

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
APRIL 18, 2013 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on April 18, 2013 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 Karson Turner Vice-Chair Teresa Heitmann called the meeting to order at 9:03 a.m. Councilman 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: Commissioner Tim Nance, Commissioner Tom Henning, Councilwoman Teresa Heitmann, Mr. Alan Reynolds, Mr. Bob Mulhere

Glades County: None

Hendry County: Commissioner Karson Turner, Commissioner Daniel Akin, Mr. Melvin Karau

Lee County: Vice Mayor Doug Congress, Commissioner Tammy Hall, Councilman Forrest Banks, Vice Mayor Joe Kosinski, Councilwoman Martha Simons

Sarasota County: Commissioner Charles Hines, Commissioner Carolyn Mason, Vice Mayor Willie Shaw

Ex-Officio Members: Mr. Phil Flood - SFWMD, Ms. Melissa Dickens - SWFWMD, Mr. Lawrence Massey, FDOT, Mr. Terry Cerullo for Mr. Jon Iglehart - FDEP

MEMBERS ABSENT

Charlotte County: None

Collier County: None

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

Hendry County: Commissioner Don Davis, Mayor Phillip Roland

Lee County: Commissioner Frank Mann, Councilman Chris Chulakes-Leetz, Ms. Laura Holquist

Sarasota County: Commissioner Tom Jones, Councilman Kit McKeon, Mr. Felipe Colón

Ex-Officio Membership: None

**AGENDA ITEM #5
AGENDA**

The agenda was accepted as presented.

**AGENDA ITEM #6
Minutes of the March 21, 2013 Meeting**

Commissioner Henning made a motion to approve the minutes of the March 21, 2013 Meeting and Vice Mayor Shaw seconded the motion. The motion carried unanimously.

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were given at this time.

Vice-Chair Heitmann introduced two representatives from Congressman Radel's Office and also Ms. McGee US Senator Nelson's Office.

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

Ms. Wuerstle presented the item. She announced that on May 29 there will be meeting of the Economic Development Directors held at the offices of the Southwest Florida Regional Planning Council.

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

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

**AGENDA ITEM #8(b)
CEDS Quarterly Update**

Ms. Jennifer Pellechio presented the item.

**AGENDA ITEM #8(c)
Broadband Toolbox**

Ms. Jennifer Pellechio presented the item.

**AGENDA ITEM #9
CONSENT AGENDA**

Commissioner Constance pulled the following consent items for discussion: Agenda Item #9(c), Agenda Item #9(d), and Agenda Item #9(f).

Commissioner Henning pulled Agenda Item #9(g) for discussion.

Commissioner Duffy 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 March 31, 2013; and Agenda Item #9(e) Glades & Hendry LCB Transportation Disadvantaged Membership Certification. Commissioner Constance seconded the motion and the motion carried unanimously.

**AGENDA ITEM #9(c)
City of Cape Coral Comprehensive Plan Amendments
(DEO 13-2ESR previously DEO 12-4ESR)**

Commissioner Constance stated that there was a map included with no explanation. Mr. Crawford explained the overall changes.

Commissioner Constance made a motion to approve staff comments and authorize staff to forward comments to the Department of Economic Opportunity and City of Cape Coral. Councilman Banks seconded the motion and the motion carried unanimously.

**AGENDA ITEM #9(d)
Lee County Comprehensive Plan Amendments (DEO 13-1ESR)**

Mr. Crawford explained the changes which included the airport.

Commissioner Constance referred to page 80 of the packet, under Policy 1.2.1, where it stated "Southwest Florida International Airport will offset environmental impacts through the Airport Mitigation Lands Overlay (Map 3M) or other appropriate" and the remaining language had been struck through which doesn't make any sense. He asked that it be fixed. He suggested "other appropriate measures."

Mr. Crawford suggested "other appropriate FAA regulations".

Commissioner Constance made a motion to approve the amended language be added "other appropriate FAA regulations" and also to approve staff comment and authorize staff to forward comments to the Department of Economic Opportunity and Lee County. Commissioner Duffy seconded the motion.

Mr. Crawford stated that he would prepare a letter to send to DEO as Council's comments.

Councilwoman Simons asked if the amendment came from the Lee County Port Authority. Mr. Crawford stated that was correct and explained that the FAA was setting the requirements.

The motion carried unanimously.

AGENDA ITEM #9(f)
Small Quantity Hazardous Waste Generators Notification, Verification,
and Assessment Contract

Mr. Gibbons presented the item.

Commissioner Constance asked what the length of the contract was and if there would be enough funds to cover the work required within the contract. Mr. Gibbons explained that the contract was an annual contract and he agreed that \$5,700 was not a lot of funds to inventory 40 sites; however, the Council has the experience and has done it in the past. The Council has additional staff which can support the effort. The reason that the Council does this is as a service to our local counties. It is required by both federal and state laws.

Ms. Wuerstle asked Mr. Gibbons how many days it takes him to inspect the 40 sites. Mr. Gibbons explained that typically 4-6 sites are inspected per day, so it would take approximately 2 weeks to complete the site inspections.

Councilman Banks asked if there was a way to place a limit on hours, days, etc. so it doesn't go over the \$5,700. Mr. Gibbons explained that many times FDEP in Tallahassee would allow leeway if needed; however, he felt there is enough time to complete the inspections. We plan to concentrate our efforts beginning in May in order to have the inspections completed on time. Councilman Banks asked how many inspections are needed to be done. Mr. Gibbons stated that there are 40 inspection sites. Councilman Banks suggested placing the wording "not to exceed 50 inspection sites" within the contract. Mr. Gibbons explained that the five year program determines the assessment itself, which is based on the occupational license for the county. We inspect those sites with particular identification codes and based on that list the overall assessment is generated. Councilman Banks stated that Council isn't worried about what is generated, but about the cost.

Commissioner Constance asked what the five year period was because it wasn't stated within the contract. Mr. Gibbons explained that it began last year (2012) and he believed that Hendry County would be conducting the inspections for the next three years.

Commissioner Constance referred to Mr. Gibbons' comment regarding the 4-6 site inspections per day. He asked if that included travel time. Mr. Gibbons explained that it did include travel time. Commissioner Constance said that concerned him because then how much time do you really get to spend onsite and what is involved in an inspection. He said that he doesn't want the Council responsible for inspections unless we know that the inspections are being conducted properly. He then stated that he agreed with Councilman Banks' comments about placing a limit on the number of sites to be inspected. Mr. Gibbons stated that he will change the contract so that it would not exceed 40 sites.

Councilwoman Simons stated that she agreed with Councilman Banks. She then asked if the amount of \$5,700 was estimated according to the occupational license, then can't a number be placed on "per occupational license". If someone comes online and starts a new business and the contract states not to exceed 40 sites then it will have to be amended.

Councilwoman Simons asked who on staff is qualified to conduct the inspections. Mr. Gibbons explained that typically between an hour and 1 ½ is spent at each site.

Ms. Wuerstle explained that Mr. Gibbons is qualified and certified. Mr. Gibbons explained that he had hazardous waste inspection training from FDEP and worked as an air quality planner with the State of Alabama. He was a field representative with the State of Georgia Soil and Water Conservation Committee. He has completed both the 40 hour HazWhoper and 24 hour HazWhoper courses and also the 8 hour HazWhoper refresher.

Ms. Wuerstle explained that all grants are monitored very closely so that they are not over spent.

Commissioner Hall noted that not the same amount of time is spent at the each site.

Commissioner Constance made a motion to authorize the Chairman to execute the SWFRPC/Hendry County Hazardous Waste Program Contractual Agreement with following change. Under the fourth Whereas "the waste management practices of at least twenty (20) percent of the SQGs annually, not to exceed 50." Councilwoman Simons seconded the motion.

Vice Mayor Congress stated that he felt that it should have a cap on the number of hours. Commissioner Constance explained that if there are 20 percent of generators and then you cap the hours and then go on to inspect 25 sites, at that point we will be looking at it through an accounting issue. The purpose of this is not to leave Hendry County out on a lurch.

The motion carried unanimously.

AGENDA ITEM #9(g) Grey Oaks DRI - NOPC

Mr. Crawford presented the item.

Commissioner Henning made a motion to approve staff's recommendation and Mr. Mulhere seconded the motion. The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #10(a) SFWMD New Governing Board Appointments

Mr. Phil Flood presented the item and then introduced both Mr. Rick Barber and Mr. Mitch Hutchcraft as the two new SFWMD Governing Board appointments.

Mr. Hutchcraft stated that he looked forward to working with the Southwest Florida Region in dealing with the important issue of water resources.

Councilman Banks congratulated both governing board members for their new appointments.

Vice-Chair Heitmann congratulated both governing board members for their new appointments.

Councilwoman Simons congratulated both governing board members for their new appointments.

AGENDA ITEM #10(b)
RESTORE Act – Commissioner Chris Constance

Commissioner Constance presented the item. He announced that the next meeting was scheduled for May 17 in Key Largo.

Vice-Chair Heitmann stated that she felt that there should be a representative from the Florida League of Cities as an ex-officio member on the Consortium.

Commissioner Hall thanked both Commissioner Henning and Commissioner Duffy for joining Commissioner Constance in serving on the Consortium. She explained that Lee County is already preparing their team to start their plan and all of the cities within Lee County will be part of the group. Lee County felt that working the layers would be beneficial because you have 23 very different counties and having one representative from each city within each of those counties would be very difficult to articulate all issues. It was felt that the counties and cities needed to work internally so that the county representatives discuss what is important to that county and region.

Councilwoman Simons stated that it has taken 23 years in the US Supreme Court for the Exxon Valdez case to reduce the award from \$500 billion to \$500 million and thousands of people never received their award. She asked if that could happen with the RESTORE Act. Commissioner Constance stated that he wasn't sure on those issues with the RESTORE Act. Everyone is hoping that won't go to trial, but to a structured settlement. However, if it did go to trial then it will be a long time before anyone sees any money.

AGENDA ITEM #11(a)
Executive Session Explanation

Ms. Donley presented the item.

Commissioner Henning asked if the Council had a security plan. Ms. Donley explained that the Council did not have a security plan in place that could be invoked if an emergency occurred.

Commissioner Constance made a motion to formally schedule an Executive Session. Vice-Chair Heitmann seconded the motion.

Mr. Mulhere stated that he would like to have a better understanding of what security plans are currently in place to determine as to whether or not the Executive Session would be needed. Also, whether or not there is any role for the RPC from the perspective of regional coordination, innovation, information which may relate to some coordination that might be necessary.

Commissioner Duffy asked for clarification that the Executive Session would be security issues within the counties, does it include entering and existing buildings or bigger issues such as water quality.

The motion carried with Commissioner Henning, Commissioner Hall and Commissioner Akin opposed.

AGENDA ITEM #12 NEW BUSINESS

No new business was presented at this time.

AGENDA ITEM #13 STATE AGENCIES COMMENTS/REPORTS

SWFWMD – Ms. Dickens announced that April is water conservation month in Florida.

FDOT – Mr. Massey announced that FDOT released its first draft of the Strategic Intermodal System Call People Plan this week. FDOT is welcoming public comment through May 31.

AGENDA ITEM #14 COUNCIL ATTORNEY'S COMMENTS

No comments were made at this time.

AGENDA ITEM #15 COUNCIL MEMBERS' COMMENTS

Mr. Karau thanked Commissioner Constance and Commissioner Hall for their comments and approval of the Hendry County SQG Contract. He also announced that the Sugar Festival and Raising Cane Rodeo will be held April 20.

Vice Mayor Shaw thanked the SWFRPC for the Brownfield Symposium.

Councilwoman Simons thanked the Council for allowing the City of Bonita Springs to have the benefit of having Ms. Wuerstle's expertise in developing their model homeless shelter ordinance. She announced that the City of Bonita Springs sent a letter of support to Mr. James Beever at the SWFRPC for the Conservation Easement Mapping grant. She also announced that June 1 will be the beginning of the fertilizer conservation period. Also, everyone stands with the people in Boston!

Commissioner Constance announced that the City of Punta Gorda's Annual Block Party is scheduled for Saturday.

Vice-Chair Heitmann announced that the SWFRPC's Annual Audit will be presented at the May meeting. She asked that the audit be sent out to the members prior to the May meeting. Ms. Doyle will obtain confirmation from the auditors.

AGENDA ITEM #16
ADJOURN

The meeting adjourned at 10:10 a.m.

A handwritten signature in blue ink, appearing to read "Tom Jones", is positioned above a horizontal dashed line.

Commissioner Tom Jones, Secretary

The meeting was duly advertised in the April 4, 2013 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 39, Number 66.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME REYNOLDS -ALAN -DAVID		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE SWFRPC	
MAILING ADDRESS 3200 BAILEY LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY NAPLES, FL.	COUNTY COLLIER	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED		NAME OF POLITICAL SUBDIVISION: COLLIER	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ALAN D. REYNOLDS, hereby disclose that on APRIL 18, 20 13.

(a) A measure came or will come before my agency which (check one)

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inured to my special private gain or loss;

_____ inured to the special gain or loss of my business associate, _____;

_____ inured to the special gain or loss of my relative, _____;

_____ inured to the special gain or loss of _____, by
whom I am retained; or

_____ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

PLEASE REFER TO ATTACHMENT.

APRIL 12, 2013

Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan D. Reynolds, hereby disclose that on April 18, 2013, a DRI Notice of Proposed Change for Grey Oaks DRI will come before the Southwest Florida Regional Planning Council, as Consent Agenda Item 9 g).

The owner of the subject property is a client of Stantec Consulting Services, Inc., my employer.

I will be abstaining from voting on and participating in any discussions relative to these matters.

Respectfully,

A handwritten signature in dark ink, appearing to read "A. Reynolds", written over a horizontal line.

Alan D. Reynolds

APRIL 12, 2013

Date