

December 15, 2009

Good Morning Everyone.

Welcome To The Lee County Commissioner's Meeting.

It Is December 15th, 2009.

I Want To Wish My Nephew A Happy Birthday Today.

This Will Be The Last Meeting Of The Year So Up Front Happy Holidays.

We Start Our Meetings With An Invocation.

Today It Will Be From Pastor Word Of Life Church.

And The Pledge Of Allegiance.

Is There Anything You Would Like Me To Lift Up In Prayer For You? Yes, Could We Remember Our May 1st Dare That Is In The Iraq Conflict.

We Thank You For This Fine Day Lord And We Thank For All Of The Men Laying Down Their Lives And Serving Their Countries, Lord.

We Thank You For The Sacrifice They Make Daily And Being Separated From Their Families.

We Pray You Will Bless Them, Lord.

We Pray For Lewis And This Day Of Celebration.

The 13 Years Ago That You Blessed Tammy Hall With Her Nephew.

We Pray This Day That Everything Done In This Courtroom, Lord, Will Be Led By Your Spirit, Lord.

We Thank You For The Courage And Boldness That You Give To The Councillors And Each Chair Person, Lord And Every Person Within The Sound Of My Voice.

I Pray That The Boldness Will Be Implanted In Their Hearts And You Will Give Them The Wisdom You Gave To Solomen To Apply The Laws Of The Land.

We Thank Them For Their Service.

Amen.

Amen.

I Pledge Allegiance To The Flag Of The United States Of America And To The Republic For Which It Stands, One Nation Under God, Indivisible, With Liberty And Justice For All.

Comm. Hall: Please Be Seated.

Thank You, Pastor.

Well, This Morning We Have A Very Special Presentation To Be Made.

And That Will Be Done By Commissioner Mann.

I Will Let You Do The Introduction, I Know There's Always A Story When This Young Lady Is In Our Chambers.

Comm. Mann: Thank You, Madam Chair.

It Is An Honor But For Me Truly A Pleasure To Present This Resolution And Read It On Behalf Of The Board Of County Commissioners To An Outstanding Lady In Our Community That Is Far Too Young To Retire, But Has Done It Any Way.

Can I Ask Lalai Hamric To Approach The Microphone And Could You Bring With You The Young Fellow That's Been Your Husband For 30 -- Or 40 -- About 40 Years? Kurt, Will You Join Her? And I See Kids From The Class Of '59 That Tells Me That In 1946-7 They Were In The First Grade At The Same Time As Lalai And Part Of My Thrill In Reading This Resolution Is I Indeed Was In The Same First Grade Class With Lalai In 1946-47.

But You Never Graduated.

I Never Finished.

She Was In The Top Of The Class.

It's My Pleasure To Read This Resolution.

Whereas Mrs. Lalai Hamric Ceo Of Family Health Centers Of Southwest Florida Has Selflessly Served The Citizens Of Lee County By Providing Primary And Preventative Medical And Health Services To The Underserved Members Of Our Community.

And Whereas Mrs. Hamric Was Called Upon As A Resource Of Health And Community Health Issues For Elected Officials Both In Florida And The National Level And Whereas Mrs. Hamric Was Appointed By Governor's Bob Graham And Martinez To Serve On The Advisory Counsel That Was Established To Address The Needs Of Migrant And Seasonal Farm Workers In The State Of Florida.

And Where She Was Honored As The Finest Award And Was A Resource For Governor Jeff Bush On Providing Primary Care To Florida's Low Income Residents And Medicaid Recipients And She Was A Recipient Of Harvard Leadership And Named Who's Who Worldwide For Leadership And Professional Achievement.

And Lifelong Resident Of Fort Myers Was Recently Named One Of The 125 Most Influential Locals In Southwest Florida By The News Press.

She Has Graciously Served Her Community As The Chamber Of Commerce As The Second Professional/Executive Woman Member Of The Rotary Club, As A Member Of The Edison Lamp Lighters, First Girl, Boy Scout Of The Executive Board Of The Southwest Counsel Of Boy Scouts Of America And First Member Of The First Presbyterian Church Choir That We Sing Together And Whereas She Has Enjoyed 39 Years Of Marriage To Her Husband Kurt And Cherished Her Time Of The Children And Grandchildren.

There By Be It Resolved On Behalf Of The Citizens Of Lee County That We Honor Mrs. Hamric For Her Hard Work And Offer Our Great Appreciation For The Outstanding Commitment Of The People Of Lee County This Signed By Our Chair Person Tammy Hall And With The Support And Good Wishes From The Entire County Commission, God Bless You In Your Retirement.

[Applause] Could We Have A Word From You Lalai If You Can Overcome Your Shyness.

Class Of '59 And The Rotary Club And All The Other Folks, Come Join Us.

[Applause] I Know Most Of You Know All Of Those People That Are My Friends And Co-Community Workers And That's Why I Asked Them To Come Here Because That's What We All Do.

And In Our Daily Lives.

If We're Not Doing It As A Position Or Job, We Are All Servants In This Community And You Know Them And They Are My Friends So I Wanted To See Them With Me Today.

Anyhow, Thank You All So Much.

Each One Of You I Could Tell A Tale, But Each One Would Tell A Tale On Me.

But You've Been Great Supporters Of My Work At Family Health Centers.

I Have A Couple Of Board People Here Also, But They Are Still Community Servants In Other Ways Beside Our Board.

But Family Health Centers Have Been Around For A Little Longer Than I Was Around.

Anyhow, Thank You So Very Much For This Honor And It's Been A Joy.

And I Am Kind Of Waiting To See Where God Puts Me Next, But There's Several Opportunities.

It Won't Be Work.

It Won't Be For A Check.

It Will Be Just Like What I've Been Doing And It's Been The Most Wonderful Part About The Job I Had.

I Did Get Placed There Because I Had To Work And I Loved It And I Saw It As A Mission.

And Within That Mission, Missionary Work, Thank You.

[Applause] Chair Hall: We're Blessed To Have The Type Of People In The Community That Lee County Is Fortunate To Have And Lalai You Give Us All Something To Aspire To And We Want To Appreciate The Good Work That You've Done, The Kindness You've Shown So Many People In Your Leadership That Most Appropriate One Of The Most Influential 125 In This Community.

Thank You Very Much For Being Here And Helping Us.

And Thank All Of You In Being Here And Supporting Lalai.

We Appreciate It.

You're Welcome To Stay For The Entire Meeting Because It Is Very Fascinating.

Next We Will Go To The Recap.

We Have An Amendment To Make On Item C 2 B.

We Have To Move This To The 9:30 Public Hearing.

I Have A Movement? Any Further Discussion? Opposed? Item 2 B Will Move To Public Hearing.

And Then We Will Go To Public Comment.

It Is On The Consent Agenda Or Administrative Agenda.

That's What You Get For Getting Your Card Done First, Right? Thank You, Commissioners.

I Want To Thank All Of You For The Great Work You Do For The County And We Appreciate It.

Thank You Very Much.

Before You Today Is A Resolution That Shows Support Of The Free-Standing Emergency Room In The Bonita Estero Metropolitan Area.

This Has Been A Labor Of Love For A Lot Of People, But None For Your Good Friend That Passed On.

Sam Levy.

He Worked Hard For This And I Think That He's Inspired A Lot Of Us To Have Formed This Committee, The South Lee Hospital Committee.

It's A Great Group Of People Working To -- With The Focus In Mind Of Getting Great Healthcare In An Area That Deserves It.

It's A Very Good Area.

A Great Area.

Great Neighbors, Great People.

I Think We're Deserving Of Having That Facility In There In The Future.

We Don't Know What That -- What Form That Will Take, But We Would Appreciate The Support Of The Concept And Would Ask You For Your Support.

Thank You Very Much And I Hope To Be Seeing You Later And Have A Happy Holiday.

Chair Hall: Thank You.

Mayor.

Next Is Jack Meeker.

Thank You Commissioner.

Thank You For Supporting This Free Standing Emergency Room Resolution.

There Really Is A Need.

It Happened To Me Saturday Afternoon And I Had A Need For Some Kind Of A Facility.

We Do Have Two Units In Estero, But They Both Close At 5:00 On Saturday Afternoon And Don't Open Until Monday.

The Irony Of This Is We Have A 24-Hour Pet Care Center That Is Opened Seven Days A Week In Estero.

We Can Take Care Of Our Pets Better Than We Can Take Care Of Our People.

Thank You.

Chair Hall: Thank You.

Madam Chairman And Commissioners, Don Asleck.

I Want To Echo The Mayor's Comments.

For About Three Or Four Years We've Been Meeting To See If We Can't Improve The Emergency Healthcare Services Down In South Lee.

The Closest Emergency Room To Us Is 10 Miles And The Other Two Up Here In Lee Are 12 And 13 Miles From The Area.

We Have A Lot Of Elderly People Like Myself Who From Time To Time Have Medical Emergencies And It's A Long Way To Be Transported If Indeed That's What Has To Happen.

90% Of Emergency Room Services Are Provided To Walk-Ins And I'm Told That 60% Of Emergency Room Emissions Are In Non-Daytime Hours.

So Having A 24-7 Standing E.R. Would Be Helpful And Comforting For A Lot Of The People Whether They Are Snow Birds Or Year Round Residents.

We Formed This Committee.

We Have About 45 Or 50 Community Organizations That Have Signed On To Our Petition In Support Of Our Efforts.

We Continue To Work With Lee Memorial To Help Establish This Kind Of Service In Our Area And Ultimately A Hospital.

Lee Memorial Owns 20 Acres And We Want To Move That Along And Achieve Some Level Of Emergency Services Much Sooner And Your Support Is Meaningful In That Effort.

Thank You Very Much.

Appreciate It.

Chair Hall: Jerry Followed By Neil? Good Morning.

Very Simple.

For The Last Three Years We've Been Working On A Transportation Plan With Your Staff With Fdot And Other, Specifically The University Square Community Development District, And Lee County.

The Item Before You Is In Their Local Agreement.

I Hope You Will Pass Judgment On It That Will Be Favorable And We Think It's A Good Improvement For The Traveling Public And Access To The Outlet And Improving The Outlet For Better Safety In The Community, Thanks.

Thank You, Jerry.

Neil Montgomery.

We're Here In Regard To University Square And The Agreement With The County To Be Able To Improve Work Screw Road.

Under Your Land Development Code You Have The Ability To Extend The Life By Your Agreement Of Impacting Credits.

The Work That Is Being Done, As You Note In The Blue Sheet Is, Partially Creditable And Partially Non-Creditable.

The Design Center Several Years Ago Donated The Right Of Way That Allowed Corkscrew Road To Exist As It Currently Is And It Took Them A Period Of Time To Use The Credits.

What We Would Like Is The Credits Would Be Able To Live For 15 Years Instead Of 10 And You Have The Ability Under Your Ordinance To Make That Decision.

It's Really A Question Of Fairness.

The Design Center Would Have To Pay The Fees If They're Not Able To Use The Credits.

They Would Love To Be Able To Use The Additional Spaces Right Now, And We Don't Know How Long The Economic Situation Can Remain.

So What They Would Like To Know When They Make This Investment In Lee County That They Will Be Agent To Use The Credits They Will Be Issued And They Won't Expire.

Instead Of The 10 Years Permitted That They Will Be Able To Use The Credits For 15 Years.

Thank You.

Chair Hall: Richard Followed By Jane.

Good Morning.

I Am Here On Consent Agenda Item 7a.

The Fire District Is Interested In Participating In The County Health And Dental Plans.

We Are Here To Answer Any Questions You May Have, But Again We Request That You Approve This Item So We Can Move Forward.

Chair Hall: Thank You, Richard.

Jane, Followed By Rick Cook.

Good Morning Commissioners.

I Am Here On Behalf Of Art Of The Olympians And First Let Me Thank You For Your Past Support And Continued Support In This Global Effort To Affect Change Not Only In Our Community But In The Global Community And Reinstallation Of Olympic Values In Our Youth.

As Many Of You Know We Are Dedicated For Having An Effect For Our Communities Use To Bring Excellence, Respect And Friendship In Their Daily Lives, But In Our Global Committee.

We Are Supported By The U.S. Olympic Committee.

We Are Given The Rights To Fly The Olympic Rings.

We Have Received Cultural Support, Teaching Support, Programming Support From Organizations Across The Globe Toward Bringing A Facility Here In Our Country That Will Be The Only One Like It In The World, Not Only To Duplicate Our Efforts Here, But To Duplicate Our Efforts To Use The Vehicle Of Sports And Excellence And Teaching Our Youth And Returning Our Youth And Our Communities Back To Being A Value Of Being Healthy And Active Society Members.

We Are Ready To Open Up A Facility At The End Of January.

We Look To Our Support To Not Only Get The Center Open But Maintain And Operate It And We Can Show The Olympic World And Community That Our Government Is Behind Us And We Can Share In Their Cultural Dream And Their Mission.

Thank You.

Chair Hall: Rick Cook.

Thank You.

I Am With Posen Construction And We Understood The Asbestos Issue Would Be Discussed Today.

Would It Be Appropriate To Make Comments Today? Chair Hall: That Is Not On The Agenda Today.

We Will Not Discuss It Today.

Can I Address It? Well, It's Not On The Agenda.

If You Would Like To Bring Something Up As A Commissioner Item And Discuss It That's Fine.

You Are Not On Our Agenda Today.

Is It All Right To Make A Public Comment? No, It Is Not.

You Can Only Speak On The Items On The Consent, Administrative Or Walk-Ons.

And Commissioner Bigelow You Can Address To Staff.

Thank You For Being Here.

I Would Like To Have The Board Dialogue With Our Transportation Director About The Issue.

It Will Be Under Commissioner Items.

While That Is On The Agenda, The Specific Issue Is Not.

Commissioner Items Are Not Agenda Either.

If You Would Like To Wait Until The End Of The Meeting, You Can Come Up On The End Of The Meeting.

I Have No Other Comment Cards But Is There Anyone Else From The Public That Would Like To Speak To Consent, Administrative Items? There's Someone Down At The End.

Fill Out A Blue Card For Us When You Have A Chance.

I Will, Thank You.

My Name Is Stephanie Keys.

I Am Director Of Public Policy For The Greater Fort Myers Beach Realtor's Association.

My Comment Is Regarding The Coconut Point D. R. I. And Also The Issues That Neil Montgomery And Jerry Brought Up.

These Are Excellent Examples Of Why We Need To Oppose Amendment Four In The Upcoming Legislation That Is Going To Be On The Ballot In November.

I'm Sure You Will Be Aware And Are Planning To Have A Resolution Opposing Amendment Four Because It Would Be Of Great Harm Economically To Our Community.

The Two Projects Before You Today Are Excellent Examples Of Why Amendment Four Needs To Be Opposed.

Neither Of The Projects Would Be Permitted To Go Forward In Amendment Four Was In Place Right Now.

They Would Have To Wait Six Months To Perhaps A Year To Go On A Special Election Ballot To Be Voted On By The General Public.

So Those Are Two Of The Numerous Examples, Too Numerous To Mention Here In My

Allotted Time Frame, But I Did Want To Bring That Up Because We Are Now Starting A Major Effort To Educate The Public Against Amendment Four And I Thought This Was A Very Opportune Time To Bring That Up.

Chair Hall: I Like How You Segued Into Members Of Concern.

Is There Anyone Else That Would Like To Comment On The Agenda, Administrative Or Walk On? Seeing No One.

We Will Go To Consent Agenda.

Items To Be Pulled? Commissioner Bigelow? Comm. Bigelow: I Have A Question For 5e.

Chair Hall: Commissioner Judah? None.

Chair Hall: Commissioner Janes? I Have None.

I Have A Motion By Commissioner Judah.

Second By Commissioner Mann.

All Those In Favor? All Opposed.

That Carries.

Commissioner Bigelow 5e.

Comm. Bigelow: This Is A 1.8 Acre Parcel For The Detar Relocation Project.

Detar Is What We Refer To Our Facilities Where We Maintain Equipment And Have Field Staff.

Their Office Is There.

We Own A Piece Of Property Across The Street Where The Water Tower Is And The Long Range Plan Is If We Need To Expand Facilities To Utilize The Property, But There's Little Access.

Comm. Bigelow: This Is Not A Utility Facility? No, This Is A Lot That Was Available That Would Allow Access To The Site.

We Were Taking Advantage To The Current Situation To Allow Access Into A Potential Future Facility.

Comm. Bigelow: I Was Afraid I Didn't Know About A Wastewater Treatment Facility.

I Will Move The Item.

Chair Hall: I Have A Motion By Commissioner Bigelow, I Have A Second By Commissioner

Mann.

All Those In Favor? All Opposed? That Carries.

Move To 1 A.

Motion By Commissioner Judah? On Behalf Of The Board Kudos To Our Economic Development Office That I Believe Will Be A Change Here In Lee County That Will Transform Our Economy In Lee County.

Certainly Hope That Things Go Well With The Negotiations With This Company That We Will Be Able To Have Lee County Be Their Main Home For Research And Development Opportunities And I Want To Thank Members Of Gulf Coast Technology Center.

They Have Been Instrumental With The Faith They've Placed In Lee County With The New Biotech Research Department.

It's A Phenomenal Effort That Economic Development Office Have Brought To Fruition And It Bodes Well For The Future Of Lee County.

Chair Hall: Thank You.

Further Discussion? Yes, Madam Chair.

I Want To Applaud Jim In Two Regards.

One That He Has Come To Me At Least Twice.

He Has Shared Privately That Is Helpful And I Think It's A Confidence Builder.

Secondly During Our Most Recent Discussion I Suggested Maybe We Would Collaborate With The University Recognizing These Are Very High Paying Jobs And If We Can Coordinate With The University's Long Range Effort To See That This Company Will Be Supplied With Homegrown Educated Folks, That Would Be Good.

Thank You, Jim, For Both Of Those Efforts.

Chair Hall: Further Discussion? All Those In Favor? Opposed? The Motion Carries Unanimously.

Item 8 Which Is Say Proved Funding Not To Exceed \$125,000 To Cover Expenditures Of Legal Counsel.

Is There Further Discussion? All Those In Favor? Opposed? The Motion Carries Unanimously.

I Have A Motion By Commissioner Judah.

Do I Have A Second? I Have A Second By Commissioner Janes.

For Discussion.

Barbara? Good Morning.

Barbara, Parks And Recreation.

Commissioners We Have This Item In Front Of You Today Requesting The Ability To Raise Some Our Fees For Summer Camp Programs We Brought To You During The Strategic Summer Programs And This Is A Request To Raise The Fees For Next Year To \$15 A Week.

And We Just Would Like Your Input And Acceptance Of This And Approval.

This Is Never Easy, But I Think The Reality Is We're In Difficult Times.

There's No Question.

Everybody Is Struggling.

But One Of The Opportunities That Government At Least Offers At Least For The Community At Large Is A Safe And Nurturing Environment When Adults Are Trying To Find A Safe Haven For Their Children.

These After-School Programs Are Pivotal For Children In This Community And There's A Cost That Comes With It And I Think We Recognize As We Try To Balance The User Fees To Make Sure We Don't Create An Undo Burden On The Backs Of Our Residential Tax Payers Yet Recognize The Critical Service These After-School Programs Provide We Have To Have The Funding Source To Make These Programs Available.

I Would Hate To See A Situation Where The Programs Are Shut Down Because Of Lack To Cover Expenses And The Burden Placed On Residential Taxes To Cover These Programs.

We Want To Make Sure We Properly Maintain And Have These Programs That Really Are When You Look At The Comparison For These Type Of Programs In The Private Sector Or Public Sector Is Very Affordable.

And At Some Point In Time We Have To Make Sure That We Do Understand The Dose Of Reality To Provide These Programs And Be Able To Afford Them.

Chair Hall: Thank You.

My Only Comment On This And I Don't Have A Problem Raising Fees, We Recognize That, But You Have Two Hands Doing Two Things.

We're Trying To Stimulate The Economy, But We're Still At Double Digit Unemployment.

On This Hand I'm Sort Of Taking Away -- I Was Hoping The Board Would Be Interested In Doing Something Incrementally.

And Maybe I Prove The Total Increase By 2011.

I Look At These Rates And The Ones That Concern Me The Most Is The Traditional Summer Camp Going Up \$15 Which For Three Kids It's Substantial For These Folks.

And Then You Have The Spring Break Camps Going Up \$15 And \$30.

I Was Hoping That Maybe We Could Look At A Half And The Other Half By 2011.

These Camps Make A Difference For People To Go To Work And Have An Income.

But With The Full Increase By 2011.

In Other Words, We Wouldn't Have To Ask Barbara To Come Back.

I Was Hoping We Could Find A Little Sensitivity Recognizing We're Still At Double Digit Unemployment And People Are Finally Starting To See The Light At The End Of The Tunnel And Then To Get Hit With These Numbers It's Tough.

It's Tough Out There.

Mr. Mann? Comm. Mann: I Would Echo Both Of Your Comments And Commissioner Judah's Comments For These Programs And Try To Keep Them Self Sustaining.

We Have To Borrow Money This Year And Next Year To Survive And These Programs Need To Be Self Sustaining, However, Having Said That, I Would Echo Your Comments Madam Chair About The Relatively Significant Increase, The First Several On Our List Here Are Close To 50% Increases And Some Don't Have Jobs, But They Have The Responsibility Of Having Their Kids In Safe Programs During The Summer.

They Desperately Need These Programs, But That Is A Significant Whack.

My Sentiment Was To Break This Into Thirds And See If We Could Approach It That Way.

In The Future We Would Review This Of Course, But I Would Be Comfortable On Pursuing This On A Third, A Third, A Third.

On What The Blue Sheet Asks For A Single Year To Make It Somewhat More Manageable For The Parents That Are Struggling In This County.

My Thoughts, For What It's Worth.

We Can Do That Commissioner.

I Think The Important Thing For Us Is That We Have The Fees In Place So That Parents Can Begin To Prepare, Understanding The Additional Dollars That Are Necessary For The Summer Of 2010.

This Is For Summer 2010.

If We Do It Incrementally We Could Do Five, Five, Five.

Five, 10.

But If We Agree On A Percentage We Wouldn't Have To Come Back And We Could Do It For The Next Couple Of Years.

Chair Hall: And Parents Would Know To Start Planning For That.

Correct.

I Was Thinking More Along The One Third, One Third, One Third Approach Myself Trying To Soften It As Much As Possible Recognizing We Need To Do It And The Comparison, I Think You Did An Excellent Job Comparing The Level Of Service, The Cost And Level Of Service We Grant Compared To The Competitors.

So Madam Chair If We Could Take Your 50% Approach And Soften It Somewhat.

Chair Hall: I'm Fine With That.

My Largest Concern That I Have Is That We Want To Prepare The Public And Let People Know.

I Completely Agree With Commissioner Judah's Comments, But When We Didn't -- We Didn't Take Back Because The Community Was In Huge Need And We Put Money Out For Economic Recovery And It Was Hard To Say Now We're Going To Double These Rates When The Impact Those People Were Serving And Trying To Put The Same People Back To Work.

It Has A Mixed Signal When I Looked At The Whole Picture.

I Will Go To The Motion Maker.

You Did Make A Motion? I Did.

If You Would Have An Interest To Amend The Motion Or Run It By And See Where It Falls? I Understand The Sentiment Of The Board And It's Important That We Realize The Critical Nature Of The Programs And We've Spoke About The Importance For The Children And A Safe Place For Them To Be Particularly When The Parents Are Looking For Work Or At Work.

But It Is Important If We Continue To Subsidize This Along We Are Borrowing To Do That.

I Don't Think That Is Fiscally Prudent.

I Am Willing To Accept A Compromise And In Light Of The Importance Of Alerting Families Ahead Of Time If This Fee Is Adjusted, But Maybe Gradually Get To The Fee You're Referring To.

Chair Hall: I Think We're Looking At The Lump As A Whole.

My Idea Was Get There By 2011 Versus 2012 And Go 50% So You're Basically Saying 50%.

If You Want To Amend The Motion To That Regard, We Will See If There's A Second.

And If Not Someone Can Make A Motion.

Well, I Retract The Initial Motion On Instituting The Proposed Fees And Adjust The Fees On A 50% Adjustment Over The Next Two Years To Be Fully Adjusted By 2011.

It Could Be \$8 This Year, \$7 The Second Year.

Chair Hall: Keep Out Of The .50 Numbers.

Is There A Second? I Have A Second By Commissioner Janes.

Is That A Third Or Two Years? It Will Be Adjusted By 2011.

So We're Doing 50% This Year And 50% In 2011.

Madam Chair, I Discussed This Morning So I Would Understand It.

Even A 25% Fee Increase Is Far Beyond Anything That We Have Entertained On Any Other Program This Year.

No Matter What It Is And These Are Parents And In A Lot Of Cases They Are Struggling.

I Know The Program Will Go On.

She Needs To Have Action By This Board So She Can Advertise What The Programs Will Run Next Year And That Sort Of Thing, But The Program Is Not In Danger Of Collapsing If We Did It Over Three Years And It Seems So Much More Understanding To The Public That Is Paying This.

I Don't See The Need To Do Such A Substantial Increase Even Over Two Years.

I'm Just Trying To Be A Little More Gentle With The Fee Increases And At A Level I Could Support.

I Am Not Comfortable At Doing It In The Two Year Period.

Chair Hall: The Largest Increase Is A 33% Increase As Proposed And Then We Are Going Down From That.

So We're Basically Roughly Right Around 15% Increase This Year And A 15% Increase The Following Year.

It Is Substantially Beyond Anything We've Done In Any Other Program And This Is For Kids

And Children And For Parent That Is Are Strapped Right Now.

Let Me Clarify.

It Is Not Appropriate To Be In The Deficit-Spending Mode.

We Would Be Borrowing From Money We Don't Have.

We Are Trying To Make It Self Sustaining.

I Am Trying To Make A Compromise To Make These Adjustments.

But In Future Years If We Don't Make The Adjustments They May Close Down.

Chair Hall: Further Discussion? Comm. Bigelow: I Want To Set The Record Here.

The First Three Proposals Is 50%.

10-15 -- Chair Hall: I Was Talking About The Larger Ones That Are Going From 60 To 70 -- It's Going From \$240 A Month To \$300 A Month.

That's \$60 A Month.

At A Time When Folks Are Having A Really Tough Time.

Interestingly Yesterday I Was Getting My Haircut And My Stylist Or Whatever You Want To Call Her Has A Child And She Cannot Afford Daycare So She Has To Have Him With Her.

That's Her Option.

She Can't Afford A Babysitter.

These Are Just A Little Onerous To Do It In A 50% Approach.

I Can't Support This Motion On The Floor.

Chair Hall: Okay.

Further Discussion? All Those In Favor? All Those Opposed? Motion Carries 3-2, Commissioner Bigelow And Commissioner Mann Opposing.

And That's 50% Over The Next Two Years? Chair Hall: Round It Up Or Down Over -- Very Good.

Thank You.

Just To Weigh In On This Topic.

Chair Hall: I'm Sorry.

Just To Weigh In.

This Is Part Of The Tough Decisions That We Will Be Needing To Make At The Strategic Planning Session In February.

We Are Subsidizing The Program In Comparison To We Were 50% Compared To The Private Sector.

Chair Hall: Right.

Thank You, Karen.

Next We Will Go On To The Doctorate Resolution Extending The Build Up Date.

I Have A Motion? I'll Second For Discussion.

Do We Need To Hear From The Attorneys? No.

Chair Hall: Further Discussion? All Those In Favor? Opposed? The Motion Carries Unanimously.

There Was A Request For The Extension By -- 14 B.

We Have A Request From The Community Development District, Donna Collins For The Record.

We Are Requesting A Life Of 15 Years.

Your Staff From D.O.T. Would Like The Credit Life To Be 10 Years Which Is Provided For In The Land Development Code.

But The Land Development Code Does Permit You To Offer Credit Life Longer Than 10 Years.

Madam Chair, When Is The Expiration Date? The Credit Wouldn't Be Issued Until The Work Is Complete And It Would Be 10 Years Until The Date It Is Issued.

So We Have Time To Extend It If We Wish To Do So? That's Correct.

And The Way We Handled It In The Past Is If Credits Are About To Expire, You Have Had Requests To Extend Them By Two Or Three Years And That Is An Opportunity Available.

He I Think That Is The Route I Would Like To Go.

We Will See How The Market Plays Out.

10 Years Is Better Than Nothing.

And That's What Staff Is Support Of.

I Guess I'm Missing The Justification For The Extra Five Except Mrs. Montgomery Says It's Her Request.

It's Policy Decision For You To Make.

And They Have An Opportunity To Come Back And Request An Extension If They Are Unable To Use The Credits Before They Expire.

Have You Ever Seen Us Not Extend Credits? In My Five Years Here We've Always Extended Them Recognizing They've Done Something To Get Them And We Recognize Market Trends Change.

I Think We've Only Had Three Or Four Requests That I Can Think Of And I Think They Were Granted The Request To Be Granted In Each Instance.

Your Motion? Motion To Extend For 10 Years.

I Have A Motion By Commissioner Bigelow, Second By Commissioner Judah.

This Is For An Agreement To Allow Improvements To Corkscrew Road.

Chair Hall: All Those In Favor Signify By Saying Aye. The Motion Carries Unanimously.

Okay, We Will Move On To Public Hearings.

We Have A 9:30 Public Hearing To Adopt An Ordinance To Correct Scrivener's Error.

Good Morning.

For This Morning's Public Hearing To Allow For A Corrective Ordinance To Correct A Scrivener's Error In Regard To Go Height Limitations In The Destination Resort Mixed Use Water For Future Land Use Category.

I Will Move This Item.

Chair Hall: I Will Close Public Comment.

Back To The Board? Public Discussion? All Those In Favor Signify By Saying Aye. Opposed? The Motion Carries.

Next We Move On To 2b.

Good Morning.

Assistant County Attorney.

I Have Before Me The Application Providing Amendment To The Comprehensive Plan To

Your Capital Improvement Element.

Persons Coming To Speak And Address The Commission With Regard To This Amendment.

If They Leave Their Name And Address At The Rear Of Chambers And A Sign-In Sheet They Will Be Afforded The Opportunity Of Advanced Notice Of The Department Of Community Affairs Intent To Find The Amendment In Compliance Is There A Question? I Have A Motion By Commissioner Judah.

Is There Further Discussion? All Those In Favor Signify By Saying Aye.

Opposed? The Motion Carries.

Next We Have The 10:00 Public Hearing.

It Is To Adopt And Execute A Proposed Ordinance In Lee County's Recovery Zone.

I Have A Motion To That Effect? I Have A Motion By Commissioner Bigelow.

Second By Commissioner Judah.

Is There Anyone From The Public That Would Like To Be Heard.

Seeing No One.

I Will Close The Public Hearing.

Andrea Fraser I Have Your Affidavit Of Publication Published In The December 3rd Issue.

I Have Reviewed It And Find It Legally Sufficient To Conduct The Public Hearing.

I Am Handing It To The Clerk For Incorporation Into The Minutes.

Chair Hall: Is There Anyone From The Public That Would Like To Be Heard? Seeing No One.

I Have A Motion By Commissioner Bigelow.

Second By Commissioner Judah, Further Discussion? I Don't Want To Belabor This But I Think It's Important To Announce What This Is About.

I Have Conversations On The Phone And This Is An Opportunity -- It's A Silver Lining, If You Will, In This Economic Malaise We Find Ourselves In.

We're One Of 40-Some Counties In The State That Have The Dubious Distinction Of Being Hit The Hardest In This Country.

And Here's An Opportunity For Us To Loan To Both Private And -- Private Sector Entities As Well As Public Sector, Ourselves Included, And Try To Help Stimulate This Economy.

We Have What, A Year? We Have Until The End Of 2010 I Believe To Take Advantage Of This.

These Are Funds That We Can Loan At Low Interest Rates Through Bonds And I Would Hope That We Would Be Johnny On The Spot And Look For Opportunities To Utilize This Program.

Chair Hall: Thank You, Commissioner Bigelow.

Further Discussion? All Those In Favor Signify By Saying Aye. Opposed? The Motion Carries Unanimously.

Next We Will Go To Walk-On Items.

The First Item.

I Have A Motion.

Further Discussion? Commissioner Mann? Comm. Mann: I Have Some Questions And I Need To Know What Has The County Done Up To Now And Remind Us What The City Is Doing And Who Are The Other Participants That Financially Assisted In This Program.

I Think I Can Answer This.

Karen For The Record.

The County Has Provided Through The Tourist Development Act \$250,000 Prior To Do Renovations On The Building.

The City Of Fort Myers Is Also Leased To The Art Of The Olympians The Building For \$1 A Year.

Comm. Mann: And That Commitment Is How Many Years? Is That A 50-Year Thing? I Believe Is It -- It Is A 20-Year Commitment.

Comm. Mann: One Thing I Would Have Liked To Have Seen Here, Since This Is Being Walked On Would Have Been A Commitment Voted On Commitment By The Tdc.

I Understand They Haven't Had An Opportunity To Do That.

Has This Run Past The Tdc? Normally We Have The Recommended Before We Adopt Something.

Right.

The Tdc Has An Advisory Committee.

Usually We Do Take Something Like This To Them.

We Did Make Telephone Calls As You Know And I Talked To You Last Week.

It Was At First I Was Proposing A Loan, But Legally We Cannot Do That So It Must Be A Grant.

We Really Have The Board Of County Commissioners Has The Overall Authority Because You Are The Stewards Of The T. D. C. Funds And Reserves.

I Understand That We Can Do This Whether Or Not They Vote On It.

But We Listen To The Recommendations And Rarely Do We Go Against Them And They Are On Record Supporting The Original Grant.

Right.

And My Understanding From Staff Is That Tam Did Call All Of The T. D. C. Members And Did Advise Them That It Was Going To Be A Loan.

We Have Since Emailed Everyone Saying It Was A Grant.

We Didn't Hear Any Overwhelming Type Of Opposition To Doing This.

On That Point, Though.

When You And I Discussed This Several Days Ago, It Was In A Loan Form.

But The Actual Language Before Us -- It's Confusion To Me.

It Says It's Not A Loan, But It Can Be Paid Back? No, Sir.

Comm. Mann: This Is Purely A Grant? It Is A Reimbursable Grant.

Which Means We Will Sit Down With Our Art Of The Olympians Staff And Directors And Put Forth Certain Restrictions In The Agreement And What Type Of Documentation We Will Require In Order For To Them To Be Reimbursed.

Comm. Mann: You Use The Term Reimbursable Grant.

I've Never Heard That.

It's A Grant.

But We Will Not Provide The Dollars Until They Provide Us The Documentation To Be Reimbursed.

Comm. Mann: You're Reimbursing Them? Chair Hall: Right, We Don't Hand Them A Check.

We Do It On A Reimbursable Basis.

What We Will Do Is The Same We Have Done With -- All Of Our Grants Are Handled In This Manner.

We Don't Cut A Check For Half A Million Dollars.

We Require Detail.

Comm. Mann: Okay.

Who Else Other Than The City Of Fort Myers And The County Of Lee As Financially Supportive? Our Two United States Senators, But I Wonder How Much They Have Thrown In? The Prince Of Monaco Is In Support And International And I Believe He Will Be Supporting Them As I'm Understanding With Donations And Really The Advertising Of The Art For The Olympians.

I Know They Have Received Some Donations In The Past.

And There's Private Donations.

Comm. Mann: I Guess I Need To Understand Whether -- It Looks Like We've Been The Cash Cow So Far In Support Of This Program.

Is That What Is Contemplated In The Future? Are We Going To Be Asked Year After Year For A Half Million Dollars To Keep The Program Alive? Or Will It Become Self Sustaining? In Discussing With The Board Of Directors, They Have A Very Good Business Plan That They Are Laying Out For Us In A Marketing And Advertising Program.

And I Believe It Will Be Self Supporting.

Can I Guarantee That? No.

But From What I Have Seen From The Olympians, They Do A Very Good Job In Their Marketing And Getting Revenue In To Support The Facility In The Future.

Had The T.D.C. Had An Opportunity To Look Into This And Ask The Same Kind Of Questions? I'm Hoping After The Fact That The T.D.C. Would Take It Upon Themselves To Review This And Come Forth With Some Of After The Fact Support And Proposals Of What We Will Do In The Out Years.

We Have Many Valuable Programs The T.D C. Will Support And If We're Going To Lock Into A Half Million Dollars Forever That's A Major Commitment.

I Don't Think That's What Is Being Asked For Here.

I Hope Not.

No, Sir.

I Am Going To Bring The Identity And Five Rings To This Community Has No Question An

Economic Benefit In Terms Of Tourism Alone.

That's What This Is All About And I'm Will To Go Do That And Get Us Off The Ground, But A Lifetime Forever, These Programs At Some Point Need To Be Able To Stand The Test Of Time.

Let Me Make Clear That This Is Not A Forever That We Are Requesting Here Today.

It Is A Half Million Dollars And It Is A Reimbursement To Them In -- For The Agreement We Will Have.

Yes.

Thank You.

Chair Hall: I Just Want To Say, Lee County Is Not A Cash Cow.

We Recognize We Are Particular What Types Of Programs We Will Put The Grants In.

When The City Of Fort Myers Approached Us Nine Years Ago With The Edison State And Asked The T.D.C. To Support Them, The Tourism Counsel Recognized The Impacts That It Brought To Lee County.

After The \$1.5 Million Capital Grant That Was Given By The Tourism Development Counsel The Edison State Does Participate In An On Going Basis In Our Grant Program And Do Receive Approximately \$50,000 To \$60,000 A Year To Do Additional Marketing And We Have Several Of The Non-Profit Attractions And I Would Assume The Art Of Olympians Would Participate And Compete For The Grant Moneys For The Future.

And We Are Not A Cash Cow.

As The Chair Of The Tdc, The Question Is Do We Have Enough In The Market? No, This Gives Us Additional Doors That Will Not Cost Us The Precious Advertising Dollars That We Have.

We Plan On Making This Money Work Very Hard For Us With The Joint Contacts.

We're Proud To Have The Rings In Downtown Fort Myers As The City Of Fort Myers And We Will Continue To Work Closely.

Our Olympians Will Be Integrated In Our Sales Efforts, Marketing Efforts And Public Relation Efforts.

Our Staff Is Excited About The Promotional Opportunity And The Opportunities We Will Have As We Talk To Different Teams And Sporting Activities That We Would Like To Have Lee County As A Home.

We Are Very Excited And Very Sensitive That Yes, This Is A Second Go At A Grant And We Are Engaged In Working With Them, But I Don't See Us Coming Back As One Of The Grant

Recipients.

We Are Happy To Be First And We Are The Largest Contributor, But I Do Appreciate The Many That Have Written Substantial Checks Also.

Commissioner Bigelow? Comm. Bigelow: Madam Chair, As The Commissioner Stands To Benefit Because It Will Be In District Two, Let Me Chime In Because I Can Say I Agree With Both Opinions Expressed Here And That Is That I Think This A Wonderful Opportunity Internationally, Nationally And Locally.

No Doubt About It.

I Really Like The Idea Of Having The Edison Ford Estate On One End, The Bureaus And Langford Homes At The Other End Of Downtown As Well As The Black History Museum Down The Road Here.

We Are Developing A Museum Hub And That Collectively Draws For More Folks.

That's Why Wendy's And Mcdonald's Are Usually Closer To Each Other Than Not.

They Are Together, They're Both -- To The Point Of Bypassing The T.D.C. I Guess I'm Seeing The Urgency, But You're Asking The Board To Do Something Inordinate.

You're Asking Us To Put A Lot Of Confidence In You Without The Strings You Will Be Developing.

What It Is They Will Be Doing For This Money.

I Think That That Is Not A Small Point That Should Be Brushed Over.

I Think That T.D.C. Would Be Involved In Reviewing That.

That's Why They Are The Brains Of The Operation As Far As Overseeing The Tax Dollars.

So I Hope That You Will Bring Back To Us What It Is That We Expect Them To Perform.

Normally We Would Take This To The T.D.C., But Timing Is Everything.

And The Art For The Olympians Is Going To Have A Local Opening The End Of January And Then A Grand Opening Later On, But Normally, Yes, We Would Be Doing -- Going To The T.D.C. And Discussing This Issue.

I Understand.

I Want To Echo Madam Chair And I Appreciate You Going To The T.D.C. And Doing What You Need To Do Because The Olympian Committee Is Committed.

Thank You For Doing That.

Jane And Everyone.

Chair Hall: Further Discussion? Commissioner Judah.

Chairman Judah: I Am Just So Thankful To You Madam Chair Working With The Volunteers And The Art Of The Olympians To Get To This Point.

Thank You, Karen.

With The Administration Helping Facilitate This Partnership And The Timing Couldn't Be Better.

We Have The Usa Swimming Looking To Relocate Here In Lee County.

They Are Coordinating With Cape Coral.

If Not Cape Coral They Will Below Indicated Across The -- Located Across The River Here.

And To Bring In Olympic Level Swimming Competition, The Synergy Will Be Phenomenal.

This Is A Tremendous Economic Boost For Lee County.

We Will Be So Proud To Be Designated As One Of The Few Locations To Fly The Olympic Flag And The Opportunities Are Boundless.

Chair Hall: Further Discussion? All Those In Favor Signify By Saying Aye. Opposed? The Motion Carries.

Walk-On Item Number 2.

Approve The Amendment To Our Developmental Agreement With Ise Corporation.

I Have A Motion By -- I'm So Sorry.

Let Me For Very Briefly Say For Those Listening, This Is A Great Day For Lee County.

Another Good Project.

Thank You Very Much.

Steve Meyers From Leetran.

This Is Another Step To Get This Gas Line Electric Hybrid Vehicle On The Road And In Use In Lee County.

We Hope To Have It Done In A Week Or Two And Have The Vehicle Out There For Use By The Public.

It's A Development Project.

And Those Are A Little Messy From Time To Time And We Need To Clean Up Some Paperwork To Get Everything Ready And Approved By The Epa And Allow Us To Get It Licensed.

So This Is Paperwork That Is Necessary.

We Appreciate You Considering The Item.

Chair Hall: Thank You, Steve.

We're Excited To Be Part Of This Program.

We Do Plan To Showcase The Vehicle Downtown.

We Will Notify Everybody To Take A Walk Through And Take A Good Look At It.

Thank You.

Madam Chair, With Florida Being One Of The Highest Emitters Of Co 2 Gases And Greenhouse Emissions, I Think It's Important That The Message Is Being Sent That Lee County Is Taking Seriously The Need To Reduce The Carbon Footprint Here In Our Community And This Is Eventually A Step To Replace The Entire Fleet With The Buses That Run On Biodiesel.

I Think We Have To Give Proper Credit Where Credit Is Due.

Carmann With The Leetran -- And Also A Student At Public Affairs? Can You Tell Us What You Did For This Hybrid Bus? When We Tried To Get An Existing Vehicle With The Hybrid System Carman Wrote The Grant And Provided It For Fdot To Allow Us To Move Forward With The Project.

During The Two To Three Years We've Been Working On This Project We've Hit A Few Snags And Road Blocks And I Think It's Commendable That Our Staff Continue Today Pursue The Project.

We Just -- We Were -- We Kept At It And Found A Way To Get Done And The Vehicle Here Is A Result Of That And Certainly Carman And Others In Our Staff And Others In The Project Will Be Commended For Getting That Accomplished.

I Did Want To Mention That On Thursday Of Last Week We Unveiled -- We Did A Ribbon Cutting At Florida Golf Course University And It Was Appropriate Because It's Becoming More Visible In The Green Area And We Were Able To Take It Out There And Showcase It There.

It Was A Good Day For Us As Well.

Thank You Commissioner Bigelow For Participate Anything The Support Of The Board.

I Appreciate That, Steve.

Chair Hall: Further Discussion? All Those In Favor Signify By Saying Aye. Opposed? The Motion Carries Unanimously.

Item 3 An Easement To Property At Hickey's Creek Mitigation Park? This Fell On The Heel Of Previous Amendment 4.

It Was A Meaningful Legislation That People Voted To Support A Year Ago And The Browns Have Been Wonderful Stewards Of This Land In The Hickey Creek Area And It's Nice We Can Preserve And Protect These Lands.

I Want To Thank Karen To Get This Before Us Before The Christmas Break.

Thank You.

Further Discussions? All Those In Favor Signify By Saying Aye.

The Motion Carries.

Walk-On Item Number 4.

Motion By Commissioner Judah.

Second By Commissioner Janes? Any Discussion? I Appreciate Getting This On The Board.

For The Persistence Of Paul And Amy We Wouldn't Be Here Today.

I Want To Thank Roy Benton, This Is Really Yet Another Great Message That Was Sent To The Community.

I'm Sorry We Didn't Advance This Money Six Months Ago, But We Finally Got To The Finish Line.

Thank You So Very Much That This Money Is Available To Move Forward With The Partnership With SI Biofuels.

Chair Hall: I Believe They Will Be Opening Very Soon.

Great.

Further Discussion? Yea, This Is A Walk-On That I Disappeared This Morning.

Can I Ask What Is It? Federal Money -- Chair Hall: It's A Grant That We Pursued Under Energy -- American Reinvestment Recovery Act.

Thank You.

The Board Approved And Added To The Grant Request List.

So This Is Money Raining Down On Us Provides For Fund -- Chair Hall: It Was As Request That We Made On Behalf Of This Corporation To Run Through Us.

Thank You.

The Money Will Be Coming To Us.

I'm Sorry To Say It Was Raining Down On Us.

We Requested.

Provides For Funds To Be Budgeted For Approved Projects Within The Arrado Energy Efficiency Grant.

What Projects? We Approved The List Of Projects Two Months Ago And Do You Want Us To Repeat What The Projects Are Commissioner Bigelow? Comm. Bigelow: That Would Be Great.

Chair Hall: I Think There Were Eight Projects On That List.

Comm. Bigelow: This Was Presented To Us This Morning? The Walk-On Item? Paul, Can You List The Projects That This Will Fund? Yes, This Was A Grant Submitted Back In The End Of June.

There Was -- It Included A List Of Projects That The Board Had Approved At The End Of May.

The Projects Included Are The Biodiesel That Commissioner Judah Mentioned.

A Bike-Ped Project.

A Change Out Of Light Fixtures.

Change Out Of A Pump And Utility Plant.

Solar Energy Panels For The Emergency Operation Center.

Oh, That's A Recent One.

Public Safety.

Sorry.

Not For The Emergency Operation Center.

Yes, Public Safety.

That's Correct.

Great.

Thank You.

Chair Hall: And Karen, Why Don't You Email The List To Everyone Because The Amounts Of The Grants That We Were Requesting Was On That Blue Sheet.

That Would Have Been Good To Have That.

We Got It This Morning And We're Expect Today Approve These.

It Would Be Helpful Because My Memory Doesn't Always Bring Something To Forefront.

Thank You.

I Apologize But I Feel We Owe Paul A Deep Debt Of Gratitude.

It's Not Easy To Light A Fire Under Any Federal Agency.

Thank You So Much, Paul.

Amy, Also.

Any Further Discussion? All Those In Favor Signify By Saying Aye. The Motion Carries.

And Don, I Missed The Midtown Estero Request For Continuance.

Yes, This Morning.

I Have Before Me The Affidavit For This Morning's Public Hearing On The Midtown Estero Rezoning Request.

It Was Scheduled Before You Because The Applicant Was Successful In Their Petition Claiming That The Board's Decision Was Not Based On Evidence And That Petition Was Granted And Now The Matter Is Back Before You As It If Just Came From The Hearing Examiner With The Recommendation Of Approval.

After A Time This Was Advertised The Applicant Requested Continuance To The Zoning Hearing On January 4th At 9:30.

They Are Entitled To One As Of Late.

I'm Here Because It Was Advertised And In The Event Somebody Showed Up And Made The Trip We Wanted To Let Them Know The Request Is To Continue It To January 4th And There's A Place On The Agenda For It On That Day.

But That's Not On Today's Agenda? It Is On Today's Agenda.

We're Asking For A Continuance.

I Would Ask The Board -- Commissioner Bigelow It Was A Separately Advertised Public Hearing Because You Reconvened As A Zoning Board When You Heard This Matter.

It Was A Separately Advertised Public Hearing.

I Will Move The Continuance.

Second.

Do We Need To Move It? Yes, To January 4th.

Chair Hall: I Have A Motion By Commissioner Mann And Second By Commissioner Judah To Move Midtown Estero To January 4th.

This Is A Public Hearing And I Ask If Anyone Would Like To Be Heard Knowing We Are Continuing It January 4th.

.

We Ask That They Reserve Any Comments Until January 4th.

Chair Hall: Further Discussion? All Those In Favor Signify By Saying Aye.Opposed? The Motion Carries.

It Will Be Continued January 4th.

9:30.

Next Commissioner, I Have Commissioner Bigelow.

Thank You, Madam Chair.

I Have A Few, Four In Fact.

Let Me Say That I Want To Thank You For Appointing Me The Veteran's Services Liaison.

Am I Right About That? That's Correct.

My First Order Of Business Would Be With The Department Is To Ask The Board That We Will Coordinate With The Board's Indulgence As A Request, To Maybe Arrange In The Early Part Of Next Year A Ceremony Where We Can Recognize Army Private First Class -- The Loss Of The Private Derek With The Board's Indulgence.

He Is From Cape Coral.

And Hopefully You Will Be Able To Lead That.

Secondly, Let Me Also Ask The Board's Indulgence That We Ask Our Washington Lobbyist To Come Talk To Us Sometime Next Year.

It's My Understanding That Congress Is Probably Going To Be Looking At Another Stimulus Package.

I Think They Are Calling It A Job's Bill In Light Of The Fact That They Will Probably Authorize More Money To Be Spent Across The Country.

I Would Like To Hear From The Lobbyist And How We Might Be Able To Take Advantage Locally Or Position Ourselves To Capitalize On That Money.

This Is Kind Of Independent On Whether Or Not Any One Of Us Is In Favor Of Or Opposed To Such Spending By Congress, But If We Might Do That I Would Appreciate That.

We Can Ask Karen To Arrange For An Update From Greg Burns And Whatever The Time Is Appropriate.

He Does Contact Us, But We Can Ask When Would Be A Good Time To Come When It's Pending.

That Way We Can Dialogue.

Thank You.

Thirdly, I Would Like To Ask Gilbertson If He Could Come Forward And Share The Status Of The Summerland Road Project.

This Is In District Two.

I Appreciate It.

I've Read The Correspondence To Us And I Understand That The Posen Construction Has A Track Record With Fill That May Or May Not Contain Asbestos.

I Am Trying To Be Prudent Here And Not Accuse Anyone Of Anything They Are Not Guilty Of.

In Light Of The Fact That We Do Now Know That The Fill That Is Expected To Be Used Or Anticipated To Be Used In The Embankment For The Overpass Of Summerland College Had Signs Or Evidence That Asbestos.

Could You Tell Us The History That We're Finding Out About It Locally On This Issue And Then The Status Of The Project Itself? I Want To Know How We Can Be Comfortable That None Of This Fill Was Used For The Road Already Built.

Commissioner, As It Relates To This Project We Became Suspicious Of The Backfill Material Behind The Stabilized Earth That There Was Asbestos In The Material And Then Also The Stockpile Site From Which The Material Came.

We Did Take Samples Of That Material From Our Natural Resources And Consulted With D.E.P.

They Had The Material Tested And Confirmed It Is Asbestos.

We Directed It That Work Cease In The Area The Material Was Found.

We Since Directed Posen To Prepare An Investigation And Abatement Plan And They Started That Process.

The Initial Investigation Proposal Has Been Submitted To Us.

We've Reviewed A Couple Of The Items Or Some Of The Items, Had A Couple Of Comments.

They Are Modifying That And That Should Be Ready To Be Implemented Late They Are Week Or Perhaps Early Next Week.

I Think They Will Go In And Sample All Of The Material, Identify To The Extent Of The Asbestos Presence And The Appropriate Disposal Methods.

That's Where We Are At Right Now.

Okay.

Okay.

You're Taking A Reverse Order, But That's Fine.

With Respect To This Professional That They Are Hiring, They Are Paying For, This Is Someone Who Is Licensed, I Guess A Professional Engineer Licensed To Study And Confirm The Presence Of The Material, Correct? That's Sort Of Out Of My Area Of Expertise, But They Are Firms Or Individuals That Are Certified Or Licensed Or Whatever The Proper Term Is In Handling Of Asbestos Material.

Well, Here's The Problem Potentially With Posing Hiring Their Own Analysts, At Least This Is A Concern I'm Hearing From The Media And Members Of The Public.

If They Are Paying This Professional To Analyze Their Own Material, Then We Wonder If There's Maybe Not A Conflict Of Interest In That Hiring Relationship.

But, If You Can Assure Me That This Is A Professional Whose License Is On The Line, I Guess We Can Overcome The Potential -- Well, Yes, Commissioner.

The -- I Guess They Are Licensed.

They Are Responsible Any Way And They've Assured Us They Will Give It A Full And Unbiased Review.

Nonetheless Lee County Natural Resources Has Retained A Second Firm To Oversee The Whole Operation.

Chair Hall: Did You Want To Comment Also? I Just Want To Mention For The Record We Use The Firm They Hired A Great Deal For Our Own Remediation Issues.

We Have Confidence In Them.

I Don't See A Conflict Because We Are Probably A Bigger Client To Them Than Posen Is And I'm Comfortable With Them Hiring Them.

They're Honorable And Trustworthy.

That Makes Me More Comfortable, Too.

Will They Be Analyzing The Project In Total? We've Asked Them To Include In Their Plan An Overview And Inspection Examination Of The Entire Project, That's Correct.

That Portion We Have Not Yet Received.

I Guess I Have A Question For Legal Counsel.

Do We Have -- Do We Put Their Bonding Entity On Notice In These Cases? Have We? Good Morning, Madam Chair, Members Of The Commission.

We Have Not Done That Yet Commissioner Bigelow.

There's Usually A Series Of Events To That Take Place Before That Point.

But If That Becomes Appropriate From Our Perspective We Will Do That.

Thank You, David.

Scott, Could You Also Share With Us The Background Here? Apparently There's A History Of This Same Tainted Fill In Posen's Possession In Estero -- Commissioner, I Am Going To Ask That We Deal With The Issue We Have In Front Of Us Right Now.

There Are A Number Of Investigations Taking Place And I Would Respectfully Ask That This Board And You Let Us Go Through That And As Facts Become Developed, We Will Bring Those Back To You.

There's Probably A Potential For Litigation In This Matter And I Think That We Need To Be Very Careful With What Is Said Publicly Until We Have Everything In Hand And We Will Discuss That With You When We Reach That Point.

But Right Now We're Not There.

And I Think The Questions We Have Asked Of Mr. Gilbertson Are Appropriate With Respect

To Our Particular Project Right Now, But I Would Respectfully Ask That We Do Not Go Beyond That At The Moment.

That's Why You're Here.

I Appreciate That.

I Appreciate Your Help And You've Gone A Long Way To Help Me And Understand This.

Thank You Madam Chair.

Chair Hall: Nothing Else? I Have One More Item.

I Would Like To Say Merry Kwanzaa, Merry Hanukah And Merry Christmas And Happy New Year.

Because I Don't Think We Will See Each Other Until The New Year.

Chair Hall: Commissioner Judah? Chairman Judah: One I Think You Will Be Bringing Forward.

A Letter That Kurt Has Put Together For Your Signature That I Appreciate Regarding The Difficulty We Continue To Encounter With The Governing Board Of South Florida Water Management To Make Sure We Don't Have Fresh Water Mixing With Salt Water In Our Estuaries.

I Want To Make Sure This Letter Is Going Forward And I Can't Thank You Enough To Coordinating With Natural Resources.

I Thank You For Taking Immediate Action.

And Also, Certainly Thank Charles Duree Who Spoke Up On The Appropriate Distribution Of Fresh Water Supply To Okeechobee And There Will A Number Of Committee Meetings And If You Wouldn't Matter To Request That Senator Constantine Consider Having One Of His Workshops Here In Lee County To Brief Him On Our Own Resources.

Chair Hall: I'd Be Happy To.

If I Could Make A Motion For A Letter? Chair Hall: I Have A Motion By Commissioner Judah.

A Second By Commissioner Mann.

Further Discussion? All Those In Favor Signify By Saying Aye.Motion Carries.

Thank You.

Chair Hall: Commissioner Janes? Commissioner Mann? Comm. Mann: I Would Like To Say This Has Been A Challenging Year For So Many Of Our Community And Neighbors And Family.

As We Come To The End Of It I Want To Thank Our Staff And Community To Stick Together.

We've Had To Make A Lot Of Lemonade Out Of A Lot Of Lemons Thrown.

I Would Like To Thank My Colleague And Staff For Standing Up For What We Know Is True That Lee County Is The Greatest County In The State Of Florida.

And We Are Blessed Every Day To Come As A Body And Discuss The Needs And Concerns Of Our Citizens.

As We Go Forward Into 2010 I Hope Our Body Will Continue To Put Those Issues First And Foremost On Our Agenda.

We Have A Lot Of Work To Do In 2010.

I'm Honored To Have An Opportunity To Sit In The Middle Amongst My Colleagues And Trying To Shepherd Us Through Opportunity To See The Light At The End Of The Tunnel.

We Have A Lot Of People Out There Hurting And It's My Personal Heartfelt Wish For You To Have Wonderful Holidays And Be Prosperous And A Healthy One As We Go Forward.

That's My Bless To Go All Of You In The Community And I Want To Thank You To Give Me The Privilege And Honor To Serve You As A County Commissioner.

Next, You All Should Have Received Your Liaison Appointments.

If It Becomes Too Much Let My Office Know.

I Appreciate Your Participation In Working With Us.

I Will Go On To Committee Appointments.

Commissioner Bigelow.

Comm. Bigelow: I Have A Quite A Few.

Reappointments.

[Reading Committee Appointments] Chair Hall: I Have A Motion By Commissioner Bigelow, Second By Commissioner Mann, All Those In Favor Signify By Saying Aye. Opposed.

That Carries.

Did You Say -- If I Made A Mistake I Can Amend It.

It Doesn't Matter.

You Did Appoint Naylor? Yes.

One Of Them Yours? That's Right.

They Are Both On.

[Reading Appointments] Chair Hall: Do I Have A Second? I Have A Second By Commissioner Janes.

Further Discussion? Yes, Carrie Carol.

Chair Hall: The Motion Carries.

Commissioner Janes.

Comm. Janes: I Do Have Some Similarities To What Commissioner Bigelow Has Done.

I Will Read Them Off And Where We Have Some Duplication We Will Simply Resume.

[Reading Appointments] There Were Four Duplicates.

Chair Hall: For The Record, Commissioner Janes Said If There's Overlaps They Would Go To You.

Further Discussion? All Those In Favor Signify By Saying Aye. Opposed? Motion Carries.

Commissioner Mann.

Comm. Mann: I Have Four Reappointments.

[Reading Appointments] And I Would Like To Add That He Is At This Very Moment, Mr. Hussey, Attending His Mother's Funeral.

They Have Been Major Contributors To The Welfare Of This Community For Many Years And If You Want To Take This Opportunity To Put That On The Record As We Reappoint Him And Thank Him For His Service To The Community.

Chair Hall: Thank You.

Do I Have A Second? Further Discussion? All Those In Favor Signify By Saying Aye.

Opposed? Motion Carries.

I Have No Appointments, But I Do Want To Remind The Board And I Did Not Put This On My Liaison Because They Are Not Really Liaisons But Appointments Given By The Board To Commissioner Judah To Continue And The Board Has Appointed Him To Be E.A.A. And Those Are Still Point Positions That Are There.

I Have No Appointments.

County Manager Item As Soon As On Behalf Of All Of The Staff We Wish You All A Very Merry Christmas, Happy Holidays And A Blessed New Year.

Thank You.

County Attorney? Merry Christmas.

Thank You.

Chair Hall: And We Did The 10:00 Public Hearing.

With That Again, We Will See You All Next Year.

We're Adjourned.