

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
FEBRUARY 21, 2013 MEETING**

The meeting of the **Southwest Florida Regional Planning Council** was held on **February 21, 2013** at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. **Chair Karson Turner** called the meeting to order at **9:06 a.m.** **Chair Turner** 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 Kim Devine for Vice Mayor Rachel Keesling

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

Glades County: Commissioner Dennis Griffin, Mr. Thomas Perry

Hendry County: Commissioner Karson Turner, Commissioner Don Davis

Lee County: Commissioner Frank Mann, Councilman Forrest Banks, Councilman Chris Chulakes-Leetz, Vice Mayor Mick Denham, Councilman Joe Kosinski, Councilwoman Martha Simons, Ms. Laura Holquist

Sarasota County: Commissioner Charles Hines, Commissioner Rhonda DiFranco for Commissioner Tom Jones, Councilman Kit McKeon, Commissioner Willie Shaw, Mr. Felipe Colón

Ex-Officio Members: Mr. Phil Flood - SFWMD, Mr. Jon Iglehart - FDEP

MEMBERS ABSENT

Charlotte County: None

Collier County: Commissioner Tom Henning

Glades County: Commissioner Tim Stanley, Councilwoman Pat Lucas

Hendry County: Mr. Melvin Karau, Commissioner Daniel Akin

Lee County: Commissioner Tammy Hall

Sarasota County: Commissioner Carolyn Mason

Ex-Officio Membership: Ms. Tara Poulton - SWFWMD

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were made at this time.

**AGENDA ITEM #5
AGENDA**

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

**AGENDA ITEM #6
Minutes of the January 17, 2013 Meeting**

Commissioner Nance made a motion to approve the minutes of the January 17, 2013 Meeting and Councilman Kosinski seconded the motion. The motion carried unanimously.

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

Ms. Wuerstle presented the item. She announced that a new member orientation would be held immediately following the March 21 SWFRPC board meeting.

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

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

**AGENDA ITEM #8(c)
Development of a Functional Assessment Method to Evaluate the Water Quality Benefits of Wetland Restoration and Designed Freshwater and Brackish Water Ecosystems used for Water Quality Treatment**

Mr. James Beaver presented the item.

Mr. Mulhere stated that ultimately we should be able to point out specific design aspects that would be more favorable to performing filter marshes. Mr. Beaver explained that staff knows from what makes well designed filter marshes.

Vice Mayor Denham stated that you end up with a process on how effective a filter marsh is and how it has improved. Mr. Beaver responded that it was the purpose of monitoring a filter marsh.

Vice Mayor Denham asked if this was a means of assessing on whether the water quality was getting better or worse. Mr. Beever explained that it was a means to see if the tools being used to improve water quality were functioning properly.

Vice Mayor Denham asked how the project was publicized. Mr. Beever explained that the project had been posted on the SWFRPC's website and project portal. Most of the projects that he works on have ended up with a news report. He also attends conferences.

Councilwoman Heitmann asked how the individual cities/counties received this project information. Mr. Beever explained that he responds to local government requests and has attended both city council and county commission meetings when invited. However, generally his contacts involve the city/county staff who is serving on the "A Team".

Councilman Banks asked if there were "users" on the study group. Mr. Beever explained that there are individuals from the Department of Transportation. Part of the process has been taking it out to the private sector consultants and letting them feel and test it also, so they can give some feedback.

Councilman Leetz explained that the City of Cape Coral has been making an effort to mitigate some of its water concerns going into the northwest spreader and Matlacha Pass. There has been discussions about building marshes in the north Cape. He asked Mr. Beever who he has from Cape Coral-Matlacha on the A-Team. Mr. Beever stated that Connie Jarvis from Cape Coral was on the team but there wasn't anyone from Matlacha. There are others from Lee County staff.

Councilman Leetz asked Mr. Beever when the study was complete if he would be interested in making a presentation to the City of Cape Coral. Mr. Beever stated that he would be happy to, but it wouldn't be until January or February of 2014.

Councilwoman Simons stated that Ms. Barbara Barnes-Buchanan was involved in looking at a filter marsh in CREW and asked if any of that was being considered. Mr. Beever explained that there were discussions about placing a filter marsh towards the head of Keel Canal, which takes the water out of CREW and puts into the Imperial River. However, he didn't know the status of the project because it was coupled with the Southern CERP CREW project and he hadn't seen anything recently about it moving forward.

Councilwoman Simons stated that she would like to have Mr. Beever give a presentation to the City of Bonita Springs. Mr. Beever stated that he will contact the leaders on that project and set up a date that works for everyone.

AGENDA ITEM #8(b)
Southwest Florida Hazardous Materials/Homeland Security
Proposed Training Events

Mr. John Gibbons presented the item.

Chair Turner asked Mr. Gibbons if the private community approached the LEPC regarding the STEM program. Mr. Gibbons explained that they attended a LEPC meeting and asked the LEPC to participate in the STEM program. Chair Turner asked if it was geared just towards Lee County. Mr. Gibbons responded that at this time it only addressed Lee County. He explained that there was no funding involved and that it was strictly a volunteer program.

Vice Mayor Denham asked Mr. Gibbons how he communicates to the public throughout the region about the courses. Mr. Gibbons explained that there are various outlets, such as the DEM SERT Trac, which is their training and education web page.

Vice Mayor Denham asked if he communicates with the various cities and counties throughout the region. Mr. Gibbons explained that the information is sent to the various fire departments and they distribute the information. The information is also posted on the SWFRPC's website and it is also distributed through several mailing lists.

Vice Mayor Denham asked how the courses were being funded. Mr. Gibbons explained that the courses were funded through various grants. The only course that wasn't funded was the STEM course.

Councilman Leetz asked if the 24-Hour Hazwoper Course was the 2013 version of hazardous materials awareness and hazardous materials responder for the fire departments and emergency services. Mr. Gibbons explained that the Hazwoper Course is geared towards the 24 and 40 hour training that the factory industry personnel need (i.e., wastewater treatment plant operators).

Councilwoman Heitmann thanked Mr. Gibbons for the information and his presentation. She then expressed her concerns as an elected official about public safety.

AGENDA ITEM #9 CONSENT AGENDA

Councilman McKeon moved and Mr. Mulhere seconded to recommend approval of the consent agenda: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) (see Agenda Item 11(a)1); Agenda Item #9(c) Lee County MPO IC&R and Public Coordination Transportation Joint Participation Agreement; and Agenda Item #9(d) Collier County Comprehensive Plan Amendment (DEO 13-2ESR). The motion carried unanimously.

AGENDA ITEM #10(a) RESTORE Act - Commissioner Chris Constance

Commissioner Constance stated that the Executive Committee met on February 15 to select eight individuals to be placed into executive positions. Nothing official had been disseminated, but it was his understanding that Commissioner Commander from Walton County and Mayor Newton from Monroe County were selected as the two alternates. The next meeting was scheduled for February

28th. It coincides with the federal meeting that will occur at the Gulf Coast State College near Panama City.

Ms. Wuerstle announced that staff was in the process of putting together another project for the RESTORE Act master plan. The project involves implementing best management practices in the Caloosahatchee watershed and the SWFRPC had partnered with its 501(c)3, the Resource Conservation and Development Council for the project.

Commissioner Mann asked Commissioner Constance when the funds would be distributed. Commissioner Constance explained that a \$1 billion settlement is forthcoming from Transocean and he believed that the counties should be receiving the funds within the next six months. He said that he believed that Charlotte County would be receiving between \$4-7 million. The money from the initial payment will follow the formula that came from the RESTORE Act.

Councilwoman Simons explained that the City of Bonita Springs had submitted a claim for \$2.2 million and asked Commissioner Constance about the payouts. She wanted to know if the City would still receive something even if it isn't the amount requested since the awards are based on a formula. Commissioner Constance asked Councilwoman Simons if she was referring to Transocean or the entire event with BP. Councilwoman Simons stated that the City of Bonita Springs submitted a claim with the RESTORE Act and it will also be submitting an additional claim on the overall event. Commissioner Constance stated that he believed that any of the outside suits are outside of the RESTORE Act, because Charlotte County had submitted a law suit and he believed that it was considered to be outside of the RESTORE Act. Councilwoman Simons stated that the City of Bonita Springs has two, one in the RESTORE Act and the other is outside of the RESTORE Act. She said that her question about the one for the RESTORE Act and if the claim was over what the county and the municipalities in the area were allowed if the claim would be dismissed. Commissioner Constance stated that he doesn't know the answer at this time, but he will try to find out.

Councilwoman Simons stated that she would be interested in knowing how many municipalities within the SWFRPC had submitted claims for the RESTORE Act funds and also the overall funds.

Vice Mayor Denham explained that the funds are being distributed to counties and not the cities. He noted that the discussion of how much a particular city receives of a county's allocation is between the city and county.

AGENDA ITEM #11(a)1
Budget & Finance Committee

Councilwoman Heitmann presented the January financials.

Councilman Banks made a motion to approve the financial statement for January 31, 2013. Commissioner Mann seconded the motion. The motion carried unanimously.

AGENDA ITEM #11(a)2
Executive Committee

Chair Turner noted that the Executive Committee had met prior to the board meeting and discussed the Executive Director's evaluation and contract. The committee decided to move forward with the process after they put their thoughts together and return next month on how they are going to improve the evaluation process for the future.

Councilwoman Heitmann stated that there was a consensus among the committee that Ms. Wuerstle had taken the Council out of a very contentious, discombobulated and fragmented direction. She felt that the Committee would concur that we were moving forward to build character and the position within the region that we have known and depended upon in the past. She felt that Ms. Wuerstle is the leader that can do it for the RPC.

Vice Mayor Denham stated that he felt the comment was made that the Council still had a long way to go to be a vibrant important part of the region and also be an effective organization. While indeed over the past year, the RPC had come out of the budget crisis and the issues of morale within the organization had also come a long way. In the next year it is very important to find a way for the Council to be an important vibrant member of the region. He said that all the members of the Council should be judged, not just the Executive Director, on how effective the Council is.

Chair Turner explained that the committee discussed the Executive Director's contract and the process of the bonus in relation to the finances and the fiscal year. He noted that there was a consensus of the committee and it would need approval from the full Council.

Vice Mayor Denham explained that no merit increases or bonuses would be given to anyone until after the fiscal year has been closed and the performance of the budget was determined. At that time, assuming that we had met our budget objectives, then we would decide where and how (merit or bonuses) the increases would be given.

Commissioner Mann stated that there has been no discussion on bonuses or merit increases at Lee County for the past six years. Lee County is still functioning at a \$28 million deficit and he is not in the bonus business.

Chair Turner stated that the committee agreed that if the Council goes through the fiscal year and it ends up not being in the red and 100% in the black and going well, then at that time the committee will discuss the process, but there is no guarantee that it will occur.

Ms. Donley gave an overview of the proposed changes to the Executive Director's contract:

1. New clause would be added which would state "the Executive Director would be eligible at the end of the fiscal year, dependent upon the budget performance and the same criteria of all staff, receive a bonus the amount to be determined by the Executive Committee."
2. Change the amount of scheduled leave (vacation) accrued from 160 hours to 200 hours. Any scheduled leave hours in excess of 200 hours at the end of the fiscal year, would be lost or there is the 45-day notice for termination where she would be paid out for

accumulated scheduled leave up to 200 hours. If she had more than 200 hours on the books, she would only be paid for 200 hours.

3. If the contract was terminated without cause she would receive eight weeks salary for dismissal and she would receive compensation or pay out for any of the unused scheduled leave. The original contract was for four weeks for dismissal, so the difference from the four to eight weeks in salary was \$8,700.

Ms. Wuerstle stated that if the Council terminated with cause the she wouldn't receive anything (scheduled leave payout or severance package).

Councilman Banks made a motion to approve the changes to the Executive Director's contract as noted by Ms. Donley. The motion was seconded by Mr. Mulhere.

Commissioner Constance asked how the executive director was evaluated. Chair Turner explained that the Executive Committee conducted the evaluation. However, at the committee's next meeting the committee will discuss the current process and then discuss how to improve the process. A written policy will be compiled and brought before the Council for their review and approval.

Councilwoman Heitmann stated that it would be appropriate at this time for members to give their input and send their comments to Ms. Wuerstle.

Commissioner Constance asked if there was a current evaluation form. Chair Turner said there was an evaluation form and he then recommended that if anyone had an evaluation form template to send it to staff.

Ms. Wuerstle noted that within the Director's Report there was a summary of accomplishments which followed the current evaluation form.

Commissioner Constance suggested that staff send the current evaluation form to all Council members and he would be happy to send Charlotte County's Administrator's evaluation form. He then explained that the EDC Director also reports to the BCC by charter, so the EDC Director's evaluation form had to be recently updated.

**AGENDA ITEM #11(a)3
Legislative Affairs Committee**

Vice Mayor Denham referred to the January 7 Executive Committee meeting where they discussed the Council's Legislative Committee. The Council's Legislative Committee usually met each year just before the legislative session to decide on what they wanted to support, defend or move to improve. He said that it seemed to him that it wasn't a very effective way to do things and he felt that the Council needed to decide whether it was redundant and anything should be done or come up with a different way of doing it because we had difficulty deciding on what we should support. He said that the process shouldn't be done a couple of months before the legislative session begins, it should be started a year prior.

Chair Turner stated that we are 100% reactive and not proactive on anything and that was a problem.

Mr. Mulhere stated that what he had seen work effectively with professional organizations is the development of a legislative platform which identifies approximately a dozen of guiding principles that the Council can support.

Chair Turner suggested that in the next Legislative Affairs Committee there be a discussion on whether there be one and only one item which is a proactive statement of why funding should be justified for RPCs.

Councilman Banks stated that he agreed with Vice Mayor Denham's comments.

Ms. Holquist stated that the committee agreed to have an "elevator speech" to take with them to Tallahassee.

Commissioner Constance stated that he felt that if there was one item then he felt there was still time in the current legislative session to work with it. We have to try to put together the best offense that we can for 2013 and also get ready for a solid defense for the things that we know that might be coming, but right now start for 2014. He then suggested building relationships with the area legislators.

Ms. Wuerstle distributed a handout listing the four legislative issues which were discussed at the last Legislative Affairs Committee.

Commissioner Constance suggested that the legislative priorities be sent to all Council members.

Mr. Mulhere stated that the funding for the RPCs had been removed by the governor and while we are discussing the legislature, ultimately we may want to have something going into the hands of the governor which supports that particular issue, because he has a lot of priorities that he has already announced.

Ms. Wuerstle explained that FRCA's lobbyist is pushing the issue and the latest news from Mr. Book was that it wasn't in the governor's budget, but if we could get it in the budget there was a good indication that the Governor wouldn't veto it.

Councilwoman Simons asked if there was going to be anything in the Council's legislative packet regarding preemption on fertilizer. Chair Turner explained that it was not included because it was felt that there was no momentum out of the legislature this year. Vice Mayor Denham explained that there isn't a preemption bill on fertilizer being presented and he felt that it wasn't appropriate this year to have it included in the Council's legislative packet.

Councilwoman Simons suggested that the Council members bring the Council's legislative priorities before their councils/commissions and ask that they send letters of support to the local delegation.

AGENDA ITEM #11(a)4
Estero Bay Agency on Bay Management (ABM)

Mr. Beever presented the item.

AGENDA ITEM #12
NEW BUSINESS

No new business was presented at this time.

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

FDEP - Mr. Iglehart announced that FDEP will be hosting its first annual Brownfields Symposium on March 1st.

Mr. Mulhere asked if there would be an exhibit showing the locations of brownfield sites. Mr. Iglehart stated that there will be exhibits showing the sites and also local governments will have representatives attending the symposium.

FDOT - Mr. Russ Muller, Intergovernmental Liaison announced that Mr. Johnny Limbaugh had resigned as Director of the SWAO two weeks ago.

Ms. Wuerstle asked Mr. Muller if he would be attending the SWFRPC meetings as the FDOT representative. Mr. Muller stated that he would be attending as many meetings as he could; however, the FDOT SWAO is currently short a director and liaison. He explained that FDOT Secretary Hattaway stated that he would be committed to staffing up the SWAO office.

Commissioner Constance asked if Mr. Zack Burch was still with FDOT. Mr. Muller said that Mr. Burch was still with FDOT and there is still a need for a Bicycle Pedestrian Coordinator who will be either stationed at the SWAO or in Bartow.

Councilman Banks stated that Secretary Hattaway had told him that he was going to be down in Southwest Florida two or three days each month, primarily during the MPO meeting time period and occupy the office physically and was planning on being more active.

AGENDA ITEM #14
COUNCIL ATTORNEY'S COMMENTS

No comments were made at this time.

AGENDA ITEM #15
COUNCIL MEMBERS' COMMENTS

Commissioner Mann explained that before he became a county commissioner again, he was in the legislature and was also a lobbyist, so he knows the process very well. He explained that the Council needs to limit its agenda and for the current year to limit it to its very existence and purpose as an RPC because the “legislative brain left the station in December” and they met again in January and February and they are picking up speed. There are 4,000 registered lobbyist up in Tallahassee that the RPC must compete with and if our agenda isn’t kept very simple and direct then we are wasting our time.

Commissioner Constance stated to follow up on the RESTORE Act; the private sector has its own ability to recover funds from outside the RESTORE Act. The deadline had been extended to April 1, 2014 and businesses just need to show that they had a profit loss.

Councilman Leetz announced that on March 25 the City of Cape Coral will be having a discussion on home fire sprinkler ordinance in conjunction with the Cape Coral Fire Department, Lee County Fire Marshal Association, NFPA, and Home Fire Sprinkler Coalition. There will be a dozen experts from around the country making presentations to the City of Cape Coral. It is already a proven success around other parts of the country. This is an opportunity for Cape Coral and Southwest Florida to lead in home fire safety.

Commissioner Constance asked if the ordinance would include retrofitting homes or only new home construction. Councilman Leetz explained that it would be aimed at new home construction; however, the draft of the ordinance that the city will be presenting for current homes takes all government fees out of retrofitting should the homeowner choose to voluntarily retrofit. This would be the first ordinance within the City of Cape Coral where the government makes no money, but they support the initiative.

Commissioner Constance asked if data will be presented regarding the decrease in insurance premiums and what the financial benefits would be. Councilman Leetz explained all of that information was included in the study that was done by Newport Partners and was required under Florida Statute 633. The City amended its water sewer rates ordinance where it was required to go from a 5/8 meter to a one inch meter and it would normally be a \$3,200 cost to the homeowner and it now would be waived since it is a standby system.

Ms. Holquist announced that FPL will be giving a presentation for Lee and Collier Counties on March 9.

Chair Turner suggested that FPL re-invite the Glades and Hendry County constituents.

Vice Mayor Denham announced that he was unopposed in his recent election.

Councilman McKeon asked if the Council was happier with FRCA.

Commissioner Nance stated that he was happy to be on the Council.

Councilwoman Heitmann announced that the City of Naples was hosting NFPA rule-making workshop on February 22 at 1:00 p.m.

Councilwoman Simons thanked Ms. Wuerstle for her expertise and assistance in reviewing the City of Bonita Springs homeless ordinance. She then asked if anything could be done about the governor appointment vacancies on the Council. The Council indicated that it was up to the Governor's Office.

Chair Turner announced that the Swamp Cabbage Festival was being held this weekend in LaBelle. The following weekend the Chalo Nitka Rodeo/Festival would be held.

**AGENDA ITEM #16
ADJOURN**

The meeting adjourned at 10:55 a.m.

Commissioner Tom Jones, Secretary

The meeting was duly advertised in the February 7, 2013 issue of the **FLORIDA ADMINISTRATIVE WEEKLY**, Volume 39, Number 26.