

August 24, 2010

Good Morning.

Welcome To The Board Of County Commissioner's Meeting.

It Is Tuesday, August 24th.

I Hope You Had An Opportunity To Vote This Morning And If Not Be Sure You Do Before 7:00 This Evening.

We Like To Start Our Meeting With An Invocation With Pastor Ryan Deaton At Life Church.

Thank You.

God, We Thank You For A Beautiful Day.

We Thank You For The Great County We Live In And Today We Pray Like You Taught Us To Pray.

Let Your Kingdom Come And Your Will Be Done On Earth As It Is In Heaven.

We Pray For Our County Commissioners And Their Friends And Families.

God Continue To Give Them Wisdom Because You Said If We Ask For Wisdom You Would Give It To Us Liberally.

Wisdom From Above As They Make Decisions From All Of Us.

We Thank You And Give You Praise In Your Name.

Amen.

[Pledge Of Allegiance] Chairwoman Hall: First Of All I Would Like To Welcome All Of Our Employees.

Thank You For Being Here Because We Will Go On To Our Employee Length Of Service Awards.

Commissioners, If We Want To Go Down And Human Resources, I Don't Think Chris Is Doing It.

I Think Karen Is Doing Length Of Service This Morning? Okay.

They Will Come Up.

And We Will Go To The Recap After That.

Good Morning.

I Am Stephanie, Human Resources Coordinator For The Lee County B.O.C.C. I Am Accompanied By Elaine Shultz From Employer Relations.

We Are Here To Present The Length Of Service Awards For All Employees For The Second Quarter Of 2010.

These Award Recipients Correctly Have 1,130 Years Of Service To Lee County Government.

[Applause] For Those Employees Present As I Call Your Name Please Step Forward To Receive Your Pin And Greet The Commissioners And County Administration.

Please Remain Off To The Side In Order To Take A Group Photo At The End Of The Presentation.

As I Call Each Group By Years Of Service I Ask Everyone To Congregate In The Back.

[Reading Names] [Applause] Jose, Utilities.

[Applause] Dorian, Natural Resources.

[Applause] Mark, Transit.

[Applause] Benjamin, Development Services.

[Applause] Peter, Transit.

[Applause] Marie, D.C.D. Development Services.

Melanie Harvey, Transit.

Robert Linere, Utilities.

Patricia Lyles, D.C.D., Development Services.

[Applause] Elizabeth, Library.

Charles Montgomery, Transit.

[Applause] Rick Norris, Utilities.

[Applause] Edna, Transit.

[Applause] Tanya, Library.

[Applause] Kevin, Utilities.

Edward, D.C.D., Development Services.

[Applause] Jed, County Attorney's Office.

Michael Sherman, Utilities.

Joyce, D.C.D., Development Services.

[Applause] Michael, Solid Waste.

[Applause] Paul Valente, County Manager's Office.

Ann Wagner, Library.

[Applause] Elizabeth Workman, D.C.D., Environmental Services.

Hunter, D.O.T. Engineering [Applause] If I Can Please Have All Of The Ten-Year Service Recipients Form In The Back, Please? Lorna Anton, Solid Waste.

[Applause] Christine Barry, County Commissioner's Office.

[Applause] Paul, D.C.D., Development Services.

[Applause] Michael Dixon, D.O.T.

Operations.

[Applause] Patricia Edwards, Utilities.

[Applause] William Floyd, Public Safety.

[Applause] Santiago, D.O.T. Open-- Operations.

[Applause] Randy Hart, D.O.T. Traffic.

[Applause] David, D.C.D. Development Services.

[Applause] Barbara Ramsey, Utilities.

[Applause] Georgia, Public Resources.

[Applause] Raymond, D.C.D., Development Services.

[Applause] Can I Get All Of The 15-Year Recipients To Form A Group In The Back Please?

They Are Ready To Go.

For 15-Year Recipients.

Denese Bell, Human Resources.

Lillian Bradley, Library.

[Applause] Susan Fraser, D.O.T., Tolls.

[Applause] Clifford, D.O.T. Traffic.

[Applause] For Our 20-Year Recipients.

Cheryl, D.C.D., Administration And Support.

[Applause] Mary, Human Resources.

[Applause] Francis Hancock, Utility.

[Applause] Steven, D.O.T., Traffic.

[Applause] Katheline, Parks And Recreation.

[Applause] Theresamann, County Lands.

[Applause] David, D.O.T., Operations.

[Applause] With 25 Years Of Service.

Scott Tuttle, Public Safety.

[Applause] With 30 Years Of Service, Betty, Public Safety.

[Applause] Jorge Cruz, D.O.T.Operations.

[Applause] Chad, Utilities.

[Applause] Ben, D.O.T. Operations.

[Applause] Robert Laney, D.O.T. Operations.

[Applause] Congratulations To All Of These Employees And Thank You For Your Years Of Service.

Have A Good Day.

[Applause] Thank You.

If Everyone Will Come To The Center To Get A Group Photo.

All Of You Guys To My Left, Your Left, You Need To Move In Closer.

You Guys On The Right Are Doing A Better Job.

Closer, Closer.

There You Go.

Shorter People In The Front.

I Need You Guys To Go Closer.

Get In Closer Left And Right.

You Guys Need To Come In Closer.

Some Of You On The Left Go To The Right.

Don't Be Shy.

There You Go.

How Are You Doing Now? Better? Thank You All Very, Very Much.

[Applause] Chairwoman Hall: Thank You All For The Thousands Of Hours Of Service.

We're Going To Go On To The Agenda That Is A Recap.

We Have No Items To Be Deferred, But We Have A Revision.

C 13d, From 50 Selected Firm To 52 Selected Firms. I Have A Motion By Commissioner Judah, Second By Commissioner Manning.

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

And We Have One Walk-On Item As Well We Will Hear At The End Of The Agenda.

Next We Will Go On To Public Comment.

We Can Get The Doors Closed In The Back.

This Is For Comment On Anything On The Consent Administrative Agenda And The First Is Jack.

Good Morning, Jack.

Good Morning Commissioners.

I Do Want To Speak On The Walk-On Item Today.

I Know There Are Many Competing Interests Public And Private And I Think We Have To Balance These Interests.

I Can't Support A Dock Or Any Commercialization At All On This Property.

I Don't Think We Know Enough About The Regional Americans That Are Here.

There Are Mounds All Across The United States That Were Left By A People That We Know Nothing About.

We Know More About The Egyptians And Aztecs Than We Do Know About Our Predecessors So For That Reason I Think We Ought To Go Slowly And Not Promote Any Type Of Commercialization Of This Property Until We Know More About It.

I Don't See Any Haste, Public Or Private Necessity, To Build A Dock.

I Would Ask You To See That Interest Of The Public At Large And Respect That Property.

Thank You.

Chairwoman Hall: Thank You.

Next Is Wayne Who Is Followed By Charlie Greene.

Good Morning.

My Name Is Wayne Daltry I Represent The Autobahn.

The Issue Is The Mound Key -- There's A Dock Permit.

In 1966 The Estero Bay Aquatic Reserve Was Established.

During That Period There Has Been A Management Plan In Place And As You've Discovered You Can Put A Plan In Place And Then You Don't Ever Get Around To Implementing It And Here Comes The Permits And The First Thing You Discover Is If We Had A Management Plan Addressing The Issues We Wouldn't Have The People Forming Now Speaking Concerns About The Permit.

The Issue I Am Raising With The Trail System And Currently Casual Way You Come Up To The Island, Building The Dock Is Going To Draw People Like Magnets.

Of Course There Will Be Signs Saying This Is A Private Dock, But What Is Missed Is A Coordination Of A Trail System That Is Not Finished And A Dock For Emergency Management Purposes.

This Will Be The Only Structure For What Looks Like Official Boat Traffic And Sit Is A Private

Public Partnership Coordinating The Trail System And Emergency Management System For The Islands, You Probably Would Have A Relationship.

As To Right Now There's One Private Parcel That May Subdivide, May Not, But Does Currently If Built Would Be The Attractive Nuisance For Drawing People To The Island.

I Am Recommending You Challenge The Permit And State It's Incomplete Until You Bring In The Management Issues Of The Islands.

Particularly The Parks And Recreation System And Needs For Emergency Services Particularly In The Event Of A Hurricane For Whatever Reason Private Property May Need To Evacuate.

This Is An Opportunity To Coordinate Public And Private Needs.

Chairwoman Hall: Thank You Very Much.

Charlie Greene Followed By Ted Mcgee.

Good Morning.

It's Not Often I Get To Address You On Something That Is As Dear And Near To My Heart As Mound Key.

It Was Founded And Buck Hernandez Was Born On Mound Key And As A Child It Was Fun To Go Down There And Dig For Pottery.

We Were Always Looking For Gold.

We Never Did Find Any Gold And We Found A Lot Of Shells And Pot Shards.

I Think The Opportunity To Open Mound Key Up With A Dock Is An Excellent Idea.

We Preserve Everything To The Point Where You Can't Even Enjoy It Any More.

People Have An Idea That This Is Some Pristine Piece Of Property.

That's A Piece Of Property That Was Formed Many Years.

Pineapples Were Grown On It And Tomatoes.

It Was A Fishing Village At One Time.

It's A Really Neat Island.

In Fact The Best Key Lime Tree In Lee County Probably Used To Be On The Big Mound.

I Would Hope You Would Approve The Dock Permit.

The Permit Is Given By The State To Build A Dock There.

Let The Mcgee's Put A Dock On There To Have Access To Their Property.

Thank You.

Chairwoman Hall: Ted Mcgee Is Followed By Tim Mcgee.

Thank You For The Opportunity To Speak This Morning.

It's Not Often I Get To Come Here So I Am A Little Unfamiliar.

I Want To Tell You A Little About Mound Key That Charlie Already Mentioned A Little Bit About.

I Have Some Visuals Here.

This Is An Aerial Photograph Taken In 2010 The Way The Island Is Today.

You Can See That The Darker Green Areas Are The Mangroves And The Lighter Green Are The Upper Areas That Charlie Was Referring To That Were Farmed.

This Is An Aerial Photograph Of Mound Key From 1944.

You Can See All Of The Upland Areas Are Cleared.

There's A Dock Here And Landing.

There Were Buildings Located Here And Here.

There's Two Systems On The Island Here.

What You See Here Are The Canals.

This Is The -- What's Referred To As The Grand Canal And Water Courts.

The Highest Mound Is Right Here Reaching An Elevation Of 33 Feet Above Sea Level.

Mound Two Is In This Location Here.

The Second Highest Area.

Our Property More Or Less Goes Between The Two Mounds And Out To The Water.

The Point I Am Trying To Make Is There's Nothing We Can Do That Hasn't Already Been Done To This Island.

The Property Has Been In The Family For 93 Years Since -- Almost 100 Years And We're Trying To Be Better Stewards Of The Property.

We're Limiting Public Access.

We Found Areas Where Open Excavations Have Been Left.

We're Not Doing Any Of That.

The Goats Don't Dig In The Shell.

There's An Area Right In Here That You Can See That Was A Large Excavation Which Represents Approximately 10% Of The Cultural Resources Of The Island That Were Excavated, Mined And Used In The Construction Of US-41, Tamiami Trail In The Late 1920's, Early 1930's.

It's Not A Pristine Property.

It's A Manmade Island.

It Was Constructed Over A Period Of 15-1600 Years.

And The Basically Was The Highest Point In Lee County Until The Lee County Landfill Was Created.

They Are Both Basically Identical.

They Are Trash Heaps.

And From An Environmental Point Of View The Shell That The Calusa Used To Build This Island Were What They Collected Out Of The Bay For Food.

It Was More Than Main Staples.

That's The Point I Want To Make.

Any Other Information That You Want, Ryan Wheeler Is The State Archeologist That Published A Book On Mound Key Describing The Johnson Wilcox Collection.

The Art Facts That Have Been Taken -- Artifacts That Have Been Taken Off The Island Are In The Smithsonian Institution And 22 Of The Items Have Been Lost.

There's No Way Of Finding Them Apparently.

Chairwoman Hall: Thank You.

Tim Mcgee Will Be Followed By Dan Underhill.

Good Morning.

Thanks For The Opportunity To Speak On The Island.

I'm One Of The Owners Of The Property With My Three Brothers.

This Shows The Location Of Where The Dock Is.

It Has Been Designed By An Architect Overseen By An Engineer.

We're Going To -- It's A Natural Wood Product Spaced According To The Specifications Of D.E.P.

There's No Chemicals Added For The Preservation Of The Wood.

D.E.P. Has Gone Through The Complete Process Of Doing The Permitting And Has Approved It.

The Dock Mitigation Part Of It Is So Minimal We Only Have To Buy .03 Credits Of Mitigation Property.

And The State Archeological Society Approved The Location Of The Dock And Construction Of It.

The State Park Said They Would Appreciate The Dock On Our Property To Minimize Our Use Of State Trails. I Think That's Enough Information For You To Sign On To Us Having Our Access To Our Property.

Thank You.

Chairwoman Hall: Thank You.

Dan Underhill Will Be Followed By Todd Mcgee.

Good Morning.

My Name Is Dan Underhill.

I Am An Environmental Consultant.

We Are Assisting The Mcgees In Permitting The Proposed Board Walk And Dock On Mound Key.

I Would Like To Very Quickly Go Over The Environmental Considerations For The Structures.

They Have Been Positions On The Site To Minimize Impacts To Mangrove Wetlands.

The Original Design Called For A Dock -- You Can See Here.

It Extended From The Small Upland Out Into Estero Bay.

The Dock Was Moved To The Current Position To Avoid Impacts To Cultural Resources.

It Will Result In Unavoidable Impacts Of Mangrove Wetlands.

Those Will Be Mitigated Through The Purchase Of Bank Credit.

The Portion Of The Proposed Structure Is Located Within The Estero Bay Aquatic Preserve.

The Structure Meets All The Design Criteria For A Single-Family Structure As Outlined In The Florida Administrative Code.

This Has Been Veryverified.

Depths Of The Boat Slips Are Three Feet At Low Tide.

A Seagrass Survey Was Performed On April 30th, 2010.

No Sea Grass Is Documented In The Proposed Structures Or Proposed Boat Slips During That Survey.

The Standard Manatee, Salt Fish And Sea Turtle Conditions Will Be Followed Throughout All Of The Proposed In Water Work.

In Closing, The Proposed Dock And Footbridge Are Designed To Minimize Impacts To Mangrove Wetlands And Cultural Resources.

To Maximum Extent Without Compromising The Project Purpose.

Thank You.

Chairwoman Hall: Todd Mcgee Followed By Theresa.

Good Morning.

My Name Is Todd Mcgee.

I Am One Of The Three Trustees Of This Property.

I Am Glad To Be Here Today.

Yesterday I Received An Email From Mary Gibbs Listing The Points The County Had On This Property.

In There She List Stop Work Order But Does Not Address The Stop Work Order Was Illegally Put On The Property.

The County Got A Complaint, Went Out And Checked It.

They Didn't Call Us.

They Placed A Stop Work Permit On The Property, I Believe On The 12th Of December 2008, Never Contacted Us.

Never Posted A Notice On The Property.

We Found In Trespassing Our Property 10 Days Later.

They Told Us They Put A Stop Work Order On The Property.

We Went To The County Office The Next Day And Showed That This Was Our Cultural Fence, Was Not Subject To A Fence Permit And That Day Removed The Stop Work Order.

And Wrote It Into The Record.

The Writing In The Record The Stop Work Order Being Removed Is Not Mentioned In The Documents.

The Summary Of The Documents That You Have There Covers The History Back To 15,000 Years.

It Covers The Pertinent Facts Of The History Of The Property.

This Is Where The Second Visitation To Stay Of Florida Where Juan Landed.

He Landed In Another Piece Of Property We Owned That We Offered To The County For Purchase Which Was Rejected.

He Was Taken To Mound Key.

The Application Under Review Has Been Proved By The State D.E.P.

They Have Addressed All Of The Issues As Addressed In The Memo Last Week.

Like Most Property Owners We Have No Other Access Other Than Crossing The State Property.

If We Build A Fence We Have It Towed In By Hand On A Foot Path.

All Of The Materials To Build This Half Mile Long Fence.

Which We Did.

I Have To Say Well, I Lost 40 Pounds.

The State Cabinet Reached An Agreement With Us.

They Voted May 25th This Year To Exchange Property Boundary Rights And Lines To Clearly Establish Where The Property Lines Were On This Property.

They Had The Property Surveyed, A Legal Description Made.

We Agreed It Was Signed Off By The Cabinet.

We Have Signed The Agreement And Sent It To The State.

We're Waiting For The Cabinet Signature To Sent To Us To Record A County Record.

Chairwoman Hall: I Need You To Wrap Up, Todd.

The Issue As To The Goats.

Everybody Keeps Bringing Up The Goats.

The Goats, Farming Activity Is Not Considered A Commercial Activity.

It's A Farming Activity.

Chairwoman Hall: I Need You To Wrap Up.

It's Unfair To Be Limited To This When A Lot Of People Have So Long To Speak.

We Have Had Assistance In Designing An Environmental Program.

In The Book Are Two Articles That Address The Benefits Of Having Goats As A Sustainable Environmental Friendly Product.

Your Own 20/20 Designed A Goat Management Program For Your Property That Has Been Recommended For Use.

Chairwoman Hall: Sorry.

My Time Is Up.

Thank You For The Opportunity.

Chairwoman Hall: Thank You.

Theresa.

Good Morning.

Followed By Jane.

Good Morning.

I Am Here As An Archeologist.

I Have Spent The Last 13 Years Working On Preservation And Protection Of Indian Sites.

I Am Also The Vice President Of The Florida Archeological Society.

There Is Some Confusion.

Pedro Did Establish The First Mission On That Site.

It Has An Incredible Prehistoric And Historic Record.

No One Is Arguing The Site Is Pristine But The Most Intact Significant Archeological Site In All Of Lee County.

That's Why In 1972 It Was Designated As A National Registered Property And The State Of Florida Worked Hard To Purchase The Remaining Parcels And A Few Years Ago The Mcgees As Willing Sellers And Lee County Tried To Purchase This Last Remaining Parcel.

The Dock As It Was Originally Proposed And I Realize The Location Has Changed, So The Length I Am Not Sure Of Now.

The Original Dock Length Was 232 Feet.

That Covers A Great Deal Of Mangrove And Submerged Lands.

The State Of Florida With The Vision Of Historical Resources Did Work With The Mcgees To Come Up With A Mitigation And Evaluation Plan.

My Phone Call On Friday To The Bureau Of Archeological Resource Demonstrated The State Did Not Have The Results Of The Evaluations That Are Required And So This Permit Is Absolutely Premature.

There Is Submerged Deposits.

Some Of The Most Famous Artifacts Were Discovered And At The Smithsonian Were From Submerged Contacts.

There Is Not The Information Gathered That Is Required To Demonstrate That This Dock Is Located In The Correct Position.

I Think It's Significantly Unfortunate That It's Been Presented That The Bureau Of Archeological Research And Division Of Historical Research Is Fine With This.

In Addition, The Division Of Historical Resources Tried To Work In Late 2009 With The Family To Come Up With A Private Partnership To Put A Dock In A Different Location And Use Easement To Travel On To The Land That Would Be Less Of A Feature That Jets Out Into A Protected Water Body That Will Have A Significant Impact In Terms Of Increased Traffic To This Site.

Although It's In State Ownership Largely, It Is Not A Supervised Location.

Just A Handful Of Years Ago As Well The State Had To Fill In The Burial Mounds On This Property Because They Were Looted.

It Is Still Because Of Its Lack Of Supervision, It's Relative Isolation It's A Significant Threat To The Cultural Heritage Of This Community.

Thank You.

Chairwoman Hall: Thank You.

Jane.

Followed By Phil Buchanan.

Good Morning, Commissioners.

Mound Key Is Something I've Heard About Since I've Come Down Here.

We've Been Here For Five Years But There's Things Here That Raise So Many Questions And I Came For This Reason.

I Will Start With Comments That Have Been Previously Made Particularly By Mr. Greene And I Too Was A Guest In The Early 50's And I Remember This Magnificent Area And There Weren't So Many People Here And I Think That's What Is Driving The Whole Thing Today.

Nobody Heard Of Mound Key And Everybody Who Lived Here Which Weren't Very Many People Would Go Out There And Have A Wonderful Time And Of Course There Was Digging.

And There May Be Much More To Be Found.

Fast Forward To Today And My Question Becomes Well, We Have This Most Important Historical Site And It Hasn't Been Finished.

The Excavations And We Do Not Know If It Was Just The Calusa Indians.

It May Go Back Farther.

The Question Is Where Is Lee County And I Know There's Some Concern About The Pressure Historical Places, But I Don't See Any -- I Think There Should Be A Commission That Just Identifies, Categorizes And -- Determines The Site And We House These Resources Collectively Because We Have A Heck Of A Lot Of People Here.

And I Think That's The Point Why We're Here Today.

The Most People Here And This Family That I Don't Know, The Mcgees, Have Had This Property For A Long Time And They Are Looking For A Way To Make Money.

And To Find Value In The Property.

Well, The Property Is There And It's Exceptional And Unique And I Think Having Goats All Over It And People All Over It And There Will Be More Digging With Spoons And Shovels, No Doubt, But Scientific Work Needs To Be Done And Our History Needs To Be Reserved.

Thank You So Very Much For Your Time.

Chairwoman Hall: Thank You, Jane.

Phil Buchanan.

Good Morning.

I Have To Agree With Wayne Daltry.

Putting A Dock Out There Could Only Cause Damage To The Site.

The Excuse There's Already Damage There Doesn't Justify More Damage.

The Damage Is Being Done By The Goats.

I Happen To Know Something About Indian Properties And Goats.

I Was Born And Raised On An Indian Reservation And I Had A Pet Goat When I Was A Kid.

That Goat Constantly Got Me In Trouble Because They Are Extremely Destructive.

Mine Liked To Steal Potted Plants Off The Porch, He Ate Clothes Off The Line And Climbed Up People's Cars And Messed Up The Paint.

That Caused Me To Get A Lot Of Spankings But Never Did He Desecrate Any Grave Yards.

If He Did I Probably Wouldn't Be Able To Sit To This Day.

This Case Raises A Host Of Issues.

The First Is The D.E.P. Permit.

I Am Urging That You Appeal The Permit But I Recognize It Is Problematic.

You Have To Decide Today Because The Time For Appealing Is Tomorrow.

I Wish We Had More Time.

None Of Us Heard Of The Problem Until A Few Days Ago, But We Would Like To Sit Down And Devise A Strategy To Deal With All Of This.

The County Permit Is A Way To Do That, But Do You Need To Do It In Conjunction Of An Appeal.

That's A Discussion We Never Had.

But Of Course You Should Deny The Permit For The Pier As Well.

The Goats Raise Another Issue.

I Find It Difficult To Believe That Lee County Is Powerless To Protect Its Own Premier Historical Cultural Archeological Sites.

Those Goats Have Been There For A Year Or Two Judging By The Damage And The Only Thing That Was Done About Them Was Granting A Tax Exemption Because Of The Goats.

I Find That In Kred-- In Kred Lose.

It Is Impacting Your Responsibilities.

You Are Responsible For Protecting This Property So I Would Like You To Look At That As Well.

Thank You.

Chairwoman Hall: I Do Not Have Any Other Cards.

Is There Anyone Else That Would Like To Approach The Board On Anything On The Consent Administrative Or Walk-On Agenda.

Seeing No One.

I Will Close Public Comment.

Go Back To The Agenda And We Will Go To The Consent Agenda.

Items To Be Pulled? Commissioner Mann? Comm. Mann: I Have Two, 13 G, And 7 C.

Chairwoman Hall: Commissioner Manning? 7 B, And 13 G As Well.

Chairwoman Hall: Commissioner Judah? Comm. Judah: None.

Chairwoman Hall: Commissioner Bigelow? Comm. Bigelow: I Will Add 13 B., 3 A.

Chairwoman Hall: All Those This Favor? Opposed? Motion Carries.

Commissioner Mann, 7 C.

Comm. Mann: We Could Probably Take These Together.

This Is A Continuation Of Concerns That Have Been Expressed Before.

What I Am Trying To Understand Here On Let's Take 7 C, This Is An Environmental Maintenance Contract That We Could Pass Out To A Variety Of Applicants That Can Do The Work And I Think It Was Like 30 Of Them.

And Everybody That Applied To Be Considered Was Put On The List.

There Was No One Excluded.

And We Will Spend About \$1 Million On This.

The Question Is, And Madam County Manager, Maybe You Want To Weigh In On This Because You Have Been Quoted That You Are Presently Reviewing The Selection Process? Would It Apply To This Type Of Selection Too? What I Am Trying To Figure Out, How Do You Decide If We're Spending About A Million Dollars On All Of These Various Contracts Over The Year And You Have 30 People, 30 Concerns Approved.

How Do We Pick? How Does It Work? This Particular Contract Here There Was One Vendor We Didn't Select.

They Were Non-Responsive.

Everybody Was Awarded Except One That Was Innovative Construction.

Within The Parameters Of This, Some Of The Departments Actually Will Quote Within.

So If It's Say Parks For Instance Has Grant Funds That They Are Going To Pay For Some Of The Mitigation And Some Of The Work To Be Done, They Actually Will Within The Awardees Will Take Three Informal Quotes Is What I Am Told For Them.

I Am Not Sure About Natural Resources Or D.O.T. At This Time, But They Are Listed In The File.

And They Can Pull From Any -- Comm. Mann: But That's Not Necessarily Required? It Is Not Required -- Comm. Mann: They Could Go To The List And Choose Somebody.

That's Correct.

Comm. Mann: Is There A Dollar Limit On The Individual Project, \$50,000, \$100,000 -- No, No Dollar Limit On The Project.

Comm. Mann: We Can Assume That There Will Be Dozens Of These In Order To Expend The Million Dollars.

I Will Let Holly Answer That.

She Was The Chair Of The Committee.

Thank You.

Commissioner, This Is A Little Bit Of A Hybrid In Trying To Address Some Of The Board And Karen's Concerns.

What This Was -- Comm. Mann: Let Me Preface It A Little More.

I Am Not Trying To Extend The Whole Debate That Commissioner Bigelow Has Brought Up Many, Many Times, But It Was Within The General Context That I Thought I Saw You Quoted That You Were Going To Suggest A Review In Some Sense.

I Am Wondering To Which This Is Similar For The Smaller Projects Where We Have Contractors Preapproved, But I Really Don't Understand How The Selection Process Actually Works.

How Do We Know We're Getting The Best Deal At The Best Price? Maybe That's What I Need You To Help Me With Here This Morning.

Again, Commissioner, This Is -- Sort Of A Hybrid That We Chose To Focus On With This One And A Little Bit Of An Explanation Is Necessary.

We Tried To Put It In The Background Of The Blue Sheet But What We Found Was County-Wide Environmental Maintenance Is For Fencing Projects Or Last-Minute Tree Trimming Projects, We Found The Existing Engineering Firm That Is Were Out There For Us To Choose From Would Then Subcontract With These Subcontractors, We're Trying To Eliminate The Middle Man.

Fencing Contracts Like On 20/20 When A Fence Gets Mowed Down Over The Weekend Or Something.

What The Group Did Was Pull Their Budgets, It's Not Additional Money.

They Just Pulled Their Budgets For This And Put It Toward These Contractors And The Agreement Of Everyone That Would Use These Contractors Was That They Would Go And Get Three Bids From Everyone -- Well, Not Everyone, They Would Get Three Bids From Those Listed Here, But All Of These Folks Don't Provide The Same Service.

Some Of Them Do Fencing, Some Do Tree Trimming.

So This Is Sort Of A Hybrid And I Know There Is A Big Review With Pete And Karen And Contracts, But We Needed To Move On This One So Again, We Tried To Sort Of Explain It In The Background, But There's Definitely Going To Be An Agreement Of A Round Robin Where You Choose Folks That Are Qualified To Do The Job And You Get Three Quotes From Each Person On This List.

Comm. Mann: Would You Say That -- Okay, We've Got 30 Vendors Here Would You Say It's Our Policy To Try -- Since They've All Been Preapproved Or Would Be With This Motion That We Would Try To Rotate Through All Of Them Before We Start Repeating? What We Would Be Doing Is Bringing All Of The Procedures Back To You, But What We're Trying To Do Right Now Is I've Talked To A Lot Of The Vendors Myself.

We're Trying To Keep It Simple.

The Goal Is Get People To Work Rather Than Selling Out Paper.

When We Have -- That's Why You're Seeing This Group Of Vendors Because Right Now Everyone Needs Work.

So They Are Qualified.

But When We Have Removed Six Trees, We Wouldn't Be Able To Go Out To This Pool And Say We Need Six Trees Removed.

Can You Do It? There's Going To Be A Basic Requirements That All Of These Vendors Will Have To Say That They Are Eligible, That They Have Workers' Comp -- Comm. Mann: I Understand If You Have A \$5,000 Job I Don't Think I Want To Suggest That Our Policy Be Let's Bid A \$5,000 Job.

You Got People That Are Competent, Good At Business, They Are Licensed, Have All Of The Qualifications But As The Process Seems To Reflect Some Of The Discomfort Expressed By Myself As Well As Commissioner Bigelow About An Ongoing Policy That Applies To Every Selection Of Contractors.

I Guess What I Want To Hear You Say Is This Is Part Of The Review Process That You Guys Are Doing Internally To Create A Better Comfort Level About How It Works And The Fairness Of It.

Because Whether It's Good Times Or Bad Times It's Still A Selection Process And A Lot Of People Preapproved And How We Make It Fair Is What We Want To Be Able To Convey That Apparently We Haven't Done Totally Effective Job On It At This Point.

I Guess That's My Message I Want To Convey.

I Am Not Critical Of It.

I Know We Need This Process Available To Move Forward.

Those Are My Comments And My Shared Concerns And I Will Move Both Of Those Items.

I Have A Motion By Commissioner Mann.

A Second By Commissioner Manning Under Discussion? Yes.

Commissioner Bigelow? Comm. Bigelow: I Would Like To Get Something Clarified Because A Question Was Asked If There's A Spending Limit.

I Would Ask The County Attorney If He Might Chime In Here And Help Substantiate That Claim Or Not.

We Put An Annual Estimated Spend On The Sheet As A Million Dollars Taking In The

Consideration That It Will Be Used By Three Or Four -- Comm. Bigelow: So There Is A Cap.
There's A Limit.

Yes, Sir.

Comm. Bigelow: And It's Following State Statute.

Good Morning, Commissioners.

No, That's Not A State Statute.

That's What We're Estimating What We Will Spend In Order To Perform The Activities To Do
The Work On The Properties.

Comm. Bigelow: A Total Of \$1 Million For All Of These 30-Some -- Yes, Sir.

Comm. Bigelow: Okay.

But Let's Take Adjust-- Take Out Of The Blue Hypothetical.

If Parks And Rec Wanted To Clear A Commercial Land And It Cost More Than A Million
Dollars To Do So Can They Pick Someone From This List Assuming They Have The Ability To
Do It.

Environmental I Know Could Do It.

Would Then \$2 Million, \$3 Million, Would They Not Have To Go To Public Advertisement For
That Particular Job Because Cost Of It? I Believe They Would.

We're Setting A Limit Up To \$1 Million For These Contractors To Perform Environmental
Corrective Services That We Need.

If Parks And Rec Wanted To Do Something Other Than That They Would Have To Come
Back To You With A Different Grouping.

Comm. Bigelow: Does That Apply To 13 G? We're Also Discussing That.

There Is A State Statute That Limits An Individual Contract Coming Off Of The Continuing
Services List.

Based On The Total Amount Of The Construction Or On A Per-Specific Selection Cost For
Studies.

I Am Not Sure Exactly What The Numbers Are.

I Think It Might Be \$2 Million Up To Construction And Up To \$200,000 For A Study.

There Is A Limitation To The State Statutes.

Comm. Bigelow: I Appreciate You And The County Attorney And Everyone Part Of The Selection Process Become Familiar Because I've Seen Examples Where We Have Violated It And I Tried To Make A Claim And Put The Matter On The Record.

And We've Had It Reviewed And Come Back Before.

I Think We're Missing Something Here In A Big Way And That Is That The Process Is Allowed Like State Statutes That There Are Careful Requirements For The Purposes Of Avoiding Favoritism And Everything We Agree We Don't Want To Be A Part Of.

I Would Just Caution Both Tables To Be Sure You're Watching For State Statutory Carefully.

Thank You, Madam Chair.

Let Me Say This With Respect To This Process.

And I Think I Can Do This, You Know, This Is More Fair, This Process, Because What We've Done, I Suggested That This Is Like Opening Up The Barn Door And Allowing Everyone Who Wants To That Has A Horse That We Can Prequalify To Be In Our Farm.

We Can Pick From Them.

And That We Will Not Let Anyone In Barn One Because They Were Not Responsive And We Had Criteria And They Didn't Meet It.

That's Fair.

So We Develop This Stable Of Horses, If You Will, And It's After That Happening Behind The Closed Doors Of County Management Where These Folks Are Picked, Their Horses Are Picked And I Can't Say To The Public That I Know That This Is As Fair And Transparent As It Could Be.

That's My Complaint.

And I Will Stand Behind It As I've Done From Day One.

If We Don't Come Up With Some Criteria And Make Sure The Selection Committees Don't Have The Potential -- That's A Word I Would Like To Underline And Make Very Clear, Bold, If You Will, The Potential For Underinfluence On The Selection Committees, I Don't Think We've Gone Far Enough.

Thank You.

Chairwoman Hall: Just For The Record.

Just -- Just Chairwoman Hall: I Will Come To Commissioner Manning.

As You Know, Contracts And Purchasing Have Recently Merged And I've Asked For An Audit

Of Contracts Management Which Chuck And Dave Are Doing Because We Seem To Have Some Concerns Week After Week At The Board Meetings.

I Think We Will Wait And See -- I Am Trying To Wait And See How The Audit Turns Out.

I Know The Contracts Manual Is Not Updated.

It's Very Outdated.

We Need To Bring The Procedures Up To Date And I Am Not Sure What Else, But I Am Trying To Sit Back, Read, Take In Everything I Hear And Move Slowly On It.

Okay.

Commissioner Bigelow.

Comm. Bigelow: She's Explaining To Me -- Chairwoman Hall: I Think She's Commenting -- She's Basically Saying To The Board That She's In The Process Of Doing That.

Let Me Go To Commissioner Manning And I Will Come Back To You.

If You Look At Item 7 C, And 13 G, The Officials And Types Of Services Are Totally Different.

Chairwoman Hall: I Understand That.

The A-League Services Are Unique In Itself And We're Trying To Mix Apples And Oranges And Come Out With Fruit Salad.

I Appreciate What You're Trying To Do.

Bring That Back To Us As Soon As You Can Because This Is Important, But I Think The Commissioner Needs To Update His Knowledge A Bit As Well.

Chairwoman Hall: Commissioner Bigelow.

Comm. Bigelow: I Would Like To Say With Respect To The Audit The Clerk Has Been Asked To Perform, I Would Like To Point Out The That He Has Performed A Really Good Audit Of The Wilbur Smith Contracts And How They Got Picked For These Continuing Contract Extensions.

I Can't Tell The Public That There Is A Fair Transparent And Fortright Process To Pick Them.

I Think That Causes A Lot Of Concern For A Lot Of Folks Out There.

That's An Audit I Wish You Would Take A Look At As You're Looking At Reforms.

Commissioners, The Internal Auditors Did An Objective Review.

If There Were Issues, They Would Have Brought It Out.

Recommendations Are Part Of What We're Doing Here.

And That's Revamping The Entire -- As You All Know And I've Heard Commissioner's Concerns Over The Past Year, And In This Position And We're Trying To Make The Changes And As I Told You Back In February Of This Year, We Were Revamping The Entire Process.

Part Of It Is Saying Some Information From Our Vendors And You Know, Getting Their Input Into Their Process.

That's -- They Are Going To Be Included In That Again.

We're Working On This As Quickly As Possible.

You Are Merging, Too.

We're Trying To Make It Easy.

We're Trying To Make It Plain Language.

It's Not Just The Contracting, It's The Entire Revamp Of How We Do Business.

Chairwoman Hall: Thank You, Karen.

Commissioner Judah? Comm. Judah: If I May, Janet.

She Took Off To The Back Of The Room.

Good Morning, Janet.

Could I Just Get A Clarification For Those Viewing And Listening In With Regards To The Contract And Contractor Selection Process.

Are Those Open To The Public? Yes, They Are.

Comm. Judah: And Are There Transcripts And Minutes To Retain For The Public To Review? Yes, We Have Minutes For Each Of The Meetings And They Are Posted Out On Our Website.

Comm. Judah: It's Not Behind Any Closed Door And The Records Are There For The Public To Review.

For The Public, You Could Go To Lee-County.Com/Contracts.

It's Robert's Rules And I Will Follow Them As The Administrative Code.

Two Times After A Motion And A Second Has Been Made.

You Had Two Bites Of The Apple And I Would Like To Say One Thing If I Can, I Want To Piggyback On Commissioner Manning.

7 C, Because Of The Uniqueness Of The Environmental Maintenance Contracts I Don't Want Anyone Walking Away Saying We Will Go Through Everyone One Time And Come Back.

We're Not.

We're Doing Three Quotes.

It's Not A Picking -- If The Tree Trimming And We Have 10 Companies Qualified They Will Get To Bid On The Work And We Will Take The Lowest Responsive Bidder So It Will Be A Competition Within The Competition Of Getting Short Lifted.

And It's Unique To This Particular Continuing Contract.

I Don't Want There To Be Confusion When We See Or If We See These Things And Say Why Did X.Y.Z. Company Get Projects And So And So Didn't Get Any, It's Because We Are Going To Go To Hard Bid With Quotes In Regards To Maintenance.

C.And G. Are Two Different Things.

I Don't Want To Walk Away And Three Weeks Later Find Out That Somehow We Walked Away Misunderstanding.

Commissioner Manning? Commissioner Mann, I Am Sorry.

Comm. Mann: Just I Had Two Other Points I Wanted To Touch And Leave This, But Frankly, Madam Chairman, The Point You Just Made We Are Going To Get Three Quotes On All Of These Maintenance Projects Was Not Clear To Me And I Made The Point And Was Not Challenged On It.

If We Had A \$5,000 Job, It Is Going To Delay Getting On To It And If You Have Confident People -- There Ought To Be Something Within The Process That Allows Us To Designate People On A Rotation Basis So We Don't Have To On Small Projects Like That -- I Am Not Suggesting We Bid Every One At Some Level, But That's What I Am Hoping We Are Seeing In This Review.

Now That Contracts And Purchasing Are Married And The County Managers Look At This, I Want The Assurance That The Review Is Going.

But The Two Points I Want To Make Before We Leave.

There Are Two Things I Must Know And The Public Must Know That The Process However It Evolves Now With A Late Review Is Fair And In This Recession I Want It To Be Competitive.

And You've Heard Me Say That Many, Many Times.

So Somewhere Between The \$5,000 Contract Is That We Designate And The Much Larger

Ones, The Competitiveness And Fairness Must Be Exhibited In The Process.

That's All I Want To Say.

Chairwoman Hall: Point Of Discussion.

Yes, Commissioner Bigelow.

Comm. Bigelow: I Handed To Clerk Two Documents That I Would Like To Be Part Of The Record Of This Meeting.

They Relate To Consent Agenda 7 C, And 13 G.

Thank You.

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

So We Took Care Of Commissioner Manns.

Commissioner Manning.

7 B.

I Would Like To Thank The Folks At The Northeast Library For Their Donations.

On 13 G., The Item Before Us Is To Concur With The Ranking Of The Now 52 Firms And I Would Declare A Conflict And Abstaining From Voting On This Issue.

My Conflict Is The -- My Business Relationship With Malcolm Pirnie Inc.

Chairwoman Hall: Do I Need To Rescind The Motion And Take Them Separately? Can I Have A Motion To Rescind The Previous Motion? I Have A Motion By Commissioner Mann, A Second By Commissioner Manning To Rescind The Previous Motion.

Further Discussion? All Those In Favor? Opposed? Motion Carries.

Item 7 C.

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

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

Item 13 D.

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

All Those In Favor? It's Unanimous With Commissioner Manning Abstaining Due To Conflict.

Thank You.

Comm. Judah: Second Commissioner Manning's Approval Of 7 B.

Chairwoman Hall: I Have A Motion By Commissioner Manning, A Second By Commissioner Judah.

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

Commissioner Bigelow, 3 A.

This Is The Project Known As Roof And Air-Conditioning Replacement At The Lehigh Senior Center To Aim Construction Contracting L.L.C. And Back Up To This Agenda Item There's Three Documents.

I Would Point Out They Are Telling Us There's Subcontracting Cost To Put A New Roof In An Air Conditioner On A Lehigh Senior Center Cost \$191,000 And The Sub Total Is \$251,000.

Call It \$70,000 Extra, If You Will.

I Think This Is An Aegregious Waste Of Tax Payer's Dollars.

The Subcontractors Are Crowder Roofing.

They Are Probably One Of The Best Roofing Contractors We Have In The County.

Actually Happen To Work For Them Many Moons Ago.

When I Worked For Them We Would Often Coordinate The Reroofing With H.Vac.

And The Owner Paid A Lot Less Because The Economy Scaled Two Jobs At Once.

But We Never Had Some Other C.M.

Overseeing Our Professionalism Of The Subcontractors.

I Made The Same Point When We Put A New Roof On The Administration East Building.

We Paid More Than Necessary.

It Was Utterly Amazing That We Would Just Spend Money For The Sake Of Spending Money When We Got Subcontractors Thoroughly Competent, Able, Professional.

I Will Not Support This.

Chairwoman Hall: I Did Ask That Question Of Staff And Did Get An Email, So I Would Like Staff For The Record To Answer The Question Of Why We're Going To A C.M. At Risk On This Particular Project And What's Required To Us In This Case.

Good Morning.

David Grant Manager Of Construction And Design.

We Have Been Trying To Bring Everything We Can In House For These Small Contracts.

We Try To Look At Scopes And Be Specific In Our Scopes So We Can Take Some Of The Smaller Projects In-House.

This Particular Project Did Come In At \$191,500.

But Again, The Contingency Brought It Up To \$215,000 Over The \$200,000 Threshold And We Did Have The Crowder Roofing.

That Is Part Of Our Policies That Would Require A C.M.

Chairwoman Hall: So The Reason We're Having A Construction Manager Is A State Statue Requirement Due To The Pricing Of This Project.

Yes, Over \$200,000, The Roofing Company Came In At \$191,000.

We're Obligated To Use A Construction Manager.

Chairwoman Hall: Commissioner Bigelow.

Comm. Bigelow: Can You Tell Me What State Statue Requires The C.M.Risk? I Believe It Was 255.

There Was Some Discussion That Went Back And Forth.

I Can Provide It To You Afterwards If You Would Like.

Comm. Bigelow: Can You Confirm Whether You Agree Or Disagree? Eye Can't At The Moment.

A Comm. Bigelow: There Was Reviewed By Gregory Hagen.

He's Here, Right? Commissioner For The Record.

Gregory Hagen.

Assistant County Attorney.

I Have Not Reviewed This Particular Email Exchange With The Chair.

I Would Like An Opportunity To Review It A Little More Fully Because I Am Not Sure I Agree You Are Required To Use C.M.In This Case.

I Think -- I Think The Requirement Is That You Require To Bid Over A Certain Point And

You Could Use A C.M.To Do That.

Madam Chair Would It Be Appropriate To Defer The Item One Week? Comm. Judah: I Am Ready To Move On It.

Chairwoman Hall: Karen, What I Would Like To Do Is In An Effort To Support And We're Working With Our Maintenance Costs.

One Of The Things Our Team Has Done Is The Way We Maintain Our Facilities, The Energy Efficiencies We Put In Place And If You Look At The Kilowatt Hours, The Reason The Numbers Are Coming Down Is Due To The Incredible Upkeep And How We Address Issues In A Timely Manner.

There's Savings That Come In A Long Run.

I Want To Make Sure And The Concerns Of The Board Are Valid As We Are Trying To Come Into This Budget Where We Don't Need C.M.'S And Spending Another \$20,000.

We're Trying To Find The Balance Of Getting Work Out To The Community And Being Able To Do Things Efficiently On Our Tax Dollars.

I Asked The Specific Question Last Week And I Want To Make Sure There's Coordination From Your Staff Over To This Staff So When We Come To These Meetings These Things Can Be Addressed In A Way That The Public Feels Confident That We're Addressing Them With Transparency And Factually.

I Would Prefer To Defer It.

I Have A Motion By Commissioner Manning, A Second By Commissioner Mann.

Is There Further Discussion? Comm. Judah: I Would Rather Move It Today Because The Air-Conditioning Is Desperately Needed At The Senior Center.

Our Staff Has Made An Effort To Reduce Energy Costs.

It Is Providing For Employment Opportunities.

Ready To Move Forward.

Chairwoman Hall: Fair Enough.

Is There Further Discussion? All Those In Favor? Opposed? The Motion Passes 4-1 With Commissioner Judah Dissenting.

If You Bring This Back It Will Give Mr. Hagen Time And We Can Make A Decision Whether We Want To See Them Or Don't Want To See Them.

Commissioner Bigelow, 13 B.? Comm. Bigelow: Thank You.

This Is A Developer Asset We Were Asked To Approve This Is The Site Of The Professional Baseball In Lee County.

I Will Not Move It So We Can Get The Discussion If You Would Like To Move It.

Comm. Judah: Move The Item.

Chairwoman Hall: I Have A Motion By Commissioner Judah, A Second By Commissioner Manning.

Commissioner Bigelow, Under Discussion? Comm. Bigelow: Thank You, Madam Chair.

I've Been Talking To A Lot Of Residents Lately And This Red Sox Stadium And The Process That Took Us To This Place Is Not Real Popular In My Estimation -- Chairwoman Hall: I Would Like To Stay To The Agenda Item That Is The Construction Of The Easement.

I Want You To Keep Your Comments To The Agenda Item, Thank You.

What Did I Say That Is -- Chairwoman Hall: You're Going Down The Track About The Popularity Of This Or Not.

This Is A Decision That Is Made.

I Want You To Keep Your Comments On The Easement.

Thank You.

Please, Tell Me What Is It That I've Said.

Chairwoman Hall: Go Ahead.

Will You Not Answer That For Me? Chairwoman Hall: I Have A Prerogative As A Chair If I Feel There Is A Comments Going In The Direction That Is Not On This Agenda To Stop You And Remind You That I Would Like To You Frame Your Comments To The Agenda Item.

That's All I Was Doing, Commissioner Bigelow.

Comm. Bigelow: You Might Want To Think Of How That Looks.

It Might Look That You're Trying To Use The Chair To Step On The Opinion Of Someone That Maybe Has Some Opinion Contrary To Yours.

If You Are Going To Squelch That -- Chairwoman Hall: I Am Going To Call Order And Ask You To Make Your Comments.

This Is Not A Debate Between You And I.

We Have An Agenda Item To Accept The Developer Contributed Asset Regarding The Boston Red Sox.

Please.

Please Make Your Comments In Reference To This Motion That Has A Motion And A Second Has Been Made.

Thank You.

Comm. Bigelow: Madam Chair, It's My Opinion That Moving Forward With This Is Inconsistent With The Will Of A Resident.

So If Nothing Else, I Would Like To File A Protest Vote Here On Principle And That Is That Even Though It May Be At The Late Hour, I Think We Could Still Find A Way To Do Something Differently With Respect To How To Retain The Boston Red Sox.

I Am Opposed To This Principle As Well As My Understanding.

Let Me Also Point Out That There's Five Folks That Reviewed This Blue Sheet.

Someone Authored It.

Probably The Utility Department, Right? But Mr. Mere You Signed Off On The Required Review.

Reginald Signed Off On It And Budget Analyst, David Harris In Budget Services Signed Off On It.

Scott, County Attorney's Office Signed Off On It And Mr.

Lavender Signed Off On It As Public Works Director.

Last Week I Suggested That Maybe These Are Being Reviewed With A Click Of A Mouse Button.

I Want To Think Not.

But This Is Not In District Ii.

The Blue Sheet Says It's In District Ii.

I Am The District Ii County Commissioner.

The Map Shows It's In District V.

And If All Of Those Folks Are Truly Reviewing It, Why Is B Igg -- B -- Bigelow Spelled With Two G's? Chairwoman Hall: I Will Let The County Manager Answer A Rhetorical Question Because I Appreciate You Pointing Out The Errors.

We Try To Watch Out For Typos And Districts And Sometimes Things Happen Because We

Are People.

But I Want The County Manager To Go Ahead And Answer The Question And We Will Move On.

Yes, We Do Review And We Review The Substance Of The Blue Sheets To Make Sure The Substance Of The Blue Sheet Is Accurate And Correct.

Are There Going To Be Human Errors Like Employees, Employer Like The Past Blue Sheet Last Week? Yes.

But We Do Review The Blue Sheet.

Sometimes There Are Errors.

Comm. Bigelow: But Karen, Let Me -- Chairwoman Hall: Commissioner Bigelow.

I Am Going To Stop You And Remind You.

You Pointed Out The Errors.

I Will Give You Some Latitude To Comment On The Errors One More Time And Then We Will Go Back To The Agenda Item And We Know You Will Not Support This.

We Will Go Back To This Agenda Item And Thank You For Pointing Out The Scribner Errors And We Will Go Back To The Motion At Hand.

Comm. Bigelow: Karen, I Got A Job Over Here.

I Got To Review What Is Presented To Me, Consider It And Vote Because Of It.

When I Look At The Blue Sheet As We Did Last Week And We Pointed Out The Problem And I See That You Know, The Little Stuff That You Would Call Non-Substantive, Is Being Missed.

And I Have To Wonder Is It Just The Substantive Being Reviewed And Not The Insignificant If That Is Your Interpretation? When I See This Kind Of Stuff I Have To Ask That Question.

If I Don't Do It Publicly I Can Do It Privately But I Want My Colleagues To Know It's Something Of Concern To Me And I Think If There's Mention In Front Of Them.

Thank You.

Thank You.

We Will Try To Do A Better Job At That.

It Does Matter To Us.

Thank You.

Chairwoman Hall: Thank You For Bringing It To Our Attention.

Commissioner Manning? Further Discussion? All Those In Favor? Opposed? The Motion Carries 4-1 With Commissioner Bigelow Dissenting.

Administrative Agenda.

14 A.

Chairwoman Hall: Af Motion By Commissioner Manning To Adopt The I.D.A. Private Activity Healthcare Facilities Bond.

I Have A Motion.

All Those In Favor? Opposed? That Carries Unanimously.

We Have A Walk-On Item For The Construction Of A Single Family Dock And Footbridge Adjacent To Mound Key.

As An Elected Official I Could Have Ignored What Is Being Proposed With Regard To The Boat Dock And Footbridges Proposed On Mound Key.

I Would Think That This Commission Does Value Its Cultural Heritage.

I Presume That Was Of Paramount Importance To This Board.

It Appeared That Environmental Protection Was Going To Issue A State Permit For This Proposed Dock And Bridge On Mound Key.

I've Had A Chance To Talk To Council And Staff.

We Have Policies, Goals Can Objectives That Pertain To Protecting Natural Resources.

We Have A Land Development Code That Everyone Is Treated Equally As They Go Through The Process Of Seeking Permits To Determine Whether Or Not They Are Consistent With The Land Development Code Provisions.

I Would Suggest That We Hear From Council.

It Would Appear That Given The Criteria That The State Has Used In This Dock That The Applicant Has Met With The State Reviews Such Proposals Under.

And If This All Goes Through The Applicant Would Need To Secure A Local Permit For The Dock And We Have The Own Plan And Land Development Code That This Applicant Will Be Subject To Review On.

Let Me Say That It's Just Unfortunate That We're In This Situation.

I Am Not Being Vindictive To The Mcgees.

I Will Say That At The Outset Because It Wouldn't Matter If It Was Individual X., Y.Or Z. With This Kind Of Impact To What Really Is A National Treasure.

I Would Have To Step Forward And State My Concerns.

I Think Commissioner Bigelow Talked About Reactivates Discussions With Mr. Mcgee About The Purchase Of This Land.

The County Has Been Engaged With Discussions Of The Possibility Of Using Conservation 20/20 Monies To Purchase The Remaining Acreage And What Is Surrounded By State Land.

To Protect These Very Resources And Unfortunately Discussions.

The Appraised Value Was Around \$500,000, \$600,000.

The Request Was \$5 Million.

And Yes, This Land Is Extremely Valuable For The Public Interest.

I Don't Think The Public Can Compare That Kind Of Burden Of Having To Pay Well In Excess Of The Appraised Value.

I Would Hope That We Would Be Able To Once Again Engage In Discussions With The Mcgees.

I Think This Is What The Intended Use Is Trying To Produce Is Eventual Discussion At The County Level And State Level Because When You Look @ Mound Key And I Have -- You Saw The Earlier Photos Of Mound Key Back In The 1940's.

This Is The Most Recent Photo.

I Have Copies Of That.

It Is An Area That We Heard Is Truly A Historic Resource And Totally Part Of The Empire Of The Calusa Indians And It Was An Important Ceremonial Site For The Calusas, But More Importantly You Can See How The Rare And Unique Tropical Hard Wood Hammock Vegetation Has Recolonized On The Island And There's No Question That It Should Be Protected Where It Can.

You Will See The Land Is Severely Degraded And Yes, It Happened On Private Property But With The No Ability Of Vegetation To Stabilize The Substrate It Could Affect The Public Lands Around The Site.

Be It As It May, It Will Appear That After We Hear From The Attorney's Office The Opinions Of Council Is To Not Appeal Which Is A Tenable Situation.

There Are Other Permits Required By The Applicant And We Will See How This Application Proceeds To The Process.

Chairwoman Hall: David.

Good Morning Madam Chair, Commissioners.

David Owen, County Attorney's Office.

Last Week This Issue Was Discussed By The Board And Last Week It Was Directed To Bring It Back To You On A Blue Sheet With An Analysis As To Whether Or Not The County Should Proceed To Prosecute A Challenge To The Permit That Was Issued To The Mcgees.

We Spent This Last Week With Your Administrative Staff, Staff In My Office From The Litigation Section And Land Use Section And Also With The Experts We Have In House With Respect To The Issues.

Let Me Try To Put The Issue In Focus For You.

A Lot Of Discussion From The Public, A Lot Of Discussions From The Mcgees.

Commissioner Judah's Comments This Morning.

They Have Merit, They Have Relevance.

But I Have To Look At This From The Standpoint As An Administrative Judge Would Look At It To Give You An Opinion As To Whether Or Not You Should Proceed With An Administrative Challenge Which Is The Same As Filing A Lawsuit.

You Must Have Substantive Facts That Meet The Necessary Criteria For Bringing Forth To Prosecute These Administrative Challenges.

All Of You Here Have Been On The Board When We Have Done These.

And When We Have Had The Facts And The Necessary Criteria Before Us, I Have Not Hesitated To Bring Forward To You A Request From My Office And From Staff To Bring These Administrative Challenges Forward.

We've Done Many Over The Years.

We've Done Quite A Few Fairly Recently And Those That We Did Have We Either Prosecuted Or Settled To The Success Of The County.

In This Particular Case We're Looking At The Impacts From The Construction Of The Dock.

I Know There's Issues With The Hard Wood Hammock, The Issues With The Goats, Issues With People On The Island.

This Is A Piece Of Private Property That Has Been Fenced Off To Keep It A Private Property

And The Environmental And Archeological And Historical Impacts That We Have To Look At Are Those Solely That Rest With The Construction Of The Dock.

The D.E.P. Have Jurisdiction In Determining Whether Or Not The State's Property, State's Submerged Sovereign Lands Meet The State Requirements.

The State D.E.P. Reviewed All Of The Matters.

I Have Gone Through The Permit.

I Have Gone Through The Exhibits.

My Attorneys Have Gone Through It As Well As Mary Gibbs Staff, The Environmental Folks And What We Cannot Bring To You Today Is A Finding That There Is Something With The Permit That Would Rise To The Substantial Adverse Impacts To County Property Or County's Interests That Have Not Been Addressed Or Met By The D.E.P. Absent That, It Is Difficult For Me As Your Lawyer To Bring Forward An Affirmative Position Suggesting That You Proceed With An Administrative Challenge To The Permit.

This Gets Difficult.

Without Having The Information, The Facts, The Law Behind You To Bring Such A Challenge Then Your Likelihood Of Success Is Very Low To None.

I Can't Recommend That You Bring Such A Challenge.

There Is Pieces Of This That Have Been Brought Forward That May Or May Not Have Been Completed Yet, But In And Of Itself That Is Not A Sufficient Legal Reason To Challenge The Permit.

There May Be Some Subsequent Information That We Brought Forward On The Archeological Side.

Listen To That Very Carefully That May Or May Not Have Any Impact With Respect To The Location Of The Dock.

If It Does The Dock Can Be Moved To A Low Indication That Is More Suit -- Location That Is Suitable And The Permit Would Still Be Valid And Still Go Forward.

This Has To Be Worked Out With The Owners Of The Property, The Applicants For The Dock And D.E.P. Those Are Not Sufficient To Address For Purposes Of An Administrative Challenge Under Statutes For The Permit.

That's As Simple As I Can Make It For You.

Some I Have Filed Because Of The Short Amount Of Time We Had Notice And Then Advised You Afterwards.

In This Particular Case I Had An Opportunity To Review It.

I Am Not Comfortable With Advising We Proceed With An Administrative Challenge And I Cannot Recommend It Today.

Chairwoman Hall: Commissioner Mann.

Comm. Mann: You Mentioned And I Think Commissioner Judah Made It Clear That You Don't Want To Proceed With Any Challenge To The D.E.P. Recommended Permit Issuance, But The County Role.

Are We Going To Be Back On The Same Issue From County Criteria Perspectives? Is That Going To Happen To Be Back Here Again With The Administrative Staff? Yes.

There's Really A Total Of Three Permits That Will Be Necessary For This Dock.

That Is The Federal Permit, The Core Permit, State Permit From The D.E.P. And A Permit From Us.

The State Permit Says In There Clearly That Each Of The Permits, Federal Permit Says The Same Thing.

It Does Not Address Local Permits That Are Required.

D.E.P. Is Done -- Are They Done? Yes.

All I Want To Know Is The County Process.

David Gave Us A Review.

She Gave You A Memo? Chairwoman Hall: Yes, If You Want To Read It, That's What It Is.

Mary Could Come Forward And Tell What She's Going To Do.

Mary Can Go Through That With You.

A Permit Is Required.

Mary You Can Go Through The Steps.

What Is Going To End Up Possibly Here? Actually It Won't Come Back To You.

It Normally Goes Through Mary And Be Done? But It -- Good Morning Commissioners.

They Need To Get A Local Permit From Us And As I Outlined On The Memo Because It's A Historic Site It Requires A Review From Our Historic Preservation Board And Building Permit.

That Will Be Reviewed By The Historic Board And Our Staff Before We Issue The Permit And We Would Weigh It By The Time It Would Be Done We Would Probably Have From The

State Whether They Will Add Additional Conditions Because They Hadn't Finished Their Archeological Review.

It Should All Come Back At The Same Time And It Will Be The End Of The Process.

Unless There Was Some Issue The Permit Wasn't Approved In Which Case An Appeal Could Go To The Hearing Examiner And There's Always The Court Option.

So It Depends.

It Could Be Approved Administratively Or Could End Up Being Appealed.

But There's No Venue This Could Come Back To You Unless There Was A Possible Lawsuit Eventually And The Attorneys Had To Apprise You.

But The Permits Are Typically Administrative Process.

Goes To A Hearing Officer.

It Goes To The State -- It Goes To You Guys.

Right.

And If There Was An Appeal Of Permit It Would Go To The Hearing Examiner.

Chairwoman Hall: If They Don't Like The Decision Of The Staff It Will Go To -- They Can Appeal To The Hearing Examiner.

That's What I Thought I Just Said As Opposed To Being Here Again.

In A Way In My Mind Is This The Time When We Should Share Our Thoughts As To What The Five Elected Officials Feel Like If You're Going To Try To Weigh Some Intangibles.

Chairwoman Hall: I Think The County Attorney Is Trying To Tell You Issing.

It Would Be A Mistake To Decide This Issue Now.

As An Applicant They Have An Opportunity To Be Heard By Staff And The Department Of Community Development Like Any Other Applicant.

Not A Motion Or Anything Like That.

So It Would Be Improper To Indicate That A Decision Has Somehow Been Made By This Commission.

Okay.

Well, Speaking From Myself I Can't Make A Decision For This Group.

But I Am Capable Of Speaking Of The Stewardship Capabilities And Where Am I Going To Get In Trouble There? And Why Should Such Thoughts Not Be Part Of A The Process.

I Think What She's Trying To Apprise The Board Of Is Our Preference Would Not Be To Get Involved With The Issues Of The Permit.

We're Trying To Perfect Our Record Here If The Matter Goes Through The Process And If The Permit Is Denied, If It Goes To The Hearing Examiner And That Denial Is Upheld And They Go To Court, All Of Those Matters Will Be Brought Into The Lawsuit.

It's Hard For Me To Stand Up Here To Pick And Choose Which Things Each Of You Would Like To Say With Respect To The Permittee Or Permit Or Private Property Rights At This Point In Time.

I Think We're Trying To Caution You That Everything That The Board Says Obviously Staff Hears And Reads From The Board Whether It's Made By Motion Or By Recommendation And In This Particular Case There's A Lot Of Sensitive Issues With This.

And My Preference Would Be That The Board Take No Action On This This Morning And Then We Can Proceed Accordingly With Entertaining The Permit Application From The Mcgees.

Chairwoman Hall: The Desire Of The Board Then? I Have Some Questions.

Chairwoman Hall: Commissioner -- Maybe Just Check.

Commissioner Mann, Were You Done? Comm. Mann: I Would Like To Hear What Other Questions Are Coming Forward And Would Like An Opportunity To Say Something Else.

Chairwoman Hall: Commissioner Bigelow.

Comm. Bigelow: Mary, Could You Come Back Up.

I Like To Stay In The Wings.

Would You Agree That Mr. Mcgee Makes No Legitimate Claim When He Says That The Stop Work Order Posted -- You Say On December 19th, Stop Work Order Lifted.

His Claim Was It Was Illegitimate.

Mr. Mcgee, We Had An Email Back And Forth.

He Wanted Me To Address The Stop Work Order.

I Said It Has Nothing To Do With What We're Discussing Today.

I Didn't Know The Details Of The Stop Work Order.

What I Understand What Happened Is We Got A Complaint That There Was Clearing Or

Something Going On.

Our Staff Went Out And Looked At It And Then Nobody Was Sure Of It With The State Land Or Their Land And Then Any Discussions With Them.

They Realize There Was A Fence Permit And Because It Was Agriculture We Didn't Need A County Permit So The Stop-Work Order Was Lifted.

In My Opinion It Has Nothing To Do With The Topic Today.

Well, In All Fairness To The Property Owner We Should Probably Let The Record Be Cleared Up Here Today If It Was An Illegitimate Stop Work Order.

Therefore -- There Were Certainly No Intent.

That's Fine.

There Was No Intent.

When We Have A Complaint We Go Out And Didn't Realize The Farm Exemption.

We Could Say In Retrospect It Was Something We Probably Should Not Have Done.

Maybe? Maybe.

You Can't Find Any Compelling Reason To Substantiate A Claim Or Opposing This Permit.

Facts To Support, No Legal Claim.

Could You Find Substantive Legal Need, If You Will.

I Am Sorry.

I Am Looking For The Word.

If We Were To Try To Condemn This Property? If We Wanted To Condemn Could You Find The Legal Back Up To Support Our Interest.

I Know It Will Take Money.

It's Not Just The Money.

We Would Have To Find What Compelling Reasons The Board Would Have For Acquiring The Property By Eminent Domain.

Well, I Can Give You A Long List Of Environmental Reasons, A Long List Of Archeological Significant Reasons.

Any Of That? Just Generally Can You See Any Public Need That Would Substantiate If We

So Choose To Condemn It And Then -- I Would Like The Opportunity To Look Into That.

I Would Like The Opportunity To Discuss That With Mr. Renner, He's My Imminent Domain Specialist And Would Prefer Not To Give A Response One Way Or The Other On That.

There Are Different Thresholds For Imminent Domain.

Most Reside In The Area Where There's A Compelling Reason Why The Board Has A Need To Exercise The Extraordinary Right Rather Than Acquisition.

You See This On Projects.

We Have Exercised Imminent Domain For Park Projects In The Past.

A Couple Of Matlacha That I Recall In Order To Give Continuity To A Park We Had There.

In This Particular Case I Have Not Done An Analysis In That Regard And I Think It's Important To Do That Before I Give You A Response.

Okay.

Thank You.

When It Was Brought Up Last Week I Tried To Suggest That We Ask The Mcgees If They Are Interested In Selling And Talk To Them And I Thought It Might Be Something Someone Would Bother Doing During This Period Of Time.

A Lot Of Work Was Done So Did Anyone Hear Me? I Mean, Or Was Anything Done That You Know Of That Might Have Provided A Hand Across The Waters To The Mcgees And See If They Would -- It Wouldn't Have To Be Through 20/20, It Could Be Through A Different Process That This Board Chose To Pursue.

I Think We Asked Karen Mcguire To Be Available To Address The Issue.

Do You Recall, Karen, That I Suggested That? Asked That Maybe We Could Call The Mcgees.

Mr. Bigelow, My Recollection Of Last Week's Discussion And I Reviewed From My Television Because We Didn't Have Items On The Board's Agenda, But I Did Watch The Meeting.

My Recollection Is That You Had Asked If We Had Pursued Acquiring The Property With The Mcgees And I Provided My Information Yesterday Through Email To The Commissioners As To The Interaction That We've Had With The Mcgees In The Past Which Was Through The Conservation 20/20 Program.

And There Was Quite A Lengthy Negotiation.

I Did A Synopsis Of That In My Email And It Was Lengthy Going Back And Forth In 2008.

We Were So Far Apart.

My Files Are County Land Files Showed That The Last Dollar Amount Offer Was \$8.6 Million For The 7.5 Acres Of Land And We Had Two Appraisals At \$500,000 And \$600,000 Done By Two Separate Appraisers.

So I Don't Recall You Specifically Saying For Something To Be Done From Last Tuesday And Today.

I Recall What I Said, But Maybe We Can Go Back To Our Offices And Check Out What I Said And Maybe We Will All Be Enlightened.

If I Could Ask Mr. Mcgee.

Todd, Would You Come Up? I Want To Give You Limited Access But This Isn't The Time We Have Comments Because Of The Nature Of The Legal Nature I Will Give You Some Latitude.

Commissioner Bigelow -- Comm. Bigelow: It's Supposed To Be With The Limited Access You Will Provide Me.

Thank You, Chair.

Chairwoman Hall: We Just Voted On An Administrative Code And Our Policy In These Chambers, Everyone Is The Same.

There Is No Special Citizen Here.

Our Citizens Are Treated Equally.

In This Part Of The Agenda We Do Not Have Interaction With The Public.

I Want To Be Careful That When Someone Is Brought Forward Everybody Is Treated The Same.

It Is An Effort To Treat Everyone One And The Same.

Due To The Nature Of This Particular Case I Will Allow Mr.

Mcgee To Come To The Podium To Address This Issue For You.

I Am Not Making This Personal, Mr. Bigelow.

Comm. Bigelow: Thank You, Commissioner Hall.

I Was Going To Ask You If You Had Anything Else To Share Because I Think You Had More Comments, But I Don't Know If We Will Get That Here.

Chairwoman Hall: Mr. Mcgee's Presence Is To Answer A Question.

It Is Not To Continue On To The Presentation Under Public Comment.

I Am Trying To Follow Our Administrative Code.

We Try Hard To Find A Protocol In Which We Treat All People In Our Chambers The Same.

I Asked Him To Be Here To Answer Specific Questions Any Commissioner May Have Of Him So If You Have A Specific Question From Any Of The Mcgee Members I Forward You The Floor To Ask A Specific Question, But It Is Not Meant To Continue A Presentation For Us, Commissioner Bigelow.

If There Is A Specific Question, I Would Forward You The Opportunity To Ask It, Of Any Of The Mcgees Here.

Comm. Bigelow: Is There Anything Else You Would Like To Add To Your Previous Comments? Nothing To The Previous Comments.

Has Anyone Spoken This Week About The Acquisition Of The Property, No One Has.

Comm. Bigelow: Another Question.

Do You Recall When You Were Sitting There Last Week That I Suggested In This Period Of Time Somebody Pick Up The Phone And Call? I Recall, My Recollection Is Your Comment Last Week Was The Question Has Anyone Talked To Us Recently.

Not That Someone Should Call This Week.

And I Would Hope That Maybe Would Have Picked Up On The Hint That We Reach Out To You.

Would You Describe Your Interest In Sell -- As Being A Seller -- We Have Maintained --
Comm. Bigelow: I Am Sorry.

This Property Should Be.

Excuse Me.

The Property Has Been In The Family For A Long Time.

We Have Interest In The Far Beyond It Any Monetary Value.

In My Personal Opinion The Property Is Beyond Value.

You Can't Place A Value On It.

We Are Open To Negotiate With The State Or The County Where We Personally Feel Like It Should Be In Public Use.

We Would Like To See That It's Protected.

We Haven't Been Very Pleased With The -- What The State Has Done With The Property That Was Acquired From The Corrections And Subsequent.

I Know They Have Budgetary Limitations.

We Feel Like We Can Be Better Stewards Of The Property.

One Of The Things We Had Asked At The 20/20 Is If We Would Have An Opportunity To Exchange Property That The County Owns And To Have The Property Named In Honor Of Our Grandfather And That Was Beyond The Purview Of The 20/20 And We Would Have To Negotiate.

We Are Hoping To Further To -- Open To Further Negotiations.

I Am Not Aware Of The \$500,000 Came From.

It Is Out Of The Air.

And If I Am Inappropriate, I Know What It Mean Toss Feel Strongly About This Area, This Beautiful Area Of The World.

Mr. Mcgee, I Feel Like I Could Feel For Your Feelings Toward Your Property.

I Think This Property Has Extreme Significant Value.

I Agree.

I Think Also For Folks That Have Never Even Come To This Area Of The World Yet But Hopefully Will And Start To Take Up The Other \$600,000 We Expect -- 600,000 Folks.

And Maybe We Could Pick Up The Phone, Karen, And Talk To Them.

Let's See.

Let's Have A Discussion And Maybe We Can Avoid Some Of This.

Chairwoman Hall: Thank You.

Can I Make One Quick Comment? Quickly.

There's One Other Site.

Mission St. Louise East Of Tallahassee That Is A Beautiful Site That The State Has Brought Up To The Standard I Would Like To See Happen At Estero On Mound Key.

Chairwoman Hall: Thank You.

Commissioner Judah? Comm. Judah: What I Would Like To Suggest Because There Has

Been Negotiations Before Between County Lands And The Mcgee Family, Unfortunately The End Result Did Not Ultimately Allow The Count Where I To Move Forward And The Proper Expenditure Of Tax Payer Dollars Is To Allow Commissioner Bigelow To Proceed With A Fact Finding.

I Believe That Would Be Legal.

Acceptable If This Board Would Give Mr. Bigelow The Opportunity To Discuss With Mr. Mcgee And Bring A Proposal Back To This Board That We Could Consider.

Comm. Bigelow: Can I Respond To That? Chairwoman Hall: Yes, Commissioner Bigelow.

Comm. Bigelow: I Appreciate The Gesture But I Believe My Interpretation Of The Charter Would Leave Me To Believe That That Is Something More Appropriate In The County Management's Hands, Negotiations With Private Property Owners.

On A Body That Has To Then Review The Negotiation And The Process And Conclusions Of It.

I Would -- Thank You, But No Thank You.

Chairwoman Hall: Why Don't We Do This.

The Consensus Is We're Not Moving Forward With An Administrative Challenge.

Commissioner Mann, Why Don't You Ask Your Questions And I Will Try To Bring This In For A Landing.

Comm. Mann: Thank You.

I Think It Is -- Inevitable That We Would Get To This Place Here.

There Was Such A Wide Gap In The Offer And The Acceptance Numbers That Were Being Kicked Around.

I Know, I Think All Of Us Know That That -- Yes, That's The Ultimate Goal.

It's A Matter Of Money.

Can You Agree On Some Figure? I Don't Think With My Very Meager Knowledge Of Appraisals That There Is A Comfortable That We Can Go To That Would Give Us An Idea Of What It Is Worth.

You Just -- Mound Key Is So Totally Unique In Its Location And Historical Significance, It Is Just A Matter -- We Got To Find A Number Here Somewhere And I Think You Can Throw Out The Appraisal Books We Had And At Some Point There Has To Be A Discussion And Maybe A Commissioner Could Sit Down And Talk With These Guys And Get Where Our Rule Book Hasn't Allowed Us To Come Up With A Successful Conclusion.

In The Meantime, We Still Have This Pending Application For A Dock And The Family Asked For That And The State Of Florida Would Just As Soon Not Have Them Pull Their Boats Up To Shore And Walk Through State Property Through Their Property As They Tend To Their Little Herd Of Goats.

So They Wanted Something Else And The State Of Florida Was Happy For Them Not To Make This Application And They Are Trying To Move Forward Because It May Take Us Months, Years And We May Never Get To The Purchase.

It May Take Some Time.

Meantime, What Are We Going To Do Here With The Dock Application? And What I Was Going To Try To Offer I Was Going To Be Responding To Some Of The Earlier Comments.

I Thought It Would Be Proper To Respond To What You Passed Out That Was A Condemnation Of The Stewardship Ability Of The Mcgee Family And I Wanted To Give A Perspective In Case It Ends Up In Your Shop.

I Don't Want You To Leave Here Having Poisoned The Well Of Our Staff As They Entertain A County Role In The Permit Process Here.

Chairwoman Hall: I Understand, But I Want -- I Want To Be Fair Enough.

Far Be It For Me To Question The Motives.

I Am Questioning The Facts That Were Presented.

Comm. Judah: Something About Poisoning? Chairwoman Hall: Commissioner Mann, I Am Sorry.

I Want To Be Fair In My Warnings As The Conversation Progresses.

Comm. Mann: I Found A 12 X 12, Maybe 20 X 20 Area Showing A Little Fenced-In Area Where There's Some Goats And A Covered Area Where There's A Feeder.

I Presume It Goes Off Several Times A Day Where The Goats Get Supplemental Nourishment.

How Many Acres Is This? Chairwoman Hall: Just Under Eight, I Believe.

Comm. Mann: I Am Questioning It.

It's Hardly Characteristic Of A Mcgee Family As Stewards Of This Island Next Week I Expect A Birthday Cake Here.

I Will Turn 69.

When I Was Born In Lee County Their Family Owned This Property For Nearly 30 Years.

One Of The Grandfathers They Talked About Is Hanson.

I've Known These Guys Forever.

Ted Mcgee, I Want To State Clear On The Record Was In My High School Graduating Class.

He Was A Smart Guy That Became An Architect, But His Younger Brothers Came Along Behind Me.

One Of Them Is Not Here Today.

His Name Is On The Bonds Plaque In Front Of The Courthouse Because He Was Killed In Vietnam.

Every Generation Of These Mcgees And The Hansons Are The Living, Breathing Example Of What We As Americans Want As Stewards As Our Land As Citizens Here.

They Deserve The Greatest Consideration Possible.

I Had To Say That Before We Left Here Today.

Thank You.

Chairwoman Hall: Ted And Todd, And I Don't Know The Other Mcgee -- Tim.

I Have Never Met Him But Have Had The Privilege Of Working With Ted.

I Am Familiar With Ted And Todd And I Have Gotten To Know Each Other Over The Years.

I Couldn't Agree More With Commissioner Mann's Comments As To The Family And Importance Of Your Family And History And Culture Of Lee County And Fort Myers In General.

There's -- That's Not In Question Here Today.

And If There Was Any Insinuation Of That Because It Is The Founding Families As We Name Our Culture As We Grow.

We Have A Unique Character And Culture.

When Another 600,000 People Come Here We Want To Retain The Character And Culture And We Work Hard Every Tuesday With The Many Decisions We Make To Hold On To That And We Thank You For Being Here With Us Today And In No Way Want To Insinuate That Any Of That Is Occurring Here.

I Do Try To Keep The Chambers As Consistent In How We Deal With All Of Our Public Even On Emotional Issues Because We Do Want To Treat Everyone Equally.

I Thank You For Being Here Today.

I Want To Go Back To The Board.

I Think We've Heard From Our Legal Counsel.

I Will Come Back To You Commissioner Judah.

What I Would Hope And I Hope The Board Could Get Some Consensus Is I Think We Heard Mr. Mcgee Comment There Was A Likelihood Of The Property Owners Willing To Swap Property As Well As A Purchase.

So If The Board Is In Concurrence Rather Than Working Under 20/20 Umbrella.

Allow County Lands To Work With County Administration To Approach The Mcgees And Talk On A General Picture While Our Staff Is In The Process Of Following The Procedure Of Our Ordinance And Codes And The Laws Under Which We Review Applications, I Think It's Important That There's No Way The Conversation Today To Give Staff Any Indication Not To Follow The Rules Exactly As They Should Be And If The County Attorney Will See The Process As It Should Be Done.

Because That's Not What They Are About Here.

We Set Policy And We Set The Ordinances And Code.

I Don't Think It Would Be Because Of The Personal Nature, I Don't Think It Would Be Prudent For Any Commissioner To Be Engaged In This Process.

We Try To Keep Land Negotiations At Arm's Length Because It Does Have To Come Back To Us As A Vote.

I Would Prefer That No Commissioner Be Engaged With The County Commissioner's Administration And Which Department Could Would Be Appropriate To Work With Karen And The County Attorney's Office.

I Will Go Back To Commissioner Judah.

Comm. Judah: Could We Hear From Karen For A Quick Second In Reference For The Fact That We Looked At Acquiring It And Land Swaps And One Of The Lands To Be Swapped Is Five Acre Mangrove Forest.

For The Record.

That Is Correct.

We've Spent Time With The Mcgees Looking At The Potential Of The Land Swap And The Determination Through The Environmental Significance Of The Site That The County Owns.

We Decided It Didn't Make Sense To Swap Out Environmentally-Sensitive Land For Environmentally-Sensitive Land.

There Is Just One More Thing That I Don't Think That You Are Maybe Aware Of That I Did Not Put In My Memorandum Yesterday.

The Nomination When It Was Made To Conservation 20/20, The Asking Price Was \$20 Million.

When We Got Into Negotiation The Record Of Our File Indicates That One Of The Mcgees, I Don't Remember Which One, Indicated That They Have Their Own Appraisal And Would Even Make Sense To Discuss An \$8.6 Million Amount If We Were So Far Apart To Begin With And We Said Probably Not.

But We Would Entertain A Counter Offer That Was Never Made.

They Indicated That They Had Another Potential Buyer.

Mr. Mcgee Said He Didn't Know Where The \$8.6 Million Figure Came From But It Came From One Of Them During Negotiation And The Asking Price Was \$20 Million.

We Have Properties That We Review Year After Year.

I Don't Want To Know What Happened In 2009.

This Is August 2010.

There Is Consensus That Regardless Of What Happens, This Is A Significantly Important Parcel Of Property And What We're Asking Is Under 20/20 Or Other Format The County Manager Be Able To Engage In Conversation With Them.

We Recognize That's Over.

We Are On To Today's Issue.

Not Yesterday, Last Week.

We Are On To What We Are Going To Do Now.

If There's Consensus That's What I Would Like The County Manager To Do And Get Back To Us And The Document Will Go Through The Proper Procedures And Consensus Hoping We Not Move Forward With An Administrative.

Am I Correct? Great.

Again, I Want To Thank The Mcgees For Spending Their Morning With Us And Allowing Us To Go Through This Process And Being Patient While We Recognize Our Employees.

And Thank You Very Much For Being Here And We Will Move On.

Madam Chair, Can I Make A Suggestion Here? I Hope I Am Heard.

Chairwoman Hall: Yes, Mr.

Bigelow.

Comm. Bigelow: Karen, You Often Talk And Refer To The Association Of Counties And Use Them To Seek Advice, Maybe We Could Talk To Them About What They Would Advise We Do Under This Scenario.

The Florida Land Stewardship Program I Think Non-Profit Could Also Provide Us And Help Us With Negotiations In This Unique And Important Possible Acquisition.

Chairwoman Hall: Good Suggestion.

We Will Move On To Commissioner Items.

Commissioner, I Think I Start With You, Commissioner Mann? None.

Chairwoman Hall: Commissioner Manning.

Just An Announcement.

The National Veterans Foundation Is Having A Golf Tournaments In October But I Wanted To Give Out The Website Information For Anyone That Would Like To Make A Donation.

They Are Attempting To Put A National Museum In Cape Coral And Their Website Is Veterans-Foundation.Com If Anybody Is Willing.

The Golf Tournament Luckily For Them I Will Not Be Playing In Is The 15th Of October At Palmetto Pines.

Comm. Judah: It's My Understanding The Issue Of Spreader Swale Has Been Delayed To October 31st? No.

When Is The Next Date We Anticipate It Coming Back To The Board? I Believe It Was September 14th.

Chairwoman Hall: That's Right.

That Was Delayed.

If You Put It On The Record Again, What's The Date That Will Come Forward? September 14th.

Comm. Judah: Board Hearing Date? Yes.

Comm. Judah: Thank You.

Chairwoman Hall: Commissioner Bigelow? Comm. Bigelow: I Was Going To Wait Under

County Manager Items.

Do We Know When The Local Agreement Of The M.P.O. Is Coming Forward With The Half A Million Referendums For Sales Tax? We're Meeting With The Chair On This Very Issue Next Week.

To Get More Information From The M.P.O. We Will Have That For You In A Week Or Two.

Okay.

Chairwoman Hall: I Have A Couple Will Of Things.

Martin County Boards Of County Commissioners Asked Us To Forward A Letter To Senator Nelson Regarding The Hoover Dike Rehabilitation And It's A Benign Letter.

Let's Make That Motion.

Chairwoman Hall: Great.

I Have A Motion By Commissioner Mann, Second By Commissioner Manning.

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

I Want To Thank My Colleagues Commissioner Manning And Commissioner Judah In The Waiter Waitress Event Last Week.

I Did Not Receive Any Tips.

Chairwoman Hall: All Of The Tips Went Into The Jar Because This Was For The Scholarship Program And It Helps The Youth Going Through The High School Program To Help With Books And Tuition As Their Schools Of Choice As They Continue Their Education.

And I Would Like To Thank Staff And The Salvation Army And Renaming The Center After The Commissioner Robert Janes.

It Was A Wonderful Ceremony And I Truly Appreciate Your Support And Phenomenal Work You're Doing There.

If You Haven't Had An Opportunity To Visit The Center That Is Saving This Community Millions Of Dollars Due To Jail Space And Again, These Preventative Programs While They Cost A Little Up Front As Mr.

Janes Had Said Save Us Millions Of Dollars In Time.

Great Job.

I Know Karen And Ann You Have Been Instrumental In Working With, Thank Commissioner Manning's Aid Working With Commissioner Janes On This Project And Thank You For Your Hard Work On That As Well.

And Then We Had At The M.P.O.

Some Questions About The Portion Of Our Project, Colonial Project, That Project Is Three Parts.

The Store Widening, The Portion From Pine Island Road From The Bridge And Colonial Portion Up To I-75 And I Asked Karen To Address That Item For Us.

That's All I Have And We Will Go To County Manager.

Karen.

Good Morning, Commissioners.

Yes, Two Items.

And I Will Ask Dave To Address The M.P.O. Issue, But I Believe We Received Consensus From The Board Last Week To Add Additional Budget Sessions.

In Addition To Our Budget Workshop On August 31st, Which Would Be A Two-Hour Session, There Would Be Sessions On September 2nd And Tuesday, September 7.

And They Will Be Scheduled At 1:30 And We've Contacted Your Assistance.

David, Do You Want To Come Up? Chairwoman Hall: Dave, You're On.

This Is At The Request Of The City Of Cape Coral, Counsel Members I Told Them We Would Bring It Back For A Briefing.

If We Need To Go Beyond This I Would Suggest We Take It To A Full Discussion If There's Not Consensus We Do Not Continue To Go Down The Direction We Have Been Going.

Comm. Judah: This May Be More Appropriately -- Chairwoman Hall: I Didn't Realize We Would Get This Much Information.

I Was Looking For Dave To Give Us A Quick Update And If There Wasn't A Consensus I Was Going To Push It Toward M.M.P. I Wasn't Sure We Were In The Construction Phase And I've Gotten Emails And Phone Calls That There's A Perception We Are Putting The Documents Out To Bid To Build These.

I Was Looking For Dave To Give Us An Update.

And If There's Not Consensus On Where We Are Going This Would Be Great For The Next M.M.P.

Comm. Judah: Any Conversation On Colonial Boulevard And Flyovers Will Take More Than Just The Next Five Minutes.

Chairwoman Hall: Let's Give Dave At The Request Of The Cape Coral Council Put On The Record Where We Are At With This Portion Of The Project And Let's Schedule Your Full Presentation For M.M.P.

For The Record Dave Loveland, Lee County D.O.T., For The Santa Barbara Intersection We Have A Design Phase Underway.

We Have Had It For A Couple Of Years, The Board Approved The Short List And Awarded The Contract No June.

It's Just Gotten Started.

The Construction Phase Is Not Yet Funded In The Five-Year C.I.P. The Design Money Is Coming From Surplus Toll Money.

The Design Phase Is Moving Along For An Overpass.

That Is The Project That Was Envisioned When The Intersection Was Originally Set Up When Veteran's Park Was Built In The First Place We Were Envisioning Overpasses.

So The Consultant Is Looking At The Traffic Volumes For The Design Needs At This Intersection.

We Don't Have A Right Of Way Phase Anticipated.

The Only Thing That Might Affect That Is The Change In The Water Management Rules Might Dictate The Need For A Pond Site But The Design Phase Will Tell Us If We Need It Or Not.

The Other Project That Is In The Works Is The Four Lanes From 78 Up To -- Chairwoman Hall: I Can't Remember Either.

Van Buren Parkway.

Design To 90% Level.

We've Been Buying Properties Along There.

You See That Just About Every Week.

Parcel Purchase Around There.

We Will Look At Budget The Construction Phase -- The Construction Probably In Phases.

The First Piece From 78 Up To Tropicana.

We Submitted A Grant Application To Try To Get Trip Money To Help Pay For That.

Those Are The Two Main Things Going On In The Corridor Besides The Colonial Six-Laning

That Is Well Underway At The East -- Chairwoman Hall: Karen, If This Can Go On To M.M.P., I Think There's Questions On Design Now Without It Being The Five-Year C.I.P. And Changing Transportation Questions Like That.

I Think It's A Good M.M.P.

Discussion To Have.

I Think There's Members Here That Have Questions Based On What We've Heard In Our Presentation That We Got From Hillsborough County That Was Very Informative And I Think We Need To Step Back And Look At Where We Are Going With A Lot Of The Issues And Make Sure That We Don't Have A Design That We Then Have To Do Something Major To Because It's Not Within The Five-Year Window.

I Think There's Concern There On Our With Spending Money To Spend More Money Later? That's An Issue That I Think Especially Now We Are Very Conscientious About.

If It's Okay -- Commissioner Mann? Comm. Mann: The History Of The Santa Barbara Overpass, I Was Seated There With The M.P.O.

Yesterday And It Was The First Time I Understand There Was Some Push Back From Not Going Ahead With That.

What Is The History, Has Previous City Councils Over There And Administrations, Have We Been Working In A Partnership Or Did We Surprise Them With This Whole Thing? We've Been Working With A Partnership With The M.P.O.

Planning Process.

Is This The First Time You Heard Of Their Resistance -- Yes.

Friday.

At Friday's M.P.O. Meeting.

There Was A Meeting In May Where A Couple Of Their Council People Sit On And They Asked For Additional Information And We Planned To Go Back To Them With The Additional Information.

I Related To The Demand How Much Traffic We're Expecting.

Are We Talking About An Overpass On Santa Barbara? An Overpass On Santa Barbara
Chairwoman Hall: We've Been Working With A Residential Group As Well.

It's Not Only Been Just The Elected Officials, It Has Been Citizens As Well Over The Last Five Years And Since This Group Has Not Convened, But Up Until His Last Day We've Met With A Quarterly Basis With Our Consultant.

Commissioner Manning? The History Of This Actually Goes Back Further Than That.

Before Any Decisions Are Made On The Cape Coral Side Of These Projects, We Need To Have I Think Extensive Discussion Because When The Design Was Weighed Out Commissioner With Respect To Veteran's Parkway, I Am Doing This From Memory And I Am 10 Years Older Than I Was 10 Years Ago. The Surface Level Of This Stretch Of Roadway That We're Talking About Would Not Be Impacted As Far As Ingress And Egress Points.

This Is A Controlled Access Expressway.

The Other Issue Is The Road In Lee -- A Sub Standard Road.

There Has Been Discussions To Go Up To Charlotte County To Go For Years And Years And Years.

Anybody In The Audience Was Here, We Talked About That.

So Before Anything Is Stopped I Would Need Extensive Discussion.

Chairwoman Hall: My Concern Isn't Really Where We've Been, It's Where We Are Going.

My Other Concern Is That We Don't Have It Until Five Years And We're Designing It Now.

I Want To Have Clarity.

I Think We Need To Have Clarity And Sometimes The Projects Change And We Don't Bring Them Back Forward.

I Want For The Abundance Of Caution So It Doesn't Become A Political Issue And We Move These Projects Forward That Every Now And Then Take A Breath And Revive Where We Are And What's Happening.

Commissioner Judah? Comm. Judah: I Know Great Pains Went Into The Midpoint Bridge And Making Sure Once It Was Built We Wanted A Fully Functional Arterial And I Am Look Forward To Management Planning As Well.

That Date Is When? Chairwoman Hall: The 13th.

It Would Be The 13th.

Comm. Judah: Okay.

The Week After Football Season Opens? Yes.

Would It Be Possible Madam Chairman, I Wonder To Get A Statement Of Position From The Cape Coral City Council? Chairwoman Hall: I Think They Will Have A Joint Meeting With Us.

Prior To Our M.M.P.? Chairwoman Hall: No.

I Would Like To Know Where They Stand Before We Plan All Of These Options.

They Did Talk About It Yesterday At Their Board Meeting.

They Didn't Take A Definitive Action.

They Raised Concerns About Potential Impacts Of Overpasses, But Basically They Left It That They Wanted To Know That Alternatives Were Being Explored And The Potential Negative Impacts Were Being Addressed.

Kind Of Expressed Concerns And Didn't Take A Definitive Position.

Before We Leave So We're All Trying To Expose What We're Thinking, Your Comments, We Three Were On The Commission After The Midpoint Bridge Was Built And There Was An Enormous Amount Of Discussion To Make This A Corridor From Cape Coral To The Far Ends Of Lehigh.

It Sounds Like This Is Contrary To The Corridor That Would Move A Lot Of Traffic.

I Am Interested In Where This Goes And I Would Like Details.

What I Would Get From The Cape Officials Before We Launch Into This Need.

This Needs To Be A Two-Way Discussion As Soon As Possible.

Well, You Know, You Struck The Pig.

I Guess I Got To Squeal.

That Is There Is A Lot More Here Than One Overpass In Cape Coral Along The Corridor.

I Am Going To Be Very Brief.

My Hope Is Because I Felt Like The Project Was Being Advanced Deep Into The Department Of Transportation Management Level, A Lot Of Information Wasn't Getting Out.

I Think There's Still Information That Has Been Not Brought To Our Minds.

I Would Like To Suggest That You Know, With The New Public Works Director Coming On Board And I Think He Is Shadowing Your Current Public Works Director, Is That Right? Correct.

That Maybe The Importance Of This And All The Various Aspects Be At That Level For Sure Because I Got This Previously That That Was Not Taking Place.

That It Was Very Deep And Being Pushed Hard Without Us Being In The Loop Entirely.

I Would Suggest That It Is Not Only A Joint Meeting With The City Of Cape Coral But With The City Of Fort Myers As Well.

We Would Like To Know Where They Stand On This.

I Think An Outreach With All Of The Property Owners Along The Entire Corridor Would Be Appropriate.

Not Just Stakeholders.

Thank You.

My Understanding Was First Of All, We Did Contact A Prior Board Direction Was To Contact All The Cities.

We Did That By Letter.

The Cities Responded That They Would Do That After January.

It Was After The November Elections So That You Know, We Have -- If There Were Any New Board Members We Could Move Forward In That.

That's The First One.

The Second Was The M.P.O. Is Going To Be Addressing All Of The Colonial In December.

We're Waiting For The M.P.O. Is This Project, The Project Was Approved By Them I Guess Four Or Five Years Ago.

So We're Waiting Until The Plan Before We Move On With Anything And That's The Reason Why This Question Came Up At The M.P.O. With This Whole Santa Barbara.

We Will Bring That Piece Back On Its -- The September M.M.P., But All The Other Pieces We're Waiting For The M.P.O. Decision In December.

Chairwoman Hall: Okay.

Anything Else? That's It.

Thank You Very Much.

Chairwoman Hall: County Attorney? Sorry.

Walked Right Over Those.

Committee Appointments.

None.

County Attorney? We Will Be In Recess Until 5:00 Public Hearings This Evening In Which We Have Two.

Thank You.

5:00 PM Public Hearing

To Have A Public Hearing.

I Have Reviewed The Affidavit As Legally Sufficient.

This Is A Revision Of Chapter 12.

This Is The Final Public Hearing So At The Conclusion We Request That You Adopt The Language And Ordinance As Drafted Now.

I Would Like To Put On The Record One Item.

This Went To The L.D.A.C.

The Ldac Recommended Approval Of The Language With An Addition That We Include A Limitation On The Number Of Years That Staff Could Administratively Approve The Extension Of The Approvals.

With That Staff Has Reviewed The Request And Recommending Approval As It's Written Now But Staff Is Here To Discuss That.

If The Board Wants To Follow The Ldac Recommendation We Could Come Back With Specific Language To Address The Concerns.

Chairwoman Hall: Any Questions? I Have A Motion By Commissioner Judah, A Second By Commissioner Manning.

This Is A Public Hearing.

Does Anyone Want To Address The Board On This Issue? Seeing No One.

Any Discussion In Commissioner Bigelow? Comm. Bigelow: I Oppose This Process Of Allowing Mining In The Preserved Preservation Area Of The Grdr Plan Contemplated But Apparently We Decided To Go A Different Route.

I Will Vote Against It.

Comm. Judah: We're Staying Out Of The Very Area.

We Do Not Want Mining Encroach The Area.

We Are In The Alico Area.

This Is Not Outside.

Comm. Bigelow: But The Preferred Mining Area -- Well, That Wouldn't Apply To That.

This Applies To The Core Area On Alico Road.

This Doesn't Extend Beyond.

This Is Something Different.

Comm. Bigelow: Well, I Stand Corrected.

I Appreciate You Explaining That To Me.

Chairwoman Hall: All Those In Favor? Opposed? The Motion Carries Unanimously.

We Will Go On To Public Agenda Number Two.

Conduct The First Public Hearing Of The Page Park Community Overlay.

I Will Enter The Affidavit Into The Record At This Time.

Very Briefly This Is The First Of Two Public Hearings Required By Florida Law Under The Land Development Code.

At The Conclusion Of Your Consideration I Would Ask That You Direct The Amendment To A Second Public Hearing.

We Tentatively Asked For September 14th At 5:05 P.M. In These Chambers.

Brief Introduction This Is Created In Response To The Board's Adoption Of The Page Park Community Overlay.

With An Effective Date Of March 8, 2009.

They Will Become New Article Four Of The Chapter.

The Regulations Have Been Written To Encourage Traditional Neighborhood Development, But Live Use Development And Live Work Units.

The Regulations Will Apply To New Redevelopment And It Will Include Non-Residential, Religious Institutional, Multifamily And Mixed Use Land Uses.

You Should Have A Copy Of Mary Gibbs Memo.

It Contains A Short Summary Of Some Of The Highlights And Issues Of Your Review And Consideration.

I Would Like To Draw Your Attention To One Of The Two Options Related To Minimum Height Of Trees, Section 23-1311 D.

It Asks You To Decide The Minimum Height Of New Trees.

A Suggested Minimum Height Up To Seven Foot Minimum Planted Height.

County Environmental Staff Is Here To Offer Their Assistance On Their Issue If You Require It And County Zoning Staff And Planning Consultant Are Here To Assist With Any Questions You May Have.

It Is Up To Your Consideration.

Chairwoman Hall: Go To The Board For Questions.

Comm. Judah: I Do Have A Few Questions.

Chairwoman Hall: Yes, Commissioner Judah.

Comm. Judah: Regarding Bus Stops, Can You Give Me A Heads Up On The Existing Bus Stops And Whether Or Not We Need To Focus More On Providing For Additional Bus Stops? For The Record, My Name Is Nicky, I Am A Planner In The County Development.

There Is A Bus Route 80 That Goes Through Page Park And Makes A Loop Down I Believe Second Street Over To Center Road And Up To Fourth.

Comm. Judah: You Don't Have To Get The Bus Off Of Us-41.

No, There Are Bus Stops There On 41.

This Loop Comes From Metro.

Comm. Judah: Okay.

That's Good To Hear.

I Know That The Overlay Doesn't Include South Road And Page Airport Road Realignment, But Can You Shed Light On What The Airport Is Doing In Regards Of Addressing The Major Issue There? Page Field? We Did Have Conversations With Some People From The Port Authority And Parks And Rec.

The Port Authority Will Come To You With Plans For The Realignment And Submitting A Zoning Application That Will Show It On Their Plans.

Comm. Judah: That's Good News.

This Is -- Central Sewer Is Always Needed.

I Don't Want To Create A Burden With The Existing Residents But Is There Any Way Between Now And The Second Public Hearing To Get Any Idea If The County Facility Department Can Assist In Working Out Some Means Of Obtaining Grant Funds To Minimize The Cost Of The Residents To Get Central Sewer Into Page Park? I Will Talk To

The Utilities Department.

Comm. Judah: And Sidewalks Have Been Continually Been Constructed Recently, So We're Now Seeing Expanded Sidewalk Network In Page Park? If You Were To Look At An Area Out There There's A Pretty Comprehensive Network In Place.

There Are A Couple Of Missing Links Down Fourth.

North Of Center To Danley -- Those That Are Identified, Would Those Segments Be Recommended To The Bus Advisory Committee For -- I Believe The Community Is Working With Human Services And Allocating Their H.U.D. Money For Those And They Are Two Of The Top Three Priorities In Finishing The Links.

Comm. Judah: Okay.

Sounds Like You Have It Covered.

There's One Last Comment.

At One Point In Time I Think We Had Designated With The C.R.A., And I Am Wondering If Perhaps In The Not Too Distant Future We May Want To Reconsider Reestablishing For Other Improvement In The Area Such As Central Area.

Chairwoman Hall: Other Questions From Staff? I Have A Question That Relate Toss Commissioner Judah's Issue With The Putting Of Utilities In An Area Under This Process.

I Guess Commissioner Judah, I Didn't See Where We Are Adopting These Codes.

Are You Suggesting -- I Don't Understand Your Comment.

We Know In Urban Areas We Want Central Sewer Wherever There's Urban And That Should We A Priority, But I Don't See How It Relates -- Are You Saying Future Developments You Would Require Them To Be On Central And Force The Issue -- I Am Trying To Understand How It Relates To This Code And We're Adopting This.

I Would Think Utilities Would Have To Come Together And Is It Appropriate To Have It Under This Body Of Work? Comm. Judah: No, But It's An Issue That Needs To Be Addressed And I Am Using This Form In Which To Under Score The Importance Of Bringing Central Sewer To Page Park.

Chairwoman Hall: Somehow In This Adoption On The 14th We Are Insinuating That Any Future Development Would Have To Be Required For Future Sewer, Because What Happens We Were Trying To Put An Rec Property There And It Triggered A Fire Storm.

I Just Wanted To Make Sure This Is Not The Mechanism To Do It But We Would Like To Have The Discussion With Utilities.

Comm. Judah: In A Comprehensive Fashion.

Chairwoman Hall: This Is Public Hearing.

Would Anyone Like To Address The Board On This Item And The Movement To Go To The Second Public Hearing? Seeing No One, I Will Close Public Hearing.

Move To Second Public Hearing.

Chairwoman Hall: I Have A Motion By Commissioner Manning, A Second By Commissioner Judah.

Do You Want To Leave The Option Of The Trees With The Second Public Hearing To Go From 6-7 Foot Planted Height Or 10-Foot Planted Height? Do You Want To Think About That Until The Next Hearing? We Will Sent That Issue And Decide The Second Public Hearing.

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

We Will Have It Back At The Second Public Hearing 5:05, September 14th.

There Are No Other Issues -- Wait, Wait, I Forgot.

Is There Anyone From The Public That Wishes To Address The Board On Any Item Of Concern.

Seeing No One I Will Close Public Hearing And Now We Are Adjourned.

Good Luck, Gentlemen.