws and interlocal agreement.

Commissioner McDaniel explained that he is not stuck on any one issue with the bylaws or interlocal agreement, but more focused on the restructuring overall. Including dividing the dues up on a quarterly basis to lighten the burden of the larger counties per capita expense.

McDaniel continues that he cannot say that he will not join with Lee County down the way, however if this RPC doesn't get fixed he will be joining to disavow them. However, there are issues with that because there are other organizations popping up because of the lack of regional communication. The compact is one of them and we saw the dysfunctionality that came out of that. There is also a regional study on transportation, which is another example of why we need regionality.

Commissioner Pendergrass asked if the original question that was asked to bring to the county boards was to ask the county attorneys to review the interlocal agreement – the language that was proposed and if there were any conflicts as well as do a presentation. Commissioner Pendergrass asked if we have heard anything back yet from the counties about directing their county attorneys to review? Commissioner Pendergrass asked if any of the counties responded with their county attorney's review? Ms. Wuerstle explained that Sarasota County has passed the request on to their administration. We of course have Lee County's letter and Glades County said that they will be inviting us to come do a presentation. Those are the three counties we have heard from. We have not received anything back from the attorneys with comments or questions on the actual documents yet.

Commissioner Pendergrass explained that he personally and the Lee County Commission spoke about this, we are not trying to make the RPCs go away. Some RPCs like in North Florida and in the panhandle, they are in need and used very effectively. Commissioner Pendergrass and Lee County is not trying to do away with the whole big picture. If there is a way to do that, sure we will look at that. Commissioner Pendergrass explained that he was not trying to do that

personally; he was just trying to not to get put in the position that we have to pay for something we have no use for. If he takes it back to the communities and taxpayers and they tell us that we need this much money for this, and explain this is what you actually do – what’s the purpose, what you actually do and what have you accomplished. If the taxpayers feel confident, then Commissioner Pendergrass is ok with it. But for Lee County that wasn’t their position from what the board thought. Commissioner Pendergrass explained that we still have to have an RPC until the state changes that in the future, but lets see what we can do as an organization. Commissioner Pendergrass explains that there is a need for RPCs statewide like in the northern counties because they don’t have the resources like our county have with community development and other resources.

Councilman Cummings commented that there is a need for this and he believed we have to do some degree of rebranding. How will we get there? He believed it is very simple, but it is not perceived that way because of the past. He sees a lot of push back but no one can seem to articulate why. Councilman Cummings provided two good examples where organizations raised money. Councilman Cummings continued to explain those organizations and the issues they faced and the ultimate success and benefits they reached.

Commissioner McDaniel appreciated Councilman Cummings comments and explained that maybe Lee County will adjust their opinion and will allow us to come to their board to share some of these pretenses. Commissioner McDaniel explained that he should have an answer from his board next week. He didn’t believe there is a need to come address his board since he has their approval to move forward to pass it on and get those comments back from the county attorney and staff with regards to the ILA and bylaws. We can bring all of the comments in and compile them.

Mr. McCormick added that he would like to come speak to Collier County’s board, as Commissioner Pendergrass explained, we have to have value. Mr. McCormick would like to address MCore and the fact that MCore was never discussed at the regional planning council level. Mr. McCormick continues to explain that MCore originated in Tallahassee and was not sold to anyone. 1,000 friends of Florida decided it was an environmental issue. MCore was not only about a road. Commissioner McDaniel explained that he was appointed by the RPC and attended all of the MCore meetings and that the meetings were absolutely politics from the beginning to the end. Commissioner McDaniel continued to explain the political issues. Mr. McCormick explained that it wasn’t only about a road, it was a spine that would carry the high speed internet optical cables that would allow all our citizens to have access to high speed internet. The high-speed internet element is extremely important and valuable to all our citizens of southwest Florida. Discussion continued regarding MCore and the compact with FGCU and funding issues it presented.

Commissioner McDaniel explained that he will get the SWFRPC on the agenda and Mr. McCormick explained that there is another reason he would like to come and speak to the Collier County BOCC. Mr. McCormick explained that there is baggage that needs to be addressed. The baggage was that over the last ten years, discussion was had related to who

was going to be a member and who was going to pay. There was continual friction over that issue that wasted everyone's time. Commissioner McDaniel respectively expressed that there does not need to be a regurgitation of the past issues. There needs to be a discussion of how we are going to move forward. Commissioner McDaniel would rather spend the time going over the issue that the SWFRPC exists legally but is operating outside the bounds of the state statutes with regards to how we are doing what we are doing – that needs to be fixed.

Mr. McCormick doesn't want to rehash the history of the RPC, but explained that we dropped the ball of the high-speed internet and failed our constituents.

Commissioner Pendergrass would like to clarify that the Lee County Board does not have time for a presentation on the agenda, however there is public comment available for anyone. So if anyone would like to come, you are more than welcome to come. There won't be dialog back and forth as they run a strict meeting, however the public comment is an option.

Commissioner Pendergrass asked if Collier County has public comment for this presentation. Commissioner McDaniel responded that Collier also has public comment. Commissioner McDaniel explained that he does not want to come to Lee County right now since they have taken a vote and are clear at this point. Right now, Commissioner McDaniel would like to focus on those that want to participate and then circle back to Lee County. Commissioner McDaniel stressed that he is not excluding Lee County, but possibly after we hear from the other counties Lee might change their perspective.

Commissioner Pendergrass would like to be clear that their board hasn't changed their mind over the last four years. Commissioner Pendergrass also explained that the RPC cannot do anything without all counties as it stands in the Interlocal agreement.

Commissioner McDaniel expressed that there is no malice and continued to explain that every county has to be part of an RPC per state statute. Whether or not we continue to amend our ILA and bylaws is the decision of the RPC.

Commissioner Pendergrass explained that each county attorney will need to review what has been submitted to and bring back to the SWFRPC to ensure that everything submitted is legal.

All concur and see a positive step forward.

AGENDA ITEM #8(b)
INLAND PORT UPDATE DISCUSSION

Ms. Whirls explained that in the packet is a five-page synopsis of the sixty-five-page Florida Trade and Logistics 2030 study. Ms. Whirls explains that if anyone is interested in seeing the report, she would send it as well as answer any questions. Ms. Whirls explained that there was an opportunity that arose from a direct result of her and Councilman Cummings discussion with the Florida freight advisory committee at their February meeting regarding inland ports. Margaret received an email from Andrew Hecker from Port Miami requesting the Southwest Florida Regional Planning Council's support for a mega application that they are submitting. More importantly he is testing the SWFRPC's willingness to collaborate with Port Miami on a regional project going forward. He sent a PowerPoint on their project. Ms. Whirls continued to go over the presentation which discusses the project and supply chain.

Ms. Whirls explained that this is a huge project and opportunities for Southwest Florida and the Regional Planning Council. Transportation is a huge issue that keeps getting brought up and is relevant to this organization. There are several other huge and important relevant issues that can be addressed moving forward.

AGENDA ITEM #9
DIRECTORS REPORT

Ms. Wuerstle explained that a list of the comp plan amendments received since the last meeting are included in the packet. Ms. Wuerstle explained that she will continue to provide a list of any comp plan amendments we receive.

Commissioner McDaniel would like to ask that all the comp plan amendments be sent to staff of each county. Ms. Wuerstle explained that she would start sending the list to the planning departments moving forward.

AGENDA ITEM #10
COMMITTEE REPORTS

No Committee Reports were given

AGENDA ITEM #10(a)
EXECUTIVE COMMITTEE

There was no update given.

AGENDA ITEM #10(b)
QUALITY OF LIFE & SAFETY COMMITTEE

There was no update given.

**AGENDA ITEM #11
NEW BUSINESS**

There was no new business.

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

There was no update given.

**AGENDA ITEM #13
COUNCIL MEMBERS' COMMENTS**

Commissioner Pendergrass would like to address affordable housing and that Lee County has had trouble attaining. Lee county government employees are living outside of Lee County. They are living in Charlotte, Glades, and Hendry Counties because of the cost of living. Charlotte county has less impact fees for building. Those are the challenges Lee County is facing at the moment with finding attainable housing. This causes a transportation issue with employees living outside of the county. The major roads and building the infrastructure to support those that live elsewhere is the challenge. Employees that have to drive 40 minutes, which I know Collier County workforce lives in Lee County, etc. Some even lived on the east coast traveling to Marco Island ten years ago, which isn't a new thing, it's just coming to the forefront now.

Commissioner Stanley explained that Glades County is facing the same issue of availability, as well as that rent is going up for the locals.

Commissioner Wills explained that Hendry County and staff has brought everything to their attorney, but he hasn't heard any back yet. Commissioner Wills continued to explain Hendry County's affordable housing issues. The population is growing, schools are over crowded and the busing system is busting at the seams. He is happy to be a bedroom community.

Commissioner McDaniel will add the agenda item on the next board meeting for the RPC to come and present. Commissioner McDaniel asked Commissioner Pendergrass about the mass transit system and the direction to his bus people to coordinate with Lee counties bus people to coordinate regional routes. McDaniel has recently seen some Lee County buses in Collier County and asked Commissioner Pendergrass if he knows anything about that. Commissioner Pendergrass replied that he didn't know. Commissioner McDaniel asked to find out more information on that issue. Commissioner McDaniel expressed that everyone was talking about impact fees and that Collier county has the highest impact fees in the state of Florida. As far as affordability, how does the state of Florida address the issue of affordability.

Discussion continued regarding the bus system and transportation as well as affordable housing.

Mr. Perry encouraged each of the county attorneys, as they are reviewing the documents, to have a meeting with staff of the regional planning council. As well as the RPC staff needs to reach out to the counties so that they are not all acting independently.

Commissioner McDaniel clarified that the thought was to have all the comments returned back to the RPC, then the staff can review and look at the commonalities and disagreements.

Mr. McCormick would like to announce that Charlotte County is raising their impact fees. Also, Sun Seeker which is a hotel and convention center, will be employing 1,200 people and they have started interviewing.

**AGENDA ITEM #14
ADJOURN**

The meeting adjourned at 10:30 a.m.

Don McCormick, Chairman

The meeting was duly advertised in the May 5, 2022, issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 48, Number 89.