

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
AUGUST 8, 2013 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on August 8, 2013 at the offices of the Southwest Florida Regional Planning Council - 1<sup>st</sup> Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chair Karson Turner called the meeting to order at 9:02 AM 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, Vice Mayor Rachel Keesling

**Collier County:** Commissioner Tom Henning, Councilwoman Teresa Heitmann, Mr. Bob Mulhere, Mr. Alan Reynolds

**Glades County:** Mr. Thomas Perry

**Hendry County:** Commissioner Karson Turner

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

**Sarasota County:** Vice Mayor Willie Shaw, Commissioner Rhonda DiFranco and Commissioner Cheryl Cook for Commissioner Tom Jones, Councilman Kit McKeon

**Ex-Officio Members:** Mr. Terry Cerullo for Mr. Jon Iglehart - FDEP, Ms. Carmen Monroy - FDOT

**MEMBERS ABSENT**

**Charlotte County:** None

**Collier County:** Commissioner Tim Nance

**Glades County:** Councilwoman Pat Lucas, Commissioner Tim Stanley, Commissioner Dennis Griffin

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

**Lee County:** None

**Sarasota County:** Commissioner Charles Hines, Commissioner Carolyn Mason, Mr. Felipe Colón

**Ex-Officio Membership:** Mr. Phil Flood – SFWMD, Ms. Melissa Dickens – SWFWMD

A moment of silence was held for Sgt. Michael Wilson of the Charlotte County Sheriff's Department who was recently killed in the line of duty.

Chair Turner announced that Councilman Banks received the 2013 Home Rule Hero Award.

**AGENDA ITEM #4  
PUBLIC COMMENTS**

No public comments were given at this time.

**AGENDA ITEM #5  
AGENDA**

Commissioner Hall made a motion to approve the agenda as presented and Commissioner Duffy seconded the motion. The motion carried unanimously.

Chair Turner noted that there were three cards being passed around for anyone who wished to sign them for Commissioner Tom Jones.

**AGENDA ITEM #6  
Minutes of the June 20, 2013 Meeting**

Mr. Perry made a motion to approve the minutes of the June 20, 2013 Meeting and Vice Mayor Keesling seconded the motion.

Commissioner Constance noted that Mr. Lehman's name was misspelled and he already had notified staff.

The motion carried unanimously.

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

Ms. Wuerstle presented the item. She reviewed the following items:

- Internships at the Council
- Contingency Grant Writers
- Planners Conference on September 13 at 1:00 PM
- 2013 Hurricane Guide which included maps from the Council's GIS Department

Ms. Wuerstle announced that beginning immediately following adjournment of the September 19 SWFRPC board meeting, staff will be giving a presentation on a selected topic/project.

Chair Turner suggested sending documents for the meeting electronically instead of using so much paper.

Vice Mayor Congress said that he concurred.

**AGENDA ITEM #7(a)**  
**FY14 Work Plan & Budget Discussion**

Ms. Wuerstle presented the item.

Mr. Mulhere stated that he felt that the work plan and budget were very well done and it was easy to follow.

Councilwoman Simons agreed with Mr. Mulhere. She then asked Ms. Wuerstle why the \$4,000 from the City of Bonita Springs for the ABM wasn't included within the budget. Ms. Wuerstle explained that unless she has the money in-hand or a contract she doesn't include it within the budget.

Commissioner Henning referred to page 30 and asked why all of the member municipalities weren't reflected in the revenues. Ms. Wuerstle explained that only some of the municipalities within Lee County pay dues and the other counties pay for their municipalities.

Councilwoman Simons asked what was the status of the "free" seat and its rotation. Regional Counsel Donley explained that it was a Lee County issue and it was up to the county on how they wanted to handle that issue. Recently, Sarasota County decided that they would pay for all of their cities.

Commissioner Hall suggested adding a footnote within the budget listing all of the municipalities who are members and indicating with a zero those who don't pay and listing why they don't pay dues.

Commissioner Constance stated that he agreed that it was a well prepared document. He then stated that if grants were awarded then it wouldn't be "free" money because there is work attached to those grants. Ms. Wuerstle stated that he was correct, it wouldn't be unassigned funds. She then explained that the work that was covered by the local assessments, would be covered by the grants instead of using the local funds.

Commissioner Constance stated that the RPC's budget was approximately \$1.6 million and the CHNEP's budget was approximately \$1 million. He noted that it seemed that there was less spending on consultants. In the current year the consultant budget was moved up to \$120,000 and next year's budget it was reduced to \$50,000. He asked what the reasoning was for the increase last year and then reduction for next year's budget. Ms. Wuerstle explained that most of the consultants were through grants so it depended upon what grants there were in-house and what they paid for.

Commissioner Constance noted that the Council's telephone expense increased and then decreased and also the postage expense was reduced dramatically. Ms. Wuerstle explained that the CHNEP does most of the large mailings and so their expense was placed under another line item. She noted that within the FY15 budget staff will be working with the CHNEP staff on making the NEP's budget more consistent with the Council's budget.

Ms. Doyle noted that in the previous years the Lee County MPO was housed within the Council's offices, so the FY14 budget reflects the separation of the Lee County MPO from the Council.

Councilman Leetz noted that he attended the City of Cape Coral's Planning and Zoning Board meeting where a planner of Lee County gave a presentation on Lee County's EAR and after the presentation he went and spoke to the Lee County planner and asked her how much input did the RPC have into the county's EAR. He said that her answer was no input and that the RPC was not utilized in anyway and he then asked her why. He said that he couldn't repeat what she exactly said, but it was extremely disparaging against the RPC. The statement that he received from that planner was the prior leadership and the current leadership and its mission were essentially useless. He then said that he fully agreed with Councilwoman Simon's statement regarding the "free" seat and he would be fully prepared next month to discuss the "free" seat issue. He said that it was made perfectly clear to him that Lee County staff has no intention of utilizing the RPC's resources.

Mr. Mulhere explained that as a professional planner he was familiar with the statutory evaluation and appraisal process. He said that technically there is no reason for a county to utilize the resources of the RPC to prepare an evaluation and appraisal report, unless a county did not have the resources to complete their EAR. The role of the RPC in the EAR process would come at a later time. Presumably, there would be some comprehensive plan amendments which would be reflected within the EAR which would later be adopted by the county and during that process the RPC might have a role. He said that it appeared to be two separate issues.

Councilwoman Simons stated that the City of Bonita Springs send documents to the RPC just so there is a second set of eyes reviewing the document. While it isn't statutorily necessary, the city believes in regionalism and if for some reason that would be objected to then the City would work it out.

Councilwoman Heitmann asked for clarification from Commissioner Hall on her comment regarding the membership and paying dues. Commissioner Hall stated that she felt that all of the RPC members should be listed and if they are not being assessed then it should be indicated by placing a "zero" with a footnote of why they are not being assessed so the budget reflects all of the RPC members.

Vice Mayor Keesling asked why FRCA's dues are \$20,000 and how it was assessed for that amount. Ms. Wuerstle stated that she wasn't sure how FRCA's dues were assessed. She explained that there was some discussion in the past on whether or not to continue being a member of FRCA. She noted that FRCA was planning a retreat either in September or October regarding their future and what role FRCA would play. Both Councilwoman Simons and Mr. Mulhere attended the last Policy Board meeting where initially the retreat was decided to be only with the

RPC's executive directors who then would take the vision and work plan back to the Policy Board for approval. At the last meeting the Policy Board members wanted the executive directors to have the retreat with the Policy Board members, as well as the chair and vice chair of each RPC. She felt that was a positive step forward and she is holding an opinion until she sees what comes out of the retreat.

Vice Mayor Keesling asked if FRCA sends an invoice for payment where it states how it was assessed. Ms. Wuerstle noted that the dues for FRCA did increase a couple of years ago, but overall the amount stays the same. She said that she believed that it was based on the size of the RPC, but she cannot be 100 percent sure.

Mr. Mulhere gave a background overview of the previous discussions which the Council had regarding FRCA. He noted that at that time the only real benefit that the members could see being a member of FRCA was the lobbying and the result that the RPC wanted to see from the lobbying was funding from the State and there hadn't been any funding from the State for the last two years. The question remains what the benefit is to being a member of FRCA and he believed that it would be fair to wait until after the retreat.

Ms. Holquist stated that during those past discussions regarding FRCA, it was found to be the grant opportunities where the various RPCs work together and it allows us to be able to partner with the other RPCs on grants. After reviewing the RPC's financials it was realized that the RPC was making thousands of dollars over the years by being able to participate on grants with other RPCs.

Councilwoman Heitmann stated that she would concur that it was both the lobbying and grant opportunities.

Councilwoman Simons said that if another RPC wanted to partner with this RPC then they would reach out. She asked if it really was FRCA reaching out or the other RPCs. She said that she felt the Policy Board meeting to be an extraordinary waste of time and money. She learned that for FRCA's structure and organization they operate from the top down. They were asking our executive director to make Council policy decisions without bringing anything to her Council.

Chair Turner explained what happened when both he and Councilwoman Heitmann went to attend a Policy Board meeting in Orlando and it was supposed to begin at 11:00 AM and finally at 1:00 PM the members started to show up. He said that incident start him questioning the purpose of FRCA.

Councilwoman Simons stated that FRCA pays their lobbyist \$90,000 annually and she doesn't see why.

Vice Mayor Keesling asked that the FRCA issue be placed on the Council's agenda after the retreat.

Commissioner Duffy stated that she was impressed with the presentation of the FY14 Work Plan and Budget. She then referred to the Council's health insurance and its \$3,000 deductible which she felt was awful. Ms. Wuerstle noted that some of the other RPCs and organizations have a \$5,000 deductible and staff has fought really hard to keep the deductible down. She explained that

there was an increase last year and that staff was anticipating an increase for this year. The other option to look at was for staff to pay a portion of their health insurance.

Mr. Mulhere stated that one option was to have several plans available to staff and let staff know that if they want a lower deductible then they would have to contribute.

Ms. Wuerstle explained that staff shops every year in order to get the best option for staff. Ms. Doyle noted that staff also has the option of a flexible savings account that the employee pays for. She noted that there are also voluntary benefits for the employees where they have the option to select and they also pay for those benefits.

Vice Mayor Congress suggested looking at the option of an HSA. With an HSA the employee could build a "piggy bank" and carry it over through the years, while with the FSA the employee must use it all by the end of the year or they lose it.

Mr. Perry said that he appreciated Ms. Wuerstle bringing a balanced budget before the Council and it was very easy to read and understand. He then asked if the budget met the needs of the Council's programs. Ms. Wuerstle stated that the budget did meet the needs.

Vice Mayor Congress asked Ms. Wuerstle out of the carry over balance of \$542,000, how much of it was unrestricted? Ms. Wuerstle explained the current available funds are \$348,000.

Mr. Cordell explained that the available funds are reported on the monthly financials statement. He said that it was very difficult to project the unrestricted funds on the budget due to the grant restrictions and how the RPC is funded.

Ms. Wuerstle explained the \$542,000 reserves were a combination of true reserve funds and the operating cash on hand.

**A motion was made by Commissioner Henning to approve the SWFRPC's FY14 Work Plan and Budget and was seconded by Mr. Mulhere. The motion passed unanimously.**

Ms. Wuerstle thanked staff for their hard work in putting the FY14 Work Plan and Budget together.

Chair Turner said the current work plan and budget made him happy because he remembers three years ago when a question was asked to staff regarding the reserves and staff couldn't give the Council a straight answer. Today staff was able to provide the answers to the questions which Council raised. He thanked Ms. Wuerstle for her leadership.

Commissioner Constance asked who were the SWFRPC's elected officials which sit on FRCA's Policy Board. Chair Turner said that they were Councilwoman Heitmann and Councilwoman Simons. Ms. Wuerstle also noted that both Mr. Mulhere and Mr. Reynolds were members of FRCA's Policy Board.

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

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

**AGENDA ITEM #8(b)**  
**Final Report for DEO Grant: Legal and Regulatory Reform to Increase Governmental Efficiency  
in Rural Areas of Critical Economic Concern**

Mr. McCabe presented the item.

**AGENDA ITEM #9**  
**CONSENT AGENDA**

Mr. Mulhere made a motion to approve the balance of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statement for June 30, 2013; Agenda Item #9(c) City of Sarasota Comprehensive Plan Amendments (DEO 13-1ESR); Agenda Item #9(d) Town of Longboat Key Comprehensive Plan Amendments (DEO 13-1ESR); Agenda Item #9(e) City of Bonita Springs Comprehensive Plan Amendment (DEO 13-1ESR); Agenda Item #9(f) City of Venice Comprehensive Plan Amendments (DEO 13-1ESR); Agenda Item #9(g) Heron Creek DRI - NOPC; and Agenda Item #9(h) Halstatt-Grey Oaks DRI - Development Order Review. Commissioner Hall seconded the motion and the motion passed unanimously.

**AGENDA ITEM #10(a)**  
**Legislative Affairs Committee: Legislative Priorities for 2014 Session**

Mr. McCabe presented the item.

Councilwoman Simons suggested that issues with the Lake Okeechobee releases into the Caloosahatchee River need to be addressed.

Commissioner Hall explained that we are working regionally on those issues with all of the stakeholders. She then congratulated the agricultural partners for volunteering their land to hold a tremendous amount of water. She pointed out that there is a solution to the problem; however, the problem is appropriations of funding to obtain that solution.

Vice Mayor Congress stated that he attended the event held by Congressman Trey Radel and he was carrying the torch with the issue of the Lake Okeechobee releases and will support the bill. Commissioner Hall stated that is welcoming because she received mixed signals from Congressman Radel.

Discussion ensued.

Councilman Banks stated that one of the key issues was to make sure that you get on the legislative schedule.

Commissioner Duffy suggested inviting the legislative delegation to attend the Council meetings. Chair Turner said that he doesn't want it to be an inquisition to the legislative delegation if they attend one of the Council meetings. He explained that when he has lobbied the legislature they always ask "what is your ask". Today "what is our ask" as it relates to C-43 or to the RPC specific. He said that he wants to make sure "our ask" is legitimate.

Commissioner Hall said that you need to look at it from a regional planning aspect. She said that funding for the RPCs is a big issue. An agenda for just the SWFRPC needs to be developed.

Ms. Wuerstle stated that staff needs to know what the members want to have on the SWFRPC's legislative agenda in order to present it to the local legislative delegation meetings.

Mr. McCabe pointed out that the first legislative delegation meeting was scheduled for September 18 in Sarasota.

Councilwoman Heitmann asked Mr. McCabe what legislative priorities has he received. Mr. McCabe said that he received some legislative priorities from a Collier County Commissioner. Commissioner Hall explained that Lee County hasn't adopted their legislative priorities to date and that was the reason he hasn't received them from Lee County.

Mr. Mulhere pointed out that Collier County hasn't adopted their legislative priorities to this date.

Councilman McKeon stated that the City of Venice will be discussing their legislative priorities at next week's meeting. He recommended keeping the Council's list simple, no more than three items.

Chair Turner stated that he keeps hearing that if you don't want your issue to get line item vetoed then you need to justify it to the legislature on how there is a return on investment.

Councilwoman Simons stated that it needs to be told to the legislature why the SWFRPC is important to them and the region. She also suggested adding to the list if there was any movement to consolidate the regional planning councils to oppose that issue.

Commissioner Hall stated that she felt that the RPC should concentrate on self-preservation because every year within the legislative session there is various legislation to sunset regional planning councils. She suggested focusing on what is the role of the regional planning councils, because it comes under attack every year and she is one of those asking that very question. They look at regional planning councils as another layer of bureaucracy that people have to go through and time is money. There is a lot work which needs to be done at the Governor's office to make them understand what the regional planning councils do. She said that maybe it was time for regional planning councils to re-invent themselves because Florida is not the same State as it was 20 years ago. She suggested having staff contact their stakeholders and ask them how they felt about regional planning councils. She said that the Council should concentrate on if there is a role for the regional planning councils within the State of Florida and if so, what that role should be.



Councilwoman Simons stated that staff did approach the governor with the importance of the regional planning councils and the governor basically appointed the regional planning councils as an adjunct division to the Department of Economic Opportunity.

Chair Turner stated that he felt that SWFRPC has begun the process of reinventing itself and justifying their existence.

Councilman Banks stated that he agreed with Commissioner Hall's comments; however, in the past the SWFRPC priorities were written in a way which stated that the RPC had value.

**AGENDA ITEM #10(b)**  
**Estero Bay Agency on Bay Management (ABM) Committee Report**

Mr. Beever presented the item.

Chair Turner asked who the Council's current representative and alternate on the ABM was. Mr. Beever replied that Councilman Mick Denham who has been in attendance and participating. The alternate has varied.

Mr. Perry suggested having Ms. Wuerstle contact some of the members and come back with a recommendation at the next meeting.

Commissioner Hall suggested having any member who is interested in representing the Council on the ABM to contact Ms. Wuerstle. The Council agreed to that suggestion.

**AGENDA ITEM #11(a)**  
**RESTORE Act - Commissioner Chris Constance**

Commissioner Constance presented the item. He announced that all of the information is located on [www.fl-counties.com](http://www.fl-counties.com)

Ms. Donley announced that on August 2 the US Treasury Department forwarded draft regulations to the Office of Management and Budget. Commissioner Constance noted that the US Treasury Department wouldn't release them to the State of Florida due to its Sunshine Laws, while the other four states have already been reviewing the draft regulations. The only way Florida would be able to review the draft was if they were made public.

Commissioner Hall announced that Lee County's local committee has been formed and will have their first meeting next Wednesday afternoon.

**AGENDA ITEM #11(b)**  
**Area-wide EIS for the Central Florida Phosphate District**

Dr. Beever presented the item.

## **AGENDA ITEM #12 NEW BUSINESS**

Chair Turner explained that both he and Mr. Perry, prior to him being a member of the RPC, had meetings regarding the flood rating insurance maps. He stated that in accordance to the new flood maps if you live in Palm Beach County, close to Hendry County, those residents do not have to pay flood insurance, but the residents over the county line into Hendry County have to pay flood insurance. He said that he believed that there were only approximately 19 homes within the City of Clewiston which were required to have flood insurance while everyone else did not. He believed that it was an arbitrary ruling and based on senseless data.

Commissioner Hall stated that it was going to be a huge issue.

Vice Mayor Congress asked Chair Turner if he was referring to the VW12 and FEMA pulling out of the flood insurance subsidy. Chair Turner stated yes and his concern was with the number of people who don't have the cash to deal with a \$1,300 flood insurance bill.

Vice Mayor Congress stated that those residents who currently have flood insurance and with FEMA pulling out of the flood insurance subsidy, both Lee County and Sanibel have been seeing renewals coming in at \$10,000, where those residents used to pay only \$1,000. He said that is going to put residents at a dis-service because they won't be able to sell those homes and it is basically the mission style homes at flood level.

Mr. Perry explained that a homeowners flood insurance rates were based on the new flood map models and many of the residents of Clewiston, who currently do not carry flood insurance, will be required to have flood insurance.

Discussion ensued.

Commissioner Mann noted that Lee County had adopted as part of their comprehensive plan the revised federal flood maps and upon doing that the county was immediately under siege with Bert Harris lawsuits. The county now stands at risk of losing millions of dollars from people not being able to develop their land. Lee County was told that they didn't have a choice but to adopt the revised federal flood maps.

Councilwoman Simons stated that this issue also drives the emergency shelter issue.

## **AGENDA ITEM #13 STATE AGENCIES COMMENTS/REPORTS**

FDOT - Ms. Carmen Monroy introduced herself as the new Director for the Southwest Area Office.

FDEP - Mr. Cerullo announced that in October, in partnership with the RPC, will be hosting a two-day expo/conference on "Greening Your Bottom Line" at the City of Fort Myers Harborside Event Center. The expo/conference is geared to educate business owners throughout the region on how green initiatives and culture shifts will help create their financial bottom line.

On September 26, in partnership with the RPC, FDEP will be hosting a program to help the private sector and government agencies to learn about DEP's Oculus database.

From October to November FDEP is hosting its fall "Real Florida Trail Runs" throughout the state parks in Southwest Florida.

Chair Turner noted that Hendry County didn't have any state parks, but there is over 80,000 acres of wildlife management areas which is operated by the State and also a federal partner in the Seminole Tribe of Florida who has a very nice facility. Mr. Cerullo stated that he would consider one of those for the winter run.

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

Counsel Donley announced at the end of the month she would be interviewing at Ave Maria Law School for interns to assist in the conservation easement project.

#### **AGENDA ITEM #15 COUNCIL MEMBERS' COMMENTS**

Commissioner Hall announced that there will be an open house held for Lee County's new Emergency Operations Center (EOC) on Ortiz Avenue. She also announced that she had been working with Enterprise Florida on international trade and they decided to host an event in Lee County on December 12.

Commissioner Constance announced that the memorial service for Sgt. Wilson will be held Friday, August 9 from 4 to 8 PM at the Charlotte County Event Center and the funeral services will be held at 10:00 AM on Saturday.

Commissioner Duffy thanked the Council for the moment of silence for Sgt. Wilson.

Vice Mayor Keesling asked Ms. Wuerstle who was invited to the Planners Conference on September 13. Ms. Wuerstle replied that all of the planning directors throughout the region and Council members.

Councilman Leetz thanked Ms. Wuerstle and staff for hosting Mr. Ross as their intern from England.

Commissioner Cook thanked the Council for providing the program information.

Councilman Banks stated that the new Lee County EOC is truly amazing.

Councilwoman Simons thanked the Lee County Commission and the other participating cities for taking the lead on the regional fertilizer conservation education program.

**AGENDA ITEM #16  
ADJOURNMENT**

The meeting was adjourned at 10:58 a.m.

  
\_\_\_\_\_  
Commissioner Tom Jones, Secretary

The meeting was duly advertised in the July 31, 2013 issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 39, Number 148.