

**June 15, 2010**

"Please Stand By" We Like To Welcome You.

We Like To Start Our Meeting By An Invocation Of Jim Rosemergy Of Fort Myers.

Welcome.

Thank You For Being With Us This Morning.

Good Morning Everyone.

Let The Words That I Speak Be Those Of Your Own Heart.

That Graciously And Gratefully I Give Thanks For The Gifts Of This Day.

It's Another Day Of Loving.

Another Day Of Serving.

I Am In Attunement With God's Divine Order And Divine Law.

It Reminds Me Of An Infinite Wisdom That Is Within Me And Guide Me.

Keeps Me In Balance And Harmonizes Me With Divine Law.

There Is A Gift Of This Day, The Divine Wisdom That Guides, The Order And Harmony That Is Established.

It Is A Good Day And I Am So Grateful.

Thank You Dear Friend And So It Is.

Amen.

Chairwoman Hall: Amen.

[Pledge Of Allegiance] Chairwoman Hall: Please Be Seated.

We Have Several Ceremony Presentations And We Would Like The Start One With Laboratory Week.

Commissioner, Would You Like To Start? I Would.

Is Anyone Here With You? I Am Glad You Can Be Here And You Are The Director And Operation And Senior Scientists.

Yes.

Thank You For Being Here So Much.

It's My Honor To Be Able To Present It To You.

Mote Marine Laboratory Was Created By Eugene Clark To Teach People About The Sea In A Two-Room Shed And Was Relocated To Siesta Key In 1960 And Renamed Mote Marine Laboratory In Honor Of William R.Mote.

It Is One Of The Few Remaining Independent Research Center Was More Than 191 Staff Members.

34 Of Whom Have Doctoral Degrees And 13 Volunteers Conducting Research And Education Projects Locally And In More Than 50 Countries Around The World.

Whereas The Laboratory Currently Has 2,000 Square Feet Of Research Space And 200 Acre Aqua-Culture Park And Field Stations In Charlotte Harbor And Florida Keys In Key West And Summerland Key.

And It Has Performed Significant Community Services Through The Establishment Of The Field Station On Pine Island And Comprehensive Environmental Education And Pine Island Sound Along With The Rivers, Streams, Estuaries In Lee County.

The Public Aquarium Host 350,000 Visitors Annually And The Education Programs Reach 28,000 Students Annually.

And Where Mote Marine Laboratory Is Celebrating 55 Years Through Research, Education And Community Service Therefore Be It Resolved By The Board Of Lee County Commissioners, Lee County Florida, That We Recognize And Applaud The Trustees, Staff, Volunteers Of Mote Marine Laboratory On The Occasion Of The Laboratory's 55th Anniversary.

And We Do Hereby Proclaim June 13-19, 2010 As Mote Marine Laboratory Week With June 13, 1955 Being The Date Of Incorporation Of The Laboratory.

This Has Been Dually Executed This 15th Day Of June, 2010 And Signed By The Honorable Chair Woman Of The Board Of Lee County Commissioners, Tamara Hall.

Doctor If You Would Come Forward And Accept This.

[Applause] Thank You For Your Support.

Mote Has Worked Hard To Educate People About The Gulf Of Mexico Throughout The World.

It's Important The Work We Do Given What's Going On In The Gulf Of Mexico Right Now.

It Gives Us A Lot Of -- A Very Good Feeling That We've Been Working So Hard For So Long To Understand The Gulf Because The Knowledge Will Help Us Understand The Impacts After The Fact And It's As Important As What's Going On Right Now.

The Impacts Will Probably Be Felt To The Gulf Ecosystem On A Decade Time Scale.

From A Biologist Point Of View It's Just Getting Started But We Appreciate Your Support.

Thank You.

[Applause] Chairwoman Hall: Next We Have Ceremony Of Presentation Recognizing Elder Abuse Awareness.

And Commissioner Mann You Have The Honors Of That This Morning? Comm. Mann: As We Know Lee County Has A Larger-Than-Typical National Average Percentage Of Senior Citizens And Elderly.

And Tragically Abuse Of Those Elders Is Something That Is A Part Of Our Life Here And A Part That We Try To Diminish And Make Less And For Our Efforts In Calling Attention To The Tragedy We Improve The Situation And Make Friends And Neighbors Aware Of What They Can Do And In Helping That Awareness We Have This Resolution To Help Us Bring This Attention We Have With Us, I Hope Dottie? Executive Director And Alisa, Stacey And Marilyn Gregory? We're Glad To Have All Of You Guys.

[Inaudible] Comm. Mann: Thank You Very Much.

Let Me Read The Resolution And We Will Take A Picture And Perhaps You Can Share Some Comments With Us.

Whereas Lee County Seniors Are Valued Members Of Society And It Ask Our Collective Responsibility To Ensure They Live Safe Lives And Whereas Abuse Of Older People Is A Tragedy Inflicted Against Seniors And Is A Problem That Crosses All Boundaries In Today's Societies.

And Whereas Combating Abuse Of Older People Will Help Improve The Quality Of Life For All Seniors Across This State And Allow Seniors To Continue To Live As Independently As Possible Adding To Their Lives And Vibrancy And Whereas Seniors Should Be Treated With Respect And Dignity To Enable Them To Continue To Serve As Leaders, Mentors, Volunteers And Where We Are All Responsible For Building Safer Communities For Seniors And The Welfare Of Seniors Is In The Best Interest Of All Citizens And Further Adds To The Well-Being Of Our Communities.

And Whereas, Lee Elder Abuse Partnership Is A Coalition Among Lee County Service Providers And Agencies To Create Community Partnerships That Effect Live And Promote The Awareness Of Elder Abuse, Neglect, Exploitation, Provide Services, Advocacy, Support

For Older Adults.

Therefore Be It Resolved That The Board Of Lee County Commissioners Of Lee County, Florida, Extend Greetings And Best Wishes To All June 15, 2010 As Elder Awareness Day.

Dated Dually Executed This 15th Day Of June, 2010 And Signed By Our Commission Chairman Tammy Hall.

We're Pleased To Have You Folks Can-- With Us.

If You Would Step Forward.

[Applause] Thank You So Much.

We Appreciate The Opportunity To Be Here This Morning On World Elder Abuse Awareness Day And Get The Support Of Our Local Government As Well As Our Governor In Terms Of Acknowledging This Day.

And I Am Proud To Be Able To Say Our Agency Received One Of 12 Federal Grants To Start An Elder Abuse Coalition In Lee County.

That's How We Started The Partnership And Brought All Of The Agencies Together.

While We're Just Getting Started I Am Proud To Be In A Community Where We Have A Strong Human Network And I Think It Will Help Us Collaborate To Make Sure We Address Elder Abuse And Watch For The Warning Signs And Get Public Education Out And Pay The Greatest Respect To Our Elders.

Thank You For Your Support.

Thank You.

[Applause] Chairwoman Hall: Our Last Pleasant Indication Is Utility Award Recognition And I Am Going To Have The Pleasure Of Reading This Resolution.

Doug, I Know You're Here And Dennis, Ben, The Fort Myers Beach Plant Staff.

Daryl Parker The Fiesta Village Plant Staff.

Come On Guys.

This Is Your Moment.

We're Very Proud Of Our Utility Program And Lee County Hasn't Always Been In The Utility Business But We Decided To Get Into The Utility Business And You Guys Are The Ultimate Professionals.

You Provide A Public Service Of Consistency.

You Advise This Board Wisely And Without Your Hard Work In The Field We Would Not Be Able To Give A Service That By Far Is Second To None To Anyone In The Country And We're Very Proud To Recognize The Award That You've Given.

We're Proud To Have You In Our Chambers And It's With Great Honor As The Chair That I Am Allowed To Read This Resolution On Behalf Of My Colleagues.

Whereas The Florida Water That Is Annually Recognizing The Best Maintained Operation Plant In Florida.

And Whereas The Siesta Village And Fort Myers Beach Wastewater Treatment Plant Are Held To The Stringent Rules And Regulations Put Forth By The Environment Agency And Whereas The Operations By The Three Oaks, Siesta Village And Fort Myers Beach Wastewater Treatment Staff Provide Water That Protects Future And Current Water Supplies.

On May 18, 2010, The Florida Water Environment Association Presented These Prestigious Awards During The Florida Water Conference In Orlando, Florida.

And Where The Water Safety Treatment Plant Received First Place In The Category Of Second Treatment.

Whereas The Siesta Village Wastewater Treatment Plant Received Runner-Up In The Category Of Advanced Treatment And Whereas The Fort Myers Wastewater Treatment Plant Received Runner-Up.

As We Hereby Acknowledge The Contributions Of All The Hard Workers And Maintenance Under The Direction Of The Lee Operators, Jerry Johnson, Daryl Parker, Eugene Mccartney And Ben Wright To Be Recognized As Stewards And Achieving The Highest Honor For The Florida Water Environment Association.

There Be Be It Resolved That The Lee County Board Of Commissioners Takes Pride In Dedicating Dually Executed This Day June 15, 2010 And Signed By Myself The Chair Of The Board Of County Commissioners.

Congratulations.

[Applause] [Applause] Chairwoman Hall: Thank You So Much For Your Great Work.

So Proud Of You All.

Thank You Commissioners.

Everybody You See Is Either A Licensed Operator, Electrician Or Mechanic And There's Certainly The People That Make Our Plants Operate.

You Know, These Are Highly Qualified Individuals.

The Running A Plant Is A Complex Issue, Highly Regulated, But Absolutely Necessary To

Protect The Environment And Natural Resources And I Think The Recognition Through The Phelps Award Is High Praise For Their Abilities.

I Would Like To Introduce Everybody That Is Here.

Ben Wright, Teary Walker, Bob Jones, Jerry Johnson [Reading Names] And I Think As The Director Of Lee County Utilities I Am Proud To Serve With All Of You And Personally As A Customer Of Lee County Utilities I Am Pleased That You Are Providing My Service.

Thank You.

[Applause] Chairwoman Hall: We Appreciate Doug Bringing Them All Down So We Could Meet The Group That Is Doing The Service.

Thank You Very Much.

Next We Will Go On To The Recap.

There's A Couple Of Items.

Administrative Item 8a.

They Are Asking To Defer This To The Regular Board Meeting In August.

I Believe It's August 10th, 2010.

If I Could Have A Motion? I Have A Motion By Commissioner Mann, A Second By Commissioner Judah.

Comm. Judah: I Know There Was A Number Of Folks That Were Going To Be Here In Anticipation Of Speak On The Issue.

So -- Chairwoman Hall: Absolutely.

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

And The Last Thing The Public Hearing Left On The Cover Of The Agenda But There Aren't Any Public Hearings Scheduled.

I Don't Need A Motion.

Because Of Time There Is A Couple Of Issues That I Would Like To Get The Update From John Wilson So John Can Go And There Was An Audit Issue That I Would Like The Clerk If He Needs To Leave Early To Give Us The Audit Report.

If I Could Ask John To Give Us The Weekly Update And Then The Clerk And Then We Will Go To Public Comment On The Agenda.

Thank You.

Good Morning.

John.

Good Morning.

For The Record John Wilson, Lee County Public Safety.

For The Most Part The Top Hat System That Has Been Working To Recover The Oil From The Preventer Has Been Average Well Over 15,000 Barrels A Day For The Last Two Days.

They Have Been Able To Recover About 156,000-Plus Barrels Since That Started.

They Are Also Looking At The Back-Flow Equipment That Was Used For The Choke And Kill System.

That Was The One They Were Going To Blow Golf Balls And Rubber Down To See If It Could Work In Reverse Mode To Take Additional Product Away From The System As Well.

B.P. Has Also Sent The Letter At The Request Of The Coast Guard Unified Command Identifying Within The Next Two Weeks Will Ramp Up The Ability To Recover Up To 50,000 Barrels Of That Product By The End Of This Month.

So That's Pretty Much The Status Of What Is Going On At The Site Itself.

Pretty Much The Eastern Operations Up In The Panhandle Of The State Is Franklin County Is Being Boomed, A Protective Boom Is Being Put In Franklin County.

No Recovery Operations As Of There.

Currently In Our Neck Of The Woods, The Trajectory Put Out By Noaa Is Projecting No Impacts To Our Area.

There Are -- They Are Conducting C 130 Overflights Daily To Go Out Into The Gulf And Check To See What The Progress Is Of The Product That Is In The Loop Current.

They Are Supplementing That With Three Ships, One Off The Keys, And Another That Is Going To Be Running Off The Southwest Florida Coast In The Loop Current In The Eddie To Track The Oil As Well.

A Number Of Sightings That Have Been Reported Closer To The Southwest Florida, Tampa Bay Area, Have Turned Out To Be Sarcasm Or Seaweed And It Looks A Lot Like Tar Balls, 2,000 Feet In The Air.

So Far The Product Is Not Migrating To Our Coastline.

The Captain Of The Coast Guard Will Be In Town At The Southwest Florida Claim Council Meeting And You Might Be Able To Partake In The Meeting And Ask The Captain Any

Questions Regarding Their Response As Well.

Locally We Continue To Train Folks Locally In The Four-Hour Course That Would Allow Them To Pick Up Tar Balls If We Did Get A Major Infestation In Our Neck Of The Woods.

And Public Safety And Emergency Managing Staff Met With The Utility Folks To Discuss Plans To Put In Place To Protect Our Water And Wastewater Facilities Should We See A Large Amount Of Tar Balls Infest Our Area.

So That In A Nutshell Is Where We Are Today.

Chairwoman Hall: Thank You, John.

Questions For John? Commissioner Judah? Comm. Judah: You Indicated The Top Hat Procedure Is Collecting About 15,000 Barrels A Day.

Have You Got A Confirmation Of The Number That Is Floating Around That Is Actually Emitted Anywhere From 35,000 To 70,000 Barrels A Day? No, I Do Not.

Those Are From The Various Organizations That Were Asked To Identify The Estimates.

I Personally Do Not.

Comm. Judah: How Does One Go About Getting The Actual Flow Line? I Don't Know.

We Can See If We Can Get You In Touch With The Folks Providing Estimates, Though.

Comm. Judah: Also, Senator Nelson And Congressman Mac The Last Couple Of Days Talked About A Central Command.

I Realize Thad Allen With The Coast Guard Is A Point Person.

There's Still Not An Understanding Of How Many Vessels Are Out There.

Is There Any Indication That The Federal Government Will Dispatch The Military To Provide The Central Command Structure? Not That I Have Seen, Sir.

Comm. Judah: It's Not Good.

Chairwoman Hall: Any Other Questions For John? Commissioner Bigelow? Comm. Bigelow: Since It's Our Army, If You Will And I Know We're Continually Given Reasons Maybe, Maybe, Lulled Into A False Sense Of Security.

Can You Describe How We're Communicating The Gulf So I Can Know The Public Safety Director Will Have Them Here Pronto? As I Summarized To You All Last Week, We Had Be Working Through The Coast Guard To Update The Con Contingency Plan For Our Community To Identify Additional Areas That Need To Be Boomed.

That Should Be Compete By This Thursday And Then We Have A Follow-Up Meeting With

The Coast Guard Next Month To See The Final Product.

At That Time If There Are Areas In Our Community That Don't Get The Three-Diamond Rating That Is Which The Coast Guard And B.P. Will Fund Sensitive Areas, We Are Planned To Come Back To Say These Other Areas We Feel Need To Be Boomed And We Will Ask You To Request To The State To Provide Additional Booming Resources To The Areas Through The Additional Funds That B.P. Provided The State For That Purpose.

If We Do That And Then Crowder Gulf Would Come Into Play And Somewhat Oversee The Responsibility Of Booming Those Additional Areas Should We Receive That Funding.

If We Don't, Then The Decision Rests With This County To Determine Whether Or Not We Get Into The Booming Business With The Potential Prospect Of Not Being Funded By B.P.

Comm. Bigelow: It's Not So Much The Federal Government Assisting Us In Our Shoreline As Much As What Land On Our Shore And If We Don't Get On Top Of That Immediately, Then Pictures Are Sent All Over The World In The Internet And We Will Suffer A Hit To Our Tourism.

I Think What Would Be Helpful Is Stations Where Crowder Gulf Would Operate From And Whether -- And Put It Under Some Public Review And Scrutiny, Perhaps, So We Know A Little More Of What Our Contingency Plan Is.

I Feel Like I Have To Plan For The Worst, Hope For The Best.

But I Don't Know Honestly Where Is The Evidence That There Is The Plan For The Worst? I Think It Might Be More Reassuring For Us.

When We Get The Updated Blank That's What We Will Do.

Comm. Bigelow: If We Could Get That Out I Think It Might Go A Long Way.

Chairwoman Hall: Anything Else? John, Thank You Very Much.

We Appreciate Your Time This Morning.

And Again, The Clerk Has An Update On An Audit That Was Requested And In Interest Of Time I Would Like For Charlie To Come Forward And Share With Us The Result Of The Audit.

Thank You.

Good Morning.

Some Time Ago The County Manager Asked The Clerk's Office To Look At A Contract Between Wilbur Smith And Associates And Review Any Potential Problems Or Conflicts Of Interest That Could Have Existed And If There Was Any Personal Gain From One Of The Employees That Used To Work In The County.

And I'd Like To Say We Found Nothing To Indicate That.

On Page One The County Policies And Procedures Were Followed And County Dealings With W.S.A. Contracts And Related Service Payments.

No Evidence Of Favoritism In The County's Dealings With W.S.A. Was Found And No Evidence Indicating Any Personal Gain By County Employees Or Dealings Were Found.

There Are Some Recommendations That Keith Who Did The Audit Made.

Those Recommendations If You Look As The Final Page Of The Audit Is A Response From The County Manager Who In March Wanted To Look At Our Contract Procedures And Kind Of, If You Will, Revamp Them.

She Has In Her Capacity As County Manager Said She Will Incorporate Those Suggestions So Our Contracts Don't Make It Any Easier For People To Question What We Are Doing, But Make It Clear And More Open For Everyone.

We Could Find Nothing That Indicated Any Wrong Doing.

So If There Are Any Questions For Me, Please Ask.

Otherwise We Are Glad We Could Get This Wrapped Up As Quickly As Possible.

Keith Spent An Inordinate Amount Of Time.

Chairwoman Hall: Questions For The Clerk? Actually Comments.

There Was A Recent Application That Went To The Department Of Energy By The State For Funding Consideration For Alternative Energy Renewable Fuel-Type Programs Or Projects.

Unfortunately The In-- Innovation Hub Was Not Included.

So We Will Remitt That On Potentially Permit The Federal Funding To Move Forward And With The I Hub Specifically.

Now That The Audit Is In With No Wrong Doings, Could We Bring Back The Extension Of The Contract With Wilbur Smith And Associates To Get Back On Track With The Business On Hand To Support The Research Opportunity For This Community? Chairwoman Hall: I Will Ask The County Manager.

So We Can Bring That Back.

Okay.

Chairwoman Hall: Questions For The Clerk? Commissioner Bigelow? Comm. Bigelow: Thank You, Tammy.

Yes.

To Commissioner Judah's Point.

I Think This Is What We Agreed We Would Do.

We Would Have The Audit.

Whatever It Found And See That The Change Order Requests Come To Court.

Chairwoman Hall: He's Just Asking Are We Going To Do That Now And The Answer Is Yes.

Comm. Bigelow: I Am Very Relieved.

I Don't Think We Were Looking For Wrong Doing, I Think We Were Looking For A Policy Review, But That Is Relieving.

Thank You For Responding So Quickly And Thank You To The County Manager For Requesting It.

Chairwoman Hall: Any Other Questions? Let's Go Back To The Regular Agenda.

Public Comment On The Consent Agenda, Administrative Agenda And I Think We Have One Carry Over Item.

I Am Not Sure.

First Dave? Speaking For Myself, There's Two Cards There From Me.

I Don't Know If You Want Me To Address Both Of Them.

Chairwoman Hall: Go Ahead And Do Both.

The First Is The B.R.T. Grant And I Want To Underscore How Wonderful I Think It Is To Get 250,000 From The Fdot And I Trust We Can Match That To Get The Transit Going In A Meaningful Way.

I Think Lee Tran Is Ontop Of This And Has Plans.

I Think That's Great.

The Other Issue Is The Sox Stadium Construction Contract And I'm Glad To See That's Moving Forward.

Don't Nor Get The Whole Road Goes All The Way From Us-41 To The Stadium And We Need To Work On Improving Daniels Because It Is Already A -- Constrained Artery.

Thank You.

Thank You, Dave.

Next We Have Jack.

You Have Two Cards Up Here, You Can Do It All At Once.

Good Morning.

For The Record, Jack Meeker From Estero.

I Am Here To Support The Red Sox.

I Was Here Since Day One When It Was First Discussed And I Think The County Staff Did An Excellent Job In Reviewing All Of The Applications We Had From Property Owners.

We In Estero Were Particularly Interested Because There Was A Possibility Of It Going Down Into Our Area.

But We're Very Pleased To Have It Up In Daniels.

It's Great For The County And Great For Fort Myers.

This Is The End Of The Road As Far As The Planning.

Now Is The Time To Put The Shovels In The Ground.

And I Hope The Commission Will Support This.

Thank You.

As For The Other Item, I Am Not Really Sure What's Going To Happen With This Item On The Carryover.

I See Phil In The Audience And I Will Hold My Comments Until After Maybe They Make Their Presentation.

Chairwoman Hall: We're Going To Take Public Now So If You Would Like To Tell Us What You Would Like To See Happen Might Be Helpful.

Well, I Would Like The Culverts Go Away And See The Original Report That Was Done By The Consultant, Accepted By The Water District And By Lee County Commission, You Both Wanted This Study.

I Don't Think There's Any Need For Further Studies.

I Think We Should Walk Away From This.

Thank You.

Chairwoman Hall: Thank You, Jack.

Next I Have Ann Thomas.

Is Ann Here? No? Okay.

Nancy Goodwin.

Okay.

Jim Dean -- You Know What? Is This On Our Agenda? No, It's Not On Our Agenda This Morning.

I Apologize.

Carl? Good Morning.

Carl.

My Name Is Carl And I Would Like To Commend All Of The Board.

It's Not Easy Without Five People On The Boards.

You're Missing A Cog And The Wheel Is Turning Smoothly.

I Am Here In Support Of The Lock On The Canal In Cape Coral.

The Boat Lift In Cape Coral.

I Believe It Cleanses The Water And Prevents Salt Water Intrusion Into The Wells Above It And It's Really Worth It.

There's A New Wrinkle, Too.

The Biggest Reason Right Now Is That Every Increase In The Sport Fishing Industry, Every Closure In Alabama Making Our Sports Industry That Much More Valuable And If We Can Save The Fish With This Lock And Promote Fishing, We Will Be A Huge Tourist Draw To A Sport Fisherman And The People That Use Our Beaches.

But Most Importantly It Will Help Control The Purity Of The Water And The Estuaries Below The Lock And Help Promote The Recharging Of The Natural Sea Bottom That Has Been Inundated With Sand.

So That's My Feeling On The Boat Lift.

I Hope Will Support It.

Another Thing Is The Widening Of Daniels Road For The Red Sox.

I Am All For That.

It Looks Like \$9 Million Is A Little Much, But I Guess That's What It Talks For Road Widening These Days.

And The last Thing I Compliment You Have Not Approving The Mine And I Hope This Carries Over To Other Projects In The Drgr That You Will Keep The Building Industry Out Of That Area Because You've Declined The Mine, You Should Decline All Building In The Drgr And I Will Talk To You About That Tomorrow.

Thank You And Have A Good Morning.

Chairwoman Hall: Thank You.

John Barth.

Good Morning, John.

Good Morning.

I Have Several Subjects In My -- I Can Start With The Opportunity That Red Energy Presented To Our City Council.

It's A Process Using Ultra Sound To Produce From Garbage Basically Including --  
Chairwoman Hall: John, I Need You To Comment On Items That Are Only On The Consent Or Administrative Agenda.

We Don't Take Public Comments At This Time On Any Items.

Your Comments Have To Be On Items On The Consent Or Administrative Agenda.

Okay, Would You Like To Hear Something About The Spreader Canal? Yes.

I Am Well Versed In The Subject Because I Started A Career In Cape Coral As A Member Of The Water Board.

And As Mr. Judah Will Recall I Attended Many Of The County's Old Water Projects.

And I've Been Following This And Have Been On The End Of The Former Year And Saw The Early Development Occurring And Made Suggestions On How They Might Temporarily Stop The Erosion By Extending A Wall Of Inserts Going North Up The Canal.

And D.E.P. Says We Don't Have Funding To Do A Study In Order To Make That Happen.

Well, It Continued To Happen And Soon We Had More Than A Trickle Going Around And Now We're Faced With The Entire Process, Potentially Repeating Itself If We Put A Wier Back In Farther North.

There's Question Ability Of The Stabilization Characteristics Of The Soils That Such A Wier Would Have To Go In.

Whether Or Not It Should Be Considered Even As A Temporary Activity.

The Process Will Just Repeat Itself And I Haven't Seen Any Other Constructive Situations And One Of The Early Improvements That I Suggested Was Doing What We Did On The Canal Near Del Prado.

They Extended It Into The Canal And Planted The Appropriate Trees In The Area.

They Have Taken Off And Grown Beautifully And Have Become A Wonderful Environment And That's Part Of The Alternatives To Putting Activity Of Putting This Wier Back In.

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

Okay.

It Is Very Important We Do Not Put This Wier Back In.

The Change And Water Elevation Alone Is Enough To Create A Tremendous See Saw Event And That Is What Is Going To Happen And Is Happening To A Great, Great Extent.

Thank You.

Chairwoman Hall: Thank You For Being With Us Today, John.

Bob.

Bob Koenig.

I Am Here To Support The Red Sox And I Want To Thank You For The Opportunity To Work On It From Craft, Our Partners, Subcontractors, The Initial Pricing Came In Really Well.

We Had A Minimum Of 10 Contractors In Each Scope Of Work We Did.

Good Local Contractors And I Would Love To Give Them All A Piece.

Many Are Hiring People Back Right Now.

I Know The Utility Contractor Was Down To One Crew And Excited To Bring Back A Bunch Of His Long-Term People And Put Them To Work Here.

Been Here For Years And Years.

Just A Quick Overall The Remainder Of The Project Is Coming Together.

The Plans Are Looking Good.

The Budgets Are In Line.

We Will Do Direct Material Purchases Off Of What You're Presented Here And Pick Up Savings With Things Like That And Make Sure This Is A Great Project And We're Ready To Go To Work.

Chairwoman Hall: Thank You, Bob.

I Appreciate You Being Here If There's Questions.

I Have No More Cards From The Public.

Anyone Else From The Public That Would Like To Address The Board On The Consent And Administrative And Carry Over Items? Yes, Sir, Please Come Forward.

Good Morning Commissioners.

My Name Is Bill Bile.

I Am Here Representing Myself.

I Do Work For Charlotte County.

I Do Represent Charlotte County For Two Years On The North Spreader Canal As The Representative For Charlotte County On The Stakeholder Committee.

I Am One Of The 11 Stakeholders Who Voted To Put The Control Structure Back In.

And The Reason I Am Here Is Because I Am Concerned That When I Look At The Power Point Presentation That You May Have Seen Or Are Going To See, That There's A Number Of Things That Are Not Explained To You.

I Grew Up On Pine Island And I Just Tell You That So You Understand As A Kid Growing Up You Have To Commercial Fish.

And I Learned At An Early Age About Ecology And When I Went To College That's When I Studied And As Commissioner Judah Knows I Was An Environmental Consultant Here For 30 Years And Did Many Projects For Lee County.

What I Want To Point Out Is One Of The Things I Learned In 30 Years Of Consulting If You're Not An Expert Of Something You Find The Experts.

And That's What I've Done For The Last Two Years.

And So I Don't Believe The Few People, Stakeholders Who Voted To Leave The Control Structure Out Consulted These Experts.

That Includes National Marine Lab, National Fisheries, The A Captiva Marine Lab, And They All Have One Thing In Common.

They All Understand That It's Critical For That Control Structure To Go Back In In Order To

Make The Tidal Streams Along The Seven Miles Function Properly.

One Fourth Of All Of The Water That Comes North Off Of Cape Coral And North Of Pine Island Road Will Go Out The South End Of The Canal If That Control Structure Is Not In.

That Water Is Critical To The Ecological Functioning Of The Tidal Streams.

There's Almost 50 Of Them.

The State Insists On Calling Them Breeches And This Spreader Canal Never Worked.

The Spreader Canal Is Trying Its Very Best To Work And Trying To Reestablish The Streams.

Without The Control Structure The Streams Will Not Be Reestablished And The Ecological Dynamics And Ecological Productivity Won't Happen.

One Of The Things That You've Probably Looked At Is The List Of Proposed N.E.B. Projects And I Am Here To Tell You After Two Years Of Studying This I Do Not See One Project Here That Will Provide A Benefit That You Wouldn't Get Already.

Us Know The State Will Mandate That.

And The Condition Based Timing For Public Sewer, When Was That First Proposed? In The 70's? Water Quality Improvements To Storm Water Inlets? I Can't Wait Until They Put Risers In 800 Feet To Create Mosquito Breeding And Septic Tanks -- Chairwoman Hall: You Have To Wrap Up.

I Don't See Any Projects That You Will Get Benefits From.

You Will Get Many Benefits From Putting The Control Structure Back In And By The Way, This Is Just Another Way To Permit, There's 7,000 -- Not Having That Structure Will Create 7,000 Lots With Direct Access That Translates Into About 240 Boats A Day.

That's A Lot Of Impact On Manatee, Sea Grasses, Silver Fishing And Water Quality.

Thank You.

Chairwoman Hall: Thank You Very Much.

I Could Ask You To Fill That Card Out, That Would Be Great.

Is There Anyone Else In The Public To Comment On The Consent, Carry Over Or Administrative Item? Seeing No One, I Will Go Back To The Board.

Commissioner? 12b.

Chairwoman Hall: Commissioner Jude? Comm. Judah: 9a.

Chairwoman Hall: I Have Motion By Commissioner Judah? The Motion Carries Unanimously.

Commissioner Bigelow 10b.

Comm. Bigelow: This Is A Request To Install Irrigation From Us-41 From Jamaica Bay To San Carlos Boulevard.

This Is \$881,000.

The General Fund, A Week Ago Yesterday We Were Presented With Sobering Information Thanks To A Property Appraisers Preliminary Estimates On Property Values.

If We Thought Everything Was Difficult Before That The News Delivered That Day To Us Doubled The Severity Of Everything For Us.

It's Only A Matter Of Time That The County Manager And Deputy County Manager Was In Another Meeting Yesterday Talking About How To Address The Problems That Our Budgets Is Going To Face For Us.

And Later In The Day I Talked To Mr. Lavender And Wanted To Know What To Do With The Money When The Need Is Not There.

And I Pointed Out That We Seem To Continue To Spend A Lot Of Money.

I Think We've Got To Take A Look At Everything That Comes Before Us.

This Is One Project I Don't Think That We As A Community Can Afford To Move Forward To.

Not Because This Is Nearly A Million Dollars In General Fund Money That We Need To Get Our Financial Boat Afloat Next Year, But There's The Maintenance Cost To This.

And I Am Noticing That The Landscaping That Is Already Installed Is Having A Maintenance Problem.

And I Think As Much As I Would Hate To Not Move Forward With The Landscaping Project It Does Make Things Look Better Along The Roadways, I Think We Need To Bring Everything Home, Bring Everything Back In For A New Look And This Is One Excellent Example Of Where We Probably Need To Pause Before We Approve This.

I Can't Support This At This Time.

Chairwoman Hall: Paul, Do You Want To Comment On The Budget And Where This Funding Is Coming From And What Numbers Are Coming Where? Well, The -- Paul Wingard For The Record.

D.O.T. The Funding Was Established By An Initiate For With Communication Tax Put Together And It Was Funded To Do All Of Us-41.

So The Capital Dollars Are There.

And Are Available For The Project.

But At The Same Time The Maintenance Dollars Are A Bit Of A Struggle.

D.O.T. Has Suggested Before That We Hold Off On Some Landscape Projects.

Not Eliminate Them But Push Them Back A Few Years So I Understand What You're Asking And Don't Disagree With That.

Chairwoman Hall: Other Comments From The Board? Comm. Judah: This Is Another Piece Of The Puzzle That The Board Had Collectively Agreed That We Need To Pursue And Move Forward And You Said The Capital Dollars Are What We're Going To Be Expending And Recognize There Will Be Maintenance And Need To Upkeep The Landscape.

Maybe Some Of The Maintenance Isn't Up To Standard Or Contractor Not Fulfilling Their Obligation To Properly Maintain The Landscape Material In Where Are We At The Status On Some Of The Medians? Well, The Work Is Basically All Contracted Out So That's A Constant Struggle To Keep The Subcontractors Working.

It Is Something We Will Work In Detail.

As Long As We're Contracting It Out We Will Keep On Them At All Times.

We Are -- Did Go Through A Very Cold Winter Where We Did Get Some Plant Damage.

Commissioner Mann's Office Pointed Out Trees On Gunnery Road That Had Gotten Some Cold Damage.

Did Slow Them Down And Cause Some Browning And That Sort Of Thing.

We've Been Struggling With That Across The County But We May Be Able To Get The Plant Toss Survive.

We Will Go Out To Check It Out To Be Sure.

Yesterday, Just Last Night On My Way Back From South County The 41 Landscaping, The Median North Of Six Mile Gladiolus, There's Vegetation Removed.

It's Looking Stressed.

Maybe We Should Think Maybe This Million Dollars Is Better To Handle What We've Got And Also While We're Trying To Figure Out How We're Going To Get Our Financial Boat Straight.

I Want To Point This Out And This Is Very, Very, Very Difficult To Discuss.

Yesterday When I Was Talking To The County Manager As To How We Were Going To Make Up The \$50 Million To Get Back To Where We Thought We Would Be, She's Talking More About Layoffs.

I Am Talking About Ways To Find Alternatives To That Approach.

How Can In Good Conscience Approve This, Nearly \$1 Million, When We're Talking Privately About Layoffs? Money Is Money Whether It Was Acquired Through A Communication's Tax Or However, It Is Money That Has Come From The Pockets Of Our Citizens And I Think We Have To Be Real.

We Have To Be Real.

And I Am Not Seeing This As A Sign The County Management Is Being Realistic Yet.

Commissioner, May I Address That, Please? Yes.

What We Are Reviewing Is The Areas Where There Has Been A Decrease In Service.

If There's A Decrease In Service Yes, We May Be Laying Off.

Chairwoman Hall: I Understand.

I Want To Keep To The Item Of Landscaping.

Paul, The Monies That Are -- You're Right, This Program Started About Five Years Ago Going From County Line To County Line That We Would Do A Beautification Along 41 And There Was A Lot Of Buy-In At The Time To Do That.

Can These Dollars Be Used For Anything Else Or Does It Have To Remain In A Capital Budget? Just A Reminder We Had This Debate In Detail.

It's Crystal Clear To Me That The Board Said You Go Forward With The Landscaping Regardless.

We Had This Debate.

You Debated It Twice, I Believe, And We Got The Message.

We Don't Cut The Capital Budget Unless We All Agree To It.

Commissioner Bigelow -- We've Been Very -- We Have Other Commissioner To Talk Before You Interrupt.

I Will Give You Time, But Let's Let Everyone Finish What They Started.

Go Ahead Commissioner Bigelow.

Comm. Bigelow: Jim, With All Due Respect That Was Then, This Is Now.

Chairwoman Hall: I Understand These Things Take Time To Come Forward.

Comm. Bigelow: I Don't Think That The County Management Recognizes That.

That That Was Then.

This Is Now.

Chairwoman Hall: I Will Stop You Right Now.

The Staff Had Direction From This Board And Out Of Conscious Just Because Things Have Changed Doesn't Mean They Can't Bring It Forward For Us To Give New Direction.

When You Criticize County Management They Don't Bring Decisions To Say Hey, I Am Not Going To Bring It Forward.

This Board Is Bringing It Forward.

We Sit Here Today And It's Our Prerogative To Say To Them Today We Would Like To Delay This Until We Get To Budget.

That's The Protocol.

That's The Process, They Do Not Have The Ability To Ignore The Majority Rule Of The Board So They Are Following The Procedure And Protocol based On What We Said Then.

As We Sit Here Today Is Your Opportunity To Say What You've Said, I Am Concerned, I Would Like To Get To A Budget.

We Have To Cut \$50 Million And You Certainly Are Welcome To Make A Motion To Delay This Until We Go To A Budget Process If We Want To.

A Motion To Deny It.

All Of Thethat Is Is There For You And This Is Board's Decision To Make A Decision.

Do You Have A Motion? Comm. Bigelow: No, Then I Will Debate With You.

Chairwoman Hall: No, I Will Not Debate With You.

Comm. Bigelow: As To Whether Or Not This Is Following Protocol Or Not.

The Recommendation Comes To Us By The County Management To Approve.

We Are Given Recaps As Late As 9:25 A.M. Sometimes Before These Meetings.

They Have According To Protocol Every Prerogative To Amend A Recommendation Based On Information That They Have In Their Professional Hands.

And This For Me Is A Sign That The Reality Of What Last Monday's Information Provided Us Is Very Good Cause To Take Great Pause Of Anything We Take Forward -- Chairwoman

Hall: Do We Have A Motion? Comm. Judah: I Would Like To Move The Item, Commissioner Chair.

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

Any Further Discussion? All Those In Favor? Opposed? The Motion Carries 3-1, Commissioner Bigelow Dissenting.

9a.

Comm. Judah: I Want To Move The Item.

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

I Would Like To Thank The District For Funding The Easement To Water Flow.

Chairwoman Hall: I Have A Motion, A Second, Any Further Discussion? All Those In Favor? Opposed? The Motion Carries.

14a.

Can I Ask The Library Director To Step Forward For A Second? Sheldon, I Wanted To Make Sure Obviously The Friends Of The Library Have Been A Tremendous Support For Lee County Library Systems For Years And I Just Want To Make Sure As We Move To Adopt The Administrative Code Changes, We Are In No Way Potentially Being Punitive On The Good Folks That Make Up The Various Friends Of The Various Libraries.

And To Discourage The Ongoing Passion And Volunteerism And Frankly Contributions To The Library System.

Could You Give Us The Comfort Level That Those Involved Will Likewise Understand We Want To Continue To Collaborate With Our Friends.

This Is Sheldon K., I Am Director Of The Lee County Library System And I Appreciate You Giving Me The Invitation To Make The Reassurances That This Is Not In Any Way Punitive Or Any Way To Express Great Appreciation For What The Friends Do.

As An Example One Of The Budget Item That Is Has Taken A Decrease Is What We Spend On Programming And The Friends Group Has Helped Us To Make Up The Gap.

We Really Couldn't Maintain Our Services At Anything Like The Current Level Without Their Help.

So This Is Not Punitive At All.

This Is Nothing More Than A Set Up Of Just A Couple Of Guidelines Which Probably Wouldn't Affect Most Of Them At All.

And Conform With Practices That Are Common Throughout The State And Throughout The Whole Country.

Chairwoman Hall: Thank You, Sheldon.

Comm. Judah: Move The Item, Madam Chair.

Chairwoman Hall: I Have A Motion By Commissioner Judah, A Second By Commissioner Mann? All Those In Favor? Opposed? The Motion Carries.

Next We Move On To The Administrative Agenda.

The First Item Is The Construction Management Agreement For The Boston Red Sox Stadium.

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

Further Discussion? Comm. Judah: Let Me Thank You Him For Being Here And They Are 100% In Hiring Local Force.

We Can't Wait To Get The Work Plan Going To Create Hundreds Of Jobs In The Industry That Are Certainly Greatly Needed In This Community.

Bob, Thank You And A Great Partnership You Have Formed With Our Team To Move This Forward.

Chairwoman Hall: Thank You, Commissioner Judah.

Further Discussion? Commissioner Mann? Comm. Mann: Walk Me Through When We Will Be Out Of The Temporary Use Of Dollars? How Is The Timing As It Relate Toss This Step On This Contract? Good Morning Madam Chair And Commissioners.

Commissioner Mann The Schedule That We Have For The Bond Issuance Is Late August, Early September.

Either Right Before Or After The Labor Day Holiday.

Comm. Mann: Are We Using Some Of The Mstu Dollars? We Are.

And What This Does Is You're Consuming Some Of The Mstu Dollars To Proceed With The Project To Stay On Schedule But As The Bond Dollars Become Available Once We Received The Funds It Will Replace The Entire Volume Of The Mstu Dollars, Less Those That Have Been Already Spent.

Comm. Mann: Less Those? The Dollars That Have Been Spent Will Have Been Spent, But Everything Will Be Replaced -- Comm. Mann: That's All I Wanted To Hear.

The Tax Dollars Will Be Covering All Of This Expense.

Thank You.

You're Welcome.

Chairwoman Hall: Commissioner Bigelow? Comm. Bigelow: Why Isn't This Coming To Us In Total? The Rest Of The Construction Drawings Aren't Complete To The Extent We Can Bid Them.

When Will They Be Complete? The Balance Will Probably Be Late September, Mid October.

Midaccept -- Mid September, Late October Sounds Like When We Might Have Our Money Back.

And I Guess I Am Curious How Will I Know That This \$8 Million Here Won't Be On Action Taken By This County To Prepare For Something That Is More Expensive Than What We -- The Contract That We Signed, October 2008, I Think.

The Development Agreement With The Red Sox Was That We Would Have A Budget By December.

Still Haven't Seen The Budget.

Guess I'm Not Going To See The Budget.

I Don't Know If That's A Request I Could Make And Have On It And Ask For It.

It Seems Like The Red Sox And County Management Decided No, We Don't Want To Do It After All.

Okay.

Still Think We Should Do It.

It's In The Development Agreement.

It Seems Like A Good Idea To Me.

And I Think It's Obvious Where I Am Going With This Because The Late Commissioner Janes Gave Me Some Advice When I Talked To Him Privately Before I Was Inaugurated.

He Said I Suggest You Grow An Alligator Head Quickly, You Will Need It And Secondly, Whatever Decision You Make Be Sure That You're Making It Knowing That You Have -- You And You Alone Have To Sleep With That Decision On Your Conscience And It's You Have To Put Your Head Down At Night And Sleep Peacefully Or Not Because Of The Decision You Made.

And I Think I May Lack The Ability To Communicate Just How Shocking The News We Got A

Week Ago Monday Is.

But As I See And Look Around This Community The Pain That People Are Having To Deal With Because They Are Making Personal Sacrifices To Try To Keep Themselves Afloat, And I Have Looked At Requests Like This And The One Prior That I Voted Against, I Can't Get Right With What We're Doing Here.

I Can't Get Right With The Idea Of Spending \$8 Million For A Multi-Million Dollar, Maybe Billion Dollar Sports Organization When We Have A Perfectly Fine World Class Facility And No Third Team To Take It.

No Plan, No Idea Except Maybe A Series Of Holes That We Will Dig And Turn Into Some Swimming Pools.

And That Comes With A Whole Lot Of Skepticism From Me.

So I Can't Support This.

Chairwoman Hall: Okay.

Is There Further Discussion? All Those In Favor? Opposed? The Motion Passes 3-2 With Commissioner Bigelow Dissenting.

We Will Move To 7 A.

I Have A Motion By Commissioner Jude Daw, Second By Commissioner Man.

The Motion Carries. Item 8a Is Deferred The Next Is To Allow Waive Formal Quotation Procedure To Allow Fleet Management And The Solid Waste Division To Purchase International Truck Parts.

Comm. Judah: Marilyn, I Know You're Aware Of Wallace International.

Well, Wallace Is Not A Competitor In This Situation.

We Found We Could Go Through The Actual O.E.M. But We Purchased Them Through Wallace.

They Are Our Provider.

So The O.E.M. Is Extending Special Discount Pricing.

We Still Purchase Through The Local Vendor.

They Are Benefiting By The Business But The Pricing Has To Come Through The O.E.M. Wallace Has All The Business.

We Are Still Honoring The Local Vendor.

Comm. Judah: I Move The Item.

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

Other Discussion? Commissioner Mann? Comm. Mann: What's O.E.M.? Original Equipment Manufacturer.

Like Original John Deere Would Be The Manufacturer.

I Am Always A Little Nervous And Want To Know In This Great World Particularly With Commuters And You Can Get Online And Find Just About Anything You Want To Fix Anything With.

And Being The Proud Owner Of A '79 Jeep And I Had As Old As A '46 Jeep I Never Had Difficulties Finding Parts For These Vintage World War II Class Vehicles.

There's Been Thousands, Hundreds Of Thousands Of Internationals Made And It's Hard To Believe With All The Auto Parts Stores Around, Give Me Some Comfort Here, Please, That This Is The Only Place We -- And It Might Help What The \$220,000 Is Going To Be Used For.

Are These Transmission? Cash Rate Tors? What Are We Buying? It's A Little Bit Of Everything And The Solid Waste Trucks And Rest Of The County Trucks And I Would Assume Transit If They Had Anything.

Is It Based On How Much We Spend The Last Few Years And We Think We Will Need This Much As We Move Forward? Fleet Is Just Under The \$100,000 Level.

When You Put Us With Solid Waste It Puts Us Up Over The \$100,000 Flesh Hold That Is Required To Come Before The Board.

When Ever Possible We Use After-Market Parts And We Do That.

We Have Contracts With Napa And A Lot Of Different Vendors.

Sometimes We Have To Go O.E.M. Because The After-Market Part Is Not As Good And We Want To Keep The Thing On The Back, Get It Back On The Road.

But Whenever We Can We Do Use After-Market Parts.

This Is For The Parts When We Can't Get Them After Market Or The Quality Of Part Is Not As Good.

I Am Somewhat Comforted Knowing That We Do Use After Market As Part Of Our Normal Purchase Procedures.

Yes, You Guys Do Too, Solid Waste? Do You Do Anything Independently Or Are All Your Equipment Fixed -- They Are Independent From The Rest Of The Fleet.

But With Do Go After-Market And Wherever Else We Can To Look At Replacement Parts Unless They Are So Unique That They Might Not Be Available, But When You Mention Napa There's A Half Dozen Major Markets Out There, Plus Craigslist, That You Can Get Anything On It.

They Do All That Sort Of Thing.

I Want To Make Certain Particularly In The Light Of What Mr. Bigelow Was Referring To The Year Coming If You Can Save Money.

And We're Concerned That Only G.M.Could Make It And That Sort Of Thing, After-Market Service Is Millions Of People, Millions Of Customers And It Does A Got Job At It And You Get Warranties.

We Would Have A Situation On Newer Pieces Of Equipment The After-Market Doesn't Kick In For The First -- Usually Takes Two To Three Years For The After-Market Parts To Kick In.

And We Might Have An Occasional Thing And We Have To Weigh The Difference From The Down Time And The Crew And Vehicle And Wallace -- We Work Well With Them.

I Need Your Head To Go Up And Down And Answer This Question Which Is After We Approve This You Will Will Still Do Everything You Can Pru Departmentally To Get The Least -- Prudently To Get The Least Expensive Job To Get The Job Done.

I Guarantee You We Will Squeak.

Thank You Very Much.

Chairwoman Hall: Further Discussion? Commissioner Bigelow? If You Need Marilyn To Come Back Why Don't We Say That So She Doesn't Wait Until The End.

There You Go.

Comm. Bigelow: What Was Your Instructions? Chairwoman Hall: Just To Say Marilyn Before She Went All The Way To The Back.

Comm. Bigelow: Thank You.

Can You Tell Me This \$220,000 That Is Coming From Solid Waste Division, Solid Waste Disposal? Some Of This Will Come From The Solid Waste Fund.

The Rest Will Come From The Vehicle Maintenance Fund.

So Monies Are Pay As You Pick Up The Waste? Commissioner For The Record.

Lindsey Sampson.

Funds That Are Derived From The Solid Waste, Funds To Pay For These Items Originate

From The Fees Paid For All Citizens In Lee County For Processing, Yes.

Comm. Bigelow: So The Dollars Are There Being Taken Because We've Set The Pick-Up Rates? Correct.

And Marilyn, Motorized, Equipment Repair That Is The Funding Source Identified Here? There's Separate -- We Are In A Segregated Fund And We Pay For It And Put On The Work Order Like If You Go To Sam Galloway Or Somewhere With Your Car And We Give The Departments A Bill.

And Then They Reimburse Us For The Expenses.

Comm. Bigelow: So Depending On The Department And Where They Get Their Money Is Where The Money Comes From.

Right? Right.

And If This Doesn't Pass, Sounds Like It Will, But What Would Be Your Fall Back Plan? Just Out Of Curiosity.

Good Question.

We Would Continue To Do Whatever We Can.

We Could Spend Up To \$100,000 Without Board Approval.

But Because Between The Two Departments We Are Over That Amount And It Would Come Back.

So It Would Come To The Point Where Solid Waste Could Spend Part Of It And We Could Spend Part Of It And After That We Would Have To Start Parking Some Trucks.

Comm. Bigelow: But There Is A Need You Have To Have These Parts.

You Have To Keep Us Moving.

Yes, Sir.

I Appreciate That.

I Do Want To Underline Commissioner Mann's Concerns Here.

Nothing Is Like It Was Before Last Monday.

And If You Might When You Come Back To Us Or Other Departments Share With Us How This Is Approached From A Frugal Cost-Saving Perspective And How We Might Think Of Other Alternatives.

For Instance, You're Asking For Two-Year Extension On This Project.

The Option To Extend It Administratively, Right? So We're Waiting This Competitive Bid Or Procedure And It Will Be Two More Years.

The Concern Commissioner Mann Has Raised Is That We Bring The Contracts Back More Frequently And Review Them And See If There Aren't Better Prices Out There.

We Are In The Process Of Renegotiating Almost Every Contract That We Have Just Things Like Our Building Maintenance.

We Have That Reduced.

The Long Care, Severely Reduced.

We Are Looking At Everything Including Parts.

Any Maintenance That We Have Done With Outside Facilities.

Everything Is Being Looked At.

We've Looked At Every Vendor And Talked To Them And They Are Coming Back To Us With Reduced Prices And We Are Making Every Effort To Use After-Market Parts When Ever We Can Because They Are Less Expensive.

Comm. Bigelow: I Guess I Would Say To The Body And To The Chair That I Think Maybe We Need To Do This One Time And Not Extend The Labor To County Management To Make Two Consecutive Years.

Chairwoman Hall: Did I Have A Motion And Second On This? Could You Repeat Who Made The Motion And The Second? Commissioner Judah And Commissioner Mann? I Have A Motion And A Second? Further Discussion? All Those In Favor? The Motion Carries 3-1 With Commissioner Bigelow Dissenting.

Item 14a Approve Settlement In Lee County Versus Olson Case.

I Have A Motion, A Second? All Those In Favor? The Motion Carries Unanimously.

Keith, I Am Not Trying To Put You Off But To Have The Rest Of The Day Available I Would Like To Do The Carry Over Now.

That Is Approve The South Lee County Watershed Plant Update Of Work And Roland Do You Want To Address That With Us.

Good Morning.

Roland, Natural Resources For The Record.

Sorry.

We Had Cost Estimates Back And Recall Bragsand We Feel It Is Not Cost Effective To Do That Route And We Would Like To Approve The Lee County Watershed Plan Update And Now It's Dated May 7th The Final Report With The Following Modification.

Deletions Of Recommendations Of The Following Modification Recommendation, Delete 6.1.1 Which Is Construction Of Up To Two, 60-Inch Culverts To I-75 To Halfway Creek And Replace It With Sediments Under I-75 And Halfway Creek And Maintain As Required To Maintain Design Capacity.

And With The Balance Of Funds To Direct Staff To Work With South Florida Water Management District And Utilizing The Remaining Funds At 50/50 Cost Share Toward Recommendation Of The Plan.

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

Is There Any Discussion? Comm. Judah: Let Me Make Sure What You're Recommending And What I Moved Has To Do With Acceptance Of The Study And We Are Not Going To Move Forward With Updating It Based On The Latter Information Because Of The Expense To The Consultant For Doing So And Having Accepted The Older Study Done We Will Eliminate Any Reference To Installation Of Culverts With The Understanding That Fdot Will Ensure Compliance With The Existing Conveyances And Hopefully Be Able To Coordinate With The District On Directing The 120,000, 50/50 Cost Share With Upgrades To Projects To Help Improving Conditions In The Environment.

There Are Still Many Recommendations, I Think The Permit -- They Have The Latitude If They Want To Adjust The Recommendations In The Permit They Could Do So.

It's Their Permit.

And I Would Have No Objection To That.

But In Terms Of The Need.

The Study Did Document Based On Hydraulics The Need Wasn't Aren't And They Were -- Warranted But I Can't See Putting More Pipes This As A Safety Purpose.

Comm. Judah: I Would Support Any Additional Flow Up To Spring Creek If Possible.

I Did Want To Ask You, We Are Going To Need To Get, I Would Suspect Response By The South Florida Water Management In Agreement With This Motion And We Would Then Require A Modification To The Permit.

Chairwoman Hall: Phil.

Yes, You All Actually Challenged The Permit To Install The Culverts Under I-75 And As A Settlement We Agreed To Do The Study And Required The Study Be Accepted.

We Can Move Forward With Modifying That Permit With The D.O.T. The Study Did Indicate There Was No Need To Increase Conveyance However Due To Safety Concerns The

Culverts Are Four Feet Below That We Would Experience Sedimentation That Could Minimize The Conveyance That Was Required.

We Would Anticipate Doing A Permit Modification That Would Require D.O.T. Do A Maintenance Operation.

I Think You Addressed The Outstanding Issues.

I Want To Thank You And It's Been Quite A Team Effort To Get Us To This Point.

I Know It's Taken Some Time But I Think We're On The Right Track.

And I Think It's Positive That We Put Forth The Money We Budgeted.

Thank You.

Chairwoman Hall: Any Other Comments.

Commissioner Bigelow? Comm. Bigelow: So You're Going To Give Us \$60,000 Or We Will Get The \$120,000 To Do As We Wish Or However Is What We're Going To Do With The Money Decided? Well, It's Something We Have To Work Out With You.

We Have To Enter Into A Contract With Lee County.

We Will Provide \$60,000, You Will Match That.

And We Would Have To Agree On The Appropriate Project And He We Will Take Suggestion From Your Staff.

As We Discussed In The Office Earlier, Perhaps We Do A Memorandum Of Understanding So We Are Clear And The Folks In Estero Are Assured That -- Chairwoman Hall: That's What We Said.

We Will Do A Memorandum Of Understanding.

You Say Do One Now Before We Enter Into A Contract In The Future Is That What You're Saying? Or If The Contract Would Memorialize Everything -- I Think We're In Agreement On.

I Just Want To Make Sure We Are.

The Contract Will Do That? Great.

It Will, Yes.

Okay.

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

Next An Update From Our State Lobbyist Keith Arnold To Tell Us What Occurred In The 2010 Legislative Session And What Is Affecting Us.

Good Morning.

Keith Arnold With Keith Arnold Associates And It's My Pleasure To Update You As Chair Woman Hall Mentioned On The 2010 Legislative Session.

Before I Begin Let Me Just Say That I And Brett And Mark And My Staff As Well As The Extended Team, Sarah Blakely And John Enjoyed Representing You This Year.

It Was A Tough Session.

I Thought It Would Be Helpful And I Will Spend As Little Time On This As As Much Time On This As You Want.

This Is The Only Thing Standing Between You And Taking A Break So I Would Be Happy To Make It Brief.

But I Did Think It Would Be In Order To Give You A Little Update On The Budgetary Process In Tallahassee Since It Has Direct Implications In The Issues You Will Face In The Near, Near Future.

In The Report, The First Few Pages, In Facts The First 17 Or 18 Pages Are Dedicated To A Budgetary Overview Of What The Legislature Went Through.

Just A Few Highlights Of That Are That The Budget Pass Roughly Is \$70.1 Billion Budget This Year.

A Little Larger Than What The Governor Actually Proposed And It Was Pieced Together With A Variety Of Things.

Number One, Most Importantly With Federal Stimulus Dollars.

And A Coupled With That A Significant Amount Of Trust Fund Sweeps, \$600 Million To Be Exact With Using Non-Recurring General Revenue For Recurring General Revenue Issues As Well As An Issue I Will Talk About Briefly Additionally Which Is Additional Fmap Dollars That Are Anticipated To Come Forward From Washington.

When It's All Said And Done The Legislature Has Balanced Their Budget Over The Last Two Years With \$15 Billion Of Federal Stimulus Dollar.

All Of Which Are Scheduled To Disappear Next Year.

The Most Significant Of Which Are Scheduled To Disappear On December 31st Of This Year.

So The Budget Process For Next Year Looks Rather Ominous When You Consider That Those Stimulus Dollar Notice Theory Do Disappear And We Will Look At A State-Wide

Perspective At A Round Of \$6 Billion Short Fall As We Begin The Budget Process This Fall.

Our Fiscal Year Begins July 1st But The Budget Process Will Begin In The Fall And Carry On To The Legislative Session But It's On Anticipation That There Will Be Roughly \$6 Billion Of The Legislature Will Have To Come Up With In Order To Balance The Budget.

A Couple Of Items Of Interest That I Know The Commission Has Expressed Some Concern About Is Transportation Trust Fund Sweeps.

There Was Roughly \$160 Million Of Transportation Trust Fund Sweeps That Were Taken Out Of Transportation Trust Fund And Used For General Revenue Purposes.

The Question Really Remains As To Whether The State Department Of Transportation Can Utilize The Funds As You Are Keenly Aware.

The Governor Has The Ability To Disallow Expenditures In The Form Of A Veto But Has No Budgetary Authority So The Question Remains From The Legal Perspective Whether The Monies Can Be Spent Or Not.

And What Implications Those Withheld Monies Will Have On Lee County Transportation Projects.

It's Murky Right Now.

We're Not Certain What The Legislature Will Do.

The House Is Threatening A Legal Action Against The Governor On That.

We Don't Know Exactly What Course This Will Take But To The Extent There Is A Special Session On The Oil Situation Or Budgetary Issues This Is One That Will Be Taken Up In Terms Of The Legislature Trying To Assert Their Constitutional Authority Over And Above The Governor's Perceived Authority And It May Ultimately Find Its Way Into The Court System.

You've Seen A Pie Chart And You've Heard How Much Money The Legislature Spends On Healthcare And Education.

71% Is Spent On Healthcare And Education Which Is Why Some Of These Issues You And I Are Concerned About Are So Difficult To Fund.

And That Will Have A Trickle-Down Effect On Some Of The Issues You Deal With Most Notably In The Medicaid Area As You Are Continually Asked To Spend More On Medicate Reimbursement.

I've Spoken To The County Manager On That Issue.

Without A Doubt Its Medicate Expenditures And State Tries To Shift Some Of The Burden Of Medicate Expenditures Elsewhere They Will Look For County Governments To Pick Up A Bigger Piece Of The Medicaid Tab.

It's Concerning For County Staff.

Should Be Concerning To Awful Us Because That Is A Huge Budgetary Concern Not Only For The State But Potentially For Local Governments As Well.

Very Interesting On Bottom Of Page Four Again In Terms Of The Budgetary Highlight.

I Spoke To You About Fmap.

It Stands For The Federal Medicaid Assistance Program.

Medicaid Is The State, A Joint State Federal Program Where The Federal Government Spends A Larger Partial Of Its Money On The Medicaid Program In Florida Than The State Does.

However, The Legislature Used A Lot Of Stimulus Dollars To Balance The Budget And Out Of Medicaid Into General Appropriations.

I Know Commissioner Judah You Asked About Everglades Restoration.

It Was Funded At \$50 Million This Year And \$10 Million Of General Revenue And \$40 Million Of Medicaid Dollars Contingent Onto Federal Government Approving A New Stimulus Package, Which They've Not Done Yet, To Sent Some Additional Medicaid Dollars To Florida.

Believe It Or Not It Is Fully Contingent On Additional Medicaid Dollars And A Fund Shift The Legislature Will Do If They Receive The Additional Dollars.

That's A \$1 Billion Implication To The State Of Florida.

Very Concerning If The Federal Government Does Not Approve It And Will Have Some Fiscal Implications To Local Governments.

As It Relate Toss The Fiscal Implications And Your Struggling And Obviously The Discussion This Morning Has Been Centered On Financial Issues, The Financial Issues Will Not Go Away As It Relate-- Relates To The State Government.

The Trickle-Down Implications Of The State's Fiscal Problems Will Affect You And The Long-Term Planning That The State Has Undertaken Has Got To Continue, Underscores The Need For Local Governments To Do The Same Because We Don't See Additional Revenue Sharing Coming Down To The State Of Florida To Local Governments Any Time Soon.

If You Look At The Page 18, The Legislative Highlights As It Relates To The Local Priority List And I Want To Save The First One To Talk About A Little Later Ironically And Profoundly, You Placed At The Top Of The Agenda For Us To Deal With Was A Ban On Oil Drilling.

I Do Believe There Could Be A Special Session On This Issue.

Of The State Energy Bill Commissioner Judah, You Have An Effort To Look At A Regionalized Paced Program That Is Innovate I Have Been Of Certain The State Didn't Consider That And This Legislation Doesn't Speak To That.

I Don't Know How You Will Approach That But It Is Innovative That We Can Be A Model To The State In How People Convert Their Homes To The Current Source Of Energy.

They Utilize Or Whatever It Might Be The County Is Contemplating That I Think Your Ordinance Could Be A Model Ordinance For The State Of Florida.

I Commend You For Those Efforts.

I Know Commissioner Hall Is Extremely Concerned About The Preplatted Lands Issue As You Will Of You Have Been In The Past.

This Is A Very, Very Difficult Issue For The Legislature To Wrestle With.

Remember The Supreme Court, The United States Supreme Court Approved The Ability Of Local Governments To Redesignate Lands For The Purposes Of Local Government, Economic Development Efforts.

The Florida Legislature Reacted To That U.S. Supreme Court Decision Negatively And Placed A Constitutional Amendment On Our Own Ballot That Was Approved By The Voters That Does Not Allow State Government Or Local Governments To Any Way Take Lands Through A Domain Process For The Purposes Of Economic Development Or Economic Redevelopment.

That Constitutional Amendment Is Not In -- It's Not Consistent With The Federal Constitutional Interpretations, However, It Is The Belief Of Most Constitutional Authorities That Our Prohibition Can Exceed The Federal Legal Interpretations On This Issue And So The Bottom Line Is Redevelopment Of Platted Lands And Cape Coral, Lehigh Acres And Other Preplatted Subdivisions In The State.

It's Difficult Under The Current Constitutional Scenario In The State Of Florida.

Senator Mike Bennett Did Initiate A Bill In Working With County Staff And Commissioner Hall And Many Others To Deal With This Issue, However, No House Sponsor Was Willing To Take Up This Bill And To Ultimately Introduce It, Let Alone Fight For It.

This Is Going To Be A Very, Very Tough One.

We Worked Broadly With Other Coalitions, Other Groups, The City Of Cape Coral To Figure Out Some Opportunities To Address This Issue, But It Is At The Very Least Constitutionally Problematic.

Growth Management Issues.

You've Take An High Interest In Growth Management.

This Year There Was Very Little Done On Growth Management.

Very Little Introduced In The Area Of Growth Management And I Can Say That That Is Really Attributable Most Notably To The Constitutional Amendment On The Ballot That Is Constitutional Amendment Number Four, Hometown Democracy.

The Legislature Is Aware Of The Sensitivity Of That Issue.

The Populous Appeal Of The Issue In The State Right Now And As A Result Did Not Want To Do Anything To Further Contribute To That Effort And This Was A Very, Very Quiet Year As It Relate Today Growth Management.

The Only Notable Exception Is Dc A Was Up For Sun Set Review.

The Legislature Did Not Review The Department To Continue To Exist And Yet It Continues To Exist.

And So A Little Bit Of Gray Area There Legally.

The Governor Said He Will Not Sunset The Agency.

Everybody Has Their Jobs And The Legislature Indeed Funded Them And The Secretary And Entire Department Has Their Jobs And Still Regulatory Review, Although Under The Sunset Review Process The Legislature Refused To Renew The Ability Of The Department To Exist.

The Other Issues Which I Think Of Interest To The County.

I Know You Were Very Interested In Some Election Reform Changes And Hopefully I Think Your Interest Was Again A Financial Interest Where You Did Not Have The Resources To Fund The A.D.A. Requirements With The Elections Department.

The Legislature Did Pass And Governor Did Concur That We Would Have More Time To Comply With The A.D.A. Requirements.

There Will Be No Additional Fiscal Burdens On The County Relative To That Particular Issue.

As It Relates To The Offshore Drilling Issue.

I Know Commissioner Hall, County Manager.

First Of All We Try To Get Additional Resources For Advertising Lee County Tourism.

The Governor Was In Miami Yesterday.

Every Area In The State Of Florida Is Voicing Their Concern About Lack Of Tourist Dollars Being Spent In Their Local Communities.

We Are Attempting To Get Some Meetings Set Up For All Of You And The Respect I Have

Been Decision Makers In Tallahassee To See If We Can't Get Some Additional Resources From Tallahassee For Advertising For Tourism.

B.P. Right Now Has Paid \$25 Million For Florida To Promote Tourism.

They've Agreed To Funds Another \$25 Million For Tourism Promotion.

The Attorney General Has Asked For 2.5 Billion Escrow Amount To Help Deal With Claims That Would Ultimate Will I Have All Communities In Florida Be Paid By B.P. As A Result Of The Oil Spill.

The President Goes On National Television Tonight To Have The First Address In The Oval Office On The Issue And Meets With B.P. Officials Tomorrow.

You Passed A Resolution Calling For A Constitutional Amendment And A More Permanent Moratorium Embedded In The Constitution To Oil And Gas Drilling Off The Coast Of The State Of Florida.

I Might Add That The Collier County Commission Has Done The Same Thing And Many Other Commissioners Are Considering Doing The Same Thing.

I Do Believe That As This Crisis Continues To Evolve That As Oil Hits The Florida Shoreline That Legislative Attitude From This Will Change And I Believe The Governor In All Likelihood Will Call A Special Session Dealing With This And In Fact The Focus Of That Session May Be The Focus Of Your Resolution And That Is A Constitutional Prohibition On Oil And Gas Drilling.

I Believe Public Sentiment Has Changed Significantly And Obviously The Crisis Is Such A Magnitude That I Think Policy Makers In Tallahassee Will Feel Compelled To Act Not With Standing The Public Comments To The Contrary.

So A -- A Special Session On The Issue In My Judgment Is Probable.

We Will See How Everything Plays Itself Out Over The Course Of The Next Few Weeks, But The Crisis Is Only Getting Worse For Many Communities.

Many People Are Hurting.

Certainly We Will Continue To Work With Your Staff To Secure Some Of The Funds For Promotion Of Tourism Here In Lee County, But I Believe This Issue Will Play Out In A Higher Level In Tallahassee.

I Will Be Happy To Answer Any Questions.

We've Dealt With Dozens Of Issues On Your Behalf This Year.

The Package You Have Before You Is Detailed.

If You Have Any Questions In The Future, Feel Free To Call Me.

I Will Deal With You On Those Issues, But Madam Chairman, I Will Be Happy To Answer Any Questions As This Point.

Comm. Judah: If The Special Session Is Called Will The Governor And Legislature Look At Adopting A Renewable Energy Standard? It's -- The Governor Has Suggested That If He Does Call A Special Session He Would Want It To Be Broader Than The Actual Prohibition Of Oil And Gas Drilling.

In Fact It Would Be A Broader Energy Bill.

Before Sessions Started You Indicated As One Of Your Legislative Priorities That That Is Exactly What You Wanted To Come Out Of The Session.

Look At Renewable Energy.

Legislative Issues.

The Legislature Had That Set This Year But I Think They Would Call The Session For A Broader Array Of Issues.

Senate President Set He Would Be Amenable To Talk About The Broader Energy Issues And So There's A Shift In Public Opinion Going On.

Not Only In The State Of Florida, But In Tallahassee Among Policy Make Rs.

The House Is A Stumbling Block Right Now.

Chairwoman Hall: Any Our Questions? Keith, Thank You So Much.

We Appreciate The Hard Work Of You And Your Staff And The Collaboration With Our Staff.

Thank You Very Much.

Chairwoman Hall: We Will Move On To Commissioner Items.

Commissioner Bigelow? Comm. Bigelow: I Have None.

Chairwoman Hall: Commissioner Judah? Comm. Judah: I Wanted To Bring Up An Update But I Think The Attorneys Addressed That Matter.

Chairwoman Hall: Commissioner Mann? And I Have Nothing.

We Will Go To Community Appointments? None? Go To County Manager Item As Soon As And To The County Attorney? Good Morning Commissioners.

I Was Asked To Research The Status Of A Comprehensive Plan Amendment That Was Filed In Desoto County And Able To Confirm There Was A Large-Scale Amendment Involving Text And Map To Create A Phosphate Mining Overlay In Northwest Section Of The County

There Known As The Pine Level Area.

This Area Is Located West Of Peace River.

It Involves 26,000 Acres Held Mostly By Mosaic.

Mosaic Owns 23,000 Of The 26,000 Acres And An Additional 3,000 Have Been Included In Order To Create A June Form Boundary.

There's Been No Change To The Future Land-Use Designation Of The Property That Remains Rural And Agricultural.

But Because Most Of The Land Is Designated Rural Or Agriculture They Are Adopting This Phosphate Mining Overlay To Designate Which Lands In The County Are More Appropriate For Mining Activity.

Right Now Of The 26,000 Acres Over 8500 Acres Are Zoned For Phosphate Mining Activity.

The Remaining Lands That Are Located In This Overlay Would Have To Be Rezoned In Order To Be Youthlized For Phosphate Mining.

On Its Face This Amendment Looks Like They Are Including A Lot Of Additional Lands For Phosphate Mining But It's Noteworthy That Up Until 2004 The Comprehensive Plan Allowed For Phosphate Mining In The Rural And Agriculture Land Use Category But It Was In Advertently Omitted From The Plan In The 2008 Update To The Plan.

So What These Amendments Are Doing Is Reestablishing Phosphate Mining And Industrial Uses As Appropriate In The Rule And Agriculture Land Use Category And Establishing The County's Attention To Designate These Particular Lands As Appropriate For Phosphate Mining And Provides A Means For The County To Limit Phosphate Mining To These Areas.

The Proposed Text Amendment State That Is The Other Provisions Of The Plan Remain In Effect.

They Have To Comply With The Requirements To Preserve The Lands And Protect The Lands To Setbacks And Other Means.

But That's The Extent Of The Amendment Itself.

Now, If I Can Move On To What The Status Of This Amendment Is.

The L.P.A. Voted Not To Transmit The Amendment By A Vote Of 5-2 But The Board Of County Commissioners Voted 5-0 To Transmit It To D.C.A. Where It Is Right Now And It's In The Review Time Frame.

They Have A 45-Day Period To Review The Proposal And Offer Objections, Recommendations And Comments.

During This Time Public Agencies Like Adjoining Counties, Other Governmental Agencies

Can Offer Comments And Suggestions To D.C.A. For Inclusion In The Orc Report.

Following The Issuance Of The Report The County Has 60 Days To Adopt The Plan Amendments By Addressing The Comments In The Orc Report Or Adopting The Plan Amendment As Originally Proposed.

The County Can Participate By Sending Comments To D.C.A. At This Time Or Attend The Adoption Hearing.

The Problem That We Have I See In This Particular Plan Amendment Is One Of Standing.

Typically Standing Can Be Achieved In One Of Two Ways.

The Statute Says You Have Standing If You Own Property Within The County Or Conduct A Business In The County And Adjoining Local Governments Have Standing.

We Are Not An Adjoining Local Government With Desoto County.

We Have No Common Boundaries.

Even If You Are A Local Government You Have To Establish That There Will Be Substantial Impacts On Areas Designated For Protection Or Special Treatment Or The Proposed Plan Amendment Will Increase The Need For Publicly Funded Infrastructure.

So Understanding That We Do Have This Hurdle With Regard To Standing I Think If The County Is Interested In Participating And Enhancing The Opportunity That A Court May Find We Have Standing, If It Were To Be Challenged, That We Get Involved In Some Way Either During This Orc Report By Providing Comments Or Attending The Adoption Hearing.

Chairwoman Hall: Commissioner Judah? Comm. Judah: We Are An Effected Party And It Is A Connection, The Peace River, That Connects Desoto To Lee County.

I Would Ask This Board At The Very Least That We Submit Comments During This Report Period That We Are Requesting That An Environmental Impact Assessment Be Completed Prior To Expanding With An Overlay Another 17,000 Acres To Add To Their Phosphate Mining Area.

Chairwoman Hall: I Will Second That For Discussion? Further Discussion? Comm. Bigelow: We Voted 5-2 Not To Transmit? Desoto's L.P.A.? What Was Their Problem With It? It Didn't Say.

The Minutes That Were Provided From The County Didn't Really Go Into Detail.

It Just Said -- Comm. Bigelow: That's A Significant Turn Around.

That Happens Even Here.

It Says No Transmit And You Know, But It Is -- If It Is Your Intention To Get Involved In This Process I Would -- My Legal Advice Is You Instruct Your Administrative Staff To

Prepare Comments To Be Sent Right Away Because We Have Only 20-30 Days To Get Comments To Them During This Period And Instruct Your Administrative Staff To Attend The Adoption Hearing And Participate On The Record.

Comm. Judah: We Have Enough Information On The Impact To -- Chairwoman Hall: A Lot Of Money For That.

I Just Wanted To Point Out That Standing May Be A Challenge Based On The Way Affected Party Is Defined In This Statute.

I Checked With D.C.A. They Do Not Have Recognize-- Cases That They Dealt With This Type Of Challenge We Would Have To Address In The Consent.

Yes, Commissioner Bigelow? Comm. Bigelow: Where Is The Push For The Environmental -- Comm. Judah: The Corps Of Engineers Is Requiring A Wide Area Assessment Before They Will Issue Any Permits.

But This Is To Create An Overlay For Phosphate Mining.

It Seems Timing Is Right With Us Providing Input That This Should Be Insistent Upon.

I Would Prefer We Limit To That Position That We Encourage The Corps To Continue On That.

Comm. Judah: We Need To Do More Than That.

We Need To Get Closely Standing On This Particular Amendment.

Chairwoman Hall: We Do Have A Motion And A Second.

To Give Administrative Staff The Ability To Make Comments To D.C.A. And Participate In The Public Hearing.

Is There Further Discussion? Comm. Bigelow: Yes.

Chairwoman Hall: You Have One More At This Commissioner Bigelow.

Comm. Bigelow: Any Idea How Much This Will Cost? It Will Be In-House? Okay.

Interested In What Kind Of Resources You Think We Have To Expend On This.

I Mean, Our Time Is Money.

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

Madam Chair.

I Would Like To Ask Her A Question.

This Has To Do With Our Comp Plan Amendments.

The North August Ga Planning Panel Asked Their Issue Not Be Taking Up? Does It Fall Off The Agenda Tomorrow Or Do We Have To Take Action To Respond To Their Request? I Wasn't Aware That They Were Requested To Remove From The Agenda.

If Their Item Is Not Heard Tomorrow They Will Not Be Part Of The Round Of Amendments Because Of The Transmittal Hearing For The 2009, 2010 Round Of Amendments Is Tomorrow.

If They Don't Go Tomorrow What's Happened Is In Effect They Fall To The Next Round Of Amendments.

I Have A Question.

The Question Is To That They've Asked -- It's My Clear Understanding, Mr. Noble Told Me Earlier This Morning, You Don't Have That Yet But Assuming That He Is Not Making This Stuff Up, What I -- My Point Would Be, What If We Wanted To Take It Up Any Way And Express Ourselves On The Issue? It's An Item On The Agenda.

You May Discuss It Since It Is A Scheduled Item On The Agenda And Has Been Advertised.

I Imagine There May Be Members Of The Public That Comes To Speak.

It Will Be At The Discretion Of The Board To Permit Public Input On The Item.

This Is A Board-Initiated Amendment The Way We Have The Community Plan Program Set Up.

So Really You Can Direct How The Item Is Handled.

Okay.

We May -- Chairwoman Hall: Why Don't -- Additional Comments Tomorrow When You Know More About The Official Request.

Chairwoman Hall: Okay.

I Would Like To Know Tomorrow If We Can Just Since It's Board Initiated, If This Board Is Empowered To Bring It Up And Deny It Any Way? Let's Not Assume That There's A Recommendation, I Think The County Attorney Has Given Us Direction That Is At Our Discretion And Our Office Hasn't Been Notified That There's A Request To Take It Off The Agenda.

Why Don't We Deal With It In The Proper Sequence Tomorrow And I Will Ask The Board What The Pleasure Is At That Time.

Next We Have To County Item For Consideration In This Meeting.

My Name Is Andrea Fraser.

I Am Bringing Before You The Item That You Discussed Last Week With The Purchase Of Property On Fort Myers Beach.

For A Purposes Of The Use Of The Tourist Development Packs, A Legislative Finding Has To Be Made That The Purchase Promotes Tourism.

I Gave You Some Examples Of What That Legislative Finding Could Entail And I'd Have To Have A Motion That It Does In Fact Promote Tourism In Order To Make It Legislative Finding.

Comm. Judah: So Moved.

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

Under Discussion? Andrea I Asked For A Legal Opinion And I Wanted To Share With This Board That The Property That Is Across The Street, No T.D.C. Dollars Can Be Used For The Demolition, Construction Or Anything To Do With The Property Across The Street Unless It's Connected To The Promotion Of The Beach Access.

That's Correct.

I Want This Board To Realize That.

Secondly I Want To Share With You The Disappointment And The Understanding That We Felt You Needed To Go Ahead Of Them, But They Would Like To Share With You That As Much As Possible They Would Like To Be In The Process And Would Like To Be Able To Discussion Prior To A Decision Prior To The County Decision To Discuss The Funding And Do Not Support Using T.D.C. Dollars In Acquisition Of Property And Would Like To Hold That T.D.C. Does Not Acquire Real Estate.

They Would Like The Board To Consider Keeping Them Whole.

What Was Going To Be Used On The Town Of Fort Myers Beach Was A Balance Of \$1.2 Million And Rather Than The Entire Amount Come Forward That The Board Would Only Utilize From T.D.C. Funds That Of What Would Be Used For Beach Renourishment.

I Share Those Thoughts With You And I Think We Can Continue The Dialogue With The T.D.C. Comm. Judah: The Decision That Was Made By The Board To Move Forward To Use Tourist Money To Buy The Property Was Predicated On The Demolition On The Village Building And An At-Grade Parking Lot That Would Benefit The Beach As I Understand It.

If There Was Any Other Alternative That Has Been Kind Of Discussed With The Town Of Fort Myers Beach And Other Interested Members Of The Community, Then Clearly That Money Would Have To Be Reimbursed If It Were Made Into Say A Modified Multilevel Parking Lot Or If It Were Used For A Restaurant Or Town Hall Or Any Other Purpose.

Then There's No Question The T.D.C. Money Would Have To Be Reimbursed? That's Correct.

Madam Chair, We Have Not Broken Out The Cost Of The Parcel Across The Street So We Don't Know What We're Talking About In Terms Of The Impact -- It Was 6.8 Or 5.8 Purchase Price It Was A Package Deal With The Bank, Am I Right On That? Chairwoman Hall: No, It's \$900,000.

County Lands Did Break It Out For Us And It Was 900,000 That Was The Actual Purchase Of The Property Across The Street And Balance Going There.

As We Go Forward We Can Have Further Discussion And I Think The T.D.C. Again, I Said What They Would Like To Request -- Madam Chairman, I Would Like To Comment.

I Thought It Was Clear With The Three Of Us Here To Vote To Use The Dollars The Way We Did That We Were Confident In The Appropriate Use Of The Dollars And I Am Not Looking For An Extended Dialogue If It Was Proper.

This Was Truly To Me A Once-In-A-Lifetime Opportunity.

I Thought It Was An Appropriate Use Of The Dollars.

The Majority Of The Board Felt That Way And You And Commissioner Judah Met With Them.

It Was Mynd Standing.

As Far As I Am Concerned This Issue Is Done And Let's Move On To The Next One.

And One Will Bite At The Apple When We're Under Discussion.

I Appreciate Your Perception And Your Comments And Your Opinion On That And I Appreciate The T.D.C. Recognizing This Board Has That Prerogative And The Request Is A Simple One And As They Go Forward They Would Like The Board To Consider It.

They Didn't Ask For An Extended Dialogue.

They Wanted To Share Your Comments And After The Fact Discussion And They Wanted You To Understand Where They Were Coming From And They Will Probably Remain In The Future.

At This Time They Don't Feel They Want To Change The Policy But They Recognize The Board's Prerogative To Do What They Have To Do.

I Am Sorry, Did -- We Did Not Vote.

Commissioner Bigelow -- He's Not Coming Back.

Okay.

Chairwoman Hall: With That I Have A Motion On The Floor To Have -- I Will Support -- We Have A Motion On The Floor To Move Forward With The Acquisition.

Move Forward With The Legislative Finding.

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

I Would Ask The Board In The Future To Take Into Consideration As We Move Forward In Budget To If We Can To Reimburse The T.D.C. No More County Attorney Items.

Okay.

With That It Is Tuesday, And You All Have A Great Week.