

June 8, 2010

Good Morning.

I'd Like To Call The Board Of County Commissioner's Meet To Go Order.

And Welcome Everyone.

It's Tuesday, June 8, 2010 And As Always We Like To Start The Meeting With An Invocation.

Pastor Paul Dejong From First Presbyterian Church Of Fort Myers Followed By The Pledge.

Welcome Pastor.

Let Us Pray.

Most Graciously, Loving And Heavenly Father Who By Your Word Lord That This World And All That Is In It Was Created.

It Is By Your Word That Nations Rise And Nations Fall.

Lord, We Would Pray For The Blessings Of Your Providence To Rest Upon This Nation Of Ours And Lord Upon All Of Its Leaders And Included In That The Leaders That You Have Put An Authority Over Us Here In This Place At This Time.

Lord, I Pray For These Commissioners.

I Pray For Everyone Gathered In This Room.

I Pray That Your Will Will Be Done.

I Pray That You Will Guide, You Will Lead And As A Result Your People In This County And Beyond Be Blessed.

Through Your Grace, Your Mercy And Love And In Jesus' Name We Pray.

Amen.

[Pledge Of Allegiance] Please Be Seated.

Madam Chairman If I May Before Reverend Dejonge Leaves, I Welcome You To Lee County.

He Is The New Senior Pastor At My Church.

He's Only Four Months Old Around Here And We Are Pleased To Have You On Our Cycle As One Of The Pastors That Leads Us Off An Tuesday Morning.

Welcome To Fort Myers, Welcome To Lee County, Welcome To First Presbyterian And Thank You Very Much.

Congratulations.

It's My Honor To Read A Resolution For The Students At The Carrie D. Robinson Littleton Elementary School.

So, Susan If You Could Come To The Podium.

I Would Like To Take A Photograph With All The Kids And I Would Love To Hear From You Or The Students About The Environmental Clause.

I Could Hear You Say The Pledge And It's Nice To Have Young Voices In Chambers As Well As Old Folks In Chambers.

You Can Squish Up Over There.

We Will Bring You Up Here In A Minute.

Whereas Conservation Lands Are Important To Provide Green Space To Sustain Wildlife, Fisheries And Unique Plant Communities.

To Draw Eco Tourism To Benefit The Economy.

To Provide Opportunities For Outdoor Enthusiasts And Protect Important Water Resources And Whereas Lee County Has A Percentage Of Its Land Area Protected As Conservation Land, 17%, Than The Rest Of Florida Region, 28%, And Where A State County And Private Initiative Both Great And Small Have Doubled The Amount Of Conservation Land In Lee County.

And Whereas Carrie D. Robinson Littleton Element Industry Is The First School To Dedicate Its Own Forest And Whereas The Students Created It For Us.

And Where Students Put In 70 Hours Clearing Trails And Brush And Where The Environmental Science Advisor Developed A Five-Year Management Plan That Includes A Burn To Rid The Forest Of Dead Vegetation.

Therefore Beet Resolved That The Lee County Commissioners Of Lee County Florida Would Like To Take This Opportunity To Acknowledge The Carrie D. Robinson Littleton School Environmental Club To Create A Community For Us That Will Create Awareness, Provide Opportunities For Environmental Education And Protect And Manage Another Five Acres Of Conservation Land In Lee County.

It Is Dually Executed This 8th Day Of June And Signed By Me The Chair Woman, Tammy Hall.

[Applause] .

Thank You So Much.

One More? That's All Right.

That's Fine.

Chairwoman Hall: If We Could Hear From You And The Program? While You're Preparing To Do That I Know Our 20/20 Advisory Committee Will Recognize Your Class Of Great Work And Your Programs.

We Are Honored Today To Do It As The Board As County Commissioners.

Our Club Has Been Very Busy.

We Wish We Could Say We Created The Forest.

But Greater Hands Did That.

We Made It Accessible To Everybody And We're So Happy That We Have All Of These Native Plants.

We Have Done A Relocation Site And It Has A Double Link Fence Around It.

Nobody Could Ever See In And See What It Looks Like.

With The Help Of A Lot Of The Community The Department Of Forestry, Friends And Environmental Resources In The County And Environmental Education Department And In The City Of Cape Coral, We Were Able To Find Out What A Great Resource We Had And The Children Were Able To Help Create The Trails.

The Forestry Department Came And Did A Controlled Burn In The Area And Then The Children Came In And Raked And Shovelled And Moved The Trails.

And We Were Fortunate That We Were Able To Find Out That When They Have To Replace The Mulch On Play Grounds The Old Mulch Has To Go Somewhere So We've Been Happy Recipients Of Old Mulch.

So We Have Mulch Trails So It's Accessible To A Lot Of People.

You Can See Wild Flowers And Birds And Tortoises Almost Daily.

We Are Fortunate That The City Of Cape Coral And Individuals Have Donated About 175 Plants At This Point.

Native Trees, Shrubs And Wild Flowers.

The Students Have To Maintain Those So They've Been Weeding, Watering And Continuing To Work Hard Even Through The End Of The Year.

In Addition This Group Also Does All Of The Recycling For The School.

They Do Composting Of The School Lunch Waste And We Have Gardens So The School And Neighboring Communities Will Receive Fresh Vegetables To Taste.

Chairwoman Hall: Fantastic.

They've Worked Hard.

[Applause] Good For You Guys.

This Is Holly.

She Wanted To Talk A Little About What Inspired Her.

We Made The Forest Because The Tortoises Were Coming Out On The Field And They Sometimes They Are Bugged By Different Animals And Maybe A Few Children.

And We Wanted To Do That So That Way The Vegetation Would Be Taken Out And New Ground Cover Would Come Up And They Would Be Able To Eat Without Being Disturbed And They Could Live On Their Natural Life And The Children Could Learn More About The Environment That We Live In And Know More About How To Conserve It And Keep It The Way It Is And We Want To Make Lee County More Beautiful With Conserving Our Forests And Such.

Thank You.

Chairwoman Hall: Thank You Very Much.

[Applause] Chairwoman Hall: I Want To Thank All Of Our Student For Being Here This Morning And Lets Us Share With You Your Great Work.

Thank You Very Much.

We Appreciate It.

Next We Will Go On To The Recap.

We Do Have Some Items That Will Be Carry Overs From Yesterday That Will Take Up The End Of The Agenda.

Next We Will Go On To Public Comment.

I Do Have Some Cards And This Public Comment.

Anything On The Consent, Administrative Agenda -- Well, Public Hearings Will Be At Public Hearings Time.

I Will Do That At The Time Of The Public Hearing At 9:30.

My First Request Is -- Is It Jehova Halston? You're Here To Talk About Something On The Consent Or Administrative Agenda? [Inaudible] Chairwoman Hall: That's At 5:00 Public Hearings.

Is There Anything On The Agenda You Want To Address Upon? [Inaudible] Chairwoman Hall: Come To The Microphone Because I Can't Hear You, I Am Sorry.

Hi, How Are You Doing? My Name Is Reverend Halston.

I Got Baptized And I Have A Baptism Certificate That Says I Am Reverend Halston.

Chairwoman Hall: Is There Something On The Consent Or Administrative Agenda You Want To Address Us On? Actually I Haven't Noticed Something I Wanted To Speak To You About On This List Here.

But I Was Over To The City Council's Meeting, It's Been A While Back And Asking For Financial Abilities To Strengthen Lee County Area.

Chairwoman Hall: Okay, That's At 5:00.

We Allow Matters Of Citizens To Come At 5:00.

I Don't Take Those Comments Today.

If You Have Something In Writing You Would Like To Give And If You Would Come Back At 5:00.

This Morning Is Only For Items On The Consent Or Administrative Agenda.

And I Also Wanted If I Have The Time To, I Wanted To Present A Problem That's In The Area Involving Illegal Drugs.

Chairwoman Hall: That's At 5:00 This Evening.

This Morning Is Simply The Consent Or Administrative Agenda Items.

At 5:00 We Would Be Happy To Take Any Of The Items Not On The Agenda And It's An Opportunity To Speak To The Board Of County Commissioners.

I Am A Parent And -- I Understand.

My Children Are Starting To Have Children And We Still Have Illegal Drugs.

Sir, I Am Going To Have To Ask You To Stop.

We Have A Protocol.

I Have To Treat Everybody The Same No Matter Who They Are.

At This Time Of Our Meeting We Do Not Take Comment Of Public.

We Take It At 5:00.

I Would Respectfully Ask You If You Do Not Have Something On The Agenda, Sit And Come Back At 5:00 Where I Can Take All Of Your Comments At That Time.

If You Have Something In Writing That You Would Like To Give Our County Manager Right Now, She Can Take That From You, But I Cannot Take Your Comments At This Time.

Just To Respect To All The Citizens That I Treated Equally The Same.

If I Could Ask You To Sit And Come Back At The 5:00 Meeting.

I Saw That We Will Follow This Plan Right Here.

Maybe Somebody Could A-- The Meeting Agenda, We're Following That Closely? Yes.

But Public Comment Is On The Consent Or Administrative Agenda.

What Item Do You Wish To Comment On? Karen.

Commissioner Mann -- I've Got The Meeting Under Control.

I Appreciate What You're Doing.

I Am Asking Again This Gentleman Out Of Respect For The Rest Of Our Citizens, If You Take A Seat Unless You Have Something On The Consent Or Administrative Agenda To Address Us On.

If Not, I Would -- I Will Come Back At 5:00 And I Can Talk About My Issues? Absolutely.

It's A Pleasure Speaking With You Now And I Will Be Back At 5:00.

Thank You Very Much.

I Apologize For The Misunderstanding.

Thank You.

Next, Pete? I Am Pete Representing Collier County Autobahn And A Variety Of Green Organizations.

We Have An Item Dealing With The Submerged Lands.

We Have Had An Ongoing Discussion Trying To Deal With The Adaptive Protocols And Getting Control For Our District.

It Is Clear That The Core Is Willing To Give Our Appointed Leaders The Responsibility Of Making Decisions Of What Kind Of Water And When Comes To The Caloosahatchee, But Under The Current System We Need Basic Policy Changes In Current Water Management Policy In Order To Allow Us To Get This Control.

It Is Clear That We Need A Base Flow Of About 450 Cubic Feet Per Second.

Chairwoman Hall: I Don't Have Adoptive Protocols On The Agenda.

I Am Talking About The Protection Of The Submerged Land.

Chairwoman Hall: Okay.

I Think If We Can Continue To Provide For Some Kind Of Opportunity To Get The Protection Of The Submerged Lands, Which Is Protection Of The Sea Grasses That Are There, This Is Vital To Us.

These Decisions Will Come Up Before The Board With Our Elected Appointees As We Speak.

I Urge You To Have The Basic Policy Changes So We Get A Constant Flow Of Water When We Need It, Not Cut Off From Water Before Other Users And Have An Opportunity To Save Our Submerged Lands And Sea Grasses Vital For Our Economy.

Chairwoman Hall: Thank You.

Kathy? Kathryn.

I Just Have Kathy On Here, Sorry.

Good Morning.

My Name Is Kathy.

I Am Here Representing Lee County R.V.Association.

Bobby Stewart Came To Our Last Meeting, Was Our Speaker, And Mentioned About Lehigh Acres Where Some Homes Were Abandoned And They Were Trying To Get Paint And Paint The Homes And They Lacked Funds To Buy Paint.

I Guess The Hazard Waste Development Came Across Some Paint And Had Some Volunteers To Paint But Couldn't Use Them Because Of Workers' Comp Liability.

We Decided To Donate \$300 To Help Paint The Abandoned Homes And We Want To

Request You Approve Them In Accept The Donation To Help Them Out.

You're Here For Public Hearing, Is That Correct? Okay.

We Will Go On -- I Have No One Else From The Public.

Is There Anyone Else From The Public That Would Like To Address The County Commissioners On Something On The Consent Or Administrative Agenda, No Public Hearings.

We Will Go To The Consent Agenda And Commissioner Mann, Anything That Needs To Be Pulled? No, Ma'am.

Commissioner Judah? Comm. Judah: Item 2a And 9a? Commissioner Bigelow? Comm. Bigelow: No.

Chairwoman Hall: I Have None.

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

Commissioner Judah, 2a.

Comm. Judah: I Was Pulling This Item To Have The Board To Thank The Association For Their Generous Assistance Some \$300 For Eliminating A Lot Of The Graffiti.

We Do Thank You And I Would Like To Move The Item.

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

Thank You So Much.

Very Generous.

Commissioner 9a? Comm. Judah: I Suspect You Would Pull This Item.

It's Fitting That The People Here Involved With The Commissioner Bob Janes And To Recognize The Generosity Of So Many Individuals And Organizations That Contributed \$4,980 Toward The Bob Janes Preserve And There Is A Whole List In The Back Up Of Very Generous People And Friends Of Bob Janes And I Know Bob Would Be Appreciative Of Their Thoughtfulness.

I Would Like To Move The Item.

Chairwoman Hall: Motion By Commissioner Jude Daw, Second By Commissioner Mann.

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

[Applause] .

Chairwoman Hall: We Are Proud Of Commissioner Janes' Work.

Thank You For Being With Us This Morning.

Next We Will Move On To The Administrative Agenda.

This Is Request To Direct The Board Of County Commissioners For Expired Building Permits? I Have A Motion By Commissioner Mann, A Second By Commissioner Judah? Any Further Discussion In All Those In Favor? Opposed? The Motion Carried.

Next We Will Move On To Public Hearing At 9:30.

The First One.

Good Morning.

Michael Jacob Assistant County Attorney.

I Reviewed The Affidavits And Will Enter Those Into The Record Now.

Chairwoman Hall: Thank You.

The First Item Is An Easement For Water Way Number One.

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

Is Anyone From The Public That Would Like To Be Heard On This Item? Any Discussion? All Those In Favor? Opposed? That Carries.

This Is An Easement On The Site Of The Gorovoy Eye Center.

Chairwoman Hall: I Have A Motion By Commissioner Judah, I Have Two Cards On The Public To Speak On This.

Andrew.

Hello.

My Name Is Andrew From Duke Steakhouse.

I Own The Property Adjacent -- Is That Okay I Go Ahead? Chairwoman Hall: Yes, I Just Want Karen To Hit The Timer.

First Of All I Am Concerned About The Notice Requirements.

I Never Received A Notice And I Think -- I Don't Know If Any Of The Neighbors Received A Notice As Well As South Florida Water Management District.

I Could Read From The Records That Say Not Even Sure Through Lee County Emails.

They Are Not Sure If South Water Management District Should Be Noticed.

They Also Talk About In Another Email That I Received From Them, From Lee County Department Of Transportation Which Is July 13th, 2009, They Are Giving Approval.

But Since Then We Were Successful In A Dispute With The Department Of Transportation In Changing The Driveway Permit Access Which Changed The Whole Site.

Originally The Gorovoy Project Had A Driveway Change That Was Going To Remove Our Driveway.

That Was The Whole Criteria For Them To Do This Project.

Since Then The D.O.T. Has Change -- Changed That And This Is Not Relevant.

We Have Litigation About This Whole Project About The Variances Approved.

That's Ongoing Litigation In The County Court.

And The Only Reason They Got Approval For This Project Is Lee County Said They Had No Choice In The Meantime.

They Had To Give Them Approval But That Approval Is Subject To Litigation With Lee County.

And Dr. Gorovoy G5 Properties.

There's A Lot Of Concerns Of Notice Requirements.

Which Like I Said, We Didn't Receive One.

I Don't Think Anything Should Be Heard Until We Ascertain These Notices Were Given As Well As Very Complicated With This Drainage Easement.

There's No Drainage On Site And They Added On A Whole Building.

And They Want To Take Out A Whole Area For Drainage.

So There's A Big Concern Of Flooding The Little Residential Street Behind The Property.

So There Hasn't Been -- I Looked Through All The Paperwork I Received From Lee County And It Doesn't Say Any Plan To Accommodate For The Drainage That They Are Moving.

And Again, Southwest Florida Water Management District Wasn't Noticed So I Don't Think The Hearing Should Go On.

Chairwoman Hall: Thank You.

Thank You.

Chairwoman Hall: Next We Will Hear From Matt.

Good Morning.

Good Morning.

For The Record, Representing The Applicant.

The Easement In Question Here Is An Easement That Runs East And West Through The Subject Property From Us-41 To Austin Street.

It Only Affects The Subject Property.

It Doesn't Touch Anybody Else's Property.

The Easement Itself Is Being Vacated For The Purchase Of Building A Port Cashier -- It's Something We Want To Do To Make The Building Better.

It Does Not Affect The Duke Steakhouse Property In Any Way And I Am Totally Happy To Engage In The Discussion About The Variances And Litigation, But The Fact Is They Have Nothing To Do With This Request.

Chairwoman Hall: Thank You.

Is There Anyone Else From The Public That Would Like To Address This Public Hearing? Seeing No One, I Will Close The Public Hearing.

Comm. Judah: I Think We Know Where The Gorovoy Eye Center Is Located.

I Want To Thank Dr. Gorovoy For Investing In This Community With The Upgrades And Improvements He's Providing On The Site.

Not Only Providing Critical Employment Opportunities But Critical Services For Our Community.

But It's My Understanding That We Would Have Heard From Staff Or The Attorney Office If There Were Any Issues Out There Legally.

It's Certainly Understood That Staff Would Not Have Recommended Approval If There Were Any Problems With Potential Drainage Impairment.

So I Am Satisfied That All Issued Have Been Addressed.

Chairwoman Hall: Further Discussion? Commissioner Bigelow? Comm. Bigelow: Is Pete Here? Chairwoman Hall: Yes.

Comm. Bigelow: Pete, Could You Tell Us Whether You Could Attest For The Fact The Public Notice Was Given To The Adjacent Property Owner Or Not? Yes, For The Record, Pete With Developmental Services.

I Think In This Instance Public Notice Is Not Required For The Vacation Of A Platted Easement.

It's When We Get Into A Right Of Way We Have To Give Public Notice.

I Think It Wasn't Necessary Here And As Commented, This Particular Easement Does Not Have Any Facilities In It.

It Is An Old Platted Easement That Serves No Useful Purpose.

There Is An Existing Water Management District Permit On This Property For The Particular Project Constructed Right Now, The Subject Of Our Development Order.

All The Surface Water Management Issues Have Been Addressed.

Chairwoman Hall: Thank You.

Comm. Bigelow: One Other Question.

Could You Tell Me Whether This Has Anything To Do With The Driveway Or Access? No, As A Matter Of Fact, The Drive Way Access Question Existed Further To The South Of Where This Easement Is Located.

And Suitable Accommodations Have Been Made In The Future To Provide An Interconnection When The Adjacent Property Itself Develops, But This Particular Easement Has Nothing To Do With That Driveway.

Comm. Bigelow: We Appreciate That.

We Want To Address The Comments From The Adjacent Property Owner.

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

Public Hearing Number Three.

This Is To Direct A Second Public Hearing To June 29th At 9:30 A.M.

Yes, I Am Here If You Have Any Questions.

Chairwoman Hall: I Have A Motion By Commissioner Judah, A Second By Commissioner Mann To Direct To A Public Hearing June 29, 2010 At 9:30.

Is There Anyone From The Public That Wishes To Address This Public Hearing? Seeing No One.

I Will Close The Public Comment.

Come Back To The Board.

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

All Right.

Next We Are Going To Go On To The Walk-Ons.

Karen, Is It My Assumption You Want To Do The Composting Issue First? We Had Some Carryovers From Yesterday From Management Planning.

Do You Want To Do Composting First Since It Takes A Little Longer? Is That Fine With The Board? Okay.

We Will Do Composting First.

Good Morning Commissioners.

For The Record My Name Is Lindsey Sampson.

For This Item I Would Request Your Indulgence.

I Will Try To Move Through This Slide Show That Is Really More To Introduce You To The Facility That We Have At Our Hendry County Landfill Site.

And To Give You A Little Background On What's Required In The Composting Process Of Biosolids.

You Can See That -- Let Me Back Up For A Second.

In June Of 2009 We Began A Project To Construct Six Fabric-Covered Open-Sided Structures, Each One About 22,000 Square Feet.

And For The Purpose Of Processing Biosolids And Yard Waste Using An Active Windrow Composting Process.

Requirements For This Process Is That The Material Has To Be Maintained At A Minimum Temperature For A Certain Amount Of Time As Shown Here And Then We Do Testing Not Only For The Nutrients, Nitrogen, Phosphorus And Potassium, But Also For Metals And We Demonstrate The Requirements For Pathogen Reduction Has Been Met.

We Track The Inbound Sources And Quantities That We Use In The Process.

Our Permit Requires That A Wastewater Operator Class A License Must Be On Site During The Operation.

And Our Permitted Capacity Is Shown As 19,000 Wet Tons Of Biosolids Per Year.

Here's Just A Picture Of The Windrow Turner That We Use And In Order As The Material Compost, It Consumes Oxygen And A Certain Amount Of Moisture Is Evaporated And The Turner Fluffs The Material And Reintroduces Air Into It In Order To Maintain The Oxygen Level That We Want For The Bacteria.

Just Another Picture Of The Process.

We Receive Sludge Or Biosolids From The City Of Fort Myers And Lee County Utilities Department.

We Have Specific Agreements With Both Of These Entities, Which Is Also Required By Permit.

Agreements Establish Responsibilities For Both Transporting And Handling The Material.

The Mulch That We Use In The Process Comes From Our Yard Waste Collection.

This Is What The Biosolids Or The Sludge Looks Like Coming From The Wastewater Treatment Plant.

Our Agreement With The City Of Fort Myers Provides That The Solid Waste Division Actually Transports Their Sludge And That's What Sludge Is.

And Our Yard Waste Processing In Buckingham, We Grind Yard Waste To A Two Inch Or Minus Material.

We Haul The Mulch Out To The Hendry Processing Site.

We Mix The Material One To One By Weight Depending On The Moisture Content Of The Sludge Sometimes We Are Required To Add A Little More Mulch If The Sludge Is Excessively Wet.

We Have Areas For The Mulch Storage, Active Composting Area And An Outside Area For Curing And Compost Storage.

The Curing Process Takes 45-60 Days And We Monitor The Material.

We Turn The Material When It's Curing As Well.

Just As We Do Inside The Buildings But Generally On A Less-Frequent Basis.

As You Can See There Is A Fair Amount Of Vapor That Is Still Released During The Turning Process.

In The Curing Stage.

And When The Material Reaches The Temperatures Begin To Be Reduced In The Curing

Stage And Reach A Certain Level With The Proper Moisture Content We Deem The Material To Be Completed.

Our Windrows About 100 Feet Wide.

For Distribution Of This Project We Will Screen This Material In The Near Future.

And Offer Both A Screened Material That Is Less Than Half Inch And Then The Raw Compost That Is Less Than Two Inches.

Some Notes On Our Construction That Was Completed In Early 2010.

Our Next Main Program, A Person In This Area Will Market Distribution And Sale Of The Material.

Now, Under The Florida Statute, 373.4595 There Are Certain Prohibition And Requirements For The Distribution And Marketing Of This Material In The Northern Everglades Watershed Area.

Not Only Under That Statute But Under New Regulations Class A Biosolids That Are Marketed As Fertilizer Registered With The Department Of Agriculture Are Exempt From The Prohibition Of General Disposal Of Biosolids Within This Area.

Under New Chapter 62-640 That Were Very Recently Adopted By The Environmental Regulatory Commission In May Of This Year, Again, If Biosolids Are To Be Distributed And Marketed It Must Be Done As A Fertilizer.

Now There Is An Exception To This.

It Can Be Distributed Under The U.S. Composting Council Requirements, But That Can Only Be Done In Areas Of Florida Outside The Northern Everglades Of Watershed Area.

Anything That We Would Intend To Distribute In The Northern Everglades Watershed Area Must Be Registered As A Fertilizer.

Dac Department Of Agriculture And Services Inspect The Material.

We Pay Them A Licensing Fee And The Material Has To Meet The Requirements Under 62-640.

One Other Item That Was Adopted By The New Rules Is That For Distribution And Marketing Of The Material That Only One Dry Ton Of Unapplied Class Aa Biosolids May Be Stored On A Property For More Than Seven Days.

Now This Is A Very Small Quantity Of Material.

It Would Be In The Neighborhood Of Two To Three Pickup Truck Lodes Would Represent About One Dry Ton Of Material.

Now That Unless There Is Measures Put In Place To Prevent Run Off Of Rain Water.

An County Besides Purchase The Buildings Purchase The Compost Churner And We Have The Mixing For Mulch And Mud And The Facility Itself.

This Item Was Brought Forward For Management And Planning Because Of A Request By Mr. Charles Lee That Lee County Requests Additional Changes To Chapter 62-640 Relate Today The Distribution Of This Material.

My Memo Of June 4th That I Submitted For This Management Planning Item, The County Staff Has A Position That The Regulations As Adopted On May 20th Should Stand As They Are Without Additional Changes.

And I Can Go Through Those Items If The Board Wishes, But I Do Want To Say The Issue In Question Here Is Whether Or Not The County Has The Ability To Give Away This Material Without Receiving A Monetary Benefit.

The Rulings That Was Pro -- That Was Proposed In The Rules, But Not Accepted By The E.R.C.

And I Advocated It Should Not Be Accepted By The E.R.C., Because I Feel The County Should Preserve Its Option Notice Distributing And Marketing This Material Whereas Mr. Lee Believes That The County Should Only Be Allowed To Sell This Material.

And In Fact In Using That Requirement Certainly Poses A Question Well, What Does Selling Mean? Can I Sell It For A Penny? I Would Think That Would Certainly Be Construed As Some Type Of A Sham On The Regulations.

So With The Requirement To Sell I Think Simply Causes More Problems, But In Addition It Limits The County's Ability To Distribute This Material As We Need To Do.

For Example, If I Have A Potential Sale Of Material, A Farmer May Want To Have Some Material To Test And To Try Out First.

Which Would Likely Be On A Give Away Procedure.

And We Should Have That Option, That Availability To Demonstrate Material To A Prospective Customer On A No-Fee Basis.

That's The Position We're Providing Here.

Comm. Judah: First Of All, I Appreciate Lindsey Summarizing What Has Been Done That I Think Is Proactive In Taking The Horticultural Waste And Sludge And Trying To Avoid The Application Of Sludge That's Gone On Over The Years That Creates The Problem Why The Northern Everglades Protection Act Was Adopted The Way It Was And You Were Involved To Try To Prevent The Excessive Amount Of Nutrients Gets Into Our Waterways.

Somewhere There's Got To Be A Common Ground.

The Staff Recommended To Eliminate The Give Away Provision Which They Sawas A Loophole.

Not Necessarily For Lee County Because You Were Taking A Proactive Approach In Getting The Class Aa License For The Compost Material.

But There's Been Such Significant And Discriminate Application Of Compost That Is Questionable Of Whether It Met The Class A Licensing Requirements And You Can See Where The Give Away Itself Is A Potential Loophole Where Other Communities, Municipalities, Counties, Continue To Dump Indiscriminately In The Watershed And Impairing Water Bodies.

What I Would Ask Is That If This Board Could Give Direction To Our Attorney's Office And To Lindsey To Work With D.E.P. To Work With Charles Lee Representing Autobahn And Try To Determine Whether There's A Way In Which To Still Allow Lee County To Move Forward With Marketing And Distributing The Class Aa Compost, But To Eliminate The Give Away.

And I Think Lindsey's Point About Some Farming Operations May Want To Test The Project, I Think There Could Be Some Provision That Could Allow Without Having This Gaping Loophole That Would Still Provide Indiscriminate Application Of Sludge In These Critical Watersheds.

And For What I Would Ask Is For This Board To Give Direction To Lindsey And Our Attorney's Office To Come Up With Some Language That Would Be Acceptable To The Environmental Regulatory Commission And Something The D.E.P. Could Accept And Save Or Watershed.

Chairwoman Hall: Lindsey, Would You Like To Comment? Yes.

I Think Commissioner Judah What Is Being Confused Here Is The Potential For Disposing Of Non-Aa Material Versus The Material That We Are Making.

And Class Aa Biosolids And Class Aa Biosolids Products, Which Is Our Material, Would Be Considered An Aa Biosolids Product Or By-Product Depending On The Language In The Regulation.

This Material Has Been Deemed By The D.E.P., As Well As Any Other Number Of Agencies, The U.S. Composting Council, As Meeting All Requirements For Not Increasing Or Excessively Increasing Nutrient Levels On The Land It Is Distributed On.

Whether There Is Other Materials That Don't Meet These Stringent Requirements Is An Issue For The D.E.P. To Address.

But To Say That You Simply Can't Give Anything Away In Order To Address A Problem That Doesn't Exist With This Material Is The Position That I Have To Take In Responsibly Handling The Material Because We Can't Dictate The Markets.

We Can't Say There Will Be A Market And We Can't Sell This Material.

I Don't Know That Would Be The Case And I Would Never Say That Would Be The Case.
That Is Why I Feel Very Strongly This Option Should Be Preserved.

Comm. Judah: It Would Be Interesting In The Staff To Have The Opposite Position To
Protect Our Waterways.

Or Protect The Water With The Algae, Toxic Impact To Our Waterways, Affecting Public
Health.

There's A Reason D.E.P. Supported The Amendment.

I Understand The Position You're In And Trying To Find Common Ground.

We May Be Responsible In The Way We Deal With Class Aa Sludge.

There Are Other Areas That Do Not And This Give Away Is A Loophole And I Am Hoping
That There Is Some Way We Can Address What You're Requesting And Address The
D.E.P.'S Concern With The Loophole That The Provision Allows For.

But In Fact The Autobahn Representative At The E.R.C. Meeting Represented An
Amendment To Allow A Give Away In All Other Areas In The State With Exception To The
Northern Everglades Area.

Chairwoman Hall: What I Would Like To Ask, Lindsey.

We Don't Need To Go Back And Forth.

There's Obviously Two Points Of View.

Why Can't The Regulation Require That Giveaways Must Have The Licensing And If You
Don't Have The Licensing, You Can't Give Away.

Why Can't The Regulation Read That So You're Around The Loophole Commissioner Judah?
We've Gone To The Extent Where We Are Inspected Five Times A Year.

We've Gone To Great Pains To Be Where We Are With The Aa And If You're Not That You
Can't Give Away.

But If You Are And Get The Inspections, You Can Give Away.

Why Can't That Be The Regulation? Comm. Judah: Can I Have An Opportunity To Try To
Get With The Autobahn And Lindsey's Staff And Get Back With The Board? Chairwoman
Hall: If The Board Has No Problem With That, We Will Ask That This Come Back To Us? Is
There A Consensus For That? I Think I'm Okay With That.

If We Can't Sell It We're Forced To Store It.

Put It In A Landfill.

A Landfill.

Chairwoman Hall: Right.

You Have To Do Something With It.

That's A Form Of Storage.

Chairwoman Hall: Okay.

Commissioner Judah We Would Like You To Set Out With Lindsey And Move On.

Lindsey Thank You For Sharing With Us Another Great Program That You're Doing.

I Would Like To Go Next For The Emergency Management Update With John Wilson To Let Us Know What Is Happening The-- With The Oil Spill.

John, Good Morning.

Good Morning.

For The Record, John Wilson, Division Of Public Safety.

Currently The Spill As It's Out In The Gulf Doesn't Pose A Direct Threat To Us.

Right Now The Closest Element Of It To Us Is An Extremely Thin, Light Sheen That Is In Loop Current About 150 Miles Away From Us.

We Are Continuing To Currently Monitor The Situation.

We Hold Conference Calls For The State Division Emergency Management To Get The Latest Word And We Hold Weekly Conference Calls As The United States Coast Guard St. Petersburg Every Monday To Get The Latest From Then As Well.

Coast Guard Is Setting Up A New Command Center In Miami To Manage The Entire Operations In Peninsula Florida Should The Oil Spill Become A Threat To The Areas Outside Of The Six Counties, Six Or Seven Counties In The Northwestern Part Of The State.

Right Now The Weather Situation Is Today Through The End Of The Week There Will Be Southerly Winds Or Winds Coming Out Of The South Affecting That Part Of The State, So Good For Us, Bad For Them.

The Rain, Choppy Seas Will Hopefully Diminish The Next Few Days And That Will Help The Resources By The Spill To Start Recovering The Oil That's Spilling Out Of The System.

We've Had Some Issues I Think In This Community Coming To Us.

We've Heard Or Read That There Are Certain Elements In The Community That Feel We Are

Not Being Proactive And Don't Have Specific Plan Addressing The Deep Horizon Spill.

I Can Tell You That Is Not The Case.

I Don't Know At This Point If You Want To Discuss What We've Done Or Meet With Those Particular Community Elements That Are Having Concerns With That At All, But Certainly We Are Being Proactive.

We Have A Plan In Place That Is Adopted By The State And Use A Board That Governs Response To Any Estimates Whether They Be A Hurricane, A Hazardous Material Spill On Water.

As Catastrophic As This Deep Water Horizon Is, That's What It Is.

A Hazardous Incident On Water.

The Coast Guard And Department Of Environmental Protection.

The Plan Is In Place.

There's A Geographic Response Plan That Identifies Sensitive Areas That Need To Be Moved And What We've Done Is Rather Than Duplicate That Is Provide Input And Recommendations On Additional Areas To Add To The Plan.

And That's Been Done.

And We've Been Told That The Results Of That Including Whether Or Not The Additional Environmental Sensitive Areas Are Included Or Not Would Be Available To Us A Week From This Coming Thursday.

At That Point In Time We Will Know Which Ones Of Our Recommendations That Were Presented By Not Only County Representatives, But Each Of The Cities, Will Be Involved In The Plan.

Areas Given The Three-Diamond Designation Will Be Boomed By The Coast Guard And Bp And The Contractors.

Those That Receive One Or Two Diamond Designation Will Not Be.

Then We Can Come Back To The Board And Determine If We Want To Request Additional Funding Through The Monies Bp Has Provided The State Of Florida To Get Resources To Boom Those Areas.

Now The Plan That The Coast Guard Has In Effect Will Go To The Trigger Point For That Plan Is When The Spill Crosses The Line About 93, 94 Miles West Of The Tampa Bay And Southwest Florida Area, And When That Happens They Will Activate The Area Contingency Plan For Those Areas Of The Central Southwest Florida Area Directly At Risk To The Spill.

Right Now We're Being Told That Expected Impact, If Any, To Our Area Will Be Weathered Oil, Which Is Tar Balls And A Light Transparent Sheen Perhaps In Tar Pattys And Based On That They Will Boom The Areas As Environmentally Sensitive Areas Directly At Risk To The Forecast Spill.

We Will Also Activate Our Comprehensive Emergency Management Plan Request A State Of Local Emergency From The Board And Develop And Public Action Plans Daily Or Throughout The Operational Period That Will Spell Out What Specific Activities We Will Do.

Right Now The U.S. Coast Guard And State Are Conducting Overflights And Monitoring The Trajectories Put Out To Determine If And When This Trigger Point Is Reached.

In Addition To Providing Additional Support To These Already Existing Plans, The County Is Looking At The Possibility Of Funding Overflights Of The Coastal Area Using Special Photography To Get A Snapshot Of The Shoreline Before Any Oil Reaches In Our Particular Area.

One Thing That We Have Noticed From The News Reports Coming Out North Central Gulf Is A Shortage Of Qualified People That Could Serve On Shore Assessment Teams To Pick Up Tar Balls.

And One Of The Things We Will Look At Is Possibly Funding Folks Like The Bay Corporation So We Would Have Folks Locally That Could Serve On That Team Should Bp Need Additional People.

That Is Something We Are Looking At Doing.

Joanne From Ostego Bay Has Done Training Here Locally.

She Continues To Do It And I Believe She Will Train About 140 Folks Up In Captiva, South Seas Area In The Coming Week We Would Like To Partner With Her And Continue That.

Perhaps Looking At Training Employees In Parks And Rec For Example, Since Many Of Them Deal With Issues On The Beaches As Possible Resource Support For That.

We Continue To Line Up Resources And Response Needs And An Example Of That Was In Local Agreement That You Approved This Morning With Moss Marine.

This May Be A Need For Additional Boom As Well As Establish An Emergency Structuring Case.

We Have To Activate To Support The U.S. Coast Guard Efforts Or Any Efforts On Our Own Should We Decide To Request Additional Boom From The State.

We Are Trying To Point Volunteers In The Right Direction To Assist In Response Efforts.

If We Are Missing Anything, Please Let Us Know And I Would Be Happy To Address It.

That's What We Are Doing At This Point.

Chairwoman Hall: Do We Have In Place With The Local D.P. Office The Cooperation To Pull Any Permit That Is Would Be Required Within Hours And Not Weeks? That's Where My Concern Is.

I Think That The Plan You Have And Communication -- People Are Anxious About This And They Want To Do Something And There's Not A Lot That Can Happen So We Understand The Anxiety And We Hear It Every Day.

But My Bigger Concern Is If We Execute Beyond -- If We Execute Locally Have You Thought About Any Permits Or Anything You Will Need And Do We Need To Coordinate With Secretary Sole Direction To Facilitate These Things Quickly? That's A Good Point.

I Don't Have An Answer To That.

But It's Something We Can Follow Up On.

Chairwoman Hall: I Would Like You To Follow Up On And I Would Like To Get Something Out To This Board.

We Need To Make Sure We Can Turn Anything Around Within Hours And Not Weeks.

And The Bureaucracy Sometimes Coming From Tallahassee To D.P. Offices Is A Little Scary, And I Know Everybody Wants To Cooperate, But I Know When The Air Settles There's Issues.

So These Guys Want To Make Sure That They've Dotted The I's And Crossed The T's.

We Need To Do Things That Need To Be Done And We're Not Held Up Critical Days Because We Can't Get Through The Red Tape.

I Want You To Look At What Those Could Be And Let's Have That Conversation Now So We Can Prepare For That.

Okay.

Chairwoman Hall: Anything Else? Commissioner Mann? Commissioner Bigelow? Comm. Judah: I Do.

Chairwoman Hall: Commission Judah? Comm. Judah: Can You Find Out -- It's My Understanding That Bp When They Put The Containment Cap In Place And Were Going To Close Off The Valves And Suck Up More Oil They Were Not Prepared To Receive More Than 15,000 Barrels Of Oil A Day.

And So That's One Of The Reasons They Are Not Closing The Valves And Not Able To Capture More Oil.

Can You Verify Where That's At If That's The Case And If That Is Obviously That's A Tremendous Oversight On Their Part.

And If It Is The Case How Soon Can They Receive And Capture More Than The 15,000 Barrels A Day? Yes, Sir, I Will Do That.

Comm. Judah: Also, You Talked About All The Preparedness That We May Have To Embark On.

I Don't Understand Why There Hasn't Been A Deployment Of Super Tankers To The Deep Water Horizon Site.

We Know The Technique Is There To Separate Oil From Water.

Super Tankers Versus The 19,000 Smaller Vessels That Are Out And About.

It Would Be A Much More Reliable, Efficient Way To Capture The Surface Oil And Separate It From The Water.

But You Need That Kind Of Capacity That The Super Tankers Represent And I Am Not Sure Any Direction Has Been Given Like They Did In Saudi Arabia To Deploy Super Tankers To Separate The Oil From The Water.

If You Can Find Out Something There.

The Only Thought I Can Offer To The Site Is Whether Or Not The Super Tanker Has The Ability To Collect And Process Large Volumes Of Water And Oil.

It Is To Separate The Water And Oil On The Tanker Itself.

But Whether Or Not They Have The Ability To Do That.

They've Done It.

They've Done It In Saudi Arabia.

If You Could Confirm It, I Would Appreciate It.

I Applaud The Administration For Doing That On The Coastline.

I Think They Actually Are Focussing On The Panhandle So We Want To Make Sure We Certainly Have That Information For Our Own Particular Coastline.

And Finally, I've Read Recently About Maybe Considering A Bottom Kill Approach As I've Indicated Over The Last Several Weeks.

I Still Feel Pulling A Page Out Of Red Adair And Using Explosives To Collapse The Main Shaft.

Clearly The Congress And President Is Not Listening Because Bp Wants To Save Their Main Shaft.

But What I've Heard About Bottom Kill Approach, Can You Shed Any Light On What That Means? My Understanding The Bottom Kill Approach Is Pretty Much The Relief Well Operation Where They Are Going Down To 5,000 Feet And Then Using Mud And Then Cement To Close The Well From, The Current Cap And Well From Operating.

Comm. Judah: That's Right At The Seed There.

That's Not Going Below The Bedrock.

My Understanding It Is Going Into Bedrock.

Comm. Judah: All Right.

If You Can Get That Information Back, We Appreciate It.

Thank You.

Chairwoman Hall: Commissioner Bigelow? Comm. Bigelow: John, I Appreciate You Being Here And Everything You Said Gives Me Comfort And Nothing Is More Evident Of Your Ability, Actually County Government Ability To Respond To Natural Disasters As What Happened In '04 When We Had To React To Hurricane Charley's Effects Here.

My Question Is Basically Just Pointed Toward What I Think Is Most Likely The Only Negative Outcome For Us Or Consequence That Could Happen.

Based Upon What I Am Hearing.

What You're Saying And What I Am Understanding And Learning About Geology.

I've Seen Videos Where Folks Are Walking The Beach With Bottles Of Water Where They Were Cut Off And Putting Tar Balls In Them With Their Hands.

Does -- Do They Have Something Better On Hand Than Cut Off Bottles Of Water To Pick Up The Tar Balls So When It Happens We Can Sent An Army Of Folks, However We To Hire Them.

Day Laborers Or What Not? Basically The Tools You Need To Pick Up Tar Balls Depend On How Thick The Tar Ball Is.

If It's A Kind Of A Tar Ball That Is Consistent Of Asphalt That Is Not Heated Up, You Can Simply Use A Kitty Rake And A Garbage Bag With A Special Type Of Glove.

Not Your Normal Glove You Can Find In The Store, But A Special Glove To Pick It Up And Place It Into A Trash Container.

For The Goopy Ones That Are Kind Of Jelly Like, You Need Something Like For Lack Of A Better Word, A Pet Scooper To Pick It Up And Put It In A Paper Bag.

But It's Pretty Low Tech.

Sounds Like Stuff Is Readily Available We Could Get Quickly? Yes, Sir.

If We Do Have An On Slot Of This Stuff And There's Delay A Day Or Two, If There's Some Kind Of Huge Wave Coming In Because Of Shifting Winds Or Tropical Storm In The Gulf And We're In Hurricane Season, I Am Looking For A Little Assurance That At Least We Will Be Able To Show Images Of Us Reacting Day One And So I'd Like To Know That The Crowder Gulf Has That Stuff Immediately At Their Disposal.

I Appreciate You Being Here.

Chairwoman Hall: Thank You.

We Will Go To Tobacco Free.

Great.

Come On.

Good Morning.

Christine Brady, Human Resources.

I Will Try To Make This Brief.

Tobacco Free Lee.

Our Goal Is To Develop A Policy That Supported By Administrative Code Eliminating The Use Of Tobacco Products For Lee County Employees That Support Our Wellness Vision.

It Fosters Healthy Behaviors And Lifestyle Choices.

Our Wellness Objective Is A More Informed, Health-Conscious Work Force That Improves The Quality Of Life For All Lee County Employees.

It Would Be A Cultural Change For Our Work Force And We Are Proposing A Four-Tiered Process Approach That Extends Over A Period Of Time To Prepare And Assist Employees For This Change.

We Would Focus On Awareness, Then Provide Education Assistance, Then Implementation Of The Policy And Then Move To A Compliance Phase.

We Currently Support And Participate On A Tobacco Free Lee Coalition.

And The Department Of Health We Have Worked Closely With In Reviewing Their Policy They Have Moved To In Tobacco Free And Preparing Lee County To Move Toward This Approach.

The Department Of Health Has A Program Tobacco-Free Program Prevention.

It's A Three-Year Grant That Began In Fiscal Year 9/10.

The Mission Of The Tobacco-Free Coalition Creates A Tobacco Free Atmosphere Throughout The County.

In November 2009 This Board Executed A Resolution That Encouraged All Lee County Employees To Live Healthier And Happier Lives And Stopping The Use Of Tobacco Products.

We Did This In Conjunction Of The Great American Smoke Out And Number Of Cities In The Area Executed Resolutions At This Time Acknowledging The Effort Of The Tobacco-Free Coalition To Move Forward To A Tobacco-Free Environment.

Lee County Currently Has An Administrative Code That Addresses Clean Indoor Air Policy.

That Was Adopted In 1985.

It Was Amended In 1994.

Currently Discourages The Designation Of Any Area Within A Government Building As A Smoking Area.

This Policy Would Reach Outside Of The Buildings To The Surrounding Areas And Actual Property.

Basically We Have Two Approaches That We Can Take.

First Would Be An Administrative Code That I Mentioned Earlier That Is Supported By Policy.

The Advantages To This Is It Would Be Easier To Enforce And Communicate First With Our Employees.

Initially It Would Have No Impact To The Public.

It Would Increase The Detrimental Side Effects Of Tobacco Awareness And Some Of The Disadvantages Would Be This Would Be A Major Cultural Shift For Employees And Potential Morale.

Potential For Abusive Breaks.

Liabilities For Employees That Go Off-Site To Smoke And Have A Negative Impact For Smokers In Work Performance.

The Other Avenue We Would Have Is Go Forward A County Order -- Ordinance.

It Would Affect The Entire Population.

Tobacco Awareness Would Be Reached Out To A Greater Portion Of The Population.

It Would Have A Public Impact For Non-Smokers.

It Would Enhance The Facility Of Esthetics And Decrease The Loitering We See Outside Our Building.

A Public Impact To The Smokers, Limited To Non-Existent Resources To Enforce.

We Would Have Challenges To Enforce This At This Point And Parks, Pavilions And Public Areas.

Our Recommendation Is To Institute The Administrative Code With Policy In Personnel That We Would Take The Approach We Discussed At The Beginning Of The Slide Here.

Increase The Awareness Of The Hazards Of Tobacco Use And The Fact The County Is Moving Toward This Policy.

Provide Education For The Employees And Work Closely With The Department Of Health And Providing This Services To Our Employees.

Provide An Opportunity For Assisting In Quitting Tobacco Products For Those Employees Interested And We Will Lead To An Improved Employee Health And Environment With The Surrounding Lee County Facilities.

Our Justification Goes Back To The Initial Wellness Vision Which Is To Provide Environment That Promotes Healthy Lifestyles And In Closing I Would Like To Acknowledge The Dr. Hartner And Brennan From The Department Of Health In Support Of This Initiative.

They've Been An Absolutely Wonderful Resource To Us While We Move To These Types Of Decisions.

Thank You.

Chairwoman Hall: Thank You.

Thank You Dr. Hartner For Hanging In There Two Days For Us.

Board Direction For Chris? Comm. Judah: Administrative Code Is A Rational Approach To Take At This Time.

Chairwoman Hall: Ask Them To Move Forward With That? With All Due Diligence.

Comm. Bigelow: If I Am A Smoker On This County-Owned Block And We Adopt This, What Do I Do? What Are My Options? I Don't Want To Abuse My Breaks.

I Would Go Where? Well, What We're Looking To Do Is Go With The Initial Awareness And Education And Encourage Employees Who Are Smokers To Take Advantage Of The Programs We Are Looking To Put In Place To Help Them Make The Healthy Lifestyle Choices

To Move Into A Smoking Cessation Plan.

And If An Employee Does Not Choose To Take That Alternative It Would Be Up To The Departments To Monitor The Use Of Their Breaks To Make Sure There Is No Misuse Of The Time.

Chairwoman Hall: They Have To Go Across The Street? They Would Have To Find Another -
- Chairwoman Hall: They Would Have To Cross The Street.

I Would Have To Go That Way? Which Is Some Of The Challenges That Lee Memorial And Edison State College Is Facing Right Now Which Is Why We're Working Closely To Get A Better Understanding How They Are Handling The Situation.

It Is A Learning Process.

Thank You.

Chairwoman Hall: Thank You.

There Was Something Else With Halfway Creek Or Something? Yes.

So Halfway Creek -- There You Go.

I Knew There Was One More.

I Didn't Bring Up My Agenda From Yesterday, But I Knew There Were Three.

Roland, Natural Resources For The Record.

We Wish To Request From Fountain Lake To Continue Maintaining Their Segment Of Halfway Creek, Some 2,000 Linear Feet.

Chairwoman Hall: You Want Direction To Bring That Forward? Yes.

The Thing Is They Wanted Us To Renew For Another 10 Years And I Felt You Know Given Our Economic Situation That We Would Continue To Do It On A Funds-Available Basis.

We Just Got Done Completing In April.

We Can Continue To Do It On An Annual Basis But Rather At This Time Until Our Funding Is Stabilized To Do It On A Year By Year But Pursue Permanent Easements To Get In There And Have The Right, But Not The Obligation To Maintain.

It's A Critical Segment Of Halfway Creek.

Comm. Judah: What He's Suggesting Is A Responsible Approach To Let The Development Know That This Is Really A Regional Issue And That's Why We Want To Step In And Continue To Make Sure That They Are On The Radar Screen.

We Will Continue To Assist On A Yearly Basis And At Such Time We Can Enter Into An Agreement Long Term We Will Do So.

Chairwoman Hall: Go Forth.

Thank You.

Okay.

We're Down To Commissioner Items.

Commissioner Mann? Comm. Mann: Yes, Ma'am.

Quickly.

A Couple Of Things.

Yesterday Afternoon At 4:30, It Was Brought To My Attention There Was An Elderly Couple In The Hall On The First Floor That Had Been Given My Name And They Were In A Panic.

They Had A Serious Issue On Their Hands.

Happened To Be A Legal Issue.

Had Nothing To Do With Anything The County Commissioner Could Respond To In The Way Of Help.

I Went To See Them And The Elderly Gentleman With Tears In His Eyes Was Really Distraught And Needed Help Emotionally And Legally.

The Only Alternative Available To Me Was To Call Upstairs And Thank Goodness Andrea Fraser Was Available And She Came Immediately Down To Assist These Folks That Were Parked Outside Your Office.

She Called Don Perry Leonard That Was An Expert In This Area.

Glanced Quickly At The Paperwork.

All Of This After 4:38 And Within The Next 20 Minutes They Will Brought Temporary Resolution To This Issue.

Above And Beyond The Call.

It Is Not Within The Fine Print Of Their Contract And I Wanted To Point Out The Extraordinary Effort Of These Two Ladies In Our Legal Department.

And You Deserve A Huge That A Boy.

Clap Clap Clap.

[Applause] Chairwoman Hall: Thank You.

And By Way Of That A Boys, Maybe They Would Do This Any Way, We All Received A Little Brochure Pointing Out The Fact That Mary Gibb's Shop Got An Award, One Of 90 Counties That Were Nominated For The Extraordinary Work They Did With The Drtr And Mining Efforts Last Year.

As We All Know The Thousands Of Hours That Were A Cumulatively Put Into That Effort.

Chairwoman Hall: Thank You.

[Applause] Comm. Judah: Madam Chair.

I Wanted To Thank The Attorney's Office Recently About A Circuit Court Entering A Judgment In Favor Of Lee County In Our Investments.

They Sued Us For \$14.7 Million Saying We Violated And We Prevailed In Circuit Court.

Also, Madam Chair, I Understand That Month Governor Charlie Crist Will Request A Special Session.

I Would Like To Ask This Board To Sent Is A Resolution Of Support To Put A Memo To The Contribution To Ban Oil Drilling In The State Waters? Chairwoman Hall: Did We Not Do That? Comm. Judah: We Opposed Resolution -- Chairwoman Hall: I Have A Motion By Commissioner Judah? Commissioner Mann Second.

Further Discussion? All Those In Favor? Thank You.

Also In The Paper, I Think The County Is Doing This With The San Carlos Island Drainage Project Where There Are Simple Traps To Catch Debris And Help Keep The Waterways Clean.

I Am Hopeful We Can Ask Our Administration To Work With The Natural Resources, Department Of Transportation To Perhaps Incorporate These Kinds Of Methods To Help Trap Debris And Sentiment From Getting Into Our Waterways? Also, One Last Item And That's The -- Maybe You're Still Working On It David With Regards To The Amendment With Desoto County To Expand Their -- Next Week? Great.

Thank You.

Chairwoman Hall: Thank You.

Commissioner Bigelow? Comm. Bigelow: Yes.

Last Week When You Were Gone I Put Out An Idea, The Compromise To Our Ability To Test Whether Or Not We Should Be Elected In Single Districts.

It's Something You Suggested That We Perhaps Might Recommission A Committee Of Some

Sort To Help Us Understand What Items We Would Put On The Referendum Or Ballot This Way Of Referendum In Future Years.

I Suggested That What We Do Is Test Some Questions Through A Series Of -- They Are Independent Questions That We Could Then Use The Information From That Or The Vote Results From That To Assist This New Committee To Provide For Us Some Suggestions This Way Of Referendum.

For Instance, We Would Ask If The Voters Would Like Us To Be Elected By Single Districts.

Should We Adopt A Hybrid Election Process? Should We Elect The Executive Of The County Government And With This One Here That Would Be Whether Or Not Term Limits Should Be Applied To Us.

In This Way With These Five Or How Many We Agree With Straw Ballot Results We Could Commission The Committee To Consider That Information And Bring Back To Us For Consideration At A Later Point.

So I Would Like To Know How We Might Be Able To Do That As A Body Before The Time Runs Out.

Chairwoman Hall: Is That A Motion, Commissioner Bigelow? Comm. Bigelow: Well, It's A Question To The Board Here.

How Might We Do That? Chairwoman Hall: It Would Have To Be A Vote.

We Have To Vote.

Comm. Bigelow: Don't We Want To Consider It? Chairwoman Hall: You Have To Have A Vote To Consider It And We Would Ask County Attorney To Give Direction How It Would Be Is There A -- Implemented? Is There A Majority Of The Board Interested In That? Comm. Bigelow: I Am Looking For A Venue Where We Can Discuss It As A Body.

Chairwoman Hall: I Am Not Interested To Discuss It At This Time.

I Think There's More Things There Are To Worry About.

I Will Ask If We Should Have A Collegiate Conversation About It Now.

I Would Wait Until The Governor Appoints A Fifth Commissioner And See What His Or Her Thoughts Are At The Time And Move In Some Direction.

Perhaps What You're Suggesting Maybe We Should Wait Until We Have Another Commissioner.

I've Practiced Bleeding Several Times On The Issue.

Chairwoman Hall: We Have A Lot Of Big Issues And I Would Like -- I Will Not Make The Motion.

Chairwoman Hall: Okay.

Anything Else? Comm. Bigelow: Yes.

Very Quickly.

Wayne Daltry That Offered The Energy Strategy That We've Yet To See And I Think Is Important Especially In Light Of What Mr. Wilson Brings To Our Attention On A Frequent Basis, I Think Maybe We Could If We Were Interested Ask Mr. Daltry To Hire On Maybe Under A Contract, I Think Based On The Conversations I Had On Them He Would Do It For Nothing, But Maybe To Be Sure That We Authorized Him Appropriately When We Enter A Contract Much Like We Did With Jay For The Red Sox Initiative And Then Get The Approval To Work With Staff And Individually As Commissioners To Help Us See This Energy Strategy Through To Adoption.

So I Would Like To Know If The Board Is Interested In Engaging Mr. Daltry In That.

Comm. Judah: Wayne Daltry Is Available Resource But This Is Something I Would Suggest We Leave In The Hands Of Administration.

I Don't Want To Get Involved On The Administration Call On Who They Will Bring On To Implement The Energy Policy.

I Think They Know This Is A Top Priority For This Board And It Needs To Be Done, But I Don't Want To Make The Call In Terms Of Who They Will Hire To Conduct The Work.

Chairwoman Hall: I Agree.

Any Other Things? What Else You Got? Comm. Bigelow: We Just Bought Some Beach Front Property.

And Glad To See We Were Able To Do That.

We Were In Unanimous Agreement To Do That.

We've -- This Is On The East Or Southside Of The Pier, The Property On The Northside Has Been Named After A Former Sheriff Who Died There Near That Property.

Lynn Hall, And Gave His Life To The Service Of Lee County.

I'd Like Us To Consider Someone Else Who Gave His Professional Life To The Service Of Fort Myers Beach And Maybe Naming The Beach Front Property After Dj.

I Think It Would Be An Honor -- Chairwoman Hall: We Have -- We Are Honoring Him, Are We Not? We Are.

Chairwoman Hall: I Don't Know If It's Appropriate To Do It At Multiple Beaches If We Are Doing It At Bunch Beach Already.

I Don't Know If That's Appropriate.

It's Plaque On The New Rec Facility There.

Chairwoman Hall: Well, We Don't Know What We're Doing With The Property Yet.

So I Would Like To Maybe Put It In Abeyance For Now Until We Know What's Happening Now And There's No Structure There.

I Think That This Board Recognizes -- It Doesn't Have To Be A Structure.

Chairwoman Hall: Well, I Understand But It's Called Lynn Hall Because It Has A Structure On It.

Anyways, Commissioner Bigelow, What Does The Board Have To Do? Comm. Judah: It's A Bit Premature But I Think It's A -- The Idea Has Tremendous Merit And I Would Welcome Revisiting The Suggestion But I Think I Would Like To Close On The Property And See What We Want To Do Before We Step Forward.

And I'm Talking Just About The Beach Front Property.

That's All I Have.

Thank You Madam Chair.

Chairwoman Hall: Okay.

I Want To Thank Naco.

We Received An Award For Financial Incentives And Lee County Will Be Recognized With Other Award Winners At The Annual Conference And I Want To Recognize This Board And The Rising Council For Great Work.

Secondly, Last Time I Think We -- The Restaurant Owners On Pine Island Land Road And Matlacha, They Have A Sign In The D.O.T. Right Away.

When They Changed The Sign They Didn't Remove The Sign, But They Changed The Language From Matlacha Oyster House And It Triggered A Code Violation.

They Are Asking To Have The Sign Remain As It Is And I'd Like To Ask This Board To Give Direction To The County Attorney's Office To Look At What Are The Options For This Particular Small Business That Is On Matlacha And Come Back With Recommendations Either Administratively Or This Board If We Need To Take Action.

Comm. Judah: I Will Carry That Motion.

Chairwoman Hall: Thank You.

I Have A Motion By Commissioner Judah, I Will Second The Discussion.

All Those In Favor? That Carries.

That Is All I Have.

Committee Appointments? Comm. Mann: [Naming Appointments] Chairwoman Hall: I Have A Motion By Commissioner Mann.

Second By Commissioner Bigelow.

All Those In Favor? Opposed? Motion Carries.

Commissioner Bigelow? Comm. Bigelow: None.

Chairwoman Hall: Commissioner Bigelow.

Comm. Bigelow: Naming Appointments.

Chairwoman Hall: I Have A Reappointment Of Counsel Member To The Tdc Representing The Large City Category Of Cape Coral.

And Then I Have -- I Have To Read The List Of Names To The Southwest Florida Work List Board And I Would Read Them Into The Record For The Work Force.

Ed Bolter And Martin Hoss.

[Reading Names] Comm. Judah: My Motion Covers All Those.

Chairwoman Hall: I Will Second.

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

Next County Manager Items? Thank You, Commissioner.

We Have The South Florida Ecosystem Restoration Task Force And Working Group And We Are Required To Have An Authorized Representative For Lee County.

And This Is Actually Within The Governor's Appointment Responsibility So I Will Prepare A Letter For The Chair's Signature Appointing A Staff Person, A Staff Representative That Deal With A Lot Of Our Water Issues, Water Policy Initiatives That Are Generated.

I Am Recommending That Roland -- Comm. Judah: So Moved.

Chairwoman Hall: Af Motion By Commissioner Judah.

Second By Commissioner Mann? Further Discussion? All Those In Favor? Opposed? The Motion Carries Unanimously.

County Attorney? Good Morning Madam Chair, Commissioners.

Very Quickly.

Last Tuesday And It Was After You Had Departed Commissioner Hall On The Orchid Aisles Issue, You Had Directed Staff To Bring Back A Draft Letter To You.

I Sent It To You Thursday Afternoon Requesting Your Comments And If -- That Obviously Hasn't Been Done Would You Like Me To Resend It And You Can Discuss It This Evening?
Chairwoman Hall: I Didn't Have Any Questions.

Why Don't I Resend It And We Can Discuss It This Evening Before The Public Hearings?
Chairwoman Hall: Okay.

Anything Else? With That We Are Recessed Until 5:00.

Thank You.

5:00 PM Public Hearing

Chairman Hall: Good Evening. And Welcome Back To The Board Of County Commissioners Meeting. I Would Like To Reconvene The Board. It's Tuesday, June 8th For A 5: 00 Public Hearing. Before Begin, I Would Like To Welcome To Florida Gulf Coast University Students. I Hope You Enjoy Our Public Hearing, And Have An Opportunity To See How County Government Works. I Think That's The Gap For A Lot Of Students. They Understand Cities And States But This Is Your Government At Work On Your Behalf And We Certainly Affect You Every Day As These Public Hearings, A Lot Of Folks Here Will Talk About How We Will Be Affecting Them. So Again, Welcome. David?

David Owen, County Attorney. If I Could Just Take A Couple Minutes Before We Get Started With A Public Hearings And Pick Up On The Issue That I Raised This Morning. I Would Like To See If The Board Would Give Their Approval Or Input To The Draft Letter To Send Over To The City With Respect To The Clearing And Activity That's Replaced On The Property That We Own. I Think I Outlined A Letter That Pretty Much Followed The Directions That I Got Last Week. I Tried To Stick To The Principle Issue, And That Is The Matter Of The Unpermitted, Unauthorized Activity On Our Properties. And The Need For The City To Understand That We'll Go Ahead And Deal With The Regulatory Agencies Because We Are The Land Owner. But That It Will Be Held Accountable For The Damage.

Chairman Hall: Commissioner Judah.

Comm. Judah: If I May, I Would Like To Provide A Copy Of The Following To You. I Will Have A Copy For Minutes. David, If You Don't Mind Just Stepping Forward For A Second Is. Let Me Give This To You. Thank You. The Reason I Took The Liberty To Provide This Information To You, Is On The Last Paragraph, He Indicates That Lee County Discuss The Potential Expansion Of Hanson Street, If The City Continues To Pursue That Course Of Action. And I Believe That Is Not Appropriate In This The Letter. And I Say That Because You Can See With The Map In Front Of You, And I Have A Larger Map That Puts It Into

Perspective. I'll Share That With All Of You. As I Mentioned Last Week, The City Initially Wanted To Extend Hanson Street When It Was Formally Known As Orchid Isles. It Was Going To Be Developed. Inasmuch As Public Lands Now, Environment Sensitive, There's An Opportunity Where In Which The City Could Access, Not Have To Extend Hanson In Order To Provide. And What I Would Submit Is That We Should In No Way Encourage Or Indicate That We Will Support Any Consideration Of Hanson Street Extension. To State 82. And From A Standpoint That We're Trying To Protect Environment Sensitive Lands, It's Not Needed. I Ask That Sentence Be Stricken From The Letter. Well, Madam Chairman.

Chairman Hall: Yes,

Commissioner Mann. Comm. Mann: To Some Extent, He Was Responding To My Suggestions That We Try To Be As Diplomatic So We Can Tell Them To Go Jump In A Lake, But Make It Clear That This Is Conservation, And Which He Had Done In Two Or Three Lines Just Immediately Before That. State Versus Clearly That You Know, This Is 2020 Property, We're Uninterested In Running Roads Through It, But Says, We're Willing To Talk, If You've Got Something You Can Convince Us, We're Just Always Willing To Have A Dialogue With Our Sister Government Agencies. It Doesn't Commit Us To A Thing Other Than A Civil Dialogue, But Makes It Very Clear That We're Not Wild About A Road Through This Property. I See Nothing Wrong With This.

Comm. Judah: I Think This Was A Very Well-Crafted Letter. It's Very Diplomatic, That We Want To Continue To Work With The City And We Have Strong Relations With The City Of Fort Myers But We Have To Be The Stewards With The Best Interest Of The Public And The Wildlife At Hand. And Certainly The Reason We Buy Conservation 2020 Lands Is To Protect The Services Of The Land. I Don't Want In Any Way To Encourage The City Of Fort Meyers To Think That We Would Negotiate Or Consider The Extension Of Hanson Street Through These Conservation 20/20 Lands. So I'm With You In Terms Of The Rest Of The Letter, But I Don't Want To Encourage The Courage Or Give The Indication That We Would Be Interested In Considering The Hanson Street Extension. That's Why I Asked That Sentence Be Stricken. Well, Madam Chairman, It Doesn't Trouble Me. It Is Not A Contract. It Is Not A Commitment To Anything But Always Having A Civil Dialogue. You Can Pick Up The Phone And Call The City Manager, And Say, Look One Commissioner Would Just As Soon Had Taken That Land Out. If They Came To Us, The City, And Offered Us By Way Of Mitigation. An Equal Amount Of Land Somewhere Else, That Could Preserve Just As Much Property And Then Still Allow Them To Do What They Thought Was A Crucial Right Of Way. I Would Say Golly, I Would At Least Have To Look At It. But, This Is Just Saying That We're Never Going To Have A Conversation With You. It's Just An Attitude Kind Of Thing That I Don't Want To Convey That There's Ever Just An Unwillingness For Us To Have A Civil Discussion. As We Both Agree, The Letter Is Very Clear, That We Don't Like What The City Has Done So Far. They Need To Be Careful, They Were Going To Do Something Like That Again. But, We're Always Willing To Have Discussions With Our Brothers And Sisters.

Chairman Hall: I Think That Our Goal Here Is To Make Sure The Lines Of Communication Remain Open Between The City And County. This Board And All Four Commissioners Have Sat Here And Made Very Adamant Statements When Our County D.O.T. Makes Suggestions Of Running Through The Middle Of An After The Fact That We're Not Doing It. And This Board Has Been Very Strong About That In Our Own Business. So I Would Offer Possibly The Revision To Say, Nevertheless, Lee County Is Willing To Discuss Our Position On This,

If The City Would Like To. That Way We're Not Encouraging Them To Pursue It. We're Happy To Discuss It With Them, And That The Door Is Open If They Reach To Reach Out To Us, It Doesn't Commit Us To Anything. But I Don't Think We Need To Put In There The Potential Extension. I Think Nevertheless Lee County Is Willing To Discuss Our Position If The City Wishes To. And Simply Leigh It At That. I Would Support That Language.

Chairman Hall: I Think That's Pretty Nice, And I Think That's Again Opening The Door For Conversation, But I Have Seen Us Go Round And Round On The Del Prado, Go Round And Round On Other Properties. And This Board Has Been Pretty Hard-Nosed About It, And We Have To Be Consistent. Whether It's Our Project Or Someone Else's. Comm. Mann: You Capture The Spirit Of What I Was Trying To Say Here. And If Commissioner Judah Is Happy, I'm Happy. And We Can Move Along I Have A Motion By Commissioner Judah. A Second By Commercial Mann. All Those In Favor? Opposed, Motion Carries. There You Are Students, Democracy At Work. Compromise. Comm. Mann: What A Chairman. Chairman Hall: Let's Get Down To Public Hearings. Revised Utility Retail Rates And Changes By County Resolution. Have A Great Evening, Guys. They Only Wanted To Watch That?

Chairman Hall: That's It. The Good Stuff Is Coming.

Comm. Mann: I Didn't Mean To Chase Everybody Off.

Public Hearing Item Number One Is To Consider Adoption Of A Resolution Suggesting The Lee County Utility Retail Rates And Charges. I've Examined The Publication Notice Of Intent That Was Published In The Fort Myers News Press On May 25th, 2010. As Such I Find It Legally Sufficient As To Form And Continue Tent. And To Conduct This Public Hearing And Hereby Enter It Into The Record. At This Time I Will Be Followed By Staff.

Chairman Hall: Ok. Does Doug Want To Make A Presentation? Ewe Given Us Our Packet Here, Doug. Do You Have Questions For Doug? You've Shared With Us The Proposed Recommended Rate Adjustments With The Increases Would Be For A Typical Family Which Is 3%, 74 Per Month And The Average Waste Water Bill, Based On 5,000 Gallons. Total Increase If The Customer Is A Water And A Sewer Customer. Questions For Doug In Record To That.

Comm. Judah: I Have Some Questions, If I May. Doug, We All Know Utilities Is An Enterprise Fund. It's Got To Be Self-Sufficient. I Would Imagine That The Bond Rating Agencies, Bond Insurers, When They Were Looking At The Bonds We Issued For The Purposes Of Expansion, And Being Able To Manage And Maintain The Utility System That They Would Be Looking For Pledging Not Only The Expected Revenue To Be Collected For The Purposes Of Debt Service, Maintaining Assistance, But I Suspect They Would Be Looking For A Secondary Or A Third Commitment By The County. If That Is The Case, I Think The Board Needs To Know That. Whether It Be Pledging General Are You Fund, If In Case We Ran Short On Revenue Collected From The Utilities. So, I Would Like A Little Discussion On That, Knowing What Our Potential Liabilities Are, If We Don't Support What The Rate Study Recommends. Ok. Madam Chair, Members Of The Board. Lee County Utilities. I'm Not The Trigger That I'm Aware Of Is We Have What's Called A Debt Coverage Ratio. That's Basically Our Net Revenue Has To Be At Least 120% Higher Than What Our Debt Payments Are. So, If We Had Debt Payments Of \$15 Million, Then We Have To Have A Net Revenue Equal To Where Somewhere In The Area Of \$25 Million. In Order To Meet,

Well, I Take That Back. That's To Meet Our Ratio. If We Have A Debt Payment Of 15 Million Dollars, Then We Would Need To Have A Net Revenue Of Somewhere In The Area Of 18 To 19 Million Dollars. In Order To Meet That Bond Covenant That Required 120% Coverage Of Debt Service. If Every Year, Is Part Of The Cap, We Are Audited, And That Information Is Presented And That Information Has To Go For Review With Regard To The Meeting The Bond Covenants, If We Fall Below The 120% Coverage At That Point, The Bond Covenants Require The Rate Increased In Order To Cover. If There Was A Failure Of Action To Increase The Rates At That Time, I Don't Know At That Point Whether There's A Pledge Of An Additional Fund In Order To Cover That Deficit, Or Not. I Would Defer To The County Attorney. If They're Aware Of. Good Evening Again, Commissioners. Commissioners, Typically With Most Of Our Bonds We Have What's Known As A Secondary Pledge. The Covenant As Doug Explained, Requires You To Set The Rates Or Adjust The Rates In Order To Meet You're 120 Coverage. If You Don't Do That, And You Come Up Short, Typically We Have A Secondary Pledge, And The Utilities The Department Does As Well And It's A Secondary Pledge Of All Lawfully Available County Nonrevenues. Now That Gets Pledged To A Lot Of Bonds As A Secondary Pledge. That Includes Things Like Your Gas Tax. You're M.S.T. Levis And Things Of That. Other Taxes That You Have That Those Sources Of Revenues Would Have To Be Looked To In Order To Make Up Any Short Falls If We're Not Making The Debt Coverage Or If We're Not Bringing Enough Funds To Operate The System. At The Certain Level It's Required Under The Covenant. The Reason I Ask That Question, I Want To Make Sure In Tough Times No One Wants To Increase Any Rates. But I Also Wanted To Make It Clear, And I Believe You Have Clarified It Both Doug And David Is That While We're Looking At Is The Financial Liability And Stability Of The Utility Rate, Utility System In That It Is An Enterprise Fund, And I Don't Want To Encumber Any Secondary Funds. To Be Able To Make Good Or Fall Through On Our Commitments. With The Bond Commitments That We've Made. So, Madam Chair, I'm Hopeful This Board Will Take That Into Consideration As We Deliberate Whether Or Not We Should Consider Approving The Recommendation Before Us.

All Right, Do You, Do You Want To Have Discussion Or Do You Want To Come Back For Discussion. Just One Question. Sure.

Commissioner Mann. Comm. Mann: Help Me From The Blue Sheet, To The Actually Resolution, Which Has The Series Of Rates On There. How Do I Get From That Combined \$2.72 Per Customer If It's A Water And Sewer Customer. Relate That To Me And One Of These Pages Either Two, Three, Four Or Five. Or Six Or Seven. Chairman Hall: Right, The Average.

Comm. Mann: How Do We Bring That? Is That An Average Of All These Pages And What Can I Do To Make Me Understand That? What Can I Look At? Yes, What The Rate Review Recommended Was A 3%, A 3% Rate Increase For Water Customers, And A 5% Rate Increase For Waste Water Customers. The Combined Effect Of Those Two Rate Increases For Our Customer Who Has Both Water And Waste Water Services Is Just Slightly In Excess Of 4%. And That's How Then For A Customer, Average Customer Utilizing 5,000 Gallons Of Water A Month, Which Is The Basis For Charge Of Both Water And Sewer, Their Rate Increase Based On A 4% Average Rate Would Go Up Somewhere Between \$2.70 To \$2.80 Per Month, Would Be The Total Rate Increase. Look On Page Four, Residential Services. Water System, Customer Rates. User Charge Per Thousand Gallons. One To 6,000 Gallons At First Line. Am I Comparing That To Something That's On The Blue Sheet? That's Just

The Charges For Usage.

The First 6,000 Gallon Of Water Each 1,000 Gallons You Use Would Be Charged That Am.

Chairman Hall: Thank You.

Comm. Mann: The Resolution Makes Reference To The Just Total Charge. With A New. In The Resolutions. I Think I Just Answered My Question. I'm Not Going To Find In The Resolution What I Find On The Blue Sheet. Thank You.

Chairman Hall: Ok, If It's Ok With The Board, I Want To Go To Public Comment. This Is A Public Hearing. Is There Anyone From The Public Who Would Like To Comment On The Recommended Rate Increases For Lee County Utilities Water And Sewer? You Can Come To The Podium And We Can Fill That Out. And Just State Your Name For The Record. You Can Come Right Here And State Your Name For The Record. And The Lights On The Podium Give You The Amount Of Time That You Have. It's Three Minutes. When It Goes Yellow, You Have One Minute Left, And At Red, We Ask You To Wrap Up. Thank You For Giving Me The Opportunity For My View On This Topic.

My Name Downing. I'm From Lehigh Acres. I'm Opposed To This Increase, The Utility Company An Increase In October.

Chairman Hall: We Realize That, But This Is Not Going To Affect You Because Your Utility User Is For The Florida Gulf Utility, And This Is Lee County Utilities And You Are Not Affected By This Rate Increase. Oh.

Chairman Hall: In Lehigh Acres. You Are Not. That Will Be A If There's Increases That Will Come Under F.U.A. And I'm Not Aware Of Any Additional Increases. My Suggestion May Also Be Helpful To Your Problem In That I Believe Water Is A Natural Resource, And It's Being Used Substantially. I Have Seen People That Have And Do Not Pay For Utilities, Should Be Charged A Fee. Instead Of You Always People Who Are Hooked Up To Assistance. Thank You For The Opportunity And I Thank You.

Chairman Hall: Appreciate It. Anyone Else Who Would Like To Speak On The Utility Rate Increase, Only, And Fill Out A Card When You're Finished An. I Will Give You One After You're Done. I Would Appreciate It.

I'm Michael Batwell. I Was Here Two Weeks Ago. I'm Affected By Both Lee County, And By Fgua. Because I'm A Land Owner In Both Sections. I Am Opposed To Any Rate Increases That Are Going On Anywhere In This State. Lee County Particularly Because We In Lee County Are At A Low. We Can't Afford To Absorb Anymore Funds. We Can't Afford Anymore Outgoing, I Mean People In Lee County Are And I Will Talk About Lee County, But That's In Lee County, Itself, Just Can't Absorb Anymore Expenditures, And We're At The Worst Low We've Ever Been In This State, This County. And We Need To Have These Corporations And These Everybody To Learn How To Restrain Themselves And To Understand That We Can't Bare It Anymore.

Chairman Hall: Thank You. That's Just All There Is To It.

Chairman Hall: Thank You. And I Will Give You A Card To Fill Out For Me. I Appreciate It. Sir, I'm Going To Call On You For Your Item, But Do You Want To Speak To The Rate Increase? Yes.

Chairman Hall: Ok, Please Come Forward. Thank You. My Name Is Joe Larson. The Utilities Company, They Have Created A Situation On An Expensive Street King Junior Boulevard. Just To Examine The Area It Has A Median In The Middle Of A Four-Lane Highway Which Is Called Hazard In A Dictionary That I Looked Up To Find Out What This Thing Is In The Middle Of The Street. The Place To Pay Your Bill At, It's Supposed To Be A Bank.

Chairman Hall: You Understand That This Does Not Affect The City Of Fort Myers. This Is Lee County Unincorporated. What We're Discussing Tonight Has The Two Are Not Related. The City Of Fort Meyrs Security Council Owns That Building And. Wearing A White Suit, And People Think I'm Going To Go To Heaven. And Once You Add Activity Of A Private Situation, Such As Utilities And Water, Things Like That. In The Situation, And That's Going To Create A Situation To Make More Money To The Problem. Which Is To Hide These Things And Keep Them In A Private Situation. If They Were To Get The Money Those Items Involved Including The Bills, Should Be Tucked Away In A Private Spot.

Chairman Hall: Ok Thank You. Is There Anyone Else Who Would Like To Speak To The Issue Of The Utility Rate Increase? Seeing No One, I'll Close Public Comment, And I Will Come Back To The Board For Either More Discussion Or A Motion.

Comm. Judah: The Stocks I'm Sure Are Swirls In The Minds Of All Four Of Us That Are Up Here, That We Recognize We In Very, Very Difficult Tough Times. My Concern Is That If We Don't Understand The Importance, Of An Enterprise Fund Of Utilities Of Making Sure It's Properly Financed, To Ensure That We Don't End Up Having To Undermine By Not Providing Replacement And Repair, Which Ultimately Costs The Rate Pairs To A Greater Extent In The Future. Or That We Jeopardize Our Bond Rating. Our Bond Ratio, That Doug Just Talked To Us About. It's Going To Cost Us More In The Long Run, And I Don't Know How This Discussion Is Going To Go. I Just Want To At Least Point Out That I Hope That We All Recognize, There's A Sense Of Responsibility Up Here As We Look At An Enterprise Prize Fund So That We Don't End Up In A Situation So That The Wonderful City Across The River Where They're Talking 70% Increase. This Is A Very, Very Nominal Increase, Again To Make Sure That We're Financially Stable. And We Can Properly Replace And Repair In Order To Avoid Long-Term Costs In The Long Run. And At \$2.72 A Month, I'm Not Diminishing The Fact That That's Going To Hurt. Probably A Number Of The Rate Pairs But It's Going To Hurt Them More If We Don't Take The Necessary Steps Now. And Have To End Up Incurring A Larger Sticker Shot Later. Is That A Motion.

Comm. Judah: Yes, Madam Chair. Chairman Hall: Is There A Second For That Motion? I'll Second That Motion For Discuss. Any Further Discussion?

Commissioner Bigelow Or Commissioner Mann, Any Comments? Comm. Bigelow: I Don't Think So.

I Guess I Do.

I've Had Very Long Conversations This Morning Before Board Meeting, After The Board

Meeting, And Later This Afternoon With Our Utility Director. And Trying To Be Sure I Wasn't Missing Anything In Here. And Eventually We May Find Ourselves, As I Understand It, In A Position Where We Will Be Forced To Do It. If We Don't Increase Rates At Some Point. However, And Commissioner Judah, I Believe Referred To Cape Coral, And I Think That That's An Apt Reference To Make, Because As I Understand What's Happening In Cape Coral, For Many Years, Is That Not Enough Self-Analysis Had Been Taking Place As To What It Was That They Were Trying To Scrap On The Back Of Their Home Owners. In The Way Of Financial Obligations Which They Couldn't Afford. And, I Think There's A Lesson For All Of Us There, To Learn And That Is That Yeah, There Was A Time And A Place In This Decade Where You Know Money Was Flowing Quite Freely, But It's Just Not Doing That. Yesterday We Realized That More People Are Going To Be Under Water, Pardon The Pun In Their Homes. This Particular Rate Increase Won't Have, Won't Only Have The Direct Negative Impact On The Homeowners Who Will Be Asked To Pay More, And Maybe It Looks A Little Bit More, But Maybe That's Just Collectively In A Year's Time, Too Much More. But It's Also Going To Have The Indirect Consequences, Because Those Of Us Who Are Lucky To Have A Job In This Economy, The Burden Will Be Borne By The Business Owners To A Larger Extent And Then That Would Perhaps Put Business Owners In The Attainable Position Of Having To Consider Layoffs. So Is All Of This Could Have A Domino Effect, That I Just Don't Want To Be Part Of Starting Right Now. Because Any Little Extra Push To Increase Rates Or Taxes Or Anything Right Now, Is Really, Really Difficult On A Lot Of People Who Are Really Close To The Edge Of Being Out On The Street, Being Out Of A Job. So, I Just Don't Think This Is The Time And Place Where We Can Do This. But Unfortunately That Means That In The Years Coming, And If I'm Up To Be Re-Elected, I Will Probably Have To Face That, But I Think I Would Rather Face It Than Today. That's All I Have To Say On It.

Chairman Hall: I'll Just Comment That I've Had Opportunity To Work With This Utility Department For Six Years, And Prior To That I Worked In A City That Had A Lot Of Challenges With Their Utilities, The City Of Fort Myers. And Had To Recognize That By Not Take Caring Of Your Infrastructure, By Not Systematically Making Small Pragmatic Increases, We Very Much Had To Make A 73% Increase. That Hurt. That Hurts Really Hard. Lee County Has Been So Responsible With Its Infrastructure, That's Why Solid Waste Is Consistent. That's Why Our The Ayes Have Its Are Consistent. Because When It Comes To Having To Look At These Hard Decisions, We Can Do It In A Way That While It's Difficult And I'm Not Going To Say That \$40 A Month Is Not Difficult Or A Year, \$40 A Year To Your Utility Bill Does Not Have An Impact On A Family. It Does. We All Recognize That. I Have Family Members That Do Not Have Jobs Right Now. I'm Sure All Of You Have Cousins Or Family Members Who Don't Have Jobs Right Now. Families Are Getting Together To Help People. I Get That, I Personally Get That. But I Also Get That Our Job Here Is To Look How Do We Maintain Services And Boy, This Is Going To Be A Fascinating Budget Process When We Start To Pick And Choose Where We're Going To Start Cutting Services. And I'm Hearing You Guys. I'm Hearing What You're Saying, But We Had No Problem Taking Money Out Of Reserves, Even Though It Was T.T.C. To Buy A \$5 Million Piece Of Property. But You Won't Support Infrastructure.

You Know Commissioners, I Do Understand Where We're Going, But These Are Very Small Pragmatic Steps To Wait Another Year Could Triple That Cost Because Of The Catch Up. And That's What Happens. If You See Same Note Today And Put It Off Tomorrow, But Tomorrow Comes. And When Tomorrow Comes, That Domino Effect And That Wave Is Huge. And I'm Absolutely Flabbergasted. This Staff I Mean, Has Done A Phenomenal Job Of

Revamping Utilities, Really Making It Efficient, Boiling Down What Do We Have To Do. You Know We Don't Put Infrastructure And Capitol On The Back Of The Rate Payer. I Can't Think Of Another Utility, And If You Want To Understand Utility, Spend Time On The East Coast On The Lower East Coast Utility Consortium, And Spend Time On The West Coast, And Really See What's Happening In Utilities. This Is Not A For Profit. This Is How Do We Maintain? We're Not Taking Money Out And Sitting There Swirling With Money. This Is The Heart If We're Going To Come Out Of This Recession, Our Infrastructure Needs To Be Ready To Go. Our Rate Payers Should Not Be Paying For That Growth, And They Don't. But If You Start Ratcheting Back And Not Taking These Baby Steps, That We Will Have To Pay The Piper At Some Point In Time. I'm Not Willing To Do That. I've Seen That Too Many Times. I've Spent Too Many Hours Dealing With Utilities, And You're Right. It's A Balance. It's A Constant Balance That We Play Here To Understand That We Have 14% Of Unemployment And The Decisions That We Make To Turn Around This Economy Is And Play Our Role In Creating An Environment Where People Can Get Back On Their Feet, And Businesses Can Survive And Get To The Other Side Of This. So, I'm Going To Support This Motion And We'll See What Happens With It. Any Other Discussion? All Those In Favor.

Comm. Judah: Aye. Interpreter: Motion Is Pushed So We'll Wait To See What Happens. Commissioner Judah.

Comm. Judah: From A Procedural Standpoint.

Chairman Hall: We Can Bring It Back If We Ever Get A Fifth Commissioner. Comm. Judah: I Need To Find Out First Of All. There's A Tremendous Down Side Here To The Very Property Owners That We're Trying To Take Care Of. I Think I Heard From Doug, That If We Go Below The Ratio, Of 120, That We May Have To Increase The Rates To Satisfy Our Requirements. We Heard Your Vote. You Know Commissioner Mann.

Chairman Hall: I Try To Give Every Commissioner Some Latitude When Talking About These Things. And I Afford Commissioner Big Low Extra Latitude. Commissioner Judah Has Shared With Us His, One Question I'm Going To Give Him That Latitude To Do That. And But We're Not Going To Spend Three Hours Going Over Bond, Because Staff Wasn't Prepared To Have That Conversation. So I'll Give Him A Latitude To Ask A Question, Then We'll Move On To The Next Public Hearing. So Commissioner Judah, You Can Finish, And Then I Will Go Back To A Point Of Order And Try To Keep Everybody On Track.

Comm. Judah: Thank You, Because The Ramifications Of The Decisions, Is Ultimately This Will Need To Come Back To This Board. Potentially With A Fifth Commercial When The Governor Finally An Pointed That Fifth Commissioner. I'm Asking David Procedurally, Can Anyone Of The Four Bring This Issue Back At Appropriate Time When The Fifth Commissioner Is Sitting On This Board? Good Evening Again, Commissioners.

No Commissioners, The Only Ones Who Can Bring It Back If You Have A Five-Member Board Would Be The New Commissioner And The Commissioners Who Were On The Winning Side Of This Particular Motion, Which In This Case Would Be Commissioner's Big Low And Mann.

Comm. Judah: For The Community.

Chairman Hall: I'm Going To Ask That We Do Refrain From Those Comments, Because We're Not Always Going To Agree. And I've Been On Many Sides Where I'm In Favor And Been On The Sides Where We're Down, And We Need To Move On And We We'll Do Those Issues As We Continue To Move Forward. We Have A Lot Of Big Decisions That We Have To Make Over The Next Two Months. And I Hope That We Can Do That In A Way That Our Public Can Be Proud Of Us. Because We're Not Going To Agree And It's Going To Be Very Stressful For All Of Us, So I'm Going To Try To Just Remind Us That Let's Have Good Debate, And Let's Keep This Process Moving Because That's What The Public Expects Of Us. Thank You.

Next We'll Move On To Public Agenda At 5:05. And Our First Hearing Is Adopt An Ordinance Creating Chapter 32. Scott Are You Handling That Or Is That Dawn? Ok.

Thank You. Good Evening, Commissioners. Assistant County Attorney. With Respect To Three Different Ordinances You Will Be Hearing Tonight. The First To Create A New Chapter 32 Entitled Compact Communities. And To Establish Standards For Transfer And Development Rights, Obviously County Planning Community. The Second Ordinance Is An Amendment To Land Development, Plan Approvals. That Were Issued Before September 9th Of 2008. And This Third Ordinance Is An Amendment To Lee County Land Development Chapter 34 To Create Provisions With Respect To The Establishment Of Community Gardens. I Have Reviewed The Affidavit, Of Publication, It Is Sufficient With Respect To In Order For You To Go Forward With All Three Of Your Hearings Today. Great. With Respect To The First Ordinance, On Your Agenda, I'm Going To Turn It Over To Mary Gibbs.

Chairman Hall: Thank You, Dawn And Welcome Mary. Good Evening Commissioners. This Is The Second Public Hearing For The T.D.R. Ordinance, And As You Requested, The First Public Hearing We Put Together Throughout The Policy Issues Were For You. So We've Attached That In Your Packet. I Can Go Through It If You Want, But I Wanted To Tell You That We've Been Working Pretty Hard Over The Last Couple Weeks See If We Could Address Some Of The Concerns That Were Still Outstanding, And I Believe We've Addressed Pretty Much Everything. I Think You're Going To Have One Or Two Speakers, Tonight Were A Couple Of Things That Are That We Need A Decision On. But With One Thing We Will Need A Decision From You The Tonight, Is The Conservation Easement Issue Which Nicole Ryan Brought Up If First Public Hearing, And You Asked Us To Put On Option In For You To Consider. So That's On Page Two Of My Memo. But It's In The Ordinance Itself, We Just Put In An Option On The Conservation Easement, So You Can Pick If You Want Her Language. You Can Say Yes, And If You Don't, Then It Will Come Out. Chairman Hall: Ok. Other Than That, I Can Answer Any Questions Later If You Want To Take The Input.

Comm. Judah: For Clarification, If I Can, Ma Daniel Chair, On The Conservation Easement, Language Consideration Will Have Two Options, One To Double The T.D.R.S As Incentive, Versus The Punitive If Land Is Cleared, It Will Not Be Of Eligible For Credits Of The Up To 25 Years. Right.

Comm. Judah: And Staff's Position? Well, The 25 Years, And Maybe Nicole Can Explain Better Why She Wanted That. We Thought The 25 Years Was A Little Bit Punitive.

Comm. Judah: I'm Not So Concerned About The Punitive Part As I Am Wanting To Make Sure That We Really Provide The Approach That's Going To Encourage Land Owners Not To Clear Land. And That's Why I Was Leaning Towards The Incentive Approach Where You Would Increase The Density. But In Fact, Is That Enough Of An Incentive As You Have Looked At That Being The Option That Was An Issue By Staff? Nerd Do You Think We Need To Consider More To Make Sure Land Is Not Cleared In Order To Get Credit? Well, I Think I Would Like To Have Bill Address That, We Made Recent Changes In Terms Of Some Of The Trying To Work This Out. We're Trying To Balance Between The Good Incentive Versus What We Will Be Able To Get To Agree On Too. I Know It's A Balance Mary, And I Appreciate It.

Chairman Hall: Ok. The Language We Have For You, It's In A Box. And It's Additional Language. Double Intensity, It Would Be Additional Requirements, And It Would Be This Penalty Too, What We're Trying To Do Is Because We're Giving An Incentive For People Who Like To Replant Land, And Then Quit The Incentive To Replant, Which Would Defeat The Whole Point. As Far As I Think You Were Asking, Would We Maybe Bump Up The Incentive, That's A Possibility As Well, But Concerned That We're Putting So Many Incentives On That We've Gone Too Far, And We're Negotiate Negotiating With Them On A Few Final Changes Right Now. Although We Could Raise It With Them. Look At Having Both Options Included. It Would Be Both. The Doubling Of Density And If Somebody Clears New Land They Could Get The Credit For A Period Of 25 Years. Ok, Thank You.

Chairman Hall: I Will Go To The Public To Comment On This. First Speaker I Have Is Nicole Ryan. Will You Comment On The Other Two. No, This Will Be The Only One No Commissioners For The Record. Nicole Right Now, And The Does Support These Amendments We See Them As A Good Way To Help Clarify Some Outstanding Concerns A Good Way To Freeway Specificity. At The Last Meeting I Did Discuss This Idea Of Having A Prohibition Put Into The Language So That Lee County Would Ensure That Land Owners Don't Go Out And Clear Wetlands And Get A Conservation Easement And Get Dense Friday Those Lands. I Believe That Your Staff And Bill Have Captured The Idea Of What I Was Getting At, And I Appreciate Them Drafting That And Including It. One Of The Considerations Is Of Course The Incentives. Put It Into A Conservation Easement And Get T.D.R. I Think It Has A Lot Of Good Incentives Built Into It. But The That Provision In It That States You Have These Wonderful Incentives, However You Will Not Be Able To Utilize Them If You Go Out, You Clear You're Wetlands And Then You Try To Part Conservation Easement On That Land. This Is A Very Good Stop Gap. Protect The Lands And Transfer Or Sell Those To Other Land Owners. I Believe The Both Provision Compatible And I Ask That You Adopt With Both The 32-303 A And The New B Provision In There.

Chairman Hall: Thank You, Nicole. Next Speaker Will Be Don, Followed By Dan, And Don, Are You Going To Speak On The Other Two As Well. Yes It Is.

Chairman Hall: Ok. From The Council Community Leaders. I'm Here Really Just To Thank You For All The Diligent Efforts On This Drgr Thing Over The Years Along With The Amendment That Your Considering. We Like The Conservancy In The Upcoming D.C.A. Hearings, So This Topic Will Be Debated There Once Again. We Look Forward To Working With You. How You Get The Maximum Flexibility And Yet Uncertainty Regarding The Program, And Get It Right So It Works. And Its Effective. Those Are The Keys From Our Perspective We Appreciate The Opportunity To Work With You To Make Sure That Happens.

We Have A Number Of Mixed Used Communities We Designated And They Were Established, All Mainly Along 41. And Where Eventually You're Going To Have A Transit Corridor In There Whether It Be Rail Or Road. So I Think This Long-Term Is Going To Make Some Difference And Appreciate All The Efforts You Put Into This And Look For Word To Continuing To Work With You.

Comm. Judah: Thank You Don. Chairman Hall: Thank You. Next Dan, Who Will Be Followed By Margaret Banyan. Are You Going To Speak On All Of Them. This One, This Is Both The T.D.R.

Chairman Hall: Yes. For The Record, Dan Delisi. I'm A Land Use Planner As You Know. I Guess I'll Start Off By Saying As A General Comment, Number One, I Wrote Up Some Notes Beforehand So I Will Pass Them Out. I Do Think This Is Being Rushed Through A Little Bit. There Should Be More Time For Dialogue On This. You Are Proposing A New Section Of The Land Development Code. Which Is Incredibly Complex On A Form Of Development A That Has Never Happened Before In Lee County. I Think There's Been Strikingly Limited Dialogue. What You Have Proposed Is Overly Prescriptive. In Lee County, I've Been Working For The Last 10 Years, In Trying Get Mixed Use Developments To Actually Have In This County. As You Know We Have Single Use Developments Everywhere. What We're Doing, We're Creating Something That's Overly Prescriptive. We Need Something That's Permissive That Says You Don't Have To Buffer Separate Uses. You Don't Have To Provide An Edge. You Don't Have To Do All These Things That Prevent You. Instead What We're Coming Up With Is Guidelines The Are Way Too Limiting. One Of The Guidelines Says You Can't Do Stand Alone Parking Garages. You Have To Have Liner Buildings On Parking Garages. What's Wrong With The Parking Garage On Second Street. It Works Fine. Doesn't Destroy The You Are Ban Fabric At All. But Sometimes It Isn't Cost Effective To Do That. But Now We Have A Code That Case You Have To Have Liner Buildings On Parking Garage. Another Thing You Have To Only Have Residential Product. That's Ridiculous. That's Insane. Thornton Park In Orlando. Single Family Walkable Community. Front Loaded Product. Works Great. Why Does Everything Have To Be The T.N.D. Who Decides What Transect You're In. There Are A Number Of Things Listed, I Can't Go Through Them Palm You Will Make A Quick Comment About The T.D.R. Program. You Need To Decide Whether Or Not You Want A Save Environmentally 4-Sensitive Lands Or You Want To Build Communities. One Or The Other, Because As I Said Before, We Do Not Have Any T.N.D. Communities Build In Lee County So Far. It's A Risk To Do It. It's A Double Risk To Do It Way Out In The Drgr. Now You're Going To Require For Someone To Pay To Take On That Double Risk. That Doesn't Make Any Sense. If You Want Density To Transfer. Do It In A Way That We Know Is Marketable. We Don't Know If It's Marketable. That's Going To Be An Impediment. The Other Aspect Of The T.D.R. Program Is Read Doctor Nicholas's Report. He Does A Lot Of Evaluation On That Report. A Lot Of Work On Valuation And Just Simply The Math Doesn't Work. It Doesn't Add Up. So You're Accepting Rates. Doesn't Come Close To The Value That Doctor Nicholas Projects That You Will Receive For That Density. Thank You.

Chairman Hall: Thank You, Dan. Can We Have Your Notes? Did You Type Them Up? Thank You. Next Is Margaret Banyan. Good Evening.

Chairman Hall: Only Speaking On This. Only Speaking On The Compact Community.

Chairman Hall: Ok. Actually, We're Here To Support It. And We Think This Is An Important Step In The Right Direction To Both Limit Sprawl And Increase Liveability By Building Communities That Are Cool Pact And Biking And Walking Perspective, That Makes Them Safer As Well. I Think This Is A Conversation Going On All Over The State. I Attended The Florida Transportation Plan, The 2060 Florida Plan, And One Of The Things That Sdot Is Saying, That Our Current Miami Use And Transportation System Not Workable. It's Not Sustainable, And That We Have To Start Concentrating Development.

It's Going On Throughout The State. I Want To Make It Clear That We Don't Want This Code To Just Be A Play To The Drgr. We Think It Should Be Applied Throughout The County. And In All Other Areas, And In Conjunction With Complete Streets Program. By Doing Those Two Things, We Think It Can Transform And Begin To Transform The Small Land Use Pattern That We Have, That's Been A Problem. That's All. Next Steve, Ok, Thank You.

Good Morning. Afternoon. Good Afternoon, I'm Here Behalf Of The Fountains Property, Which Is Referred To As The Bennett Trust. If I Could Get You To Look At The Ordinance. If I Could Direct Your Attention To That. That Figure In A I've Referenced In My Letter. In A Couple Of Places. What I Would Like To Point Out To You, This Is At The Intersection Of State Road 82. This Property The Or This Mixed Use Community Consists Of Two Separate Land Use Designations. Sort Is Of The Semi Square, That's Centered Right There On Daniels And State Road 82. That's Central Urban. It's 130, The Other Area That Goes Off To The West, And Then You Will See Little Inset Below Which Actually Attaches Up, Goes Off To The West, About 200 Between Those Two Properties. About 130 Acres, Will Support About 1,330 Dwelling Units. At 10 Units An Acre For Central Urban. If We Cluster All The Density From The Rest Of The 2000 Acres Of The Property, We Get About 200 United States, Maybe 250 Units. To Put Into That 200 Acres Of Mixed Use Community. It's One Mixed Use Community With 130 Weeks, Is Central Urban, And It Will Support About 1330 Units And The Other 200 Acres Gets About 200 Units. What I Have Proposed, In Number Six, Is The Additional Language That's Underlined That Says Existing Density From The Central Urban Area May Be Clustered Up To Five Units Per Acre Within The Balanced Of The Mixed Use Community Shown In That Figure. In Other Words, Allow The Property Owner The Flexibility To Be Able To Take Some Of That Dense Friday The Central Urban, If They Deem That Makes Sense. To Be Able To Allow Some Of That To Flow Into The Other 200 Acres. I Will Still Has To Apply To The, It Just Gives The Property Owner And Planners Of The Future, Some Additional Flexibility. Still The Same Mixed Use Community But Doesn't Make This Bright Line For Central Urban. That Explains Number Six.

Chairman Hall: I Need You To Wrap Up, Steve. Number Four, Relates To The Hotel-Motel. What I'm Suggesting In That Central Urban Area They Have To Rely Upon Units In Order To Get The Two Room Per One Unit. I'm Suggesting In That Central Urban Area, Hotels And Motels Ought To Be Treated Essentially As Any Other Commercial Use. Rather Than Requiring Them To Use Up Dwelling Units That Might Be Better Used Elsewhere On The Site. I'm Suggesting That In The Central Urban Area, Hotel Motel Use May Be Calculated Based On Commercial Square Feet As Well As Dwelling Units. Thank You Steve. Anyone Else In The Public Would Like To Be Heard On This Public Hear Something Seeing No One, I Will Come Back.

I'm Sorry.

What Is Your Name? I'm Sorry? You Put Yours On For Publics Of Matter Of Interest. This Is On The Public Hearing For Compact Communities Not For Matters Of Citizens. Did You Want To Speak On This Idea? I Would Like To.

Chairman Hall: You're More Than Welcome. Your More Than Welcome To Speak On Public Hearing Number One, Which Is Our Compact Community And T.D.R. If That's What You're You Wish To Speak On. I Don't I Got Your Card And I Will Let You Know. Anyone Else That Would Like To Speak On The Development Rights, This Is The Public Hearing. Seeing No One, We Go Back To The Board. Well, Everyone Is Leaning Back In Their Chairs. I Have A Couple Questions, Mary. I Still Have Major Heartburn With Lee County Will Not Accept Cash Contributions For Bonus Density. This Is Intended To Provide Impetus To Purchase T.D.R. Helping To Accelerate Program. This Language Only Affects Cash Contributions Versus Constructing Affordable Units On Site Both Of Write Allowable Options. I Love When We Say Allowable, But The Board Will Tell You Which One You Will Go To Because It's Not An Option. I Just, You Know, These Things Have A Way Of Coming Back To Haunt Us. Etch Was Very Short Sided. Is This Another Short Sided Moment That We're Having. Because I Don't Like These Moratoriums That We Put On These Options. I Don't See How This Is Going To Stimulate That T.D.R.S. We Were Just Thinking That If The Option Wasn't There, Then They Would Be More Inclined To Purchase T.D.R., But If They Have The Other Option They Might Just Give The Money, Instead Of T.D.R.S. If You Have Heartburn With That, We Can Take That Language Out. If You Want To. Chairman Hall: That's A Deal Killer For Me, But That's Just Me. That's Where My Biggest Heartburn Lies. I Have To Say, Dan Brings Up Some Very Good Points. I'm Not Comfortable Having This Code Go Countywide. We Are Look At A Drgr. I'll Put It On The Record Again. This Process Has Disappointed Me Greatly. And I Appreciate The Hare Work Of Both. I Want To Thank Him. He's Done Great Work, But I Think There's A Lot Of Work Lift To Be Done. And So I'm Uncomfortable Sticking In This Small Area Because I Think There's A Lot Of Stuff That Will Come Back To Haunt Us In This Code. And I'm Not Prepared In Any Shape Or Form. The T.D.R. Program For Me Is Scary At Best. And I Think We're Just Missing The Boat 73 I Hope That We Can Have More Discussion, Because I Look At Your Division As Being The Heart And Soul Of This County. What This County Becomes Is Coming Out Of Your Department. We Have To Open The Dialogue Not The Perception Of The Outcome. A Lot Of This Is Driven What The Outcome Should Be Versus Having Everything On The Table. And, But, For Me, I Won't Preach To You Tonight, But The Bonus Density Was Very Difficult To Live With It. We Can Take Out The Bonus Density. I Would Like To Move The Ordinance, Status Development Rights, Include The Amendment To The Section 32-303 Regarding The Clearing Of Land. Up To 25 Years.

Chairman Hall: Ok, So You Want To Leave That In? I Have A Motion By Commissioner Judah, Second? I Have A Second By Commercial Bigelow. No Further Discussion, Commissioner Mann.

Comm. Mann: That Was The Conservancy Amendment. Ok With That. Frankly, I Was Prepared To Support Also The Item Mr. Hartzel Suggested For On His Sheet That He Submitted The Item Six. I'm Not Ok With Item Four, But I Was Going To Include That Little Spill Over In The Central Urban Area. I Didn't See That As A Great Threat To What We're Doing And It's Very Specific. One Issue With That, Commissioner The Plan Right Now Doesn't Let You Transfer The Density From Like Urban Into Drgr, If You Made This Land

Development Code Amendment For Steve, I Still Don't Think We Could Do It. Ok, Never Mind. You Get A Star From Steve. Chairman Hall: Under Discussion. Why Do You Feel So Strongly Ticket The Moratorium. At Once 24 Months Is Up It's Over, Right Mary? So Knowing That, There's Probably Going To Be No Development Coming Through And Kit Probably Weigh Us Out. I Mean You Know, This Is So, Again, You Know I Can Feel The Tone Of Where We're Going. I Really Hope That We Can Have Dialogue, Because These Are Major Decisions And I'm Glad This Is Code And Not Comprehensive Land Use. I've Been Very Supportive Of This Process Since The Day I Got Here, If We're Going To Cram It Down Everybody's Throat, Let's Cram And Let's Look As A Drgr To Be Our Test Tube, If You Will, And See What Gross Out Of It And Hopefully We Will Be Able To Morph Some Good Planning And Some Meaningful Decisions That Can Go Countywide, Because We Certainly Cannot Go In This Next Round Of Development Without Better Code, And There's Language In Here That Could Probably Spend All Night. Commissioners, We Did Work With The Interested Parties. Not To Be Defensive But I Did Have Meetings With These People, And I Do Appreciate Dale's Comments. I Wish I Knew About Some Of Them Before Tonight, But He Has A Good Point. Here's The Thing With This Code.

It Is A Little Bit Scary Because It's Something Different And People Are Afraid To Change, But I Intend To Be Flexible With It Because We Want It To Work And We Want It To Be Successful And We Want To Be Able To Apply It In Other Places And We Want People To You Know Not Be Afraid Of It And To Want To Use It. Yeah There Are Things In There That Are Scary, In Collier County, They Had To Come Back And Revisit And Make It More Flexibility Later. So, If We Have To Come Back And Revisit Some Of Those Issues Too, I'm Happy To Do That.

Chairman Hall: Great. I Have A Motion And A Second. Can I Just Point Out One Thing That The Attorneys Have Been Glaring At Me To Make Sure That I Mention The Effective Date Of The Ordinance, Some Provisions, It Would Be Effective If Adopted Tonight. But Some Of The Provisions That Relate To The T.D.R. Will Not Become Effective Until We Work Out Our Issue With D.C.A. That's Written On To The Ordinance.

Chairman Hall: Right, Wee Saw Ha That. Any Further Discussion, All Those In Favor, Motion Carries. I'm Reluctantly Going Yes. Ok,

Item Number Two, Conduct A Public Hearing To Adopt An Ordinance. Chapter 12 Pertain A Research, Just Mumbling This Evening. Go Ahead. I'm Here To Introduce This Item To You. You Just Read It For Me. So Staff The Here With Me To Answer Any Questions You May Have. We Ask That You Adopt The Ordinance.

Chairman Hall: This Is A Public Hearing. Anyone From The Public Wish To Address The Extraction Only Ordinance In Public Hearing? See Something To One, I Will Close Public Comment. Go Back To The Board. All In Favor, Opposed? Ok, Commissioner Bigelow. Comm. Bigelow: Thought We Would Have Opportunity For Discussion. Chairman Hall: I Did Ask For Discussion And Please, Go Ahead.

Comm. Bigelow: Sorry, I Didn't Hear That.

Chairman Hall: That's Ok. What Is You're Discussion?

Comm. Bigelow: Where Did Mary Gibbs Go? Oh There She Is. Mary, Can You This Is Obviously The Florida -- All Choked Up Over The Previous Vote. Can You Tell Me 25 Words Or Less Maybe Briefly, How This How This Settlement On The Florida Rock Case. I Think That's The Motivation Here. How This Will Differ From How This Originally Started? In Other Words Went Through A Public Hearing Process, Including The Hearing Examiner And A How This Changes In That We Are About The Hearing. The Way This Process Would Work Well, When Florida Rock Came In With Their Area, In 1993, They Came In Tory Zone It. It Was Agriculture At The Time. They Came In To Rezone It To Spill Plan Development. In 1993 It Went To The Hearing Examiner And They Did The Recommendations That Went To The Board. So It Was A Two-Step Process. Now It's Zoned I.P.D. But The Master Plan Vacated And That Was The Subject Of The Lawsuit This Language Tonight Allows You To Expand Your Master Plan, Duration, If You Can Come More Into Conformance With The Regulations. So, If You Adopt This, Just Starts The Vehicle, Florida Rock Still Will Come Back To The Board. But, They Wouldn't Go To The Hearing Examiner. They'll Just Go Back To The Board, That's Kind Of Like Reinstates A Master Plan, But It Also Allows Them To Make Some Changes, But The Changes Have To Be Better. Better Environmentally. So, I Hope I Didn't Make That Too Complicated. But, In Other Words, The Hearing Examiner, People Will Speak. They Can Come To The Board, But Because You Wouldn't Go To The Hearing Examiner, People Can Still Come Speak, We'll Both Schedule It On A Monday Zoning Hearing. We Would Have A Staff Report, And A Resolution, Just Like We Would For Regular Zoning Case. But It Would Be Open To The Public. Wouldn't Have To Be A Party Of Record. It Will Come To This Body For A Vote, And After It's Been Through Staff Review, In Your Opinion, We Will Not Have A Hearing Examiner Opinion, We Will Not Have That Process In Play Here. Right. And Public Input, You Said. The Public Input.

Comm. Bigelow: Be Free At Large. Right, There Would Be No Notice Unless You Wanted A Specific Notice Given. I Think A Lot Of People Already Know About It. Obviously, They've Been Calling Us. To Find Out.

Comm. Bigelow: It Would Just Be Advertised Like Any Agenda. It Would Be Advertising On The Zoning Agendas. Right.

Comm. Bigelow: I'm Not Comfortable Carving Out The Hearing Examiner In This Process, So I Won't Be Supporting This.

Chairman Hall: Any Further Discussion? I Have A Motion And A Second. All Those In Favor? Opposed? The Motion Carries 3-1. With Commissioner Bigelow Descending. I Have A Motion By Commercial Judah, A Second By Commissioner Mann. This Is A Public Hearing. On Community Gardens. Anyone Who Would Like To Speak On This Item? Seeing No One, Come Back To The Board. Any Discussion? Then We Will Go For All Those In Favor. Opposed? The Motion Carries Unanimously. Next We'll Go Now To Matters Of Concern Of Citizens. And I Would Like To Start With Reverend Alexandra Montel And I Will Repeat For The Education Of Those Coming To Speak To Us, And I Apologize, Mayor Sullivan, I Will Get To You Next And Welcome To Our Chambers. The Lights On The Podium Are Your Timers, You Have Three Minutes And When It Goes Yellow, It Means You Have One Minute At Red We Ask You To Wrap Up Your Comments. Welcome An Thank You For Waiting. Thank You For The Opportunity To Address You. I'm Talking In Behalf Of Myself, And Our Church Which Is Community Church, You Have All The Details In Front Of You. We Have A Property That We Purchase Called 1924 South Pine Drive. Which Is In District Two Mr.

Bigelow. That Property Was Very Heavy Crime, But To Go To The Point Because Of The Time, There Is A Canal Behind, Ok. That Canal Is Narrow All The Way In The Back Of That Property 1924 And 1910 And 1908, It's Narrow. And What Happened Is That Land Is Misuse By Thieves, And Drug Dealers In Order To Go By That Canal. Then When They're In Pine Drive, I'm Sorry, Between Other Pine Side, It Comes To This Side, And Then When They're On This Side, They Go To The Other Side. You Would Be Mr. Bigelow With One Phone Call I'm Sure He Can Fix The Problem. The Canal That We Have Behind It, They've Made A Bridge. We Have Taken Down The Privilege 22 Times. Personally Tried To Get Us Help Take The Bridge Down. They Build It Overnight. They Have A Big Business There, If You Could Make That Canal Deeper, And Wider To Match The Same Canal That Has Served, They Will Not Be Able To Put A Bridge In There. So Therefore, You Will Stop The Traffic And The Air-Conditioning, And From Pine Drive South, Into Pine Manor. Through Back, If You Look At The Back, I Don't Know The Name Of The Canal. I Get The Information To Mr. Genine. In Order To See If Something Can Be Done. That Area Was Very Heavily With A Lot Of Trees, And For Years He Had Been Raided By Helicopters To Stop Crime. We Took The Trees Down And Fix The Area. We Have A Stop Crime, 80%. You Can Check With The Sheriff Department. We Need That Bridge Down. We Need That Canal Deepened And Widened So We Don't Have That Problem. Please Help Us, It's Not A Big Deal. But If You Don't Help Us We Lose The Battle In The Long Run, Because We Cannot Stop Them From Going In. By The Way, I Don't Know Why They Haven't Addressed You But They Know This Very Well. Thank You Very Well.

Chairman Hall: Commissioner Bigelow's Office Is Work On That. Thank You Very Much For Being Here. Mayor Sullivan, Welcome To Our Chambers. A Mayor From Cape Coral. And I Would Like To Ask You To Fill Out A Blue Card Before You Leave As Well, And Thank You For Joining Us. For The Record My Name Is John Sullivan, The Mayor Of Cape Coral. I Came Here This Evening To See If We Can Create A Relationship Of Cooperation Between The City Of Cape Coral And Lee County. In The Past It Seems To Relationship Has Been Non-Cooperative Rather Than A Partnership. Keep In Mind This Is A New Day And A Different Council. We Must Act Rather Than Opponents. There Are Many Good Things We Can Do For Our Con Stitch Wants. If We Free To Work Together, When We Can. We Should Partner On Various Projects In Order To Create Efficiencies, At Both The County Level And The City Level. I Believe We May Be Able To Save Resources If We Can Find Things To Share, An Consider Each Other When Constructing Improvement Projects. The Cost Of These Projects Are Extremely High. Taxpayers Wind Up Paying More For Some Of The Services, We Provide Unless We Deliver Those Services A At A Lower Overall Cost Through Partnerships And Other Means This Would Be A Win-Win For Both Lee County And Cape Coral. I Came Here Tonight To Seal A Deal With Cooperation Between Lee County, And The City Of Cape Coral. And I'm Looking For Ward To Any Comments You May Have Regarding This Approach. Thank You For Your Time.

Chairman Hall: Thank You, Mayor Sullivan.

We All Look Forward To Our Joint Meetings With The City Of Cape Coral And Can Make Those Meetings Occur You Know You're Opportunity To Continue Those More Than On An Annual Basis, And Thank You For Sharing Your Time With Us This Evening. The Last Card That I Have, Is Jeremiah Austin. I'm Sorry, Jehovah. I Read It Incorrectly. And We Will Call To Our Chambers And We Look Forward To Hearing What You Have To Say. Thank You. And I Said I Was Baptized And I Had The Name Put On. And I Made A Cd. It's Very Popular

Melody, That I Personally Created. And I'm Here Today Because I Was Over At The Security Council Members Meeting. And I Was Wanting To Continue Many Efforts To Do Good For The Community. And I Was Seeking Funding From The Local Government To Have A Business Operable Of The Goodwill Of The People Participating. To Do Good For The Community. And I Wanted To Get Further Instructions Of The Paperwork, If Necessary Or The Proper Personnel To Get Funding For Good Reverend. Building For The Community.

Chairman Hall: Our Administration Will Assist You With That. Holly Will Assist You, If She You Will Give Her Your Name And Phone Number, She Will Assist You With That. At This Time I Don't Have A Phone, I Have The Paperwork. Chairman Hall: She Will Work That Out With You. Thank You For Your Patience In Coming Back This Evening. Anyone Else From The Public Who Wishes To Address The Board On Any Kern No They Have? Seeing No One, I Hope You All –

Comm. Bigelow: Before We Close, Can I Thank The Mayor For Coming? Chairman Hall: Absolutely. Comm. Bigelow: And Your Appearance Here Tonight Mr. Mayor Sullivan Is Really Appropriate I Think Because We Wrestled With The Boulevard Expressway. Something That's Happened In Any District, My Hometown. Yesterday I Tried To Suggest That Perhaps We Can Be Working More Collaboratively. Sounds Like We're Thinking A Lot Alike And I Look Forward To Doing A Lot More Together. We Talk About Utility Rates Tonight. I've Talked To The Utility Director, I Can See Some Wonderful Opportunities There To Probably Work Collaboratively, And In Other Areas Where Ever They Might Present Themselves And So I Do Look Forward To Working With Him. I Appreciate You Being Here Tonight. So Thanks A Lot. Chairman Hall: Again, I Hope You All Have A Great Week And We Adjourned. Thank You.