

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
AUGUST 14, 2014 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on August 14, 2014 at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. Chairwoman Teresa Heitmann called the meeting to order at 9:00 AM and Mayor Willie Shaw then led an invocation and the Pledge of Allegiance. Planner I/Grants Coordinator, Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

Charlotte County: Commissioner Chris Constance, Commissioner Tricia Duffy, Councilwoman Nancy Prafke, Mr. Don McCormick

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

Glades County: Commissioner Donna Storter-Long, Mr. Thomas Perry

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

Lee County: Commissioner Frank Mann, Councilman Forrest Banks, Councilman Jim Burch, Vice Mayor Doug Congress, Ms. Laura Holquist

Sarasota County: Commissioner Charles Hines, Commissioner Carolyn Mason, Commissioner Rhonda DiFranco, Mayor Willie Shaw, Councilman Kit McKeon

Ex-Officio: Mr. Phil Flood - SFWMD

MEMBERS ABSENT

Charlotte County: Ms. Suzanne Graham

Collier County: Commissioner Georgia Hiller, Commissioner Tim Nance

Glades County: Councilwoman Pat Lucas, Commissioner Russell Echols

Hendry County: Commissioner Don Davis, Mayor Phillip Roland

Lee County: Commissioner Brian Hamman, Mayor Anita Cereceda

Sarasota County: Mr. Felipe Colón

Ex-Officio: Ms. Carmen Monroy - FDOT, Mr. Jon Iglehart - FDEP, Ms. Melissa Dickens - SWFWMD

Ms. Gwinnett announced that there was a quorum.

**AGENDA ITEM #4
PUBLIC COMMENTS**

There were no public comments made at this time.

**AGENDA ITEM #5
AGENDA**

Commissioner Mann made a motion to approve the agenda as presented and the motion was seconded by Commissioner Turner. The motion carried unanimously.

**AGENDA ITEM #6
Minutes of the June 19, 2014 Meeting**

This item was deferred to the September meeting.

**AGENDA ITEM #7(a)
SWFRPC FY 2014/15 Workplan & Budget**

The Budget & Finance Committee Chair, Councilman McKeon, gave a verbal presentation on the SWFRPC's FY 2014/15 Workplan and Budget. He noted that the committee recommended endorsement of the workplan and budget.

Commissioner Mann asked Ms. Wuerstle to highlight any significant category changes from the current budget to the proposed budget. Ms. Wuerstle explained that the major change is that the CHNEP is not part of the proposed budget, as of October 1, 2014 the CHNEP will be hosted by the City of Punta Gorda.

Commissioner Mann asked by how much did it affect the SWFRPC's budget and Ms. Wuerstle explained that the SWFRPC's budget decreased over \$1 million. Commissioner Mann then asked where the CHNEP's funding came from. Ms. Wuerstle explained that the CHNEP's funding came from various funding agencies through grants and those grants went through the SWFRPC in order to fund the CHNEP's various programs/projects. The CHNEP will be closing out many of their grants prior to September 30 and what is not closed out at that time will be transferred to the City of Punta Gorda.

Councilman McKeon explained that it was discovered that the SWFRPC had been subsidizing the CHNEP between \$20-50,000 annually for administrative costs. So while it may be a wash at the programmatic level, the transfer will actually benefit the SWFRPC in the future. He also stated that the CHNEP had reimbursed the SWFRPC for those funds.

Ms. Wuerstle gave a PowerPoint presentation on the SWFRPC's FY 2014/15 Workplan and Budget.

Vice Mayor Congress asked Ms. Wuerstle if some of the \$500,000 in reserves were earmarked or restricted to go to some of the building maintenance projects. Ms. Wuerstle stated that the \$500,000 is the “true” reserve. Vice Mayor Congress asked if the Council should contemplate on earmarking some of the reserves for the needed repairs to the building. He also asked what would be the Council’s goal to reach for their reserves. Ms. Wuerstle said that she would like to keep the current amount in the reserves, in case of an emergency the Council would have those funds to fall back on to run operations and any major building repairs. She explained that she did put what she believed would be an efficient amount in the proposed budget to cover such issues as re-surfacing the parking lot and also, if needed, the replacement of the air conditioner. She also noted that there will be costs to renovate the building after the CHNEP leaves in order to consolidate and be able to rent out more space, but she doesn’t believe that any funds needed to be allocated at this time.

Mr. Perry asked Ms. Wuerstle to explain both the fringe and indirect rate allocations. Ms. Wuerstle explained that the indirect allocation consists of the Council’s overhead costs (note on the building, electricity, IT support, utilities, finance staff, etc.). Every grant project that staff works on gets charged a little bit of the indirect costs. Ms. Doyle explained that the Council’s current indirect rate is 65% and the current fringe rate is 44%. Ms. Wuerstle explained that the fringe covers all of the benefits. Mr. Perry asked if those rates were applied to the grants. Both Ms. Doyle and Ms. Wuerstle said yes and that a portion is returned to the Council, as long time is being charged to a funding source, i.e., grants, and not the local assessments.

Vice Mayor Congress asked if both the indirect and fringe rates would increase after the CHNEP moves to the City of Punta Gorda. Ms. Wuerstle explained the difference will be that the Council will not see the income from the CHNEP grants.

Mr. Reynolds referred to Ms. Wuerstle’s comments on the possible costs for the maintenance of the building and its parking lot and also potential rental space. He asked if the budget only included the current rental income. Ms. Wuerstle said it did. He then asked Ms. Wuerstle if she had an idea of what the income would be for a rental after the CHNEP moves. Ms. Wuerstle explained that she wasn’t sure if the remaining staff upstairs can be consolidated to the downstairs space, but if it was to happen there needed to be some work done to make it work and it would be very tight. Another option is to renovate the downstairs area and move all staff upstairs. One of the major issues is that there isn’t an elevator in the building. Staff has been discussing the options.

Commissioner Duffy said to Ms. Wuerstle that going through the Council’s budget process and how she presented it was so phenomenal, because she remembers how it was before Ms. Wuerstle was executive director and she couldn’t help but make a comparison on what a great job she has done.

Mr. Mulhere said that he also agreed with Commissioner Duffy’s comments. He liked how the workplan was presented and its accountability standards. He said that the last few years have been a challenge and he felt that staff has exceeded the expectations of many.

A motion was made by Vice Mayor Congress to approve the SWFRPC’s FY14/15 Workplan and Budget. The motion was seconded by Mr. Reynolds and carried unanimously.

AGENDA ITEM #8(a)
Grant Activity Sheet

This item was for information purposes only.

AGENDA ITEM #9
CONSENT AGENDA

A motion was made by Commissioner Turner to approve the consent agenda; Councilman McKeon seconded the motion and the motion carried unanimously.

AGENDA ITEM #10
REGIONAL IMPACT

Mr. Crawford gave a PowerPoint presentation on the following items. He also introduced Mr. McLeod to present the following comprehensive plan amendment items.

AGENDA ITEM #10(a)
City of Cape Coral Comprehensive Plan Amendment - DEO 14-1ESR (LU11-0003)

A motion was made by Commissioner Mann to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and the City of Cape Coral. The motion was seconded by Mayor Shaw. The motion carried unanimously.

AGENDA ITEM #10(b)
Lee County Comprehensive Plan Amendment - DEO 14-5ESR (CPA 2014-03)

A motion was made by Commissioner Mann to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County. The motion was seconded by Commissioner Turner.

Vice Mayor Congress noted that under the recommendations it stated "Consistent with the SRPP" and the previous item stated "Not Inconsistent with the SRPP", he asked if it basically meant the same thing. Mr. McLeod said Vice Mayor Congress was correct that it meant the same thing. He explained neither of the two items are regionally significant, don't impact regional resources and both are not inconsistent with the SRPP.

The motion carried unanimously.

AGENDA ITEM #10(c)

Sarasota County Comprehensive Plan Amendment – DEO 14-8ESR (CPA 2013-F)

A motion was made by Councilman McKeon to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and Sarasota County. The motion was seconded by Mayor Shaw. The motion carried unanimously.

AGENDA ITEM #10(d)

City of Sarasota Comprehensive Plan Amendment – DEO 14-1ESR

A motion was made by Mayor Shaw to approve staff recommendations. 1. Approve staff comments; and 2. Authorize staff to forward comments to the Department of Economic Opportunity and the City of Sarasota. The motion was seconded by Commissioner Mason. The motion carried unanimously.

AGENDA ITEM #10(e)

Tollgate DRI – Notice of Proposed Change

Mr. Crawford presented the following DRI items.

A motion was made by Mr. Reynolds to approve staff's recommended actions. 1. Notify Collier County, the Florida Department of Economic Opportunity (DEO) and the applicant that SWFRPC staff recommends approval of the change and that Council staff finds that the request is not a substantial deviation and does not create any additional regional impacts not previously reviewed by the SWFRPC. 2. Request that Collier County provide SWFRPC staff with copies of any Development Order amendments related to the proposed changes not contained in the NOPC, as well as any additional information requested of the applicant by DEO or the County. The motion was seconded by Commissioner Mann. The motion carried unanimously.

AGENDA ITEM #10(f)

Shell Point Village DRI – Development Order Review

A motion was made by Vice Mayor Congress to accept the development order as rendered and forward the review to Lee County and the Florida Department of Economic Opportunity. The motion was seconded by Commissioner Mann. The motion carried unanimously.

AGENDA ITEM #10(g)
Coconut Point DRI - Development Order Review

A motion was made by Mr. Reynolds to accept the development order as rendered and forward the review to Lee County and the Florida Department of Economic Opportunity. The motion was seconded by Commissioner Mann. The motion carried unanimously.

AGENDA ITEM #10(h)
Villages of Lakewood Ranch DRI - Development Order Review

Mr. Reynolds announced that he will be abstaining from voting on Agenda Items 10(h) and 10(i).

A motion was made by Councilman McKeon to accept the development order as rendered. Notify the Florida Department of Economic Opportunity and Sarasota County. The motion was seconded by Commissioner Mason. The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #10(i)
Palmer Ranch Master Development Order Review

A motion was made by Commissioner Hines to accept the development order as rendered and forward the review to Sarasota County and the Florida Department of Economic Opportunity. The motion was seconded by Commissioner Mason. The motion carried with Mr. Reynolds abstaining.

AGENDA ITEM #11(a)
CREW Land & Water Trust acquisition of the Gargiulo Land Trust Parcels Resolution

Regional Counsel, Sean McCabe, presented the item.

A motion was made by Commissioner Turner to approve SWFRPC Resolution 2014-04 and then seconded by Mr. Reynolds.

Commissioner Storter-Long asked what happens to the development rights that were originally applied to the property. Counsel McCabe said that if the State proceeds with the purchases of the tracts then he assumes that the development rights would transfer to the State. The purpose of the acquisition is to prevent development of the land.

Mr. Mulhere explained that some of the land is designated as a "sending" land, so there would be transferable development rights on them; but he didn't know if the owner had severed those development rights. If the owner had or does severe those development rights, prior to the State acquiring the land, those are a commodity and he can do what he wants with them. If he hasn't severed the development rights, then if it becomes public land, there is no ability to severe those rights under public ownership.

Commissioner Storter-Long clarified that the severing of the lands would have to be done before the acquisition by the State. Mr. Mulhere said that was correct.

Commissioner Mann asked who nominates the lands for acquisition, is it the governor and cabinet? Mr. Beever explained that the nominations are typically done by individual agencies, then DEP who gathers all of the information and determines if they are willing sellers, puts together a package for consideration by a committee, which is made up of multiple agencies, State and input from local governments. They also ask for input from different entities, such as the regional planning council on whether or not they support such acquisitions. The parcels are then ranked for acquisition.

Commissioner Mann asked if the final approval was done by the governor and cabinet. Mr. Beever explained that the final approval would be done by action of the DEP. The DEP was delegated to do the acquisitions under the Florida Forever Act.

The motion carried unanimously.

AGENDA ITEM #11(b)

Southwest Florida Regional Chemical Simulated Disaster – Functional Exercise Update

Mr. John Gibbons presented the item.

Mr. Mulhere thanked Mr. Gibbons for his presentation; it made him appreciate more of what is being done by staff and the programs that they work on, how it can save lives and the reduction in damage to property.

Mr. Perry said that he agreed with Mr. Mulhere's comments, especially since he lives close to a fertilizer plant.

Commissioner Turner explained that Wedgeworth has their own fire crew and emergency responders and a number of their employees are certified. Mr. Gibbons explained that Wedgeworth has their own fire brigade and they receive training from both counties. They also have their own truck to address their own fire scenarios. During the exercise they activated their plan and they have the capability to loan support to the county if the county needs it.

Commissioner Turner explained that Wedgeworth did respond to the event in Texas and he felt that was a very proactive step taken. He then stated that he has heard from his constituents that one of their largest fears is mulch fires at facilities. He said that he felt that those facilities needed to be looked at closely.

AGENDA ITEM #12(a)

Budget & Finance Committee Report

No report was given.

AGENDA ITEM #12(b)
Economic Development Committee

No report was given.

AGENDA ITEM #12(c)
Energy & Climate Committee

Mr. McCormick gave the committee report. He announced that at the Council's September 18th meeting there will be a presentation given on the SolarReadyFlorida project by the consultant, Meister Consultants. The object is to streamline solar installations in all of the communities and make it more economically viable for the citizens to participate.

AGENDA ITEM #12(d)
Estero Bay Agency on Bay Management Committee

No report was given; the information was included in the packet.

AGENDA ITEM #12(e)
Executive Committee

No report was given.

AGENDA ITEM #12(f)
Legislative Affairs Committee

No report was given.

AGENDA ITEM #12(g)
Quality of Life & Safety Committee

No report was given.

AGENDA ITEM #12(h)
Regional Transportation Committee

No report was given.

AGENDA ITEM #13
NEW BUSINESS

No new business was discussed at this time.

AGENDA ITEM #14
STATE AGENCIES COMMENTS/REPORTS

No state agency reports were given at this time.

AGENDA ITEM #15
COUNCIL ATTORNEY'S COMMENTS

No report was given at this time.

AGENDA ITEM #16
COUNCIL MEMBERS' COMMENTS

Commissioner Constance stated that the Florida Association of Counties (FAC) has scheduled their Policy Committee meeting at the same time as the Council's September 18th meeting and also their Legislative Committee meeting is scheduled at the same time as the Council's November 20th meeting, so he didn't know if the Council wanted to adjust their meeting schedule.

Mr. McCormick reminded the members that September 18th is the second day of a two-day workshop in which the SolarReadyFlorida presentation is scheduled to be given to the Council and the consultants are coming in from out-of-state.

After a brief discussion, the Council directed staff to conduct a quorum poll for both the September 18 and November 20 meetings.

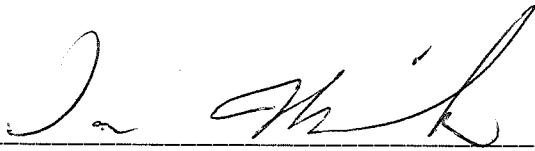
Mr. McCormick stated that the balloon payment on the note for the building will be coming up in 2016 and that both staff and members should be aware of the rising interest rates. He said with the Council's reserve that there may be more flexibility. Ms. Wuerstle explained that there is a penalty clause within the current note and staff has been in contact with both Finemark National Bank & Trust and Bank of America to see if anything can be done at this time.

Commissioner Mann asked the members, especially for those members who travel long distance to attend the Council meeting, if it would make it easier for those members to move the Council meeting time to 9:30 a.m. After a brief discussion the Council recommended keeping the start time at 9:00 a.m.

Chair Heitmann thanked Mr. Mulhere for running the meeting so efficiently.

AGENDA ITEM #17
ADJOURNMENT

The meeting adjourned at 10:16 a.m.



Mr. Don McCormick, Secretary

The meeting was duly advertised in the August 4, 2014 issue of the FLORIDA ADMINISTRATIVE REGISTER, Volume 40, Number 150.

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 SWFBPC	
MAILING ADDRESS 3200 BAILEY LN. COLLIER		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
CITY NAPLES COUNTY FL.		NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED AUG 14, 2014		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, [Signature], hereby disclose that on August 14, 2014.

(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.)

August 14, 2014
Date Filed

[Signature]
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 August 14, 2014, certain matters came before the Southwest Florida Regional Planning Council, as Agenda Items 10(h) Villages of Lakewood Ranch, and 10 (i) Palmer Ranch MDO.

The owners of the subject properties and/or applicants are a client of Stantec Consulting Services, Inc., my employer, and Stantec is providing consulting services for the project.

As such, I abstained from voting on and participating in any discussions relative to these matters.

Respectfully,



Alan D. Reynolds

August 14, 2014.

Date