

**February 9, 2010**

High Pressure High Pressure We'll Start With An Invocation From Emmanuel Baptist Church.

Good Morning, Pastor.

You Can Rise, And We'll Follow With The Pledge Of Allegiance.

This Takes A Lot Of Toll On Their Families.

We Ask That You Help With The Decisions That Are Made Today.

We Ask All These Things In Jesus' Name, Amen.

Comm. Hall: Comm. Hall: Amen.

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

Comm. Hall: Let's Move On To The Recap.

We Have A Couple Of Items On The Recap.

We Are Asked To Defer Consent Item To The February 23rd Meeting.

If I Could Have A Motion.

I Have A Motion By Commissioner Janes.

A Second By Commissioner Mann.

Further Discussion? All Those In Favor.

Opposed? The Motion Carries Unanimously.

Then We Have One Walk-On And One Carry-Over From Last Week.

Without Move On To Public Comment On The Kwon Sent And Administrative Agenda Item.

Chairman Hall: We Can Allow Public Comment Either For Or Against That Item.

Today Is Not The Day For Public Comment On This Item.

Therefore, The Gulf Harbour Issue Is Not Public Comment This Morning, But Any Other Residents Who Would Like To Speak To Anything That Is On The Agenda Consent Or Administration, I Have No Blue Cards.

Comm. Bigelow: It's My Understanding That The Attorney Will Have An Opportunity To --  
Chairman Hall: I Don't Know If That's The Case.

I'm Going To Let The County Attorney At That Time Dwhs Do You Want To Tell Us Now,  
David? Yeah, Let's Just Throw Up The Agenda Today And Start Over.

Commissioners, I Had Originally Considered Taking Up The Wci Bankruptcy And The Gulf  
Hash Harbor Issue Under My Attorney Item, And Upon Reflection I Don't Feel It Would Be  
Equitable To Do That Here Today.

I Apologise To Those Folks That Came Downtown To Hear The Issue.

Under A County Attorney Item.

I Feel We Would Be Better Served If I Were To Do A Blue Sheet And Bring This Back To You  
Next Tuesday.

I Will Have To Bring It Back To You Next Tuesday.

There Is A Time Frame That Is Running On This With Respect To Any Potential Challenges  
To The Confirming Order To Wci's Plan Of Reorganization.

I'll Get Into The Details Of That With You When We Take That Up Next Week.

I Do Apologise To Those Members Of The Community That Came Down To Hear This  
Matter.

If We Continue It To Next Tuesday, Everyone Will Have An Opportunity To Participate In  
The Matter Along With Others Who May Not Be Present Here Today Who Weren't Advised  
Of The Issue That Was Being Brought Up.

My Original Thought Was Because There Is Time Running On This That It Would Be More  
Expeditious To Take It Up Today, But I Think, Again, As I Said On Reflection, I Think It's  
Going To Be Better Served Not Only For You, But For The Community If We Hear This Next  
Tuesday Fully, Fairly, And Openly.

Chairman Hall: If You Want To Give Us A Pre-Empt To What You'll Be Doing With Your Blue  
Sheet.

You Know, If You Want To Give Us More Information To Prepare For Next Week's  
Commentary.

If You Want To Do That In A Memo To Us.

That Would Be Your Prerogative Under County Attorney.

I Think I Will Save That.

The Issue Basically Deals With An Interpretation Of Certain Provisions Of The Confirming Order Of The Planned Reorganization For Wci And Whether Or Not The County Should Be Bringing An Action Against That Order, And I Think That's About As Far As I Would Like To Go With It This Morning.

It's Got Some Complexities To It.

I Sent The Materials To You On Friday.

I Know That Was Kind Of Short Notice Over The Weekend.

But It Will Give Me An Opportunity To Get With You As You Need Me With Respect To Those Materials That Were Sent To You And What The Issues Are.

Chairman Hall: That Would Be Great.

Madam Chair, I Think I'm Following Where You Were Headed There.

I'm At A Disadvantage Here.

I Don't Know Why All The Folks Are Here.

This Is A New Issue To Me.

I Haven't Been Briefed, And I'm A Little Worried That Tuesday I'm Going To Get A Blue Sheet With A Recommendation, So I Do Need Something To Happen This Week, Maybe More Than A Memo, And I Know We Have Three Days Of Meetings With Ourselves, But, But I Need To Visit With You Before This Comes Back To Me Tuesday.

You Let Me Know When You're Available, And I'll Make The Time.

Comm. Janes: We'll Do.

Chairman Hall: Commissioner Mann, Just To Respond.

Comm. Mann: That Was A Joke.

Chairman Hall: To Respond To You, I Got An E-Mail From David This Morning At 9:00, So None Of Us Have Been Briefed.

This Is Coming Up As An Attorney Item, And My Concern Was Because It's Going Into A Request For A Legal, We Need To Have The Public Notice Properly For Both Sides Of This Issue, And I Thought That Was The Only Fair Way To Do It Without Having It On The Agenda.

Comm. Mann: I Thank You For All Your Effort To Come Down, But We're Looking Forward To Visiting With You Next Week.

First Of All, Let Me Thank You For The Prudence And The Way You Are Handle This Matter.

Obviously, It's A Sensitive Legal Matter.

I Was Led To Believe Initially That It Looked Like During The County Attorney's Item That The Attorney Representing Would Have An Opportunity To Comment, And I Respect And Appreciate Your Statement Today, David, That It Would Be Best To Have It Properly Scheduled And Dually Noticed For Next Tuesday, And I Respect That.

I Think Probably The Folks In The Audience Were Thinking The Same Way, That Their Attorney At Least Would Have An Opportunity To Comment Today.

I'm Sorry For The Inconvenience To All Of You.

I Mean That From The Bottom Of My Heart.

It Appears From A Legal Matter I Can Understand Why It's Going To Be Continued Until Next Tuesday.

Chairman Hall: Thank You.

Thank You, Commissioners.

Chairman Hall: My Sincere Apologies.

You're Welcome To Stay For Our Meeting.

They're Interesting.

Stimulating.

Folks.

Folks.

Beverly, We Do Have Open Mike Night Tonight At 5:00 P.M. If You Or Anyone Were Interested In Coming Down It If They Couldn't Make It Next Tuesday.

We Do Hear Matters Of Public Concern.

Chairman Hall: Matters Of Concerned Citizens On Any Item Not On Our Agenda Or Anything You Want To Share With Us Is Your Opportunity.

Thank You, Madam Chair.

Chairman Hall: Thank You, Commissioner Bigelow, For Reminding Us That We Do Have 5:00 Public Hearing.

Let's Go To The Consent.

Commissioner Mann, Anything? Comm. Mann: I Have None.

Chairman Hall: Mr. Judah? Comm. Judah: 14-A Please.

Actually, That's -- I Don't Have Any Items.

Chairman Hall: Commissioner Bigelow? I Have None.

Can I Kr A Motion For The Consent Agenda? I Have A Motion By Commissioner Janes And A Second By Commissioner Judah.

Further Discussion? All Those In Favor.

Opposed? The Motion Carries Unanimously.

We Have Nothing On The Administrative Agenda.

We'll Go On To Public Hearings 9:30 To Be Heard.

Good Morning.

Michael Jacobs, Assistant County Attorney.

I Have Your Two 9:30 Public County Hearing.

We Have Commission To Vacate.

I Have Reviewed The Applications For Each And Application Of Posting For Vr-2009 0010, And Legally Sufficient, And I'll Enter Those Into The Record Now.

Chairman Hall: Questions? Is There Anyone From The Public That Would Like To Be Heard On This Item? Seeing No One, We'll Pose Public Comment.

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

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

Public Hearing Number Two.

This Is A Petition To Vacate 312 Foot Wide Public Utility Easement Centered On Lots There, Lehigh Acres.

There's A Legal Description There.

I'm Sure You Don't Want Me To Read Into The Record.

Chairman Hall: We Have It.

I Have A Motion By Commissioner Judah.

A Second By Commissioner Mann.

This Is A Public Hearing.

Is There Anyone From The Public That Would Like To Be Heard On This Item? Seeing No One, We'll Close Public Comment And We Will Go Back To The Board.

All Those If Favor? Motion Carries Unanimously.

Next We'll Go On To Our Walk-On Item Number One.

Approved Resolution Support For The Grant Application.

I Have A Motion By Commissioner Judah.

Second.

I Have A Second By Commissioner Bigelow.

Further Discussion? Under I Have Been Asked To Also As Chair To Send A Letter And I Want To Make Sure The Board Is Ok With That As We're Approving The Resolution.

I Won't Bring The Letter Back.

It Will Just Be A Letter Of Support.

That's Ok? Secunder? Great.

Further Discussion In All Those In Favor.

Opposed? Motion Carries Unanimously.

And Then Our Carry-Over Item From Solid Waste.

Move The Item.

I Have A Motion By Commissioner Judah.

I'll Second.

For Discussion? Let Me Just, Again -- I'm Glad We Took A Week To Review This, But I Have To Tell You I'm Really Impressed With Lindsey And The Work That's Been Done Preparing To Obtain These Potential Infusion Of Funds, Solid Waste Program Through The System,

And It's A Voluntary Carbon Credit System.

It's A One-Time Deal.

Chairman Hall: Further Discussion? Ok.

Commissioner Bigelow.

Comm. Bigelow: I Have A Question, But -- Lindsey Is Here? Oh.

Chairman Hall: Lindsey Back There? Comm. Bigelow: I Thought I Would -- I Was Going To Make -- Lindsey, I'm Curious As To Whether Or Not There May Be A Scenario That We Could Predict At This Point Where We Might Need These Credits? For The Record, Lindsey Sampson.

I -- As You May Have Read In The Memo That I Wrote, There Is Fairly Rigid Demonstration Requirements, And I Certainly -- There's Possibilities That Could Exist, Particularly, Of Course, From The Standpoint A Very Simple Would Be The Installation At The County Facility.

That's A Fairly Easily Demonstrated Carbon Reduction, So, You Know, There Certainly Are Scenarios There.

When You Get Into Some Of The Somewhat Less Defined Projects, Then, Again, It Has To Be Demonstrated, Has To Be Verified.

Comm. Bigelow: What I'm Concerned About Is If We're Selling These And Apparently We Have Someone Interested In Buying Them, I Suppose.

I Suppose We're Entertaining Three Brokers To Facilitate The Transaction, But Later If We Find Ourselves In A Position Where We Need The Credits, Then We May Be Paying More Than What We're Selling Them For, And I Just Need Some Assurance That We Can't Reasonably Predict Where We Might Need The Credits.

The Mandatory Cap And Trade Type System, You Know, That's Really Very Much Up In The Air As To What -- Who May Be Required To Reduce Emissions And/Or, Therefore, You Could Buy That Reduction Certainly For A Certain Period Of Time If That Would Be The Option You Choose To Take Or You Can Reduce Emissions.

That's What That Cap And Trade Is All About.

Comm. Bigelow: I'm Going To Support This, But I'm Hanging My Hat On What I Believe Is Your Opinion Here Given To Us On The Record That We Can't Reasonably Predict That We'll Need Them.

No, From A Standpoint Of Putting Them In The Bank -- I'm Sorry.

I Didn't Quite Pick Up On That -- And Saving For Future Possibility.

You Know, For The Way This Was Generated, These Carbon Credits Are Generated, We Are Doing That On A Daily Basis Under The Voluntary Carbon For Combustion Unit Three, So That Will Continue.

We Simply Only Can Verify Them On An Annual Basis After The Fact.

Comm. Bigelow: I Believe You're Giving Me Reassurance, I Hope.

But Can I Ask, Also, Is It Safe For Me To Conclude That We Are Amassing New Credits? Correct.

Comm. Bigelow: All Right.

Once, You Know, Again, They Have To Be Verified As Well.

Comm. Bigelow: Right.

Right.

We'll Have To Go Through That Process.

Thank You, Madam Chair.

Chairman Hall: Further Discussion? Comm. Judah: Because Of The Third Burner And Because Of The Significant Reduction In Greenhouse Gas Emissions, Lee County Is Able To Receive These Credits On A Voluntary Basis, And We Have To Strike While The Iron Is Hot, And I Applaud The Opportunity And Cooperation.

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

We'll Go On To Commissioner Items.

Commissioner Mann.

Comm. Mann: Madam Chairman, I Wanted Share With.

Comm. Mann: A Friend Of Mine From Our Church Is Active With The Historical Society.

He Brought With Me A Picture Of Our Oak Out Front And A Story From The News Press, But Not Dated That I'm Guessing It's About 35 Years Ago.

Ironically, It Was Making Reference To The Little Old Ladies That Got Together To Save The Old Oak Tree, And It Makes Specific Reference To The Harnessing And The Cables That Were Put In There.

Nobody Ever Really Knew Exactly When That Happened.

Based On The Pictures Of The Cars In The Picture And The Story Making Reference To

Rubin Askew Speaking Under The Tree, I'm Guessing All This Was About 35 Years Ago When The Cables Were Hung Up There.

It's Very Interesting And Historic.

I Thought You Guys Would Enjoy What Pete Bowan Brought To Us From The Historical Society.

Chairman Hall: Thank You Very Much.

Comm. Mann: I Will Say While I Have The Floor Here That Holly Is Doing Man's Work On Working With Some Folks, Including Sculptures To Make Certain We Take Advantage Of Some Really Great Alternatives Out There To Dealing With That Tree That Are Before Us.

Thank You, Madam Chair.

Chairman Hall: Thank You.

Commissioner Janes? Commissioner Judah? Comm. Judah: I Just Want To Acknowledge Your Good Work That Evidently Has Resulted In An Understanding With The Concern, Consultant And -- I'll Just Lee That Up To You To Further Inform The Board As To, I Believe, Positive Action Is Taking Place.

The Other Is I Saw The E-Mail That Was Sent To You From The Mayor Regarding The Property.

That Would Be Great.

Thank You.

Madam Chair, There's One Thing That I Thought That We Should Have Probably Have Done, To Be Honest With You, At The Time We Had The Invocation, But I'm Going To, Nonetheless, Ask That Those Are In The Tenants Here And Ourselves.

Provide Just A Moment Of Silence For A Dear Friend Of Our Community, Marge Ward, Who Passed Away Last Week.

She -- She Was -- She Was The True Energizer Bunny On Steroids.

She And Dave Ward, What A Team They've Made Over The Years To Heighten Public Awareness On The Need To Become Better Stewards And Protecting Our Coastal Resources And Beaches, And, Of Course, She's Long Advocated The Clean-Up Of Our Beaches And Keeping Them Clean For The General Public.

So If We Could Just For A Few Minutes Have A Moment Of Silence For Marge Ward.

Chairman Hall: While We're Doing That, We Want To Send Out Our Sincere Condolences To Scott Gilbertson For The Death Of His Mother And Also Debbie, Our Receptionist In The Front, Whose Sister Passed Away Also.

Oh, My Gosh.

Chairman Hall: The Rush Of The Morning.

Thank You.

If We Could Have A Moment Of Silence.

Chairman Hall: Thank You.

Our Hearts Go Out To All Of Those Families.

Comm. Judah: Thank You, Madam Chair.

Chairman Hall: Mr. Bigelow.

Comm. Bigelow: No.

Chairman Hall: I'm Doing Clean-Up For Commissioner Judah This Morning.

As Commissioner Judah Had Asked The South Florida Water Management State Two Of The South Florida -- Or South Lee County study, There Was Some Concern That We Were Going To Be Changing Consultants And Going Away From The Machine Model.

Cara Wheelie, Executive Director Of The District Assured Me That Is Not The Case And That They Have Had A Meeting With The Existing Consultant And Have Worked Out A Program That They Feel Will Be Fair And Objective And Get The Science To Drive The Project And That They Will Be Utilizing The Model As Well.

Next Week I'll Have A Written Letter To Share With All Of You So We Can Put It In The Record, But I Know That Residents And Certainly Commissioner Judah Has Championed The Study From The Beginning.

There's A Release That We're Going To Continue On In A More Cost-Effective, Efficient Way And Surely Let The Science Drive All Of That.

I Appreciate All The Community's Participation And, Again, Being Advocates For What They Feel Is The Right Thing To Do.

Secondly -- Comm. Judah: Am I Understanding Correctly That It's A New Consultant?

Chairman Hall: No, No.

It's The Same Consultant.

Same Model.

Everything -- Yeah.

As I Said, Carol Lee Is Going To Be Giving Us Something In Writing To That Effect That I'll Give To The Board Next Week.

Comm. Judah: Congratulations.

Thank You.

Chairman Hall: Thank You, Again, To The Folks From The Brooks And Conservancy And Commissioner Judah.

Next, We Have A Letter -- An E-Mail From Mayor From The Town Of Fort Myers Beach, And This Is In Regards Commissioner Mann To The Disposition Of The Property That's Experienced Foreclosure, The Beach Property, And What The Mayor Is Asking Is That He Would Like To Establish Group Of People To Help And Look At That.

There Are Issues Down At The Towns Beach That Citizens There Have, And, Of Course, Our Concern Is That If There's An Opportunity To Put Additional Land Into Parks, We Would Like To Do That.

He Would Like To Invite Commissioner Judah To Be The Board's Representative Along With Ms. Mcguire And Any Individuals That We Feel From Our Staff Would Be Necessary And You Would Also Be Asking The Town Manager, Terry Stewart, And Himself To Participate.

They Also Are Going To Be Inviting A Couple Citizens From The Beach, Both Pro And Con, I Assume, On This, And Would Like Us To Support That Effort Before We Move Forward With Anything To Allow The Two -- The Town And The County To Come Together.

If There's No Objection, I Would Like To Honor The Mayor's Request From The Board And Continue To Work Towards What We Feel Would Be The Best Outcome For That Property If We're Going To Engage In It.

Comm. Janes: Sounds Like A Positive Step Forward And The District Is The One That Should Represent.

I Thank You For That, And I'm Appreciative That The Mayor Went Through You, As Chair, And If That's Acceptable To This Board To Have The Authorization To Do The Fact Finding And Be The Point Person.

Chairman Hall: And He Is Asking That The Initial Focus Group Should Be Kept Small And Up And Down It If Necessary.

Again, To Get Some Things Done.

Commissioner, Did You Have A Question Or Comment? Great.

Well, Then With Board Consensus, So Be It.

Commissioner Judah And Mayor Can Put The Team Together You Feel Is Necessary, And We Look Forward To Hearing Back From You.

Thank You, Madam Chair.

Chairman Hall: The Only Other Thing That I Had Was There Was A Meeting Last Night Regarding The Del Prado Interchange From A Group Of Citizens That Felt That In The Next Two Months We Were Determining The Actuality Construction Date For That Interchange.

As You All Know, The Del Prado Interchange Is Nott Even On Our 2030 Plan.

It's Being Held As A Place Holder, But Want Even On The Plan To Go Forward, And If There's Going To Be A Lot Of Discussion, As We Go Forward With That To Even Determine If Del Prado Interchange Will Remain Where It Is Or Not, And That's A Long-Term Discussion That's Going To Play Out Similar To What Happened The Week Of Going West.

At Some Point We Eliminated That Extension Because Of The Concerns That We Had And The Costs And Things Like That.

I Don't Know What Is Driving These Types Of Meetings.

There Was A Phone Call That I Received Last Night About The Meeting.

I Know That Mr. Urich Has Been Coming To The Npo To Tout How This Interchange Should Move North In The East-West Corridor, And Certainly That Has A Place To Be Discussed At Some Point In Time.

I Just Want To Make You All Aware That We Are Trying To Communicate.

Our Department Of Transportation Has Been Trying To Communicate With This Group Letting Them Know That The Interchange Itself Is A Florida D.O.T., The Alignment To The Interchange As County.

None Of These Are On Our 2030 Plan At This Time, So I Just Wanted To Make You All Aware That We Are Trying To Get Out Good Information, But I Think That There's People Very Concerned And So They're Going To Continue To Meet And We'll Continue To Try To Explain To Them That Nothing Is In Stone At This Point, But Planning Requires Us To Put A Line Item On The Paper, And They Always Are Subject To Change As We Move Forward.

That's All I Have.

Next We'll Go On To Committee Appointments.

Commissioner Mann.

Comm. Mann: I Have Four, Madam Chairman.

These Are The Mercedes To The Lehigh Street Lighting District, Rett Jackson, The Able Chairman On The Street Lighting District For Reappointment And Then Charlston Park, Benny Watson To The Community Action Agency And Frank Neil To The Community Action Agency.

I Have A Motion By Commissioner Mann.

A Second By Commissioner Janes.

Further Discussion? All Those In Favor.

Opposed? Motion Carries Unanimously.

Commissioner Janes.

Commissioner Judah? Comm. Judah: The Mayor Of Harlem Heights Street Lighting District And To The Restructuring Plan.

Chairman Hall: I Have A Motion By Commissioner Judah And A Second By Commissioner Mann.

The Motion Carries Unanimously.

Commissioner Bigelow.

If I Could Get A Motion For A Reappointment Of John Otto To The Street Lighting Union The Reappointment Of Donald Ferry To The North Fort Myers Street Lighting District.

I Have A Motion By Commissioner Janes And A Second By Commissioner Judah.

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

County Manager Item.

County Attorney Item? Madam Chair.

Chairman Hall: Yes, Commissioner.

Who Do I Call About This Evening's Public Hearing? I See Scott's Name Is On It, But Since He Is Out.

Who Can I Call To -- Chairman Hall: The 5:00 Public Hearing, Commissioner Bigelow -- Who Is The Staff Person That Can Assist Commissioner Bigelow With This Question Before 5:00? Is That Donald Barry Or Dave Loveland? Paul Wineguard.

Comm. Bigelow: It's A.

Referee: Ordinance, And I'm Sure It Has A County Attorney Component.

I'll Call Paul Just To -- Comm. Bigelow: Thanks.

Madam Chair, I Will Not Hereby For The 5:00 Meeting Because I'm Involved With The 21st Annual Mrs. Edson At The Presbyterian Search Which Is Part Of The Pageant Festivities.

I Would Like To Invite Everyone To Attend.

We Have Performances At 1:00, 4:00, And 7:00, But That's Going To Keep Me From Being With You Happy People At 5:00.

Chairman Hall: You Represent Us Well.

We Appreciate That.

There Is Nothing Else On The Agenda.

We Are Recessed Until 5:00 P.M.

For Our Public Hearing.

Thank You.

### **5:00 Public Hearing**

Comm. Hall: This Is Our 5:00 Public Hearing.

We Have One Public Hearing This Evening, And, Scott, You're Going To Handle That?

Thank You.

Good Evening, Commissioners.

Scott Cooper, Assistant County Attorney.

Item Number One Is To Consider Amendment To The Lee County Commercial Use Of Rights Of Way Ordinance.

I Have Examined The Affidavit Of Publication Printed On June 28, 2010.

As Such, I Find It Legally Sufficient As To Form And Content To Conduct The Public Hearing This Evening.

I Have Also Passed Out A Copy Of The Ordinance With A Few Errors.

If You Notice On Page Four Of The Ordinance, I Have Inserted The Florida Department Of Transportation Has Provided The Standards And Specifications For The Making And Installation Of The Visitors Convention Site.

And Staff And Myself Are Available To Entertain Questions.

Comm. Hall: Ok.

Is There Any Questions For Scott?

This Is A Public Hearing.

Do You Have A Question?

Go Ahead.

Comm. Bigelow: Well, I Guess Potentially A Question.

Probably Just A Leading Thought.

I Know That We've Recently Adopted An Ordinance That I Guess Somewhat Amends, And I'm Just Talking About The Second Part, If You Will, The Part That References The -- Or Refers To The Visitor Center Destination Signs.

Comm. Hall: Are You Talking About Section Two?

What Section Are You In?

I Think You're In Section H.

Section Three, Paragraph H.

Comm. Bigelow: Yes.

Thank You.

Comm. Hall: Ok.

Comm. Bigelow: That's In Your Draft.

And I Didn't Care Much For The Fact That We Had The -- Or That We Did Grandfather Some Of The Signs In.

I'm Not Objecting To This Ordinance, Even Though It Does Continue To Grandfather The Signs In.

But As I Had A Conversation With Scott This Afternoon, It Appears That There's A Sign That Someone Would Like To Relocate Because They Are Relocating Their Business And This Sign They Would Like, I Guess, To Follow Their New Location.

And I Would Just Like To Be Sure That, You Know, If We Ever Have To Reflect On This Record Later That When We Adopted Or Grandfathered In These Signs, I Don't Think There Was Ever Intention That They Would Just Always And Forever Be There And Track A Business' Location As Opposed To, You Know, The Sign Can Stay As It Is, But Once This So-Called, I Guess, Faux Visitors Center Is No Longer Where The Sign Suggests It Is, The Sign Has To Go Away.

So I Believe That Was More Or Less Our Intent When We Grandfathered Those Signs.

That Is Correct.

Comm. Bigelow: Ok.

Those Businesses That Qualify Today That Signage Will Stay In Place.

It's Only If A Business Decides To Relocate To Another Location, Then They Would Have To Qualify Perhaps Under The New -- The Ordinance Today To Requalify.

But For Those Businesses That Are In Existing Business Today, You Know, There's Going To Be No Change.

Comm. Bigelow: And I Guess To Be Real Clear, The Ones That Were Grandfathered Are These Signs That Refer To Something That Is A Stretch To Call It A Visitors Center, Because It's A Rack Of Brochures, And It's Not A Person There To Answer Questions.

And I Think It's Terribly Misleading For Our Visitors Who We -- .

I Guess You Know, Commissioner Hall, Probably More Than Many Of Us, We Spent Money And Effort Into Attracting People Here.

And Then When They Are Led To A Brochure Booth Or Rack Because There's A Sign Allowed To Be In The Right Of Way, I Think It's A Potentially Leaves A Bad Taste In Folks' Mouths, If You Will.

So I Just Wanted To Put It Out There So That If We Ever Have To Look Back On This, I Think We're Getting Some Clarity Here As To What -- .

And We're Fully Aware Of That.

Staff Is.

You Know, I Think Mr. Campbell Is Here To, You Know, Add Anything To What I'm Saying.

But We're Fully Aware Of Most Of Those Businesses.

And We'll Move Forward With It.

Comm. Bigelow: And This Ordinance Does I Guess Correct That Or Allows For Signs And Rights Of Way Where It's A Legitimate Visitors Center.

Correct.

Comm. Bigelow: Where Somebody Is There That's A Bona Fide Operation.

Ok.

Thank You.

Thank You, Madame Chair.

Comm. Hall: This Is A Public Hearing.

Does Anyone Wish To Comment On This Item?

Seeing No One, I Will Close The Public Hearing And Ask For A Motion.

Comm. Biglow: I'll Move It.

Comm. Hall: I Have A Motion By Mr. Bigelow.

Do I Hear A Second?

Comm. Judah: Madame Chair, We're Under The Gun With The State.

I Understand That.

I Just Can't Fathom Where The State Is Forcing Local Communities To Allow For Charitable Organizations To Solicit Funds In Their Fundraising Drives Endangering The Very People That Are Trying To Help A Community By Placing Them Out There In The -- In Harm's Way With Moving Traffic.

I Thought We Had Come Up To A Perfect Compromise With Allowing The Fire Personnel.

That We Allow For Law Enforcement Officers And Fire District Personnel, Both That Understand The Rules Of The Road And What Safety Measures Need To Take Place To Protect Their Own Lives.

But Putting Everybody Out There Potentially To Raise Money For The Community, We're Going To Have Some Unfortunate Accidents.

And Perhaps Loss Of Life.

I Understand Why This Has To Go Forward Because The State Is Mandating That It Go Forward.

But It's Just A Protest On My Part.

Comm. Hall: Ok.

It May Pass, It May Not, And Then We'll Have To Deal With It Not Passing.

Is Commissioner Janes On The Line?

Ok.

Then We Have Three Commissioners Here.

Comm. Janes: Yes, I'm On.

Comm. Hall: You Are On.

Thank You, Commissioner Janes.

Did You Hear The Motion To Adopt?

Comm. Janes: Yes.

Comm. Hall: Ok.

All Those In Favor?

Opposed?

It Passes Three To One With Commissioner Judah Dissenting.

Thank You, Commissioner Janes.

That Is All We Have On The Agenda.

Our Next Opportunity -- Next On The Agenda Is Public Matters Of Concern.

We Have Some Speakers This Evening Who Would Like To Share Their Thoughts With The Commission.

I Have About Six Cards Here.

I Will Call You To The Podium.

If You Come To The Podium, There's Little Lights.

You Have Three Minutes To Present.

When It Gets To Yellow, It Means You Have One Minute.

When It Gets To Red, We'd Ask You To Wrap Up And Let The Next Person Speak.

Pete, You Can Do It.

I Know You Can.

Our First Speaker Is Leslie -- Is It Peer?

Peek.

I Was Shaking When I Spelled It Out.

Comm. Hall: No Need To Be Nervous.

We're Here To Hear What You Have To Say.

Mr. Peek, Please.

I'm From Pine Ridge Palms, And I Brought 10 People With Us.

I Could Have Brought 100 And Some Because There's Maybe 100 Violations In Our Park.

I Wrote A Letter To Mr. Judah Asking For Help With These Violations, With The Code Violation People.

And I'm Going To Read A Portion Of It.

The Violations Begin In May Of 2008, April Of 2009, And It Exponentially Increased From November To The Present.

These Violations For Code Enforcement Officers Were Only Issued After Receipt Of Complaints From Vindictive Residents.

Per Mr. Bob Stewart, Building Official, These Complaints Were Clearly Of A Retaliatory Nature.

The Officers Further Stated During Physical Inspection Of Reported Complaints That They Themselves Would Not Issue Violations To Other Residents With Code Infractions Unless It Was Reported By A Citizen.

So In Other Words, Code Enforcement Would Come Into Our Park And See A Violation, He Would Do Nothing Unless Somebody Complained About It.

So Our Problem Is That This Lady -- .

Comm. Judah: I Apologize For Interrupting.

That's Not True.

Not To Disagree With You, And I Apologize, It's Complaint Driven.

We Only Have So Many Personnel.

Comm. Hall: What I'd Like To Do Is Allow The Public To Have The Floor, And Then The County Commissioners Can Comment And Give Some Direction.

But He Has Three Minutes, And I'd Like Us To Be Able To Listen To Their Comments And Then We Can Correct Or Give Direction Or Whatever We Choose To Do.

Matters Of Concerned Citizens Do Not Come Before Us To Vote.

Let Me Give You A Little More Time And Continue.

All Right.

And What I Said I Actually Heard From The Code Violation People.

I Didn't Put Names In The Letter Because They Probably Shouldn't Have Said That To Me.

There Were Two Other People He Said It To, Because I'm Sure They Could Get In Trouble If Somebody Knew That Was Their Attitude.

So That's Our Problem, That In The Code Violations Are Accurate.

There's No Question About It.

However, They Are Only Being Issued If There Are Complaints.

So They Can't Be Life-Threatening.

We Have Heard -- We Are In Violation Of Fire Codes, Five-Foot Setbacks, Length Of Carports, Aluminum Awnings, Screened-In Room Size, Decks.

And If This Was A Fire Code Issue That Was Important, Why Isn't It Important In Other Parks?

What -- Why Is It Only Important To The People That Got Violations?

Of The 30 To 70 Violations In The Park, That Only Covers Half Of The People That I -- As I Walk Down The Street I Can Tell Who Has Violations By Looking In The Computer, And It's Not Every Place.

It's Only Half.

They Must Be Friends Of The Person That Complained.

I Can't Answer That.

And The Code Inspector Said That There Are These Violations In Every Park Around, But If There Isn't An Actual Personal Complaint, They Do Nothing About It.

So What I'm Asking For Is Seeing This Is Just Retaliation By This Woman Because Her Boyfriend May Have Built Some Of These And That's Why She's Made Complaints, We Would Like It Just To Be Let Go, .

We'll Make Sure That There Is Nothing Else Built Under Violations After This.

Comm. Hall: Thank You, Mr. Peek.

Next Is Al Booth, Who Will Be Followed By Robert Conners.

Glad To Meet You In Person.

I Just Wanted To Give You A Little Scenario On This.

It Probably Won't Take Me Three Minutes.

Comm. Hall: Ok.

But I'm Representing A Lovely Young Lady Over Here That Is 86 Years Old And Has Come Down Here To Get Away From All Of The Cold And Snow, And She Doesn't Need This Mess On Her Now, And Especially At Her Years.

But I Want To Give You A Little Scenario.

She Built This Place Now In 1992.

Had It Moved Into Pine Ridge Palms.

She Was Issued A Permit To Put Up This Place, Including The Carport, Which Now They Say Is Too Big.

Now That Was In 1992 Or 1993 That This Was Issued To Her.

She's In Violation Of Not Having A Permit.

That Was The First Issue That Came Out.

The Second Issue Was That It Was Overextended Over The Property Line Or At The Property Line, And Didn't Give The Five-Foot Leeway.

Now My Question Is, If The Permit Was Issued And Allowed To Build This Carport To Where It Is Now, With No Violations, Why All Of A Sudden In 2010 We Have A Violation?

Was There Nobody Back Then To Tell Us That We Couldn't Do This?

I Mean, If This Is -- This Is Sort Of Weird To Have It Come Out All Them Years Later.

And I Don't Think It's Fair.

And Especially To Repeat What He Said, To Only Have One Park In Your Area, And It's In Your Area, Right, That This Is Taking Place, Because There's The Same Violations In All The Parks.

I Have Taken Little Walks, And I Would Never Report Anybody, But I Would Sure Like To Get Something On This Little Lady Who Did.

Ok?

Thank You.

Comm. Hall: Thank You.

Robert Conners, Who Will Be Followed By Ed Workman.

Good Evening.

Comm. Hall: Good Evening.

I'm Robert Conners.

I Recently Purchased Lot X-8 In Pine Ridge Palms.

My Other Residence Is New Hampshire.

I Moved Into This Residence For The Winter Back In November, And A Week Later, Behold, I Get A Visit From The Code People That I'm In Violation, And I Have Got To Tear Down My Carport And I Have No Permit.

Now, Personally, Who I Bought This From Mentioned I Had No Permit But Nothing About Setbacks Or Anything Such Of That.

And My Major Concern Is The Setback.

I Don't Have The Five-Foot Setback On The Carport.

Now As My Wife And I Were Looking At Properties To Purchase Here, We Traveled To Other Parks All Around The Area.

And We Saw Similar Violations Everywhere.

I Mean, Just Everywhere.

The Posts On Those Carports Are On The Property Line.

By The Way, That's Almost Nine Out Of 10 Of The Violations, That's What It Is.

You've Got The Posts That Are On The Property Line Or Just A Couple Of Feet Off Rather Than The Five Feet.

They Have Been This Way For 30 Years.

Now As I Went Through The Other Parks, And Then Our Park, There Were Only A Handful Of Us Right Now That Seem To Be The Targets Of This.

And It Just Doesn't Seem Fair.

I Was Always Taught In Civics Class One Of The Things That Makes Our Society Work And Why People Don't Question Our Laws And Our Rules Is Because They Are Applied Fairly And Equally, Without Regard To How Much You Earn, No Matter What Your Position Is In Our Society, Our Anything Like That.

Your Status.

They Are Applied Fairly.

They Are Not Being Applied Fairly In This Instance.

It Has Been This Way In That Park For 25 Or 30 Years.

My Wife And I Would Have Never Settled In This County, Ever, If We Had Known That This Is The Way It Was.

We Bought This Place Because My Wife Liked The Carport.

We Could Sit In The Shade.

And I Am Just Asking Now If For Some Relief Here Because I Have Been Told That I Have To Cut My Carport Back To 3 1/2 Foot Overhang.

Well, I Have A Four-Foot Diameter Table.

So I Couldn't Even Sit Like That.

So Anyway, I'm Not Denying Violations Which I Didn't Know About When I Bought It, But So Any Relief You All Can Provide As Being People Who Run This County I Would Appreciate It Very Much.

Comm. Hall: Thank You.

Mr. Ed Workman, Who Will Be Followed By Gene Mcgrath.

Thank You For The Time For Hearing Us Tonight.

I Think We Have To Go Back 20 To 25 Years To Begin Where These -- How These Problems Evolved.

First Place, 25 Years Ago, The County Recognized And Approved A Plot Plan Of Very Small Lots, And They Called It A Recreational Vehicle Camp Ground..

And We Hold That Designation To This Day, In Spite Of Efforts To Get It Changed By The County, We Were Refused.

They Are Very Small Lots.

There's 200 Lots In An Area That Now Could Never Be Plotted Legally For Probably More Than 50 Lots.

Most Of Them Are 35 Feet By 60 Feet Long.

So Everybody Liked It.

They Only Cost \$10,000, And It Was A Deal.

People Come In And They Started To Put In Not Recreational Vehicles But Mobile Home Parks, Single-Unit Mobile Home Parks.

Then It Evolved, And Like They Have A Lanai On The Side, So They Put A Lanai On The Side.

And Then Down Through The Years, They Wanted To Have The Grandchildren Come In So They Closed In The Lanai To Make Another Bedroom.

Granted Most Of This Work Was Done Without Permits Because We Had Carpenters, Electricians, Cement Finishers And Neighbors Who Helped Each Other Build All Of These Things.

Every Time That We Had An Addition Put Onto A House, The Assessors Came Through, They Took Pictures About Every Three Or Four Years, And Our Assessments Went Up And They Never Complained About The Improvements That Were Made From Year To Year.

If You Would Only Walk Through Your Park, Our Park, You Would See What A Beautiful Little Park It Is.

We Have Palm Trees, And That's Why It's Called Pine Ridge Palms.

We Don't Allow A Palm Tree To Be Cut Down Without It Being Replaced.

We Encourage Everybody.

We Our Own Maintenance Fee.

We Do -- We Have Our Own Maintenance Man.

We Do Not Depend On The County For Very Little.

Whenever The Hurricanes Went Through, We Cleaned Up The Rubble.

We Towed It Away.

We Didn't Put It Out To The Curb For The County To Pick It Up.

We Have No Children Going To The County School Systems.

And We Take Care Of Ourselves.

These Latest Violations Are Only Because We Have A Disgruntled Individual Who For Whatever Good Reason She Has Decided She Had To Report Everybody That She Thought Had A Violation In The Park.

I'm Not Going To Get Into Her Personal Life, But She Was On The Board At One Time, And She Was Very Disruptive, And When She Got Voted Off The Board The Next Time, I Guess She Thought It Was Time To Take Revenge.

Granted, Most Of This Work Was Done Without Permits.

But It Was Done By First Class Workmanship.

I Invite You, I Encourage You, Take An Hour Of Your Time And Come Down And Go Through Our Park And You'll See There's No Ramshackle Houses There.

Everything Is First-Rate.

The Other Thing Is The Permit People Are Very Inconsistent.

For Some Reason, They Came Up With If You Have A 36-By-24-Foot House, You Could Only Have A 120-Square-Foot Deck.

Comm. Hall: Mr. Workman, I Need You To Wrap Up.

I'm Done.

I'm Sorry.

You Can't Stop Me Once I Get Started.

Comm. Hall: We'll Try.

But We're Hearing What You're Saying.

We've Got You.

Gene Mcgrath To Be Followed By Carolyn Peek.

No, Actually, I Don't Live Here And Back In Wisconsin As A Child.

Thank You, Mr. Mcgrath.

As You Know, I Live In Pine Ridge Palms.

I Moved In There In 1998.

And We Added On A Florida Room With A Permit, And The Man Who Did Our Florida Room

He Said We Talked To Him About Putting Up An Awning In The Back.

Nobody Can See This Awning From The Front.

It's An Awning That's Covering Our Patio.

And So Anyway, After He Done The Work, And He Didn't Come Back And We Kept Calling Him And He Said That He Would Come In And Do It.

Well, He Came In, And He Did It, But He Waited Apparently Until The Inspectors Came In And Inspected The Room.

And Now He's Out Of Business.

And I Have To Take That Awning Down.

I Just Lost My Husband, And This Is Going To Be A Problem To Me.

And Like I Say, Everybody Has Done Anything In That Park, They Have More Or Less Beautified It.

They Didn't Do Anything To Make It Look Ugly.

And Like You Said, All Of A Sudden, I Understand That Somebody Sent One Of Our Directories To The County And Underlined Every Place That Didn't Have A Permit.

And Like Other People Said, They Bought The Place With The Carport Up, Not Knowing That This Was Illegal.

And We Have Just Like I Say Mine Isn't Interfering With Anybody.

I'm On The Back Row.

And The People Behind Me, They Don't Have Their Houses Way Over.

And I Would Just -- You Know, The Inspector Said To Me I Just Have To Cut It Down.

But If I Cut It -- If I Cut It Down And Revamp It, They Told Me It Would Cost Me More Money To Try To Revamp What I Have Than To Buy -- Get A Clam Shell Awning, Which You Don't Need A Permit For.

And We've Got A Lot Of Elderly People In The Park, Same As I Am.

And This Has Been A Real Blow To All Of Us.

And We Would Just Like To See If Somebody Could Help Us.

Comm. Hall: Thank You.

And Carolyn Peek.

Mr. Judah, I'm Carolyn Peek.

We've Been -- My Husband And I, Who Was The First Speaker, And I Helped Draft The Letter.

And I Just Want To Say That We've Been Residents For One Year.

And A Year Ago, We Were So Happy To Be Part Of This Wonderful Community, And It's Like The Bottom Has Dropped Out.

People With Violations That Haven't Been Reported Are Mistrustful Of Us.

They Are Afraid We're Going To Turn Them In.

And I Just Absolutely Don't Understand The Gross Unfairness Or Seeming Unfairness To Us.

We Are Amongst, Except For Little Children, I Think Just The Most Vulnerable Members Of Society.

To Have Worked Hard, Everything That Was Done To These Places, Was Done To Improve Our Own Personal Space And The Looks Of The Park.

I Mean, Like Mr. Workman Said Or Bob Said, Just Come And Take A Look Around.

We Don't Understand The Unfairness Of What's Happened.

Why This One Woman Is Able To Just Create Such A Firestorm.

And I Guess I Don't Know -- I Just Want To Know What We Can Do Next.

We Just -- The Last Sentence In Our Letter Was Please Help Us, Mr. Judah, Or Just Give Us Some Direction.

Where We Can Go?

What Can We Do?

Violations Worse Than Ours Are Overlooked, And Again I Reiterate We Were Told These Are Fire Code Violations, And That's A Bunch Of Baloney Because They Are Just -- They Are Everywhere, These Violations, And Obviously They Are Not Life Or Death Or They Would Be Enforced Equally And Throughout.

And I Think If An Inspector Had Come Through And Said, Oh, You're In Violation, You're In Violation, I Think We All Could Have Handled That Much Better Than The Way That It Seems Like A Vendetta For No Reason That We Know Of, Except She Was Jilted By The Guy That Built Our Carport.

So, I Mean, I Just Don't Understand It.

Thank You Very, Very Much.

Comm. Hall: Thank You.

I Don't Have Any Other Cards, But This Is The Time When Citizens Can Speak To The Board.

Is There Anyone Else From The Public Who Would Like To Address The Board On Any Concern That They Have?

Seeing No One, We're Going To Close The Public Comment.

And Then Mr. Judah, I Know That You Have Been Working On This.

So Please, Give Us Some Direction.

Comm. Judah: I'll Be Quick.

First Of All, Let Me Apologize To Mr. Peek, And The Chairman Was Right In Calling Me Out Of Order.

My Intent Was Not To Disrupt Your Presentation To This Board, And I Apologize To You And Certainly To The Community.

Pine Ridge Palms Is A Wonderful Community.

These People Are The Salt Of The Earth.

What I Was Reacting To Was Please Understand That All We Have To Go By Is Our Reputation.

And So The Insinuation That Our Code Enforcement Personnel Are Going To Look The Other Way When They See A Code Enforcement Issue, They Are Not.

They Are Going To Cite That Individual In Violation Of A -- I Say That Because While It's Complaint Driven, I Can Assure You That Those Code Enforcement Personnel, If They Know Of A Code Violation, They Will In Fact Cite.

Now, I Know You're Disagreeing With That Because There's Apparently Inequity Of Those That Apparently Have Code Inequity That Are Not Being Cited.

But I Can Tell You That There's A Preponderance Of An Amount Of Evidence To The Fact That Our Code Enforcement Personnel Do The Best They Can.

While It's Complaint Driven, Based On Code Violations, They Are Going To Try To Ensure The Consistency And Compliance With The Lee County Codes.

Having Said That, I Am A Member Of A Community Where An Individual Who Instead Of Filing -- Working With Our Community, They Applied To Plant Vegetation.

Much Of The Vegetation No Longer Exists.

And We Found Out Because Of Our Lake Doctor, Whoever Handles The Care Of Our Lakes, Actually Ended Up Thinking The Plants Were Weeds And Destroyed All Of The Plants.

But Because The Lady Decided To Go To Code Enforcement, We Are In A Situation That We Are Now In Code Enforcement, And I Can't Tell The County Just Look The Other Way And Leave Us Alone.

We Actually Have To Now Go In And Come Up With The Funding To Be Able To Pay For The Plants That Need To Be Restored Along Our Lake.

We Recognize Ultimately That Benefits The Community, And We're Going To Have To Do It And We're Going Do It Graciously.

But You're Right.

Sometimes You'll Get An Individual For A Variety Of Reasons Decides To Take It Out On The Community In Which That Person Lives, And It's Unfortunate.

Having Said That, It's My Understanding, Madame Chair, That Bobby Stewart, Our Code Enforcement Director, Is Trying To Work With The Community.

He Has I Think A Very Strong Sensitivity To Issues Regarding Fire Code, Setbacks, Carports, The Duration Of Which These Buildings Or These Uses Have Been In Place For Some I Think 20 Or 30 Years.

I Would Suspect That If We Give Bobby Stewart An Opportunity To Work With The Community, Madame Chair, We'll Come To A Resolution That Will Be Fair And Equitable And Balanced.

And Then I Would Suggest That You Get Back To The Board And Assure That You Can Live In Peace And Harmony.

Comm. Hall: Let's Allow This To Happen And Then We'll Try And Track This.

And Since You Are The District Commissioner, I'll Look To You To Bring Back An Update To The Board.

Chairman Judah: That's Fine.

Comm. Hall: And Maybe Have Mr. Stewart Or An M.M.P. To Keep Us On Track With What's Happening With This.

Chairman Judah: Certainly.

Comm. Hall: We Don't Take Any More Public Comments, But When I Leave Here We're Happy To Chat With You.

We Appreciate You Coming Down And Making The Full Board Aware.

And We'll See What We Can Work Out.

Comm. Bigelow: Can I Just Follow Up?

Comm. Hall: Certainly.

Comm. Bigelow: Bobby Stewart's Reputation Is Long And Widely Known To Be One As A Solutions Seeker.

He Doesn't Just Like To Let The Problems Exist But Likes To Try To Compromise.

So I Would Back Up What Ray Is Saying.

Another Idea, Though, That Has Come To Mind As I Was Listening To The Complaints Is That It Is Possible If The Community Got Together And Initiate A Mobile Home Plan Development, A Rezoning Action.

That Might Be One Way To Address This.

It's Just Kind Of F.Y.I.

It's An Option That Maybe Something Mr. Stewart Might Also Advise You On And Discuss With You.

That Way We Can See That What You've Got There Is Allowed To Exist, But It Would Also Address Potentially -- I'm Not Going To Mislead You And Say That It Would Have To, But It May Be A Way To Deal With It.

Ok?

Mobile Home Plan Development.

I Think We Still Have Those, Right?

Comm. Hall: Ok.

Well, Again, I Think That Mr. Stewart Can Work With Commissioner Judah And These Residents And Maybe Coming Back With A Solution And See What We Can Do.

We Recognize The Challenge That You're Facing.

You're Not The Only Facility That Has These Challenges That Have Sort Of Morphed From A Recreational To Something Else.

We Have That Throughout The County.

Again, I Think I'm Going To Let You Talk To Them After The Meeting. .

Thank You All For Being Here, And We Are Adjourned.

Thank You.