

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
JULY 19, 2012 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on July 19, 2012 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 9:02 a.m. and then 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, Councilwoman Rachel Keesling

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

Glades County: Commissioner Kenneth “Butch” Jones, Mr. Thomas Perry

Hendry County: Commissioner Karson Turner, Mr. Melvin Karau

Lee County: Commissioner Ray Judah, Councilman Forrest Banks, Councilman Chris Chulakes-Leetz, Vice Mayor Mick Denham, Ms. Laura Holquist

Sarasota County: Commissioner Carolyn Mason, Commissioner Christine Robinson, Commissioner Tom Jones, Mr. Felipe Colón

Ex-Officio Members: Mr. Johnny Limbaugh – FDOT, Mr. Jon Iglehart – FDEP, Ms. Maya Burke – SWFWMD, Mr. Phil Flood – SFWMD

MEMBERS ABSENT

Charlotte County: None

Collier County: Commissioner Jim Coletta, Commissioner Donna Fiala

Glades County: Commissioner Robert Giesler, Councilwoman Pat Lucas

Hendry County: Commissioner Al Perry, Commissioner Daniel Akin, Commissioner Joseph Miller

Lee County: Commissioner Frank Mann, Councilman Joe Kosinski, Councilwoman Martha Simons, Mr. Paul Pass

Sarasota County: Councilman Kit McKeon, Commissioner Willie Shaw

Ex-Officio Membership: None

INTRODUCTIONS

Chair Turner introduced the following guests: Ms. Lynda Fino from Senator Lizbeth Benacquisto's Office and Ms. Diana McGee from US Senator Bill Nelson's Office.

AGENDA ITEM #4 PUBLIC COMMENTS

No public comments were made at this time.

AGENDA ITEM #5 AGENDA

Mr. Thomas Perry requested that Consent Agenda Item #9(c) be pulled for discussion.

Commissioner Tom Jones made a motion to approve the agenda as amended and Mr. Mulhere seconded the motion. The motion carried unanimously.

AGENDA ITEM #6 Minutes of the May 17, 2012 Meeting

Commissioner Tom Jones made a motion to approve the minutes of the May 17, 2012 Meeting and Councilman Chulakes-Leetz seconded the motion. The motion carried unanimously.

AGENDA ITEM #7 DIRECTOR'S COMMENTS

Ms. Wuerstle reported the building was listed with a commercial realtor in order to rent space within the building. She explained that the realtor had contacted her and asked if she would be interested in selling the building. Ms. Wuerstle stated that she did not respond immediately because she wanted to conduct some research to determine how much space the Council would need to operate. Also, what the cost would be to move? She explained that the balance on the note for the building is \$1.1 million and the current assessment is \$767,000. She then asked for some guidance from the Council on the issue.

Mr. Mulhere stated that he expected that there would be a shortfall between the balance of the note and sale price. The assessment value is not directly related to the appraised value, so we would need to know what the appraised value would be. Also, another option would be if the potential buyer would be interested in having a long-term tenant (i.e., Council).

Commissioner Constance stated that it doesn't really matter what the appraised value of the building is. What matters is what the offer is on the building. The Council is not compelled to sell at this point in time.

Commissioner Judah stated that he was concerned with the Council selling off their assets. He then said that he would like to have the option to see what Lee County has for excess surplus and/or inventory and if any arrangements could be made.

Mr. Reynolds made a motion if a potential buyer wanted to make an offer on the building then the Council should entertain that offer. Commissioner Constance seconded the motion.

Vice Mayor Denham said that it was very appropriate for Ms. Wuerstle to bring such an issue before the Council.

Commissioner Constance stated that he didn't feel that a lot of analyses needed to be done. He suggested that if an offer is submitted and it is reasonable, email a message to the members notifying them of the offer in order to either obtain a consensus to move forward with an analysis or not.

Mr. Mulhere stated that the realtor needs to be made aware that they are not dealing with the usual private property owner and that the Council needs to go through certain processes.

Councilman Leetz stated that he wanted to make sure that the State statute was followed for the sale or purchase of government property valued over \$500,000.

The motion carried unanimously.

Ms. Wuerstle announced that the Broadband Public Workshops have been scheduled and the information is published within the Economic Views.

AGENDA ITEM #8(a)
May 17, 2012 SWFRPC Meeting Executive Summary

The meeting executive summary is presented in the packet as an information item.

AGENDA ITEM #8(b)
Grant Activity Sheets

The grant activity sheets are presented in the packet as an information item.

AGENDA ITEM #8(c)
SWFRPC/LEPC Training Opportunities

The LEPC training opportunities is presented in the packet as an information item.

AGENDA ITEM #8(d)
Elizabeth Ordway Dunn Grant

Mr. James Beever of staff presented the item.

AGENDA ITEM #8(e)
Sea Level Rise

Mr. James Beever of staff presented the item.

AGENDA ITEM #9
CONSENT AGENDA

Mr. Mulhere moved and Commissioner Constance seconded to recommend approval of the balance of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statements for May 31, 2012 and June 30, 2012; Agenda Item #9(d) Sarasota County Comprehensive Plan Amendments (DEO 12-1ESR); Agenda Item #9(e) City of Venice Comprehensive Plan Amendments (DEO 12-2ESR); Agenda Item #9(f) Glades & Hendry LCB Transportation Disadvantaged Trust Fund Grant Agreement Resolution; and Agenda Item #9(g) SWFRPC Fixed Assets Removal. The motion carried unanimously.

AGENDA ITEM #9(c)
Glades County Comprehensive Plan Amendments (DEO 12-3ESR)

Mr. Thomas Perry stated that this item included a request from Glades County to change a designation from agriculture to residential. The application proposed a residential development with a racetrack. He felt that the review of the project concentrated on the ultimate use and not on the future land use map change. The future land use map change allows for a residential subdivision which we would find favorable and allows for a lot of other things that we like and one objectionable item that is being proposed. He felt that there was a different place for that item and should concentrate our efforts on what is being requested in units.

Mr. David Crawford of staff stated that he agreed with Mr. Thomas Perry. He said that this project is a special situation and now a mute situation because the Glades County Board of County Commissioners had voted not to transmit this request. He wanted to bring it before the Council as a policy issue because it could reappear sometime in the future. Staff doesn't usually comment on local issues and tries to stay to the regional aspect of the projects. Staff listed five regional issues, water quality being the main one due to the concern of runoff from the proposed racetrack.

Vice Mayor Denham asked what type of racetrack was being proposed. Mr. Crawford explained that the request was to change the land use development on 74 acres from agriculture to residential. However, it resulted in a bigger development with 200+ homes and a racetrack. The homeowners would be able to race their cars. It was unclear on the request on how big it would be because there was also a 50 room hotel being proposed while it was suppose to be a private club. He said that Mr. Perry was correct; it was really a local compatibility issue.

Vice Mayor Denham stated that the environment is an economic issue, so when such an issue arises we need to look at the impacts to the economy.

Mr. Mulhere stated that we sometimes need to be reminded statutorily what the Council's role is in reviewing local government comprehensive plan amendments.

Mr. Mulhere made a motion to approve staff comments and authorize staff to forward comments to the Department of Economic Opportunity and Glades County. Commissioner Tom Jones seconded the motion. The motion carried unanimously.

AGENDA ITEM #10 PALMER RANCH INCREMENT XX DRI - STAFF ASSESSMENT

Mr. Alan Reynolds noted that he would be abstaining from voting on the item.

Mr. David Crawford of staff presented the item.

Commissioner Judah made a motion to approve staff's recommended action of Conditional Approval for the Palmer Ranch Increment XX DRI to be further conditioned on the finding of consistency with the local government comprehensive plan by the Sarasota County Board of County Commissioners. Mr. Mulhere seconded the motion. The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #10(a) SWFRPC FY2013 Budget

Ms. Wuerstle presented the WorkPlan.

Ms. Wuerstle presented the proposed FY2013 Budget and explained the following:

1. The figures are not inflated on the budget.
2. Four FTEs have been eliminated from the budget.
3. No salary increases proposed.
4. Proposed incentive bonuses for staff that work on their own time and bring in grants.

Ms. Wuerstle noted the following changes in staff hours:

- GIS Analyst from 30 to 40 hours (due to a vacant position/ increase in workload)
- Planner IV from 25 to 40 hours (due to increase in workload)
- Administrative Services Coordinator from 25 to 40 hours (due to increase in workload)

Commissioner Constance asked if the positions who received changes in their hours were salary or hourly. Ms. Wuerstle replied they were all salary employees.

Ms. Donley noted that the positions that are being switched from the reduced hours weren't at salaries that were comparable to those reduced hours.

Ms. Wuerstle explained that the employees are receiving the same hourly rate. There is no increase in pay, but there is an increase in hours.

Ms. Wuerstle noted that the budget also included a \$15,000 payment from the CHNEP in order to keep their offices located on the first floor. The budget does not include any grants that have not been awarded at this time. The budget was balanced due to downsizing.

Mr. Reynolds stated to Ms. Wuerstle that based on her prior experience with the grants. He asked do you have any expectations out of the \$1 million of grants which staff had applied for will be awarded. Ms. Wuerstle explained that there was one grant which was awarded and was not applied to the budget and that was the LeeTran grant. The Council is one piece of that grant and there will be an administrative portion added on to the grant which will go to LeeTran. She noted that the main reason that she didn't put it into the budget was because she wasn't sure if the work was going to be performed in 2013 or 2014 and those details haven't been worked out. There are deliverables with each one of the grants and the way the Council benefits is from the indirect costs.

Vice Mayor Denham stated that the way Ms. Wuerstle put the budget together there will be no surprises on the revenue because the revenue is guaranteed. The expenses are under control, which means that the budget is safe and secure.

Councilwoman Heitmann asked if there would be a potential budget amendment to the FY12 budget. Ms. Wuerstle explained that there will be an amendment to the FY12 budget due to the NEP's budget.

Vice Mayor Denham made a motion to approve the SWFRPC's FY2012/13 WorkPlan and Budget. Commissioner Judah seconded the motion.

Councilman Leetz thanked Ms. Wuerstle and her staff for the work that they are doing. He knows that the Council's revenues have been significantly reduced over the last 24 months and he felt that the staff needs to be acknowledged that they are going to be doing more work for the same or in reality less pay; because of what we are experiencing across the country "back door inflation", where money is buying less than it did two years ago. One thing that he has noticed in government when employees do not receive raises they jump in front of TV cameras and complain about it and he doesn't see the RPC staff looking for that type of attention.

Councilman Banks congratulated staff on the artwork/graphics within the SWFRPC's Workplan and Budget document.

Commissioner Constance congratulated staff on a very well organized and professional presentation.

Mr. Flood thanked the Budget and Finance Committee for their efforts.

The motion carried unanimously.

**AGENDA ITEM #10(a)1
Budget & Finance Committee**

Councilman Leetz stated that he attended the previous two Budget and Finance Committee meetings and he hasn't been appointed to be a member of the Committee, so is it appropriate for him to be present. Chair Turner explained that it was appropriate for Councilman Leetz to be present.

Councilwoman Heitmann stated that she was very proud of Ms. Wuerstle with what she had presented. The next scheduled Budget and Finance Committee meeting is July 27 at 11:00 a.m. The Committee will continue to review the financial status of the RPC and she wants to support the grant incentives.

**AGENDA ITEM #10(a)2
Regional Strategy Committee**

Ms. Holquist stated that she was very pleased with Ms. Wuerstle's WorkPlan. She believed that it followed the Council's new direction which the Committee created last fall. She was also very pleased with the new performance measures and being able to track the WorkPlan as the Council moves forward.

Ms. Holquist explained that the Strategy Committee had been working on the CEDS Plan. The first draft is expected to be released next week. She announced that the next meeting is scheduled for July 27th at 10:00 a.m. and is a very important meeting.

Ms. Pellechio of staff announced that the CEDS Working Committee's next meeting is scheduled for Friday, July 20th.

Ms. Wuerstle explained that the CEDS Working Committee will be reviewing the CEDS Vital Projects and narrowing down the list.

Discussion ensued.

Vice Mayor Denham asked what funding resources the RPC uses for helping with getting funding for the vital projects. Ms. Wuerstle explained that part of the answer is that the federal government awards the RPC \$63,000 annually to address the CEDS document (coordinate, identify partners, identify funding sources, etc.). Vice Mayor Denham asked how much of those funds go towards each of the vital projects. Ms. Wuerstle explained that none of the funding goes towards the vital projects. The EDA funding is used for staff to be able to submit those grant applications for those projects.

Mr. Thomas Perry said that he felt that the Council needed to be able to choose the projects where it could make the biggest contribution in order to move those projects forward.

Mr. Mulhere stated that we need to identify the priorities, identify how those projects meet the three main objectives which have been identified to be accomplished and whether there is existing funding or whether the funding is coming from another source.

Vice Mayor Denham asked what the selection criteria are. Ms. Holquist explained that was part of the distributed handout.

AGENDA ITEM #10(a)3
Estero Bay Agency on Bay Management

The Committee report was presented in the packet as an information item.

AGENDA ITEM #12
NEW BUSINESS

No new business was discussed at this time.

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

FDOT - Mr. Limbaugh announced that the new Federal Transportation Program (MAP 21). He also announced Freight, Mobility & Trade Plan and the following listening sessions will be held:

- August 8th - Miami
- August 9th - Orlando
- August 16th - Jacksonville
- August 17th - Panama City

Many board members expressed concern that Southwest Florida was left out.

Commissioner Constance stated that there is a two county MPO priority with Burnt Store Road and it is not only for evacuation and safety, but it is now going to be a commerce pipeline down to Cape Coral. This is why a roadway such as Burnt Store should be prioritized as being an inter-county roadway and we need to be involved.

FDEP - Mr. Iglehart stated that summer vacations are half over and FDEP manages over 7,000 acres and 160 state parks. He urged everyone to take their kids to the state parks.

SFWMD - Mr. Flood stated that he was happy that it was rainy season and the aquifers are being replenished.

AGENDA ITEM #14 COUNCIL ATTORNEY'S COMMENTS

Legal Counsel Donley stated that Ave Maria School of Law appreciated the Council hosting an extern last semester and has asked if the Council would consider doing it again for the fall semester. She said that she will be conducting the interviews in August.

Chair Turner stated that the program worked very well in Hendry County also. He suggested reaching out to FGCU for a tourism and development intern.

AGENDA ITEM #15 COUNCIL MEMBERS' COMMENTS

Commissioner Tom Jones announced that Sarasota County BOCC and the City of North Port held a joint meeting where it was decided to move forward with negotiations for developers to invest funds in the Warm Minerals Springs. It is one of the projects which is on the CEDS list and it is projected that when up and running as a resort spa destination that Warm Minerals Springs could produce \$100 million annually.

Councilman Banks gave a brief overview of the President's visit on Friday, July 20th at 10:00 a.m.

Mr. Reynolds announced that the Collier County BOCC voted 5 to 0 to start-up an EDC. They are going to move forward with hiring a search firm to find an executive director.

Councilman Leetz stated that last year the City of Cape Coral stated that they didn't care to pay a \$50,000 membership fee to the RPC. For the FY2011/12 the membership fee was absorbed by Lee County. He believed from what he has learned through staff, Lee County is the only county which individually bills municipalities. Historically, this has been the case where other counties have stepped up and paid for their municipalities. He said that he will do his best to commit the City of Cape Coral continue its membership on the RPC, but that will be totally dependent on the Lee County BOCC continuing to pay the membership fee through county taxes. He believes that the system which Lee County has used for a number of years is effectively double taxation and he is somewhat concerned that the other municipalities will be billed by Lee County BOCC. He


believed that it is Lee County's position that they pay for the membership of all of Lee County and stop the double taxation.

Commissioner Duffy apologized that she couldn't join in person, but she was online and it was interesting to see everyone online.

Chair Turner asked the membership if there was any reason to meet in August. The members requested to leave it open at this time. Chair Turner stated that he would not be in attendance at the August 16th meeting.

**AGENDA ITEM #16
ADJOURN**

The meeting adjourned at 10:38 a.m.



Commissioner Tom Jones, Secretary

The meeting was duly advertised in the July 6, 2012 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 38, Number 27.

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 SW FLORIDA REGIONAL PLANNING COUNCIL	
MAILING ADDRESS 3200 BAILEY LANE		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY NAPLES	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:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input 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 JULY 19, 20 12:

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

- ☐ 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)

JULY 19, 2012
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.

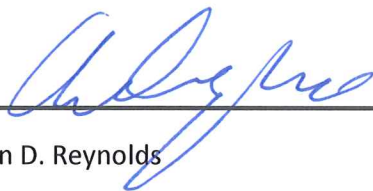
DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan D. Reynolds, hereby disclose that on July 19, 2012, a DRI Staff Assessment for Palmer Ranch Increment XX will come before the Southwest Florida Regional Planning Council, as Agenda Item 10.

The applicant for Agenda Item 10, Taylor Morrison of Florida, Inc., and the master developer of Palmer Ranch, Palmer Ranch Holdings, are both clients of WilsonMiller, Inc., a wholly owned subsidiary of Stantec Consulting Services, Inc., and my employer. The applicant is represented by staff of WilsonMiller/Stantec for this DRI application.

I have no involvement, personally or professionally in the project; however, as the applicant is a client of my employer, I will be abstaining from voting on and participating in any discussions relative to this matter.

Respectfully,



Alan D. Reynolds

7/19/12

Date