

**MINUTES OF THE
SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL
SEPTEMBER 19, 2013 MEETING**

The meeting of the Southwest Florida Regional Planning Council was held on September 19, 2013 at the offices of the Southwest Florida Regional Planning Council - 1st Floor Conference Room at 1926 Victoria Avenue in Fort Myers, Florida. In the absence of Chair Karson Turner, Vice-Chair Teresa Heitmann called the meeting to order at 9:03 AM. Commissioner Mann then led an invocation and the Pledge of Allegiance. Administrative Specialist II, Nichole Gwinnett conducted the roll call.

MEMBERS PRESENT

- Charlotte County:** Commissioner Tricia Duffy, Vice Mayor Rachel Keesling
- Collier County:** Commissioner Tom Henning, Commissioner Tim Nance, Councilwoman Teresa Heitmann
- Glades County:** Commissioner Dennis Griffin, Mr. Thomas Perry
- Hendry County:** None
- Lee County:** Vice Mayor Joe Kosinski, Vice Mayor Doug Congress, Commissioner Frank Mann, Councilman Chris Chulakes-Leetz, Councilman Forrest Banks, Councilwoman Martha Simons
- Sarasota County:** Commissioner Charles Hines, Commissioner Carolyn Mason, Vice Mayor Willie Shaw, Commissioner Rhonda DiFranco for Commissioner Tom Jones, Councilman Kit McKeon
- Ex-Officio Members:** Mr. Jon Iglehart - FDEP, Ms. Carmen Monroy - FDOT, Mr. Phil Flood - SFWMD, Ms. Melissa Dickens - SWFWMD

MEMBERS ABSENT

- Charlotte County:** Commissioner Chris Constance
- Collier County:** Mr. Bob Mulhere, Mr. Alan Reynolds
- Glades County:** Councilwoman Pat Lucas, Commissioner Tim Stanley
- Hendry County:** Commissioner Karson Turner, Mayor Phillip Roland, Commissioner Daniel Akin, Commissioner Don Davis, Mr. Melvin Karau
- Lee County:** Commissioner Tammy Hall, Ms. Laura Holquist
- Sarasota County:** Mr. Felipe Colón

Ex-Officio Membership: None

**AGENDA ITEM #4
PUBLIC COMMENTS**

No public comments were given at this time.

**AGENDA ITEM #5
AGENDA**

Vice-Chair Heitmann acknowledged Ms. Diana McGee of Congressman Nelson's office.

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

**AGENDA ITEM #6
Minutes of the August 8, 2013 Meeting**

Mr. Perry made a motion to approve the minutes of the August 8, 2013 Meeting and Commissioner Henning seconded the motion. The motion carried unanimously.

**AGENDA ITEM #7(a)
Comprehensive Economic Development Strategy (CEDS) Annual Update**

Ms. Pellechio presented the item.

Vice Mayor Shaw made a motion to approve the CEDS Annual Update for 2013. Vice Mayor Kosinski seconded that motion.

Councilman Banks asked Ms. Pellechio if there were any projects north of the Caloosahatchee River. Vice Mayor Shaw noted the new rowing facility in Sarasota County.

Commissioner Mason stated that she will contact Sarasota County's EDO Director for a list of projects.

Vice Mayor Keesling requested that the Broadband flyer be sent out. Ms. Pellechio explained that the information was on the SWFRPC's website.

The motion carried unanimously.

**AGENDA ITEM #7(b)
Introduction of Jonathan Corso, Georgia and Florida Economic Development Representative -
U.S. Economic Development Administration**

Mr. Corso gave a presentation on the grant programs available through EDA.

Councilwoman Simons asked Mr. Corso if he would be attending a meeting with the region's EDOs. Mr. Corso explained that EDA's travel budget was very tight, but he would be available to participate by Skype.

Ms. Wuerstle explained that some of the region's EDOs had made appointments with Mr. Corso today.

Mr. Perry asked Mr. Corso to give an example of some projects that have been awarded. Mr. Corso explained that Ms. Pellechio would be able to give those details. Ms. Pellechio explained that EDA funded the Alico Force Main project, Regional Feasibility Study for Incubators, and water/sewer installation project in LaBelle.

Mr. Corso explained that typically EDA makes 5-8 awards in Florida and they will mostly be in the public infrastructure category. The budget for EDA's region is between \$40 to \$50 million and each state receives a small portion of it. The only rule to that is that any one state cannot receive more than 15% of the budget.

Commissioner Mann explained that Lehigh Acres needs water and sewer infrastructure at a cost of approximately \$100 million. He asked Mr. Corso if such a project would be eligible for EDA funding. Mr. Corso explained that EDA looks for job generating projects and with budget limitations that project would be difficult.

Vice-Chair Heitmann asked Mr. Corso if there would be a summary of the requests and of the timelines and timeframes. Mr. Corso encouraged everyone to visit EDA's website under federal funding.

Councilman Leetz asked Mr. Corso what the operating budget was for his department in EDA. Mr. Corso explained that his office has 18 employees and for the whole agency the budget is approximately \$3.5 million for 200 people.

AGENDA ITEM #7 DIRECTOR'S COMMENTS

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

- Security Policy
- Records Management/Storage System
- Health Savings Account (HAS) versus Flexible Savings Account (FSA)
- FRCA's Dues
- SWFRPC Representative for the Estero Bay Agency on Bay Management (ABM)

Commissioner Mann wanted to know what the ABM did. Mr. Beever explained that the ABM takes on really tough issues affecting the Estero Bay watershed. There are many comments and interaction from both the public and private sectors. Commissioner Mann asked how the ABM was established and what its mission was. Mr. Beever explained that the ABM was established by a

settlement agreement which allowed FGCU to proceed with its development in a large wetland that required a significant amount of fill. FGCU is also located at the top of the Estero Bay watershed on the Estero River. The ABM was established to be the protector and watch dog for the Estero Bay watershed and to also assist the public and governments with working through issues that would eventually lead to the improvement of Estero Bay (water quality, habitat, and utility to the public). The ABM is composed of individual organizations that are specified within the settlement agreement who come together to work towards these common goals. The ABM produces a State of the Bay report every five years which gives a status report on the bay. They hold public meetings on important issues, such as conservation land protection, economic ecoservices values and water quality improvement.

Councilwoman Simons noted that she had asked Ms. Wuerstle to take part of the City of Bonita Springs local assessment and apply it towards the ABM, as a matching grant, to the money which the City of Bonita Springs gave towards the State of the Bay Report. As of the last SWFRPC meeting, the check hadn't been received but now she understood that a check was received and she was requesting that it be made in a form of a motion.

Vice-Chair Heitmann explained to Councilwoman Simons that the Council was currently addressing the issue of having a representative from the Council on the ABM.

Ms. Donley explained that there was one option which the Council could consider that was invoked with the CHNEP Policy Committee. The Council could appoint a representative to the ABM who doesn't currently sit on the Council and that appointee would report back to the Council as its representative of the ABM.

Vice-Chair Heitmann stated that she agreed with that option. She then asked if the next step would include having the members of the Council speak with their individual jurisdictions regarding appointing a representative to the ABM and then report back to Ms. Wuerstle with their recommendations.

Commissioner Mann also agreed with the option and asked if the item could be deferred until the next meeting. Vice-Chair Heitmann explained that was her recommendation to give two weeks in order to have the members address the issue with their local jurisdictions and have the recommendations sent to Ms. Wuerstle.

Councilman Banks suggested appointing Councilman Mick Denham.

Commissioner DiFranco stated that she was going to discuss the issue with Commissioner Cook because she has been very interested in such issues.

AGENDA ITEM #7(d) SWFRPC's Operating Procedures

Ms. Wuerstle presented the item.

Vice Mayor Congress asked if an employee under their probationary period would receive any benefits. Ms. Wuerstle explained that the employee would accumulate benefits and they would be

allowed to take sick time during that period, but they would not be allowed to take any personal/vacation time during that time.

A motion was made by Vice Mayor Congress to approve the SWFRPC's Operating Procedures. Councilman Leetz seconded the motion. The motion carried unanimously.

**AGENDA ITEM #7(c)
Budget**

Ms. Wuerstle presented the item.

A motion was made by Councilman Banks to approve the employee's Results Sharing Incentive Program. The motion was seconded by Vice Mayor Shaw.

Mr. Perry asked if the Council's Executive Committee reviewed the incentive program. Ms. Wuerstle explained that she had met with the Executive Committee members individually, but didn't have the opportunity to hold a meeting.

Vice-Chair Heitmann explained that it had been part of a discussion with the Council's Budget and Finance Committee.

Councilwoman Simons suggested having the Council make a \$2,000 contribution to the employee's HSA, because there would be a tax benefit to the employee.

Mr. Perry stated that he felt that each individual employee should make that decision on their own.

Commissioner Henning asked Ms. Wuerstle if it was a one-time incentive and if it was part of the motion. Ms. Wuerstle stated that it was a one-time incentive and was part of the current motion.

Councilman Leetz asked Ms. Wuerstle if the \$27,000 was a 3% salary increase. Ms. Wuerstle explained that if she took 3% from everyone's salary it would come to approximately \$27,000. Councilman Leetz expressed his concerns regarding employee's receiving a bonus versus a salary increase. He then asked that a roll call vote be taken on the motion.

Vice-Chair Heitmann stated that she felt that would be a worthwhile conversation and it needs to be discussed among the Budget and Finance Committee. She said that she felt that it was an issue for the Budget and Finance Committee to discuss and move forward on.

Commissioner Mann stated that it was his understanding that the Council's employees haven't had a raise since 2008 and the Council had already adopted a budget that didn't include salary raises. We are discussing an issue that is occurring at the end of a budget year through the good work of the Council's Budget and Finance Committee and Ms. Wuerstle's leadership. Spending has been cut substantially and there is still enough money to tell the employees who have worked hard all year "thank you for your hard work" with a bonus.

Councilman Leetz stated that he recognized and admired Ms. Wuerstle for not considering the pay raises because she is managing what the actual cash flow is.

Councilwoman Simons stated that the ABM usually had an operating budget of \$22,000 and it has been defunded over the last several years and she would like to see some of the funds leftover to go towards the ABM.

After a Roll Call vote the motion passed unanimously.

Vice-Chair Heitmann thanked staff for all of their support and the incentive is just a small token of the Council's appreciation for all of their hard work. She also thanked the Council for supporting the incentive program.

Vice-Chair Heitmann addressed Councilwoman Simons' concerns regarding funding of the ABM. She explained that Ms. Wuerstle will bring the issue before the Budget and Finance Committee for discussion.

Councilwoman Simons thanked Vice-Chair Heitmann and also stated that she will be bringing up the issue of the matching the grant under Council Members Comments in order for it to be forwarded before the Council's Budget and Finance Committee.

Ms. Wuerstle announced that Sean McCabe will be the Council's new legal counsel beginning October 1, 2013 and he will also be filling a Planner I vacancy. She thanked Ms. Donley for her services as the Council's legal counsel.

Vice-Chair Heitmann stated that Ms. Donley was a key part in the Council's reformation. She thanked Ms. Donley for her services.

Vice Mayor Congress asked Ms. Wuerstle if staff had reviewed digitizing their records in order to cut down on storage space. Ms. Wuerstle explained that many of the records have been scanned; however, there are some records that weren't able to be scanned.

AGENDA ITEM #7(e)

Reminder: Presentation after meeting on Measuring and Forecasting Total Ecosystem Services Values (TEV) from Habitat Condition Analyses of Habitats in Southwest Florida: The ECOSERV Method

Ms. Wuerstle announced that Mr. Beever will be giving his presentation immediately following today's adjournment.

Councilwoman Simons stated that she would prefer to have staff give their presentation during the meeting in case any action needed to be taken. Vice-Chair Heitmann agreed with Councilwoman Simons and felt that staff would be receiving the full credit in which they deserved.

Ms. Wuerstle explained that some of the presentations are very lengthy; however, the information within the presentations is very valuable information for elected officials and she wanted to give staff the opportunity to present their full project.

AGENDA ITEM #8(a)
Grant Activity Sheet

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

AGENDA ITEM #8(b)
Lake Okeechobee Status

Mr. Walker presented the item.

Mr. Flood noted that in 2004 and 2008 within a month's time Lake Okeechobee jumped up four feet and that is why the CORPS gets nervous.

Councilman Leetz asked if there was data available from 1925. Mr. Walker stated that he didn't have that data available at this time, but he would research it. Mr. Flood explained that the Herbert Hoover Dike was authorized in 1930 and completed in 1937.

Vice Mayor Congress noted that the City of Sanibel was interested in the Lake Okeechobee Release Schedule (LORS) in 2008m, which dictates the releases. The city was interested in the possibility of tweaking the schedule since the CORPS has been making improvements to the dike. Mr. Walker explained that the culverts that are being installed would not change the lake's elevation. There is a certain ecological elevation which is good for the lake in order to keep the lake healthy. When the culverts are completed in 2018, they will change the timing of the lake releases.

Councilman Banks stated that Mr. Flood's presentation to the City of Fort Myers was great.

Commissioner Mann asked where the tidal basin started and stopped for the C-43 basin. Mr. Walker said that he believed it was at the Franklin Locks. Mr. Flood stated that it was from the Franklin Locks to Shell Point.

Commissioner Mann stated that everyone has been referring to the "devastating brown water" that is coming down the Caloosahatchee River and the media has been making such a big deal out of it. He said that it is actually tannic acid and very little of it is coming out of Lake Okeechobee, it is coming out of the other tributaries and it doesn't kill a fiddler crab. He stated that such an event has been happening since the "last ice age" and there is tannic acid all over the globe except for the polar ice caps. It is the runoff from the vegetation which creates the "tea" color and it is just a natural thing.

Commissioner Mann noted that he had talked to three separate fishermen from three different boats. At the Cracker Tournament at the beginning of September they caught more fish this year than they have in decades. One of the fisherman said that he fished all day in the "devastating dark water" in the river.

Mr. Flood explained that the presentation that he gave at the City of Fort Myers is approximately 25 slides and it goes through the history of how South Florida was developed and how we got to where we are today.

Vice Mayor Kosinski commented on Commissioner Mann's comments and said that the dark water is having a huge negative impact on the surrounding beaches. Visitors are leaving and stating that they will never come back to the area. He recognized the need for the lake releases; however, there needs to be a better way. Mr. Walker explained that Governor Scott had just recently approved the 2.6 miles over Water Conservation Area 3. He noted that some parts of Alligator Alley were breached to allow more water to flow south.

Vice Mayor Congress noted that there was a Senate Select Committee formed in order to come up with some short-term and long-term solutions. The committee met approximately three weeks ago in Stuart and again on September 24 in Tallahassee, which will be streamed. They are supposed to be delivering some short-term solutions that will take place in the next 90-120 days.

Mr. Perry stated that there are a lot of issues regarding the operation of the lake and there is no proper way to operate the lake in all conditions. There are going to be times when the lake won't have enough water in it to supply the needs of the users of the lake and the ecosystem; and then there will be times that there will be too much water in the lake. It is not the fault of the operation of the lake, it is just the system that we have and Mother Nature can overwhelm it at times.

Councilwoman Simons explained that the City of Bonita Springs and other cities had asked the governor to purchase sugar lands in order to send the water south. She said that she hoped that there are flooding considerations with sending the water south. Also, what effects the water would have sending the water south on the watersheds in that portion of the State.

Vice-Chair Heitmann recommended that Mr. Flood's presentation be sent out to all members.

Mr. Flood addressed Councilwoman Simon's comments by stating that there are some constraints with moving the water south. There are concerns regarding flooding, water quality and locations. Those issues are all being considered as part of the Everglades Restoration, along with some of the other restoration/strategies being undertaken.

AGENDA ITEM #9 CONSENT AGENDA

Commissioner Nance made a motion to approve the consent agenda as presented: Agenda Item #9(a) Intergovernmental Coordination and Review; Agenda Item #9(b) Financial Statements for July 31, 2013 and August 31, 2013; Agenda Item #9(c) Glades-Hendry Joint Service Area Membership Certification; Agenda Item #9(d) City of LaBelle Comprehensive Plan Amendment (DEO 13-1ESR); Agenda Item #9(e) Hendry County Comprehensive Plan Amendment (DEO 13-2ESR); Agenda Item #9(f) City of Cape Coral Comprehensive Plan Amendments (DEO 13-4ESR); Agenda Item #9(g) Coconut Point DRI - Development Order Review; and Agenda Item #9(h) Pelican Landing DRI - Development Order Review. Councilman Leetz seconded the motion and the motion passed unanimously.

AGENDA ITEM #10(a)
Estero Bay Agency on Bay Management

Mr. Beever presented the item.

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

Commissioner Constance was not present at this time.

AGENDA ITEM #11(b)
Coalition Against Bigger Trucks

Mr. Brian Shuford presented the item.

Vice Mayor Shaw stated that he recently saw dump trucks with four axles in Sarasota and Manatee Counties. Mr. Shuford explained that dump trucks are a whole separate issue; he just deals with the semi-trucks. He said that the tag axles are an issue, especially if they are hauling heavier loads than what the limit allowed.

Mr. Iglehart asked if the federal legislation would have impacts on the Mexican trucking companies. Mr. Shuford said that he didn't know what the impacts from the legislation would be on the Mexican trucking companies.

Vice-Chair Heitmann asked Mr. Shuford if he needed anything from the Council. Mr. Shuford indicated that he would like to receive either a resolution or a letter from the Council opposing the legislation regarding allowing bigger trucks. Vice-Chair Heitmann directed Mr. Shuford to give the information to Ms. Wuerstle.

Councilman Banks asked Mr. Shuford where does the funding come from for the Coalition Against Bigger Trucks. Mr. Shuford explained that it mainly comes from the railroad industry.

AGENDA ITEM #12
NEW BUSINESS

None

AGENDA ITEM #13
STATE AGENCIES COMMENTS/REPORTS

FDEP - Mr. Iglehart announced that FDEP's Environmental Assessment group which deals with the TMDLs and BMAPs has been combined with their aquatic preserves department. It will be official at the end of the September.

SWFWMD - Ms. Dickens announced that SWFWMD's Cooperative Funding Initiative deadline was October 4 at 5:00 PM. Also, SWFWMD has a new Executive Director, Robert Beltran.

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

Counsel Donley stated that she had no comments at this time.

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

Vice Mayor Congress stated that the Council discussed legislative priorities last month, but wasn't discussed at this month's meeting. He asked if it was an item that would be continued. Mr. McCabe explained that it is being continued and over the next couple of months the county delegation meetings will be held. He is planning to have a draft regional agenda presented at the October Council meeting.

Ms. Wuerstle explained that an email request had been sent out to the Council's Legislative Affairs Committee with a Doodle poll link in order to set up a meeting.

Vice Mayor Congress discussed the flood insurance issue with the new FEMA maps. Vice-Chair Heitmann asked if there was a better way for the Council to have a better understanding of the issue. Vice Mayor Congress stated that he knew someone who may be willing to attend the next meeting to discuss the issue. Vice-Chair Heitmann said that she would support it if the Council wishes. Also, another issue with the FEMA maps is if a city/county accepted the flood maps because there is still time to appeal them.

Councilman Banks announced that the City of Fort Myers passed a resolution supporting the City of Sanibel on this issue.

Commissioner Mann stated that it was a very broad issue. He noted that Lee County had adopted the FEMA maps as part of their comprehensive plan and ended up in a lawsuit from a land owner who stated that he was able to build on his property until the county adopted the FEMA maps. In the end Lee County lost the lawsuit.

Commissioner Duffy stated that Charlotte County's Disaster Preparedness Director, Wayne Sallade, gave a great presentation to the BCC and she was sure that if the Council wanted him to attend and give his presentation that he would.

Commissioner Griffin asked Commissioner Mann if the counties were required to adopt the FEMA flood maps. Commissioner Mann explained that Lee County BCC was advised by their county attorney that the new FEMA maps needed to be part of the county's comprehensive plan.

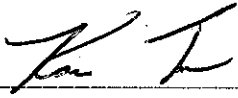
Commissioner Nance stated that the adoption of the FEMA flood maps and the information on the maps will influence much more than just insurance rates. It would also influence how FEMA felt on water impact development and ultimately it will affect permitting and construction in areas designated as flood zones. He said that he felt that the lower lying counties will be at a distinct disadvantaged.

Councilwoman Simons asked Ms. Wuerstle to comment on receiving the check from the City of Bonita Springs for the ABM. Ms. Wuerstle noted that the check was received from the City of Bonita Springs for the ABM and it was a grant to the Council, which the Council often matches grants with local funds and it has already been taken care of with the Council's financials showing that the Council will match the grant from the City of Bonita Springs with \$2,000.

Commissioner Duffy explained that Charlotte County is having tough time moving forward with their sewer projects and Mr. Iglehart at FDEP has been a big help. She noted that she had spoken with a legislator and there may be a possibility that the State would be doing state-wide sewer retrofits.

**AGENDA ITEM #16
ADJOURNMENT**

The meeting was adjourned at 10:55 a.m.



Commissioner Tom Jones, Secretary

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