

**MINUTES OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL  
OCTOBER 18, 2012 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on October 18, 2012 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 9:03 a.m. Commissioner Frank Mann 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: Commissioner Jim Coletta, Commissioner Tom Henning, Councilwoman Teresa Heitmann, Mr. Alan Reynolds, Mr. Bob Mulhere

Glades County: Mr. Thomas Perry

Hendry County: Commissioner Karson Turner

Lee County: Commissioner Frank Mann, Councilwoman Martha Simons, 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, Councilman Kit McKeon, Commissioner Willie Shaw

Ex-Officio Members: Mr. Johnny Limbaugh – FDOT, Mr. Phil Flood – SFWMD

**MEMBERS ABSENT**

Charlotte County: None

Collier County: None

Glades County: Commissioner Kenneth “Butch” Jones, Commissioner Robert Giesler, Councilwoman Pat Lucas

Hendry County: Commissioner Al Perry, Commissioner Daniel Akin, Commissioner Joseph Miller, Mr. Melvin Karau

Lee County: Commissioner Ray Judah, Councilman Joe Kosinski, Mr. Paul Pass

Sarasota County: Mr. Felipe Colón

Ex-Officio Membership:

Ms. Maya Burke - SWFWMD, Mr. Jon Iglehart - FDEP

**AGENDA ITEM #4  
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #5  
AGENDA**

Ms. Wuerstle noted that there were two walk-on Consent Agenda Items: Contract with Hendry County for Hazardous Waste Site Inspections and the other is Fixed Assets Disposal.

Ms. Holquist pulled Consent Agenda Item #9(g) Miromar Lakes DRI - NOPC for discussion.

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

**AWARDS**

Chair Turner congratulated Commissioner Jim Coletta for his years of service on the Council. Commissioner Coletta thanked the Council and staff for many great years (12 years) and stated that it had been a great experience. He felt that the RPC is an absolute necessity and over the years he had lobbied for its existence and funding and he hoped that the members will continue to do so in the future. He also felt that if for some reason we missed a step and were to lose the RPC, the Counties would be forced to reinvent the whole process over again at a future date.

Commissioner Coletta then introduced Mr. Tim Nance who had won the primary election. He explained that Mr. Nance has a real interest in regional planning and is a true community leader. He said that Mr. Nance had all of the abilities to make a great council member and thanked him for attending the Council meeting.

**AGENDA ITEM #9(g)  
Miromar Lakes DRI - NOPC**

Mr. Crawford presented the item.

Ms. Marilyn Miller with Fowler, White and Boggs Law Firm stated that she serves as special counsel to Florida Gulf Coast University (FGCU). She explained that they had just become aware of the notice of proposed change approximately one week ago and given its close proximity to the university did not feel that they had sufficient information to be able to comment at this point.

Ms. Miller explained that Miromar Lakes recently initiated a couple of actions against FGCU challenging the FGCU Master Plan. One was an administrative challenge to the 2010 Plan, which was recently adopted and the other was an action in local circuit court concerning the 2005 Plan. The administrative action was currently scheduled for final hearing in December. The arguments put forth by Miromar Lakes in those two actions were inconsistent with the proposed change. Given the current state of the facts, the University really felt it would be in everyone's best interest to table this vote for one month. She then referred to Mr. Crawford's statement that there was no impact to transportation. There was some concern because there is going to be single-family residential essentially swapped out for student housing. Student housing can be very different from a traffic impact point. Given the shortness of time that they had the notice of proposed change and the potential impact to the University, we would respectfully request that the Council table the item for a period of one month.

Mr. Charles Basinait with the Henderson and Franklin Law Firm said that he was going to defer his comments.

Ms. Neale Montgomery with the Pavese Law Firm who represents Miromar stated that she agreed with some of the comments that Mr. Crawford had made. She explained that the property was located within the University community and because it is located within the University community they have to go through several extra processes. When the comp plan category was created they had to come back and adopt a conceptual plan into the comp plan, which is an extra layer of review. All of the development parameter layers that were approved are not being changed.

Ms. Montgomery said that she would have to respectfully disagree with Ms. Miller when she stated that we were switching from single-family to multi-family. The area south of the University had always been approved for multi-family, so that would not be a correct statement. She noted that the applicant had paid for everything upfront. From a timing standpoint, Chapter 380.06(19) states that the appropriate regional planning agency shall review, which is mandatory, the proposed change no later than 45 days after its submittal. She said that this was the only public hearing opportunity within that timeframe. If there are any objections or concerns, those concerns must be shared with the local government within the 45 day timeframe. If they are not shared within that timeframe, then they are not binding and do not have to be considered by the local government.

Ms. Montgomery stated that Ms. Miller had stated that they would like to have the opportunity to comment and that is the wonderful thing about the comp plan category. The county is required to solicit their opinion about what Miromar is doing. The process has been designed to be able to give everyone the opportunity to provide input. They are going to be able to give as much input as they would like to give. It will come back to the RPC and if the county doesn't address the University's input to their satisfaction, then they can address it at the end of the process when the development order is presented to be adopted. For today, she felt that Mr. Crawford had appropriately stated at this juncture there are no un-reviewed or unaddressed regional impacts.

Ms. Holquist referred to the staff recommendation which stated that it would be beneficial to the University. She stated that on page 119 it stated that it would have a positive impact on the University, but FGCU hasn't weighed in, so they don't know if it is going to be positive or negative.

She said that by talking with staff and listening to the representatives today, there wouldn't be any negative implications in tabling the item for one month in order to allow the University to weigh in.

**Ms. Holquist made a motion to table the Miromar Lake DRI – NOPC item for one month. Mr. Mulhere seconded the motion.**

Councilwoman Simons asked how the 30 day extension would affect the developer. Ms. Montgomery explained that it is not consistent with the law and process. If the comments are going to be binding they have to be made within the 45 day timeframe.

Mr. Perry asked if staff had the obligation to notify the adjoining land owners that the notice of proposed change was being brought before the Council and if they had followed the proper procedures. Mr. Crawford explained that there wasn't a requirement to notify an adjacent land owner of a notice of proposed change. Mr. Perry said that it is not the Council's fault that FGCU didn't find out about the NOPC until five days ago, so he doesn't see why the Council should delay the process for an applicant that has followed the process because an adjoining landowner didn't find out in time.

Councilman Banks asked Ms. Montgomery to clarify the additional processes that the applicant had to go through because they were within the University community. Ms. Montgomery explained that there was an after process which the applicant had to go through. She then explained the local process.

Mr. Mulhere suggested an amendment to the motion to include a condition that a letter is sent to the local government indicating that the reason for the continuance was purely to allow communication between the applicant and the University and there were no substitutive issues related to the request on part of the RPC. Then, if the local government wanted to hear through the hearing examiner they would at least have that information.

Commissioner Duffy stated the importance of having public input. There are a lot of opportunities for public input on all of these steps. She said that she doesn't see why it would be necessary to hold it up. She felt that the Council should let it move forward with the understanding that the University was going to have the opportunity for their comments and input.

Councilwoman Simons stated that the date for the hearing examiner had not been set. Ms. Montgomery stated that it would probably be eight months from now. She then said that she didn't see a problem with allowing the 30 day extension since it hasn't been advertised with the hearing examiner and no date certain had been set.

Commissioner Mann noted that it was a Lee County issue and he wasn't anticipating such a request. He noted that the Council has two of the county's "favorite children" arguing and what has been going on in that part of the County has been positive and is the core of its economic development growth. Miromar has been a wonderful developer to work with and has gone above the call of duty with the County's rules and regulations. He said that this is the slowest time in the last 25 years as far as development is concerned where nothing critical was going to occur within the next 30 days, so he wouldn't be uncomfortable with accepting the request in deferring the item for 30 days.

Ms. Holquist noted that staff's recommendation stated that it was in the best interest of the University and the Council was in no position to state that it is in the best interest of the University if the University hadn't had a chance to weigh in. Also, 6,000 square feet of commercial uses were being moved next to that student housing. Anyone would say to take a closer look at that because they don't know what the impacts are going to be. She then said that she could accept Mr. Mulhere's amendment to the motion.

Councilman Banks stated that what concerned him was the two parties seemed to have a "little tiff" going on and he didn't want the RPC to be in the middle. He wanted the RPC to be able to conduct its business and not be involved if the two parties can't get along. He said that he agreed with Commissioner Mann's comments about the 30 day extension, but when the parties come back in 30 days he didn't want to hear about one party using the other one and abusing the process.

Ms. Holquist clarified that the amendment to the motion was to send a letter to Lee County stating why the Council tabled the item, which was that the Council wanted to consider input from FGCU since our analysis weighed heavily on FGCU being benefitted by the change.

Ms. Montgomery stated for the record that statutorily the Council is required to act in 45 days and if the Council misses the 45 day timeline then any comments submitted after the 45 day timeframe are not binding and do not have to be followed. The applicant is not waiving that timeframe.

Commissioner Duffy asked Ms. Donley for her legal opinion on the 45 day timeframe. Ms. Donley explained that the notice of proposed change was submitted September 24 and the 45 days expires November 8. The Council has until November 8 to submit its comments in a timely manner to Lee County and is required to be considered by Lee County. If the Council submits its comments after November 8, they can be considered by the hearing examiner just as any other public comment is received.

Commissioner Duffy asked if it would be sufficient if the letter was sent before November 8. Ms. Donley explained that if the motion is approved with the amendment including the letter, that would meet the 45 days, but that is not transmitting the Council's normal comments which are required under the statute. It would be more like we were public submitting comments to the hearing examiner.

Commissioner Duffy asked Ms. Donley for her recommendation. Ms. Donley suggested that the Council vote on the staff's recommendations as presented and then put in an amendment and/or attachment to it stating the Council's concerns. She then said that she agreed with Councilman Banks' statement about that it is not a Council issue.

Mr. Crawford explained that when staff reviews a notice of proposed change they look for regional impacts and being adjacent to FGCU, the University is considered a regional resource. Staff felt that in the long-term, instead of there being 10,000 students there will be 20,000 students and eventually FGCU will run out housing. They have already moved one apartment complex into the University's sphere and there will be others in the long-term, which will allow students to live off campus due to the lack of on-campus housing. The businesses will provide jobs for the students

and it will be within biking distance, which will reduce the traffic overall and that is what he meant when he said that it would be beneficial to FGCU eventually.

Ms. Holquist stated that staff had made that decision without FGCU weighing in. Mr. Crawford stated that it was a planning issue and that is what staff was commenting on. Ms. Holquist stated that staff was stating that this is what is going to happen at FGCU and this is why staff made that decision, but staff never spoke with FGCU. Mr. Crawford stated that it was purely a land use issue and he recognizes what Ms. Holquist was saying. He then said that he would be happy to change the report to the desire of the Council.

Ms. Donley explained that Mr. Crawford had indicated that the Council could recommend replacement language, such as that the Council was neutral on whether it was beneficial to FGCU or Council staff didn't have sufficient information to make that decision. The Council could make changes to staff's recommendations.

Councilman Leetz asked the Council if it is a policy that the Council wants to start in not meeting its deadlines.

Commissioner Coletta suggested recommending a "conditional approval" of the item with some kind of action that has to take place to try to alleviate any kind of impact which would take place with the University.

Councilwoman Simons asked if a staff report could be amended to reflect that FGCU had not weighed in on it. Mr. Crawford replied yes, new language could be added and/or the statement could be removed. He explained that the Council should be looking at regional impacts.

Ms. Miller suggested that the applicant could withdraw the notice of proposed change and resubmit it next month, but Ms. Montgomery stated that she was unwilling to do that. She then said that she agreed with Ms. Holquist where staff's recommendation stated that it benefited the University and there isn't enough information for that determination.

Chair Turner suggested that Mr. Crawford bring language back before the Council on the amendment.

**Councilwoman Heitmann called to question and Commissioner Constance seconded.  
The motion carried with one opposed.**

Chair Turner called a vote on the motion on the floor which included the amendment.

Ms. Montgomery asked that the motion be stated with the amendment for clarification.

Ms. Wuerstle stated that Ms. Holquist made a motion to table the item with a letter being sent to Lee County explaining that the Council would like to have FGCU weigh in.

Ms. Holquist said that the letter would be sent immediately after this meeting in order to meet the November 8 deadline and the Council tabled the item because staff's recommendation was based on impacts on FGCU and the Council needed FGCU's input in order to make their decision.

Chair Turner called for a roll call vote.

The motion failed with 9 Aye and 11 Nay.

Commissioner Jones made a motion to approve Consent Agenda Item #9(g) Miromar Lakes DRI – NOPC as presented. Councilwoman Simons seconded the motion.

Councilwoman Simons stated that she would like to make a friendly amendment to the motion that since staff stated that the Council could amend the section which was objectionable. She wanted to know if the Council could amend that section and send the letter along with the Council's approval as amended. Councilman Leetz seconded the friendly amendment.

Commissioner Jones explained that he moved to approve staff recommendations as presented because the Council has a function to review these notice of proposed changes for consistency to the comp plan and regional impacts. Our staff did that and made their recommendation and that is our function, but now we have a land owner who wants to make statements, but there aren't any development orders on the table currently before the local government. When there are development orders presented to the local government there will be ample time to make those comments, objections if it rises to that level and if the local government doesn't believe that it is in the best interest of the parties involved, then they can step in at that time and make those decisions. It is not the Council's function and it is not the time in the process.

Councilwoman Simons stated that the report is not accurate. She suggested removing the inaccurate wording and then moving the item forward.

Commissioner Duffy suggested approving the item with a letter stating that the Council hopes that there would be adequate input from FGCU.

Councilman Leetz suggested approving the item as presented with a letter stating that as of this date of this action the University had not commented.

Ms. Donley noted that there was some suggested language that "the County shall consider the impact of the change on the University and the economic development of Lee County." Councilman Leetz clarified that the language which Ms. Donley just stated would be an addendum. He then said that he withdrew his second to the friendly amendment.

By general consensus the Council agreed to insert the language which Ms. Donley had suggested as an addendum.

The motion carried with one opposed.

**AGENDA ITEM #6**  
**Minutes of the September 20, 2012 Meeting**

Commissioner Tom Jones made a motion to approve the minutes of the September 20, 2012 Meeting and Commissioner Coletta seconded the motion. The motion carried unanimously.

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

Ms. Wuerstle announced that the Council meetings were now also available through WebEx. For those members who participated through conference call, they can also participate via WebEx and would be able to view all of the presentations at their computers during the meeting.

Ms. Wuerstle stated that it appeared that the Council will be closing the 2012 budget year with a \$34,000 net income. She then noted that the Council's health care costs had increased. She proposed taking \$20,000 from the \$34,000 net income and pay for staff's health insurance because they have not had a cost of living or merit increases in five or six years. Then \$7,000 will go into the Council's reserve account and the remaining \$7,000 for operations and equipment.

Councilwoman Simons asked what the annual deductible for the employee health insurance is. Ms. Wuerstle explained that the annual deductible was \$3,000. In order for us to bring costs down substantially it would have to go up to \$5,000 or 10,000. Councilwoman Simons asked if anyone had investigated a 527 to cover an increased deductible. Ms. Donley replied that staff had investigated both HRAs and HSAs.

Ms. Mulhere stated that having many options available, especially for younger people, a higher deductible HSA program works very well. They are taking some risk, but it is their choice. If you can negotiate with other providers and have 3-4 options.

Ms. Wuerstle stated that staff will continue to research the issue until a decision had to be made.

Ms. Wuerstle stated that one of the reasons that she was asking for \$7,000 to go into operations and equipment was due to the recent inquiry by Senator Benacquisto in leasing space in the building. She had polled both the Budget and Finance Committee and Executive Committee to determine if there would be any interest in leasing space to the Senator, because it would be at a substantially reduced rate (\$15,000 annually). She spoke with the Senator's office yesterday and indicated that we would agree to the rate and Ms. Donley would be putting together a lease. They are very anxious to move in, as early as next week.

Commissioner Constance asked how many square feet are they renting. Ms. Wuerstle replied that it was 2,500 square feet, which is approximately \$0.50 square foot.

Commissioner Duffy stated that it is approximately how much both the State Representative and Congressman Rooney pay Charlotte County for their space.



Commissioner Mann asked if the \$7,000 is for remodeling then Council will only be netting 50%. Ms. Wuerstle explained that the only remodeling that is needed to accommodate the Senator is a door.

Commissioner Duffy stated that she felt that it is a great benefit to having Senator Benacquisto located within the RPC offices.

Vice Mayor Denham stated that he agreed.

Councilwoman Keesling asked what area would still be available for rent. Ms. Wuerstle explained that the only remaining area that would be available is the small area off the reception area.

Commissioner Henning asked if the full Council had to approve the lease or if staff had the authority to approve the lease. Ms. Wuerstle explained that the Executive Director has the authority to approve the lease. However, she felt that since it was such a substantial reduction from what the space was being offered for by the realtor that she wanted the Council to be aware of what the price was and determine if there were going to be any major objections.

Commissioner Constance asked what the term of the lease was. Ms. Wuerstle stated that she was going to make the lease for a two year term and then renegotiate the price of the space at the end of the term. She was hoping to then go for a four year term with a better deal.

Ms. Wuerstle announced that there were two workshops coming up:

- Broadband Regional Public Workshop - October 19
- Energy Workshop - November 2

Ms. Pellechio gave an overview on both the Broadband Regional Public Workshop and Energy Workshop.

Vice Mayor Denham asked if there was any resolution to the Cape Coral assessment, which was brought up at the last meeting by Councilman Leetz. Commissioner Mann stated that there hadn't been any action taken by Lee County since the last Council meeting.

Ms. Wuerstle briefly reviewed the distributed Council's Performance Measures.

#### **AGENDA ITEM #8(a)** **September 20, 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.

Vice Mayor Denham stated that he would like to see a little bit more clarification on the grant activity sheets.

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

Mr. Perry noted that he would be abstaining from Consent Agenda Item #9(c) Glades County Comprehensive Plan Amendments (DEO 12-4ESR).

Mr. Reynolds noted that he would be abstaining from Consent Agenda Item #9(e) Sarasota County Comprehensive Plan Amendments (DEO 12-2ESR).

Commissioner Jones moved and Commissioner Mann seconded to recommend approval of the balance of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statement for September 30, 2012; Agenda Item #9(c) Glades County Comprehensive Plan Amendments (DEO 12-4ESR); Agenda Item #9(d) City of Cape Coral Comprehensive Plan Amendments (DEO 12-2ESR); Agenda Item #9(e) Sarasota County Comprehensive Plan Amendments (DEO 12-2ESR); Agenda Item #9(f) Sarasota County Comprehensive Plan Amendments (DEO 12-3ESR). Walk-on Agenda Item #9(h) Disposal of Fixed Assets; and Walk-on Agenda Item #9(i) Hendry County for Hazardous Waste Site Inspections. The motion carried with Mr. Perry abstaining from voting on Agenda Item #9(c) and Mr. Reynolds abstaining from voting on Agenda Item #9(e).

**AGENDA ITEM #10(a)**  
**Climate Change Vulnerability Assessment and Adaptation Opportunities  
for Salt Marsh Types in Southwest Florida Presentation**

Mr. Beever gave a PowerPoint presentation.

Commissioner Mann referred to the ongoing debate between the City of Cape Coral and Lee County regarding the Cietus Boat Lift. He then asked Mr. Beever to go back to the first slide and state over how many years he referred to the tidal increase. Mr. Beever replied that it was since 1910, approximately 100 years for a nine inch sea level increase.

Commissioner Mann said from the time the Gulf American Corporation Settlement was reached they installed the long spreader canal, approximately 40 years ago. He wanted to know how much would the tidal increase would have been. Mr. Beever explained that it would have been

approximately four inches within 40 years. Commissioner Mann said that it would be five inches since the spreader canal was installed.

Commissioner Mann asked Mr. Beever what effect the tidal increase had on the original purpose of the spreader canal which was to separate the fresh and salt water activity. Mr. Beever explained that the areas were studied within Cape Coral. The amount of salt marsh that existed between the spreader canal and the adjacent waterway (Matlacha Pass) had decreased over that time period as mangroves had moved into areas which were formerly salt marsh. Salt marsh has not been able to migrate landward because the spreader waterway is present there and there is no place for that salt marsh to go because it is open deep water. What has happened during that time period is the decrease in the amount of salt marsh that existed between the spreader waterway and the open waters of Matlacha Pass. Another affect is the barriers that had been put in place during the initial construction of the spreader waterway were being surmounted by the increased sea level. The areas which had been at a lower relative sea level, compared to the spreader waterway, are now getting closer to the same relative elevation.

Commissioner Mann asked Mr. Beever if the original purposes of the construction of the canal still being served. Mr. Beever stated that when the canal was constructed it was put in the wrong place. The canal's purpose was never served as the way it was constructed.

Commissioner Mann asked if he was to extrapolate from Mr. Beever's response that the whole Cietus Boat Lift issue is mute. The spreader canal is not serving any meaningful purpose, no matter what the tidal change has been. Mr. Beever stated that it is not a mute issue, because it provided other functions besides the one which it was supposedly intended. In order for a spreader canal to work properly, you don't construct it out of wetlands. The spreader canal should've been constructed further east than its current location, in areas of uplands. What they did when they built the spreader waterway in that location was basically take the landward side of the Black Mangrove forest and used that as the western boundary and then dug out most of the high marsh. As it was constructed it served certain functions. The question might best be how would you better address the water quality problems that Cape Coral is presently facing and will continue to face in the future at build out.

Councilman Leetz stated that 40-50 years of mistakes were made which we are all living with today. Mr. Beever said that was a correct statement.

#### **AGENDA ITEM #10(b) RESTORE Act Presentation**

Dr. Lisa Beever, Charlotte Harbor National Estuary Program Director gave a PowerPoint presentation.

Councilwoman Simons asked if any of the funding had been allocated for FGCU's Marine Lab. Dr. Beever explained that the CHNEP had sent the information regarding this to FGCU and she believed that they are submitting some research projects for consideration.

Commissioner Constance asked Dr. Beever to go back to the slide which illustrated the individual projects. Dr. Beever explained that there were groups and the groups identified projects which included a ranking. It was brought to the whole body at the meeting for a vote and each person had one vote on a project.

Commissioner Mann stated that he wanted to know two things. What is the realistic expectation of the amount of money that will flow to Southwest Florida? Secondly, when is it expected to happen? Dr. Beever stated that the most recent information that she had received in the newspaper was the negotiation was somewhere between \$15-18 billion for the fines. Commissioner Mann asked what is the most that Southwest Florida could expect to receive. Dr. Beever said that she didn't know at this time. She explained that the county dollars are a different pot of funds then the state pot of funds. The NEPs want to attract as much of the Gulf-wide dollars to us as possible.

Commissioner Mann explained that Lee County had initiated litigation against BP for damages that they felt that could be proved both economic and ecological.

Vice Mayor Denham noted that there was an employee of Lee County Natural Resources working on the RESTORE Act and the City of Sanibel had been working closely with him. Commissioner Mann stated that he was aware of it, but no one had signed any construction contracts at this time.

Commissioner Henning asked Dr. Beever what the Everglades Restoration C-43 project was. Dr. Beever explained that it was formerly known as the Berry Groves property and it is a proposed reservoir just over the Lee County line into Hendry County. It is a SFWMD project, but it is also part of the Everglades Restoration project. The idea was to be able to hold water back in the reservoir to provide minimum flows and levels to the Caloosahatchee River.

Commissioner Henning stated that he didn't see any projects in Collier County. Dr. Beever stated that no projects were identified in Collier County at that particular meeting, but she would be delighted to receive submittals for Collier County. Commissioner Henning stated that there are the Naples Bay and sea grass restoration projects.

Councilwoman Heitmann asked if there was participation from Collier County at the meeting. Dr. Beever explained that there was participation from the City of Naples, but not from Collier County. She said that she was informed that Collier County was undergoing some staff changes within its Natural Resources Department.

**AGENDA ITEM #10(c)**  
**Estero Bay Agency on Bay Management (ABM)**

The materials presented in the packet were as an information item.

## **AGENDA ITEM #11 NEW BUSINESS**

Ms. Holquist announced that an Education Summit, sponsored by the News-Press for Southwest Florida, will be held on Thursday, October 25 at the Harborside Event Center. There is going to be an announcement made about a new regional project being proposed by FGCU, Regional Economic Research Institute and how it affected the RPC for information purposes. The plan is to go through the CEDS document to get matching funds for the project. The project involves looking at business sectors and it will start with six different sectors and determine the gaps between what workforce needs are and currently exist. Not just today, but also what is needed into the future as far as what businesses are growing and what workforce needs are expected to exist in the future. Then mirroring it with educational institutions to make sure the gaps can be filled in. It is like a 2020 project starting with six business sectors. The initial thought is that it will cost approximately \$100,000 with approximately \$50,000 coming from the communities and the matching funds from EDA. As of couple days ago approximately \$30,000 of the \$50,000 had already been committed.

Mr. Mulhere noted that during the attendance roll call, Mr. Paul Pass's name kept coming up and to his knowledge he hadn't attended a meeting for the past several years. He then suggested sending a letter to Mr. Pass asking if he would like to resign from the Council.

Councilwoman Simons stated that she had contacted Mr. Pass and asked if he wanted to resign from the Council and he said no.

Mr. Mulhere stated that he would like to see the governor appoint someone else who would be able to attend the meetings.

Councilwoman Simons stated that since Mr. Pass is a former mayor of the City, she would be happy to bring it before her City Council and then send a letter to the governor with a recommendation. She stated that she would then bring it back before the full RPC at its November meeting.

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

FDOT - Mr. Limbaugh announced that FDOT was in the middle of their Work Program cycle and they were developing their Work Program which would be presented to the MPOs and rural counties at the beginning of December.

SFWMD - Mr. Flood announced that SFWMD is completing the Five Year Update of the Lower West Coast Water Supply Plan, which looks out at a 20 year plan horizon. It will be presented to the SFWMD Governing Board in November for their consideration.

Mr. Flood stated that the Corps of Engineers announced that they will be reducing the lake releases from Lake Okeechobee by a small amount.

**AGENDA ITEM #13  
COUNCIL ATTORNEY'S COMMENTS**

No comments were made at this time.

**AGENDA ITEM #14  
COUNCIL MEMBERS' COMMENTS**

Commissioner Jones announced that on Friday, October 19 North Port's 3<sup>rd</sup> Annual Bicycle Tour would be held and that next week is the grand opening of the Coco Plum Shoppes on US41 in North Port.

Commissioner Constance thanked both Mr. Beever and Dr. Beever for their presentations. He indicated that he will be attending the RESTORE meeting on Monday and asked who the other county representatives on the RPC were. Commissioner Jones stated that Commissioner Nora Patterson from Sarasota County stated that they would be attending.

Commissioner Constance suggested adding a section on the agenda for the RESTORE Act.

Commissioner Duffy announced that Charlotte County will be looking for a land use attorney.

Councilwoman Simons briefly spoke about the upcoming elections. She then noted the recent spike in crime in Southwest Florida. She suggested having the RPC review the following regional issues:

- Crime
- Education
- Social Services

Commissioner Shaw stated that he concurred with Councilwoman Simons regarding her concerns on the increase in crime. The City of Sarasota had done some studies on new initiatives and has gone forward within the City of Sarasota to do some work and also coordinate with the County Sheriff. He felt that it is an issue which needs to be brought before the Council in the future because it is broadening itself and while cities have an opportunity to control it, we should get ahead of the game.

Ms. Wuerstle explained that in cooperation with the Fort Myers Police Department, Lee County Sheriff Department, School District of Lee County, Mental Health, and United Way, the RPC had submitted a Robert Wood Johnson Grant to start addressing some of the issues and crime in the Dunbar community. The Fort Myers Police Chief felt that it was very important that we start getting to the kids at a much younger age and addressing the issues that are impacting their ability to get to school and learn.

Councilwoman Simons stated that there are much broader issues on how we could support communities and bring people together. It is not just the Dunbar Community or minority communities. She said that a solution was when all communities are going to come together to address the issues.

Commissioner Shaw said that he agreed with Councilwoman Simons. The City of Sarasota had identified certain areas within each community that had these issues. The sooner that we realize that it is a total community issue rather than a portion of the community issue, we come to understand that a safer community brings about greater economic development, better health issues, etc. The one thing that we have found is that we can't arrest our way out of this situation. We can no longer just place people in jail and think that is going to solve our problem. We are going to have to start looking at the real issues which face us and address them in such a way that we can become safe and sound.

Commissioner Shaw explained that he had the opportunity to address the David Kennedy initiative and there is a book out entitled "Don't Shoot" by David Kennedy of the John J School of Criminology in New York. The two comparisons were Comstat, which is what we normally have in the policing, but it had just been changed out in New York with the Kennedy initiative and it is working in over 70 different cities. Another one is the High Point Strategy, which is a spin-off of the Kennedy initiative. It has some very positive input with great results focusing on more deterrents and working towards prevention.

Commissioner Henning said that he was glad to be back on the RPC.

Mr. Reynolds thanked Commissioner Coletta for his years of public service

**AGENDA ITEM #15  
ADJOURN**

The meeting adjourned at 11:10 a.m.

 Chair  
-----  
Commissioner Tom Jones, Secretary

The meeting was duly advertised in the October 3, 2012 issue of the FLORIDA ADMINISTRATIVE WEEKLY, Volume 38, Number 42.

REQUEST FOR PLACEMENT ON AGENDA  
OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

MARILYN MILLER

(Please Print)

Organization (if any):

FOULER WHITE BOGGS

Address:

2235 FIRST ST.

Agenda Item Number:

9(g)

Amount of Time Requesting:

3 minutes

Signature

Marilyn L. Miller

Date

10/18/12



**REQUEST FOR PLACEMENT ON AGENDA  
OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

Name:

CHARLES BASINAT

(Please Print)

Organization (if any):

PEG

Address:

1715 Monroe St.  
FM, FL

Agenda Item Number:

9.9 (Consent)

Amount of Time Requesting:

2 min.

Signature

[Signature]

Date

10/18/12

**REQUEST FOR PLACEMENT ON AGENDA  
OF THE  
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL**

**Name:**

(Please Print)

**Organization (if any):**

**Address:**

**Agenda Item Number:**

**Amount of Time Requesting:**

**Signature**

**Date**



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

LAST NAME—FIRST NAME—MIDDLE NAME <b>REYNOLDS ALAN DAVID</b>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>SWFRPC</b>	
MAILING ADDRESS <b>3200 BAILEY LANE SUITE 200</b>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <b>MAPLES</b>	COUNTY <b>COLLIER.</b>	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <b>OCT 18, 2012</b>		NAME OF POLITICAL SUBDIVISION: <b>COLLIER</b>	
		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 REYNOLDS, hereby disclose that on OCT. 18, 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 SEE ATTACHMENT).

OCT. 15, 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.

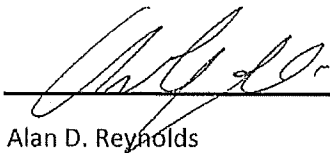
DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan D. Reynolds, hereby disclose that on October 18, 2012, a Comprehensive Plan Amendment for Palmer Ranch DRI will come before the Southwest Florida Regional Planning Council, as Agenda Item 9e.

The developer of Palmer Ranch and applicant for the Comprehensive Plan Amendment are clients of WilsonMiller, Inc., a wholly owned subsidiary of Stantec Consulting Services, Inc., and my employer.

I will be abstaining from voting on and participating in any discussions relative to this matter.

Respectfully,



---

Alan D. Reynolds

OCT. 15, 2012

Date

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Perry Thomas Carter Jr</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>SWFRPC</i>	
MAILING ADDRESS <i>Post Office Box 1029</i>		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 <i>Clewiston FL</i>	COUNTY <i>Glades</i>	NAME OF POLITICAL SUBDIVISION: <i>SWFRPC</i>	
DATE ON WHICH VOTE OCCURRED <i>Oct 18, 2012</i>		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. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with 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

### ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should 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:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

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

- You should 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.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

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

- You should disclose orally the nature of your conflict in the measure before participating.
- You should 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 should incorporate the form in the minutes.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Thomas CPerry Jr, hereby disclose that on Oct 18, 19 2012:

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

☐ inured to my special private gain; or

☒ inured to the special gain of Hilliard Bros, by whom I am retained.

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

Hilliard Bros is A client of my employer

10/18/12  
Date Filed

Thomas Perry Jr  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), 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 \$5,000.