

# RESTORE Act Advisory Board

Administration Conference Room  
18500 Murdock Circle, 5<sup>th</sup> Floor  
Port Charlotte, FL 33984

May 6, 2015

## Attendees:

<b>Dr. Lisa Beever</b>	+
<b>Peter Guptil</b>	+
<b>Michael Haymans</b>	+
<b>Thomas Hecker</b>	(arrived late) +
<b>Ed Hill</b>	+
<b>Howard Kunik, Vice Chair</b>	X
<b>Julie Mathis</b>	+
<b>Annette Nielsen</b>	+
<b>W. Kevin Russell</b>	+
<b>Kelly Shoemaker</b>	+
<b>Elizabeth Staugler</b>	+
<b>Caitlin Weber, Chair</b>	+
<b>Mindy Collier</b>	+
<b>Ray Sandrock</b>	X
<b>Janette Knowlton</b>	X
<b>Gayle Moore, Charlotte County, Recording Secretary</b>	+
<b>Scott Andrichack</b>	X
<b>Gary Roberts, Sun Herald</b>	+
<b>Cody Vaughn-Burch</b>	+
<b>Christina Reinert, Clerk's office</b>	+

Ms. Shoemaker indicate that Ms. Collier would be the Coordinator going forward; Ms. Weber called the meeting to order at 1:04 pm and the members completed the roll call. The next order of business was approval of the minutes of the February 11<sup>th</sup> meeting.

## Public Comment:

Cody Vaughn-Burch, Assistant County Attorney, and Gary Roberts of the Sun Herald Newspaper, introduced themselves.

## Old Business:

### *Allocation update:*

Ms. Collier announced the new figure (\$726,452.61) which was up from the original \$568,478, and noted the Board's work should be done with this figure in mind. Tentative time-tables were reviewed; Ms. Collier handed out a sheet of proposed timeframes to the

group. Ms. Weber mentioned having noticed that the Artificial Reef application was missing a narrative section, so the time to request additional information from applicants was a good idea. Ms. Collier pointed out that one application had been approved already in another jurisdiction, so there is a template for this part of the process. Ms. Mathis asked if there was any issue regard our choice to submit our MYIP in September; Ms. Collier indicated this was because we'd missed the first opportunity and are required to wait for the next submittal opportunity. She noted that "the money isn't going away" so there's no urgency on that account.

Ms. Weber asked the Board if they felt the timeline looked OK, and there were no objections. Ms. Nielsen asked if the applicants who are required to give additional info would have a specific timeline for response. After some discussion, Ms. Weber suggested that deadline should be the week prior to the May 21-26 period for prioritizing projects.

Moving on to the spreadsheet of the proposal scores, Ms. Collier explained she is using averages, and she displayed the current ratings of the 7 proposals, of which the CCU sewer expansion project, the Harbor Walk project, and the Fisheries Monitoring were the top contenders. Mr. Haymans brought up the requirement that the project be for "use within Charlotte County" and he noted that the Artificial Reefs project is a number of nautical miles outside our boundary, and Mr. Hill said therefore it would not be qualified. Mr. Haymans agreed suggesting the group put an additional question to the applicant, as to where they think the project would actually be sited. Mr. Hill asked if it would be worth pursuing.

Discussion ensued between Mr. Guptil and Ms. Collier about the averaging process (she noted she still has to obtain the scores from Mr. Haymans, Ms. Weber and Mr. Hecker). Ms. Weber said it would be fair to pursue the location information because that application was incomplete to begin with while Mr. Guptil indicated he wasn't convinced. Ms. Staugler indicated she felt similarly uncomfortable with giving that applicant extra time because their first pass was so bad; she also noted that possibly indicates something about how they would execute. Mr. Haymans indicated he felt somewhat the same.

Mr. Haymans also commented on the CCU project which is requesting \$400 million total, noting that this grant money would be just a drop in the bucket, and therefore it isn't a good candidate for the grant. Ms. Staugler added that the application also didn't provide sufficient information to indicate how they would use the small amount they would likely get. Mr. Russell said he felt they were the most appropriate candidate and also noted that the Board didn't have a scoring category for "it would only be a drop in the bucket".

Dr. Beever indicated she had looked at that issue and thought it might be possible to fund a smaller project and then put whatever dollars are left over into the CCU sewer expansion project. Ms. Staugler noted that the FAQ indicates funds would be available in early 2016 and the intention is for the first round of projects to be completed within two-three years; the CCU sewer expansion is a 10-12 yr project, which might also be a strike against it. Dr. Beever indicated she believes Stump Pass hasn't got a much better timeline; Ms. Staugler noted that their budget information didn't add up either. Ms. Nielsen concurred; she felt that they haven't got a good timeline, and that their RAI was not completed from last year.

Mr. Haymans then provided his scores to Ms. Collier to add to the spreadsheet, and Ms. Weber gave hers also (except that she did not score the artificial reef due to its incomplete application.) Mr. Haymans asked whether, despite CCU having the big score, is there a

consensus against funding them fully, on the "Drop in a Bucket" principle, and just funding them with whatever may be left over from a more important grant instead? Members indicated that they agreed in principal, except for Mr. Russell and Mr. Guptil, who commented that this issue was raised earlier and that he doesn't feel that the "leftovers" approach helps anyone. He said he felt that simply explaining to them how little they can be helped with the available money would improve their understanding; further discussion on this point ensued between Mr. Guptil and Mr. Russell.

Ms. Mathis raised the issues of whether an applicant getting a "leftover" portion would still be of help to them anyway, e.g., in terms of the support they can show their project has received; Dr. Beever indicated she felt a partial funding would have value in that way.

Ms. Nielsen asked whether RESTORE counted as federally-backed funding in any way, because matching funds might constitute 'double-dipping'; Dr. Beever indicated that was not a problem, and that RESTORE can work with matching funds.

Returning to the subject of the CCU sewer expansion application, Ms. Nielsen asked whether it would be possible to request them to break out their projects into more manageable units, for the Board to reconsider; Ms. Weber agreed. Dr. Beever requested that the "ask" for each application be shown on the chart along with the scores, to better understand how much impact an award would have on the viability of the project.

Dr. Beever also made a motion to take the "Online assets" application out of the running; the motion was seconded and passed unanimously. Some further discussion ensued.

(Recorder restarted at 1:40 pm)

Ms. Staugler suggested the group go through the projects again, taking into account both the scores awarded and any specialized process knowledge they may have, and review the scoring rationale; this would also be helpful in determining where additional information is needed so that those requests can go out to the applicants as soon as possible. Ms. Weber indicated her agreement, as did Mr. Hill.

The group then returned to reviewing the "ask" numbers to assess what part of their request the RESTORE funds could actually cover. After a brief period of spreadsheet reformatting and updating, it was possible to see the overall amount available compared against the viable projects.

Dr. Beever suggested funding to the limit of our allowance by fully funding Harbor Walk, Fisheries Monitoring and Bay Scallops, and then allocating the remaining \$114,000 to the CCU sewer expansion project, seconded by Mr. Haymans. Discussion ensued, and Mr. Guptil agreed but asked how they should extend the offer of the leftover money to CCU, what would they say; Dr. Beever suggested the phrase "Your request overwhelmed our resources." Mr. Guptil objected, suggesting that the Commission would object to that approach. Mr. Haymans suggested that a response to the Commission not concentrate so much on CCU in particular, but rather point out that if the entire allocation went to CCU then there would be nothing for these other very worthy projects where something can be accomplished right now; Mr. Guptil agreed.

Ms. Staugler noted that there is presumably more money coming and more awards could be made later; Mr. Russell noted that additional funds could also permit there to be additional applications. Mr. Hill suggested, for clarification, that if another two million dollars comes in, we're not committing to give it all to CCU; Mr. Guptil noted it begs the question whether the CCU project is able to go ahead if CCU doesn't get that \$17 million from somewhere, but it was also noted that the project is going ahead in any event.

Ms. Weber also sought clarification whether the group can ask CCU to specify what the smaller grant money will go toward, so that can be included in the MYIP; she said she felt the Commission would be more agreeable if those kind of details were provided. Further comments in this vein were offered.

Ms. Shoemaker requested that Ms. Collier tell the group about her conversations with other counties, which she then did: There have been plans that have been submitted and approved in other counties. They have to have a map of the location and provide specific details as you would for any federal grant money. But this would not be an unusual request, and as to additional future money, we will be going through this whole process again including developing a new plan, because this section is JUST for the \$726,000. We don't know when the additional money would finally come in, just that there is great resistance to the settlement as it currently exists.

Ms. Weber indicated she has questions still unanswered, and therefore she isn't ready to commit these funds today; specifically, she said she would like to see a breakout of the CCU budget, and also had questions about the Harbor Walk project.

Dr. Beever offered to amend her motion as follows: Apply full funding to the Harbor Walk, Fisheries Monitoring and Scallops projects, with the balance going to CCU pending receipt of their further information, showing a break-down of the overall project budget.

Ms. Staugler asked what kind of questions Ms. Weber had regarding the Harbor Walk project. Ms. Weber responded that she understood that stormwater reduction was part of the project and wondered if that would be a net benefit from what the site is now or if it would be capturing the stormwater generated from the development itself. She indicated she was also curious if they can do anything in terms of fishing line recycling, and also about signage for wildlife protection. Dr. Beever expressed agreement and indicated she also had questions about their building and landscaping materials. Both agreed that more information was needed. Regarding the Artificial Reef project, Ms. Weber stated she was curious to see whether it actually does or does not fall within our boundaries; Dr. Beever commented that, regardless of that detail, it just didn't compete well overall, so I would not go back and ask them for more detail when they are not finalists in any event; Mr. Haymans agreed.

Dr. Beever continued, suggesting the group pull out these four for potential funding, these applicants can come and answer questions if we still have them. Mr. Hill commented that the cost of a project might go up as a result of questions answered; Ms. Mathis responded that even if their costs go up, it's not on us to give them more money than their submittal requested.

Ms. Staugler commented that there is very specific information here for the Harbor Walk request; Mr. Haymans noted that much of what has been mentioned as things you might have questions on (landscaping, signage) are all items that show up as conditions on the

permits anyhow. Dr. Beever commented on what they are requesting money for, their cash match, and how the money will be used; she noted that there was funding available and the applicant's request was for the remaining dollars that they don't have. Mr. Russell also spoke to the detailed information the application provides.

Ms. Staugler indicated that one of her questions arises because the proposed date for project completion is before funds would be available; Ms. Collier responded that RESTORE funding allows for a look back, and that monies spent would be covered. Mr. Haymans explained how it could work in terms of the applicant getting a short term loan from the County which would be repaid out of the RESTORE funding.

Mr. Russell asked Ms. Weber if this was the sort of information you'd want from CCU for the hundred thousand; Ms. Weber agreed that it was, and Ms. Staugler commented on it also. Mr. Guptil pointed out that because the intention is to see this money spent down the information from CCU would have to be focused on how this will be spent within the next three to four years. Mr. Russell confirmed with Ms. Shoemaker that the CCU project is ongoing and will be ongoing for some years yet to come; the money will all be spent. Ms. Mathis indicated that she didn't think an applicant would need to come in person and explain, but could send the requested information by email.

Dr. Beever withdrew her first motion, Mr. Haymans as the second agreed to the withdrawing of the motion. Dr. Beever then made a new motion: Pull the Harbor Walk, Fisheries Monitoring and Bay Scallops, and CCU aside for consideration of our recommendation; Mr. Haymans seconded the new motion. Upon brief discussion, the motion passed by unanimous vote (Ms. Staugler abstained). Mr. Russell noted that an abstention form should also be completed.

Ms. Weber then led the group in a review of the applications looking for information we might still need from these applicants, starting with the Fisheries Monitoring request: Dr. Beever noted she had no questions, and said that she was really pleased to see it was ranked 3 by almost all Board members; she felt it was a highly valuable project because it offers pre-restoration monitoring which can assist in garnering additional funds for other hydrologic restorations this is associated with.

[Ms. Reinert left the meeting at 2:07 p.m.]

Ms. Nielsen commented on the high ranking she had given this proposal, based on similar projects she is familiar with (e.g., Yucca Pens and Coral Creek) and the overall importance to water quality and replenishment of fisheries. She contrasted this project with the CCU sewer expansion effort which doesn't actually add value to the Gulf in the way fisheries do.

Mr. Hill asked to clarify the purpose of this current exercise, e.g., could any of the four projects identified as worthy of recommendation be eliminated by it; Ms. Weber said that was certainly possible.

Mr. Hill motioned that the group funds the Fisheries, Harbor Walk and Bay Scallops as requested, with the balance going to CCU, second by Mr. Haymans. Ms. Mathis commented that she could agree with that if CCU provides the breakdown for how the money to them will be spent; this resulted in a friendly amendment to the motion incorporating that language, which was seconded by Mr. Haymans. Dr. Beever agreed, as long as the language also

included direction to staff to ask CCU for that information. Ms. Weber suggested further amendment, requesting additional information from both Harbor Walk and CCU. Mr. Haymans requested Ms. Weber to call the question, which she did, and it was passed unanimously, with Ms. Staugler abstaining as previously.

Ms. Shoemaker recapped that staff has received direction to request of CCU that they detail how they would spend the \$114,042; the same request for information was not required regarding the Harbor Walk proposal.

Ms. Weber looked to clarify, from that point, how the process would go forward; would response from CCU be received by email, and then the group would meet again? Ms. Shoemaker indicated that would work. Additional discussion ensued about when the next meeting would be, assuming the CCU information came in with in the week; that next meeting date would be May 20<sup>th</sup>. Ms. Weber also wanted to clarify specifically what breakdown figure CCU will be providing -- the entire project or just what the \$114,000 would be used for; Mr. Haymans felt that just the \$114,000 was what the group would be requesting although, he said, he felt they should be working on a breakdown of the whole project amount, just in anticipation of other future submittals.

Next meeting date of May 20<sup>th</sup> was confirmed, with the applicant's response anticipated in the week prior.

Ms. Mathis moved approval of the February 11<sup>th</sup> meeting minutes, second by Ms. Staugler; approved unanimously.

#### New Business

##### *Discussion of Progress of Other Counties:*

Ms. Weber noted that this topic had been covered earlier in the meeting.

##### *Status of the Multi-Year Implementation Plan (MYIP):*

Ms. Weber commented that it appears work is needed on putting the shell together; Ms. Collier noted that she will be watching a webinar on that before the next meeting, and will have more to contribute at that time. Ms. Weber thanked her for the very helpful report she had put together.

The meeting was adjourned at 2:15.