

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
OCTOBER 16, 2014 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **October 16, 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 **9:05 AM** and **Mr. Tommy Perry** then led an invocation and the Pledge of Allegiance. SWFRPC Planner 1/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 Paul Beck, Commissioner Donna Storter-Long, Mr. Thomas Perry

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

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

Sarasota County: Commissioner Cheryl Cook for Commissioner Rhonda DiFranco, Mayor Willie Shaw, Councilman Kit McKeon

Ex-Officio: Ms. Melissa Dickens - SWFWMD

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: Mayor Phillip Roland

Lee County: Commissioner Frank Mann, Mayor Anita Cereceda

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

Ex-Officio: Ms. Carmen Monroy – FDOT, Mr. Jon Iglehart – FDEP, Mr. Phil Flood – SFWMD

Ms. Gwinnett announced that there was a quorum present at that time.

**AGENDA ITEM #4
PUBLIC COMMENTS**

There were no public comments made at this time.

**AGENDA ITEM #5
AGENDA**

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

**AGENDA ITEM #6
Minutes of the September 18, 2014 Meeting**

Councilman Burch made a motion to approve the minutes of the September 18, 2014 meeting as presented and the motion was seconded by Commissioner Cook. The motion carried unanimously.

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

Ms. Wuerstle presented the item. She reviewed the distributed handouts. One of the handouts contained a description of both sector plans and developments of regional impact. She explained that the reason that it was brought before the Council was to ask for their support on the growth management issue on the legislative priorities.

Vice-Mayor Congress introduced Nancy Stroud of the law firm Lewis, Stroud & Deutsch, P.L. who gave a presentation on both developments of regional impact and sector plans.

**AGENDA ITEM #7(a)
Correspondence from Governor Scott**

This item was for information purposes only.

**AGENDA ITEM #7(b)
Planning for Large Scale Development: Developments of Regional Impact and Sector Plans**

Ms. Stroud gave a PowerPoint presentation.

Mr. McCormick clarified that with sector plans the RPC's role is completed after its initial review. Ms. Stroud stated that he was correct unless there was a local comprehensive plan amendment involved; otherwise, there is no designated role for the RPC. Mr. McCormick asked who has the

authority to state that the project is no longer consistent after 20 years. Ms. Stroud explained that it would be up to the local government and the state land planning agency.

Commissioner Turner thanked Ms. Stroud for her presentation. He then asked if there was really a timeline that begins on the DSAP. Ms. Stroud explained that the DSAP is proposed for areas that are anticipated to develop earlier, rather than later. Those applications for smaller areas are for when the owner/developer feels that it is ready to proceed.

Commissioner Turner asked Ms. Stroud if she felt that by the RPC having no real authority over the sector plan because they are just a reviewing agency, if it would inhibit the validity of a sector plan or if it could potentially create some harmful effects. He went on to state that Hendry County has potentially three sector plans that will be on their books. He wanted to know if it would affect the region if they don't come back to the RPC for a second review. Ms. Stroud stated that she believed that there is a role for the RPC and that there is a gap in the sector planning process that leaves out the agency that is best equipped to know the local regional issues and the impacts a larger development may have on other local governments within the region. The State really isn't in the position to know the situation as well as the RPC, since the RPC is made up of local elected officials. She felt that it would be a benefit to the citizens to have that regional review. She said that she felt over the years the RPCs have been given a "bad rap" resulting in their roles being reduced due to some unfortunate occurrences over 30 years. She went on to state that it doesn't mean that the RPCs should be dissolved.

Councilman Burch stated that he liked both the sector planning and the DRI process. The DRI process is still used in Cape Coral even though it isn't required. He said that he felt that there is a role for the DRI process to become part of the sector planning process, because he believed that there is a reaction to the DRI process. The master plan is all about the various agencies giving input to ensure that the resources that are managed by the agencies are allocated properly for each development, as opposed to sector planning where the sector plans are put in place and the agencies have to react to it. There are very critical issues relative to the State of Florida, local communities, and regional interests. He said that he hoped that the dialog between Hendry County, local municipalities within the sector plan area (i.e. Glades County), along with the other municipalities throughout the State of Florida set aside special interests and policies and minimize the constraint as much as possible and then inject some form of the DRI process into the sector planning process to the degree that some of the comments and items are addressed. If you are going to plan for future growth in a large way, you must protect your citizens and residents in the long-term. RPCs have a significant reason to exist. He is hoping to hear a different dialog going forward with Sugar Hill and other similar projects. Let's work together and get it right and not just try to get it done.

Mr. Perry stated to Ms. Stroud that owners in the planning area may opt out of the master plan before the plan is approved. Does that mean that the owner that is applying can change his/her mind about a piece of property within the boundary or is that contemplating that the local government could come in do a sector plan and then the land owner for a broad piece of property could decide that they didn't want to be part of the local effort. Ms. Stroud said that it is the land owner who gets to opt out. A land owner can choose to keep their land out of the sector planning process. She said that it was her understanding that the sector plan encompasses all of the property that the applicant brings in, even though they may not be the owner unless the specific owners of

the properties within the sector plan area state that they don't want to be part of the sector plan. Then the sector plan would go up for adoption without the property that opted out.

Mr. Perry asked Ms. Stroud if an applicant can propose a sector plan without the consent of the property owners. Ms. Stroud said yes because that is how the law was written, so it is very important that the land owners know that they have the option of opting out of the plan. Another issue is that after a master plan is adopted, the land owners can opt out but they have to get a comprehensive plan amendment from the local government that adopted the master plan.

Discussion ensued.

Mr. Mulhere explained that typically a sector plan would be initiated by a private party. He then said that land owners will be notified that their property falls within the boundaries of a proposed sector plan, but they do not have to be a party to the application. However, any land owner who wishes to opt out of the plan needs to do so prior to the plan's adoption.

Mr. Reynolds explained that when the sector planning process was conceived it was anticipated that local governments would be the primary sponsors of sector plans, but as it turns out it has been more private sector initiated. The very first sector plan in Florida was actually initiated by Palm Beach County, so part of the reason for the opt out was because when a local government initiates a sector plan it gives the citizens/residents an opportunity to stay within the underlying comprehensive plan.

Mr. Mulhere said that he believed that there should be a role for the RPC in the sector planning process, more particularly where the plan could clearly have regional impacts. However, for that to be required the statute would have to be amended to reflect such a change in the sector planning process.

Mr. McCormick asked Ms. Stroud if a DSAP was really a DRI without having the RPCs involved in the process. Ms. Stroud explained that some of the procedures set up for a DSAP mimics the DRI procedures, except it doesn't have the RPCs involved. An appeal of a DSAP goes through the administrative process and appeal parties are limited.

Vice-Mayor Congress asked Ms. Stroud if there were two or three things with regard to the DRI process that she would recommend that the RPC advocates for in the legislature to approve the product and make a priority. Ms. Stroud stated that over the years, the DRI process has been refined so that methodologies are standard. The application form is standard; it is like a "well-oiled process". What she sees as being the two major issues are what has happened over the years where fewer and fewer developments go through the DRI process and after the latest legislation, fewer jurisdictions have to go through the process. She then said that she felt that by not having the RPCs being able appeal to the Land and Water Judicatory Commission is where the problem lies because it lessens the voice of the RPCs. The RPCs should be involved in the front end of the review process, because that is where all of the "real" work gets done and the dialog occurs, and it is really the critical part of the process.

Councilman Banks said that the RPCs are just a review entity, they don't have any clout.

AGENDA ITEM #8(a)
Grant Activity Sheet

This item was for information purposes only.

AGENDA ITEM #9
CONSENT AGENDA

A motion was made by Councilman Banks to approve the consent agenda as presented; Commissioner Cook seconded the motion and the motion carried unanimously.

AGENDA ITEM #10
REGIONAL IMPACT

Mr. Crawford gave a PowerPoint presentation on the following items.

AGENDA ITEM #10(a)
Lee County Comprehensive Plan Amendment - DEO 14-6ESR

A motion was made by Commissioner Hamman 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 Davis. The motion carried unanimously.

AGENDA ITEM #10(b)
Sarasota County Comprehensive Plan Amendment - DEO 14-9ESR

A motion was made by Ms. Holquist 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 Commissioner Davis and carried unanimously.

AGENDA ITEM #10(c)
Charlotte County - Sandhill DRI - NOPC

A motion was made by Commissioner Duffy to approve staff's recommended actions: 1. Notify Charlotte County, the Florida Department of Economic Opportunity and the applicant that the proposed DRI changes do not appear to create a reasonable likelihood of additional regional impacts on regional resources or facilities not previously reviewed by the SWFRPC; and 2. Request that Charlotte County provide a copy of the development order amendments, and any related materials, to the Council in order to ensure that the development order amendment is consistent with the NOPC. Request the Charlotte County staff to provide the Council a copy of the above information at the same time the information is provided to the Florida Department of Economic Opportunity. The motion was seconded by Councilman Burch.

Councilman Burch stated that both Items 10(b) and 10(c) are regional in nature and both had transportation impacts that have been reviewed as part of the process, along with being part of the DRI process as well. Transportation would probably be the most significant impact, but it is due to all of the other components as to why he supports both projects.

The motion carried unanimously.

AGENDA ITEM #10(d)

Lee County - River's Edge Yacht and Country Club DRI - Development Order Review

A motion was made by Councilman Banks to accept the development order as rendered. Notify the Florida Department of Economic Opportunity and Lee County. The motion was seconded by Councilman Burch. The motion carried unanimously.

AGENDA ITEM #10(e)

Hendry County - Sugar Hill Sector Plan Amendments - SEPL 14-0001

Mr. McLeod gave a PowerPoint presentation on the item.

Councilman Banks asked Mr. McLeod if the land owners who own the long-term agricultural lands, would benefit. Mr. McLeod noted that the land owners were US Sugar. One of requirements with the initial sector planning was to propose how to preserve long-term agricultural use without the threat of development pressure and he felt that was one of the initial thrust behind sector plans was to preserve long-term agricultural uses.

Mr. Karau asked how many acres are in the employment center. Mr. McLeod said that he didn't have the exact amount, but the whole plan consists of 43,000 acres and he believed that the employment center would take up approximately a $\frac{1}{4}$ or $\frac{1}{6}$ of the total acreage.

Commissioner Turner asked for clarification on this project. Hendry County approves the plan and submits the plan to DEO, and then the various agencies give their assessments. Mr. McLeod said that was correct. Commissioner Turner explained that DEO is the "umbrella" organization and reviews the plan, but Hendry County had to start the ball rolling.

Mr. McCormick referred to the second alternative where the RPC would be involved in the DSAP phase, and questioned if it was possible, because it currently is not recommended in the DSAP regulations. Ms. Wuerstle explained that Hendry County could allow the RPC to be involved in the DSAP process. Commissioner Turner explained that the RPC could ask for a scoping request. However he stated that he could assure everyone that it would not be approved at this time due to the general comments being presented in the report. He then referred to Councilman Banks' comments that Hendry County has to look at the reasons why this particular project has raised a lot of eyebrows; he questioned why it happened and believed that it was politically motivated.

Commissioner Turner then referred to the "hatched areas" on the map. He believed that was a lot of the motivation of why they were seeing so much concern around the sector plan. Hendry County has already done two other sector plans and they were presented to the RPC on their consent agenda. Now, there is this entity who has engaged our community for a very long time;

along with their other partner that has sustained the area through generations. In his opinion, they are finally sitting down with Hendry County and saying that they want to help Hendry County increase their footprint on economic development. If you drive through Main Street of Hendry County, the Wal-Mart was built on property that US Sugar gave up, along with two or three developments that sit on land that the US Sugar Corporation gave up. He represents a couple of trailer parks which contains a large amount of his constituency base that sits on lands that the Hillard family sold to the developer. He then said that he also agrees that the way the plan was presented does not give enough information for the RPC to approve the plan. The plan is missing the point on a number of variables, but he felt that it was premature to poke holes in it absent the ORC report from DEO and also absent the agencies "getting around the table" and working through the details, which are so critical from a regional perspective.

Mr. Karau asked what the next step was, and what is expected to happen. Ms. Wuerstle explained that DEO will review the plan and give their comments and then there is a potential appeal process, before the plan is rendered approved and the DSAP process can begin. She said that she believed that DEO had 30 days for their review and to submit their approval or rejection of the plan.

Councilman McKeon stated that it appeared from Commissioner Turner's recent comments that he acted in the role of Hendry County Commissioner and expressed his thoughts very clearly, but then he stepped aside and stated that as an RPC member he agreed that there wasn't enough information at this time. Commissioner Turner agreed with Councilman McKeon's comments. Councilman McKeon then asked Commissioner Turner as a member of the RPC if he would be in favor of holding approval of the plan until the adequate information was provided. Commissioner Turner said that the comments of the RPC had already been sent to DEO and they will take those into consideration. Ms. Wuerstle explained that staff had to submit the comments as presented because staff had only 30 days in order to submit their comments. If staff didn't submit their comments within that 30 day timeframe then they wouldn't be able to submit any comments. She pointed out that staff clearly stated in their report that they would send DEO any comments from the Council after their meeting took place. Commissioner Turner said that he felt that it was important for everyone to express their concerns for the record.

Ms. Holquist said that there were so many objections from the various agencies to the plan due to the lack of information. She asked if the applicant wasn't providing the information or if it was because the application wasn't required to provide the information. She wanted to know the cause of this because it seemed to be the reason why these agencies were objecting to the plan. Mr. McLeod said since it wasn't like a DRI process where there are rounds of sufficiency questions with requests for information. Ms. Holquist asked if the applicant was required to provide the additional information. Mr. McLeod said that there wasn't a requirement for the applicant to provide the additional information. Ms. Holquist asked if there would be time to ask for the information at future processes. Mr. McLeod explained that it wouldn't be for the RPC, this is the only time that the RPC will be reviewing and submitting comments on the plan, unless DEO denies the plan and it comes back before the Council at some point in the future.

Mr. Karau asked if the State exercises their options to purchase the land then it could come back before the Council. Mr. McLeod said that he didn't believe so. Mr. Karau asked what would happen if the State exercised their option to purchase the land. Commissioner Turner explained

that if the State does decide to exercise their option to purchase the land they will then meet with a private company for the purchase. Mr. Karau asked what would happen to the Sugar Hill sector plan. Commissioner Turner explained that if the State exercises their option to purchase the designated land, that there would still be thousands of acres remaining in the sector plan.

Commissioner Turner said to Mr. McLeod that he would like a clarification on where he stated in his presentation that if the State exercises their second option in 2020 it included all of the assets and acreage, what is the total acreage. Mr. McLeod explained that the initial option was 46,000 acres and the entire option includes buildings, capital assets, etc. and approximately 120,000 acres. The second option is a significantly larger purchase than the first option. He then explained that if the State does exercise the second option that there would still be in excess of 15,000 acres in the Sugar Hill Sector Plan and it would still be a comprehensive plan amendment with a horizon of 2060. The only way to change an approved sector plan would be if the owners didn't move forward in good faith, which they have a 46 year planning horizon. Also, if the assumptions on which the sector plan was based were later proven incorrect or if there were significant changes to the underlying assumptions and information that would affect that land area Hendry County could rescind the plan.

Councilman Burch asked with the two options that the State has, are they locked into a price for the land. Mr. McLeod explained that they were until 2013. Councilman Burch said that the land has the potential to increase in value dramatically. Commissioner Turner said that he fundamentally disagrees. Councilman Burch said that there is no guarantee that it will increase, but there is the potential.

Councilman Burch asked if the sector plan was located near the Everglades Restoration project where the south flow ways are located. We see all of the agencies stating that they object because of the lack of information. We don't see all of the information because the applicant isn't required to provide all of the information and that is where the DRI process comes in, because the applicant is required to provide the information. There is a problem if someone says that they don't want to be part of it. There needs to be a collaborative effort on this project. We all know that the biggest problem there is in that area is the potential for the dike around Lake Okeechobee failing and the billions of dollars it would take to make the repairs. He said that he can't vote on the project without the additional information.

Chair Heitmann said to Commissioner Turner that he has been a leader in the RPC and also one who has stood up for relevance for the RPCs and she understands that he is wearing two hats. She then asked Commissioner Turner if he could address the question from Councilman Burch regarding the Everglades Restoration area.

Commissioner Turner said that he did not anticipate that there would be a "yes" or "no" vote by the RPC today. If anything, it needs to be held until more information is provided. To the discussion of the Everglades Restoration, there are options on the table which will be market driven, but to speculate that if the sector plan was approved that it would drive the market value of the options is speculative. From restoration, the discussions that he has witnessed personally and also the meetings that he has attended to be intimately knowledgeable about the river of grass discussion and acquisition, along with the options and plans that are currently on the books. None

of the "hatched area" has a plan today that is for Everglades restoration, that if acquired goes into construction or on a timeline because it doesn't exist.

Chair Heitmann requested Mr. Beever of staff to present his understanding of the issue with the Everglades restoration project and if it would affect the sector plan. Mr. Beever said that it was his understanding of the RPCs position was that the project was regionally significant, but there wasn't enough information given to determine its consistency.

Mr. Perry asked if Mr. Beever was speaking on behalf of the RPC. Mr. Beever said that he is a staff member of the RPC and was involved with portions of the review as presented. Mr. Perry explained that he works for Johnson-Prewitt and he has a conflict of interest because they have done work for both US Sugar and the Hillard Brothers, but not on this particular project. He just wanted to know if Mr. Beever was speaking as a citizen or as a staff member of the RPC. Mr. Beever explained that he was speaking as staff member of the RPC. He is currently the environmental planner for the RPC since 2006 and conducts all of the environmental reviews. He also explained that he is the RPC's representative on most of the Everglades restoration projects. He was involved with the development of the River of Grass proposals, the Caloosahatchee River Watershed Protection Plan, which is also in effect with this particular project.

Mr. Beever said that basically his understanding in the area of the proposal there are these long range plans which Mr. McLeod described earlier in his presentation. It is typical in Everglades restoration that you don't have proposals for construction, plan or design for what is going to happen on a parcel of land before it is acquired. The process goes through the US Army Corps of Engineers and the SFWMD. Land is acquired and then the proposals are developed which goes through a project delivery team consisting of multiple agencies, then the plan is developed.

Chair Heitmann asked Mr. Beever for clarification on how the land was identified as potential preservation areas when they haven't really been studied on whether or not the land would potentially be a benefit to the water flow or the region. Mr. Beever explained that these particular areas have been identified as restoration areas, not protection. They are not going to stay in their current form. Potentially, on the eastern end of the project there would be a southward flow coming out of Lake Okeechobee and the western portion which is associated with Lake Hicpochee would be associated with the Caloosahatchee River restoration, which typically involves a combination of water retention and then release during the dry season. There are some Duda properties north of Lake Hicpochee where they already have projects in design, which will be reservoirs and will hold water and then will release it again as associated with the Caloosahatchee River. Basically, there are two big restoration projects associated with this sector plan. There are conceptual ideas, but they don't have design plans or engineering drawings, those will come in the future. In some cases, as they start a project within the Everglades Restoration a group called the Adaptive Management Committee, may change a plan. In one case, a reservoir that was being proposed on the east coast is now not going to be a reservoir but a filter marsh, because they determined that a filter marsh design would be a much better fit than a reservoir.

Commissioner Beck requested that the slide with the agency comments be brought up on the screen. He then said that FDEP seemed to be concerned with the fresh water supply for this project and it is a legitimate concern. FDOT stated that they needed more traffic studies. He then said that FDOT is primarily a "reactionary" entity where when there are traffic issues they do

something to help those issues. FWC objects to the plan for several reasons and one of those reasons was the wildlife issues (i.e., Indigo Snake). They were also concerned about the water quality for fishing. He said that the SFWMD buys a lot of property, start a lot of projects and haven't finished any projects to date. Lee County gave the SFWMD \$10 million to purchase property in Glades County to turn it into a stormwater treatment facility. SFWMD was concerned about the stormwater treatment and water quality. With the current situation with water runoff from the property he thought that both the SFWMD and FWC would be absolutely ecstatic that someone would want to put that type of facility in that area. He said that he felt that everyone should be behind such a project for both Hendry and Glades economic growth and he doesn't want to see Glades County be the "State's septic tank" because most of the water pollution issues begin in Orlando and flows south.

Commissioner Storter-Long stated that she believed that we are all united in our concerns regarding this project. First of all, Glades County has the most contiguous area than anyone else. She asked if it was true that the objections are due to the lack of information. It doesn't mean that the information doesn't exist; it just means that it hasn't been provided. She noted that over the last few years the SFWMD was required to review all of their properties under their ownership and create a list of surplus lands and begin selling the land. The SFWMD did not decide to purchase this land with the monies that they received from the sales. She then asked if the RPC had a 30 day deadline to submit their comments to DEO, why the RPC staff chose to object instead of stating that they would prefer more information and would request to postpone it. Ms. Wuerstle said that staff did not object, rather they did recommend that the project be held until additional information is provided in order to determine the consistency.

Commissioner Storter-Long asked how much weight does the RPC carry with DEO versus all of the agencies that just went ahead and objected. The State has taken away the RPC's authority and power, then why do they continue to ask the RPCs for their opinion. Chair Heitmann said because hopefully they respect the RPC because they continue to come together as a region and meet despite the fact that they keep taking away the RPC's funding. Also, the RPC is made up of elected officials, citizens and agency representatives that really care about their region and want to participate.

Commissioner Storter-Long asked about the next step was after today since DEO already has received the RPC's comments. Mr. McLeod explained that the RPC is legislatively required to review the local governments comprehensive plan amendments. Commissioner Storter-Long asked if the RPC always reviews them and also always submits their opinion. Mr. McLeod said yes, it is submitted to DEO with a copy to the local government. Commissioner Storter-Long asked if the Council could add to staff's comments. Ms. Wuerstle said yes, the Council's comments will be added to staff's report.

Discussion ensued.

Commissioner Cook stated that she agreed with Councilman Burch's comments. She said that what she has been seeing in her areas is that some developers are trying to "put the cart before the horse." We are all part of Florida and the Everglades are almost the State's "emblem". She then asked Mr. Beever if the RPC approved and moved the Sugar Hill Sector Plan forward today, would it have an effect on the State when they are deciding on whether or not to purchase the

lands (Option 1) in October 2015. Mr. Beever explained that the only entity that could answer that question would be the people who are working on the Everglades Restoration together. The State would be very important, but it would also involve the federal government because they are part of the overall restoration planning. At this time, he said that his best answer is "unknown". We do not know how, if the Sugar Hill Sector Plan was approved, it would affect whether those lands would be purchased or not. Also, if they weren't how that would affect the Everglades Restoration plans. Commissioner Cook stated that she felt that this was a little bit premature to ask the RPC to make a decision on the project.

Councilman Banks stated that he sees the sector plan as being a long-range plan. He has driven by the property on many occasions on his way to West Palm Beach and he thinks that it is great that it is a long-range plan. He said that he doesn't want to vote for it or against it and having the RPC not take any action would be the best way.

Commissioner Beck said that he agrees that there needs to be more information provided, but he doesn't want to see this project slip away from Glades and Hendry Counties.

Councilman McKeon stated that he supported Commissioner Beck's comments, but he is unsure if he could support the county's position at this time. It would be better to not take a position at this time.

Mr. Mulhere said that he felt that there wasn't any other option at this time, but to support staff recommendations and hold the RPC's decision until the additional information is provided.

Councilman Burch agrees with staff recommendations.

Commissioner Storter-Long asked if the RPC could ask DEO for an extension in order to receive the additional information. Ms. Wuerstle said that she would expect that DEO would ask the Council for a specific amount of time for the extension. DEO has 60 days to conduct their review and make a decision. Mr. McLeod explained that in accordance to the timeline DEO has until October 24 to render their decision.

Discussion ensued.

Mr. Mulhere explained that the applicant can communicate with DEO and if the applicant declined to provide any additional information to address the issues listed as needing additional information, and then he believed that DEO had some discretion in the manner in which they respond. If the applicant agreed to provide some additional information and also agrees to an extension within the timeframe which DEO can respond then he felt that it is something that could be done.

Chair Heitmann asked for Mr. Crawford's opinion on the issue. Mr. Crawford stated that he would render an opinion where if DEO agreed and the applicant also agreed to extend the deadline for some reasonable amount of time, as long as both parties agree. He stated that usually the timeframe doesn't go beyond 180 days.

Vice-Mayor Congress asked Mr. Crawford if it would then start the process over. Mr. Crawford said that it wouldn't start the process over; DEO would ask the applicant for the additional information. The applicant could also say they weren't interested in providing further information. It then would proceed accordingly and DEO would make their decision based on the information provided.

At this time Chair Heitmann called for public comment on the item.

Commissioner Jacqui Thurlow-Lippisch of the Town of Sewalls Point in Martin County explained that the Town of Sewalls Point is "ground zero" for the releases from Lake Okeechobee. She said that there are a lot of bottlenose dolphins in her area and 70% of them now have immune deficiencies and 30% have lobo mycosis, which is a terrible skin disease. Last year during the releases from Lake Okeechobee, the water was toxic. She stated that they have horrible problems in their watershed, but when the gates are opened from Lake Okeechobee that is when toxic algae comes into their watershed and it is mainly due to the blue-green algae, which breeds in fresh water. Everyone was very happy that the gates didn't have to be opened this year.

Commissioner Thurlow-Lippisch stated she had learned through the Florida League of Cities that the only way all of these issues will be addressed is to work together. She said that she wants to learn from everyone on the west coast and she hoped that people on the west coast can learn from the east coast. She said that it was very interesting for her to watch today's meeting and that her heart goes out to Hendry County who is looking for economic support. It is her prayer and hope that whatever is built or isn't built be careful of the natural resources (i.e., Florida Panther). She asked that everyone think about water quality and how to send more water south. She believed that by creating the Everglades for our children and the next generation will be what brings money to the area, it is not going to be another neighborhood or airport. It will be the Everglades and we need to let it come back to life and have a rebirth, so please keep an eye on Everglades Restoration. She then stated that the east coast is against the project, because her area is so desperate for change that they are afraid that anything might mess it up.

Commissioner Turner addressed his earlier comment "that he didn't want to see Sugar Hill come back before the RPC". He explained that his feelings were hurt when he read staff's report and the comments that were made. It displayed to him a level of ignorance by RPC staff by not knowing the day-to-day life associated with Glades and Hendry Counties and also western Palm Beach. The comment that bothered him the most was the US Sugar Corporation was essentially going to be "cutting their nose off" despite their own developments that they had with Airglades in not knowing that the sugar cane that was going to be harvested and processed. He said that he almost sent staff a picture of where his home sits in proximity to sugar cane, but after thinking it through he decided not to send it. He then said that he felt that the RPC needs to be careful and then said to Ms. Wuerstle that the job that both she and her staff has done has been absolutely remarkable with tempering the comments where the RPC wasn't placed in the cross-hairs of any legislator or anyone that wants to further grind an axe of disabling the RPC's ability to comment on any project. We all know that we have been crucified with funding reductions and people stating that "we are a shark swimming around without any teeth".

Commissioner Turner stated that if the Airglades project were to never occur, the Strategic Intermodal System (SIS) as identified by the Florida Department of Transportation (FDOT)

readily identifies Hendry County, Glades County and the US-27 corridor as a natural area for development to occur in order to deal with the off-shoot of the Panama Canal Expansion and with cargo that is being transported on that corridor. Both Hendry and Glades Counties have done a tremendous amount of analyses on the trail of the logistics mobility study that FDOT had produced. Hendry and Glades Counties both have a lot of area that is not environmentally sensitive and has been in production for years, so there may be a natural footprint that will occur regardless. He believes that both projects, Airglades and Sugar Hill, can survive without one another. He then said that he was very proud of today's discussion because he felt that both ends of the spectrum has been discussed and addressed.

Chair Heitmann stated what Commissioner Turner had just stated and what the Council has fought for and the reinvention of the Council. She explained that it was due to the leadership of Ms. Wuerstle, the Council was able to be turned around and she also didn't back down to the responsibilities even though they have been dewatered, but to the commitment of the region. This is the type of process whether the Council has the authority or not should be taken advantage of.

Commissioner Storter-Long asked why the Council couldn't recommend to DEO to ensure that the goals were all adequately met and extend the review process and their decision up to 180 days, until they are satisfied that the agency's questions were answered by the applicant.

Councilman Burch referred to an earlier notice distributed that there was a possibility that Governor Scott would be in attendance today or his representative. Ms. Wuerstle explained that it was noted that his staff would check his schedule to see if it was possible. He then stated that he wanted to express his disappointment on record that neither the governor nor his representative attended today's meeting to participate in a conversation which they should've been part of. He has heard from Tallahassee how the RPCs have been "watered down" due to various reasons and some of those reasons were extremely valid because the process was frustrating. But here the Council sits today with a letter from the governor and also the Council's response letter to the governor and there wasn't any representative from the governor's office present where they could've learned a volume of what the RPCs can do.

Chair Heitmann said that she would like to discuss that issue at the end of the meeting.

A motion was made by Commissioner Storter-Long recommending that DEO extend the review period up to 180 days in order to obtain the additional information to determine consistency and to ensure that the goals were met. Councilman Banks seconded the motion.

Commissioner Turner stated that he wasn't comfortable with recommending an extension.

Discussion ensued on the extension.

Mr. McLeod explained that DEO owes the applicant a timely decision within the 60 day timeframe, so the Council could recommend to DEO that they present an opportunity to the applicant for an extension in order to provide more information. He believed that it would ultimately be the applicant's decision.

Councilman Banks stated that the applicant will make a decision on whether or not they will supply the additional information and also the timeframe in which they will supply the additional information.

Councilman McKeon reminded everyone that the current timeframe clock is ticking and DEO needs to make a decision by October 24.

The motion was amended by the motion maker, Commissioner Storter-Long and the 2nd, Councilman Banks, to request that DEO extend the review period up to 60 days from October 24.

Commissioner Cook asked if the RPC would be able to review the application again once the additional information has been provided. Chair Heitmann stated that the RPC will not be reviewing the application a second time, unless Hendry County does a scoping notice.

The motion carried with Commissioner Cook opposed and both Mr. Perry and Mr. Reynolds abstained from voting.

**AGENDA ITEM #11(a)
Budget & Finance Committee Report**

Councilman McKeon gave the committee report. He said that the committee was planning on holding a meeting prior to the November Council meeting.

**AGENDA ITEM #11(b)
Economic Development Committee**

Councilman Banks stated that he had no report to give at this time.

**AGENDA ITEM #11(c)
Energy & Climate Committee**

Mr. McCormick stated that he had no report to give at this time.

**AGENDA ITEM #11(d)
Estero Bay Agency on Bay Management Committee**

No report was given at this time.

**AGENDA ITEM #11(e)
Executive Committee**

Chair Heitmann announced that the committee will need to meet to discuss several issues, including the slate of officers for 2015. The recommendation for the 2015 slate of officers will be brought before the Council at its December meeting. She asked if there will be a quorum at the December 18 meeting in order to approve the 2015 slate of officers. If there won't be a quorum present then the December meeting may be cancelled and the Executive Committee will then

meet with the Nominating Committee to prepare a slate of officers to be presented to the Council at the November meeting.

Chair Heitmann asked the members if there were any concerns regarding not being able to attend the December 18 meeting. Councilman Burch suggested since the December 18 meeting was so close to the holidays that the Council consider moving up the December meeting to December 11. Chair Heitmann directed staff to conduct a Doodle Poll listing both the December 11 and 18 meeting dates to see which date best fits the members' schedules.

AGENDA ITEM #11(f)
Legislative Affairs Committee

Vice-Mayor Congress gave the committee report.

AGENDA ITEM #11(g)
Quality of Life & Safety Committee

Mayor Shaw announced that the committee was scheduled to meet immediately following the Council meeting.

AGENDA ITEM #11(h)
Regional Transportation Committee

Ms. Wuerstle gave the committee report; Councilman Mandel had agreed to be the Chair for the Committee. The committee was scheduled to meet on November 20, immediately following the SWFRPC meeting.

AGENDA ITEM #12
NEW BUSINESS

Chair Heitmann nominated the following members for the 2015 Nominating Committee:

1. Commissioner Chris Constance, Charlotte County BCC
2. Commissioner Brian Hamman, Lee County BCC
3. Vice-Mayor Rhonda DiFranco, City of North Port

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

SWFWMD - Ms. Dickens announced that the SWFWMD will be holding a dedication event next week for the Phase 1 of the Coal Creek Ecosystem Restoration Project. The project is designed to improve water quality to Charlotte Harbor. Phase 1 includes creation of wetlands and construction of a filter mash to treat the water going into Charlotte Harbor. The SWFWMD is partnering in the effort with Charlotte County and FDEP. The event was scheduled for Wednesday, October 22, 11:00 a.m. at Rotunda West.

Chair Heitmann noted that the SWFWMD was the only agency present at today's meeting. She said that normally there is better participation, but she has noticed less participation from the agencies, especially today and previous meetings. She encouraged the state agencies to continue their participation at the Council meetings.

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

No report was given at this time.

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

Commissioner Storter-Long announced that the Glades County BCC will be reorganizing after the November elections and she wasn't sure who would be representing Glades County on the Council.

**AGENDA ITEM #16
ADJOURNMENT**

The meeting adjourned at 11:45 a.m.

A handwritten signature in blue ink, appearing to read 'Don McCormick', is written over a horizontal line.

Mr. Don McCormick, Secretary

The meeting was duly advertised in the October 1, 2014 issue of the **FLORIDA ADMINISTRATIVE REGISTER**, Volume 40, Number 191.

Thank you!

REQUEST FOR PLACEMENT ON AGENDA, Public Comment
OF THE

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

Name:

JACQUI THURLOW-LIPPISCH

(Please Print)

Organization (if any):

Town of South Fort Myers, Commissioner

Address:

18 Riverway Dr.
Stuart, FL 34996

Agenda Item Number:

15(c)

Amount of Time Requesting:

3 min

Signature

[Handwritten Signature]

Date

10-16-14

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 SWFBC	
MAILING ADDRESS 1370 OSPREY AVE		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 COLLIER.	NAME OF POLITICAL SUBDIVISION:	
DATE ON WHICH VOTE OCCURRED OCT 16, 2014		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	

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 16, 20 14:


(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 PROVIDED

OCT 13, 2014
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.

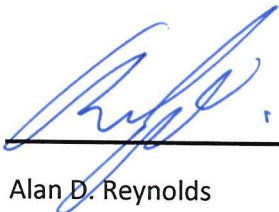
DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Alan D. Reynolds, hereby disclose that on October 16, 2014, certain matters will come before the Southwest Florida Regional Planning Council, as Agenda Items 10(e) related to the Sugar Hill Sector Plan in Hendry County.

The owners of the subject properties and/or applicants have been clients of Stantec Consulting Services, Inc., my employer, and while not directly involved in the proposed Sector Plan, Stantec has previously provided consulting services for some of the properties included therein.

As such, I will abstain from voting on and participating in any discussions relative to this matter.

Respectfully,

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

Alan D. Reynolds

10/13/2014.

Date

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

LAST NAME—FIRST NAME—MIDDLE NAME Perry Thomas Carter Jr		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE SWFRPC	
MAILING ADDRESS Post Office Box 1029		THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Clewiston		CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
COUNTY Glades		NAME OF POLITICAL SUBDIVISION: SWFRPC	
DATE ON WHICH VOTE OCCURRED October 16, 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. 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 Perry Jr, hereby disclose that on October 16, ²⁰¹⁴~~19~~:

(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 US Sugar Corp AND Hilliard Bros of Florida LLC, by whom I am retained.

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

My company Johnson-Prewitt & Assoc Inc
is employed by both of these companies
who are owners of the Sugarhill
sector plan project

10/16/14
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.