

May 25, 2010

Good Morning.

Welcome To The Board Of County Commissioner's Meeting.

It Is Tuesday, May 25th.

We Would Like To Start Our Meeting With A Prayer Bypass For Eric Bennett From Daniels Road Baptist Church Followed By Pledge Of Allegiance.

Father We Thank You For This Life We Have.

We Thank You For Our Country Where We Have Freedoms And Liberties.

We Pray For This Meeting That Your Hand Would Be Upon It.

We Pray For Our Commissioners And Give Them The Courage To Stand For What Is Right And What Is Just.

We Pray For Compassion For Our Neighbors, Lord.

We Thank You For This Day And Work You Have Given Here Today.

We Pray This In Your Precious Name.

Amen.

Amen.

[Pledge Of Allegiance] This Morning Recap Is Deferred For One Week To Allow For Contract Negotiations And The Public Hearing One Is To Be Deferred Indefinitely.

We Have Revisions.

Revise The Amount From 10,000 To \$10,016.

The Minutes They Are Asking To Request.

If I Could Have A Motion To Amend? So Moved.

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

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

And We Have Two Carry-Over Items.

Next We Will Go To Public Comments.

The First Speaker Is Peter Aiken.

Good Morning.

My Name Is Peter Aiken.

I Am An Attorney Here In Town And I Wanted To Speak Briefly About The Child Safety Zone Ordinance.

I Was Hoping This Action Would Be Deferred.

There Is A New State Law Coming In And I Provided The Members With A Copy Of The State Law.

If I Could Speak Two Minutes On That Issue.

The Ordinance That Is Proposed.

I've Been Involved In Prosecuting And Defending Sex Cases For Several Years And This Has Nothing To Do With Child Safety.

It Says 90% Of All Offenses Are By People They Know.

It Is Generally Someone In The House.

It's Not The Stranger That The Common Perception Is.

The Other Thing Is Most Sex Offenders Plan What They Do.

So This Is Not An Impulse Crime That Will Be Committed At A Park Or Something Like That.

The Ordinance, The State Law Correctly Does It Because It -- What It Says It Will Punish Conduct At A Public Park Or Public Beach Or Something Like That.

Where The County Ordinance Says You Can't Even Go There.

That Ultimately Would Be Resolved Hopefully In The Federal Court.

I Would Not Like To Fight That Battle.

The Other Thing Is There Is No Map.

Before You Pass An Ordinance You Should Know What Area You're Prohibiting.

There's No Way To Know Where The Safety Zones Are, Where The Bus Stops Are.

I Sent A Letter To The Sheriff A Couple Of Weeks Ago Because A Man Said Can I Install Shutters If The Shutters Are Within 300 Feet Of A Beach.

Have The Sheriff Come In And Say Here Is A Map Where The Prohibited Areas Are.

When You Do That You Will Find Out That Everywhere Is A Prohibited Area.

And It Talks About Recreational Facilities Public Or Private.

You Have A Law That Says It Is A First Degree Life Felony If You're Going To Mess With A Child.

And I Don't Think Anyone Would Seriously Think An Ordinance That Is A Second-Degree Misdemeanor Will Cause A Predator Who Is Out There Committing A Crime To Worry About It.

It's A Good Thing From A Political Point Of View To Say I Am For Child Safety But In Reality This Particular Ordinance Does Nothing For Child Safety.

I Would Ask This Body To Defer On That.

Look At The New State Law Passed By The House And Senate.

It Is Pending Governor Crist's Signature.

If He Doesn't Sign It It Will Go Into Law Any Way.

And If You're Going To Pass An Ordinance Pass An Ordinance Phrased As That Law Is That Punishes Conduct And Not Presence.

Thank You.

Chairwoman Hall: Thank You Very Much.

Good Morning Mayor From Fort Myers Beach.

Good Morning Chair Woman Hall And Commissioners.

Good Morning.

As We've Been Watching On Tv How Precious A Resource Beach Can Be To A Community And We're Watching What Is Going On In Louisiana, I Think That It's Important That We Continue To Keep Our Focus On One Of Lee County's Most Valuable Resources.

I Am Here To Talk To You Specifically About Beach Renourishment.

Most Recently There Was A Recommendation That Came From Your Staff That Was Discussed With The Town Of Fort Myers Beach Council.

And From That We Took A Position On Beach Renourishment And It Has Four Factors That I Wanted To Relate To You This Morning.

And Other Than The Regular And Local Agreement That We've All Looked At Several Times In The Past.

The First One Was The Town Would Cooperate With The County Navigational Project With The Town Approval And The County Pays For A Consultant.

This Is Specifically Addressing The Growing.

And That Is In Essence We Want To Make Sure It Was The Correct Technology And Everybody Was Comfortable With That.

Secondly The Town Would Agree To Pay The \$110,000 As Their Share.

And That The County Would Absorb The Expense And Efforts Associated With The Cancellation Of Existing Easements Where Appropriate.

This Gets Into The Fact That There's Been Different Levels Of Easements Over The Years Either By The Number Of Years Or The Kind Of Easement And The Propriety That Goes With It.

And A Bond That Says If There's An Issue With The Project Later On There's Money There Available To Correct Anything.

And Lastly, That We Want To Introduce New Technology And Funding Efforts To Be Used For The Remainder Of The Beach.

We Had An Eroded Beach For Four And-A-Half Miles.

This Project Stretches One Mile So It's The Town's Interest That We Develop New Technology For The Other Three And-A-Half Miles.

And We Would Like To Share In The Funding Of That And That's Where We Are At.

Great.

And I Will Be Available Here Later If You Have Any Questions.

Chairwoman Hall: Thank You, Mayor.

I Have No Other Cards For Public Speaking On The Consent, Administrative Or Carry Over Items.

Is There Anyone From The Public That Would Like To Address The Board? Seeing None, I Will Close The Public Comments.

And Pull Items For Discussion From The Board.

Commissioner Mann? Commission Judah? Chairwoman Hall: I Have None To Be Pulled.

I Have A Motion By Commissioner Judah? All Those In Favor? Opposed? Madam Chair -- Chairwoman Hall: Can I Just Finish? Thank You.

Anyone Oppose? Motion Carries.

Commissioner Bigelow.

Comm. Bigelow: Sorry.

We Have Do Have A Deferral.

Okay.

Chairwoman Hall: He Knew It Was Deferred.

You Just Wanted -- It's Fine.

3 A, Commissioner Mann.

Comm. Mann: Dot, Who Can Help Me Or Jim? Let Me Set The Stage Then.

There's About A Million Dollar Project Here For Remodelling The Operations Building.

This Was Before Us Earlier.

Here's My Concern.

We're Doing Remodelling Of A Million Dollars Of Stuff For Our Staff.

When We Have The Opportunity To Get Two And-A-Half Times The Mileage On Resurfacing, For Instance, If We Were Using The Capital Dollars For Projects Serving The Public.

I Need To Be Convinced That This Is The Right Thing To Do Or Maybe I Missed That We Are Well Into This.

Bring Me Up To Speed On This Project.

The History Is That The C.I.P. We Had About \$8 Million To Buy A Piece Of Land And Build A Building For Basically The Traffic Folks And This Is At Our Little Campus Out In The Billy Creek Industrial Park.

While That Money Was Sitting There And We Were Looking For Sites Within The Billy Creek

Industrial Park, The Building Immediately Adjacent To Our Building Became Available Through A Whole Foreclosure Situation, A Bank Owned It.

The Reason We Moved On This Building Was It Is Directly Adjacent And The Two Yards And It's Very -- We're Spending This Amount Of Money Rather Than Doing A Design, Building A Building.

We Acquired This One And Doing The Absolute Baseline Bottom Line Remodelling That We Can Do To Make It Inhabitable For Our Employees.

Comm. Bigelow: This Was The One We Bought Cheap -- Because It's Next To Our Campus.

Comm. Bigelow: Okay.

I Thought We Were Fancying Up Something We Had.

I Will Move The Item.

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

All Those In Favor? Opposed? That One Carries.

Commissioner Judah.

I Just Wanted To Point Out That In This Particular Instance We Have A -- Looks Like A Donation Of \$354 From Friends Of The Pine Island Library For Ear Phones For Computers.

Monetary Donation In Memory And I Want To Thank Everybody For Their Contribution And A Motion To Remove The Item.

Chairwoman Hall: Is There Further Discussion? Just To Add.

Northwest Regional Library Donation From Friends Of The Northwest Regional Library For \$200 As Well.

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

And Commissioner Judah, 7 B.

I Think It Was Important To Point This Out.

Our Staff Works Hard As Indicated By This Issue That Is Before Us Where There's A \$400,000 Plus Savings With Renegotiating The Contract, With This Case The Janitorial Service.

I Want To Commend Our County Manager And Staff To Work Diligently To Cut Costs Wherever They Can And With A \$400,000 Savings I Would Like To Move This Item.

Chairwoman Hall: I Have A Motion By Commissioner Judah.

Second By Commissioner Bigelow? Any Discussion? All Those In Favor? Opposed? The Motion Carries Unanimously.

We Move On To The Administrative Agenda.

Sorry, It's Been Deferred One Week.

Go On To 8 A.

Options For Fort Myers Beach Renourishment.

Good Morning.

The Mayor Did A Good Job To Summarize The Town's Action To This Item That You Discussed.

Late Last Week I Did Distribute To The Board.

Hopefully You All Got The Memo That Addressed Each Of The Points And Staff Recommendation Related To Those.

I Would Think It's Important To Point Out We Don't Necessarily Think All Of The Recommendations Are Good Ones, Particularly Those Related To Re-Evaluation And The Ground Design.

It Will Not Advance The Project In Our Opinion And The Bonding We Think Is An Unnecessary Requirement.

Given The Protections That Exist Within The State Permits.

So We Would Not Be In A Position To Recommend That We Go Into The Project Completely In Agreement With The Town's Request In This Regard.

I Think In A Minimum We Need To Go Back With Them And Explain The Same Information I Provided To You In The Memo I Think Is Likely Needed To Go To The Town Council For Their Discussion, Deliberation And See If Given Your Approval On That If We Can Get Them To Recognize The Protections We Think That Are Already In Place And Hopefully Resolve Those And Come Back To You In June.

Madam Chair? Chairwoman Hall: Commissioner Judah.

Comm. Judah: I Want To Thank Steve And His Communication With The Mayor Of Fort Myers Beach And We Seem To Be All So Close.

I Believe We're Going In The Same Direction And I Believe Steve, You've Been Able To Convey With Additional Information That In Regards To Two Of The Items.

The Groin Has Been Re-Evaluated By The Core Of Engineers And That Is Critical To Know To Keep The Issue And I Think That Is Resolved.

When They Do Go Back To Their Council They Have Had An Opportunity To Say Yes.

In Fact The Design Consistent With The Permit Additions And Addresses Any Town Concerns.

The Other One On The Bonding.

I Agree, Steve.

And I Believe You've Also End Indicated That That's In Terms Of Any Performance That Is Covered Under Permit Conditions And To Ensure If There Are Any Mishaps It Will Be Corrected Through Additional Beach Renourishment Or Whatever Measures The County Has To Take To Be Consistent With The Current Conditions.

Minimum Of Seven Years.

Okay.

And I Think Those Issues Having Now Been Better Understood Will Allow The Town To Provide A Positive Affirmative Response Next Time They Do Meet First Part Of June So We Can Meet The June 22nd Deadline.

I Also Wanted To Point Out The Mayor Has Been Concerned About The Balance Of The 4.6 Miles Of Beach And Unfortunately We're Unable To Work Out A Comprehensive Beach Renourishment Program That Included The Beach South Of The Fishing Pier But The Town By Spending \$110,000, Where It Was Thought They Had To Spend \$150,000, Now Is A Potential \$40,000 Savings That They Can Apply Toward Some Alternative Beach Nourishment Project.

And We're Trying To See If There Is Some Other Alternative For Providing Correction Of The Hot Spots And The Entire Shoreline South Of The Fishing Pier.

To Make It Clear The County Is Assisting The Town Of Fort Myers Beach And Their Effort To Look At Other Alternatives, Beach Renourishment Projects But It Can't Be Addressed During The Time Frame For This Beach Renourishment For The Fishing Pier.

We Are So Close And If This Goes Forward Today The Town Affirming Their Support And We Can Get This Accomplished Before June 22nd.

Chairwoman Hall: Great.

Questions For Steve? Commissioner Mann? Comm. Mann: Just A Couple Of Thoughts To Weigh In Here.

I Hope We Can Take Some Action Here Today That It's A Very Least Shows Our Good Faith

And Willingness To Move Forward And Whatever Action We Take Is So Onerous That You Could Kick It Around And Get Back To Us.

I Hope To Put This Thing To Bed.

I Didn't Understand The Issue But It's Good Enough To Me To Move Forward.

And The Bond Thing, I've Been Following Beach Renourishment Things For Years And This Is New In The Process To Ask For Some Kind Of A Bond And I Think The Discussion Also About The Permit Requirements Probably Pretty Well Covered That.

I Hope To Get To Renourishing And Get Over Talking.

Chairwoman Hall: Do You Have In Questions? Yes, Steve, Could You Please Give Me Your Interpretation Of What The Town's Interested In The Technology In The \$10,000? We Have A Formula When We Evaluate Beach Projects And We Look At The Area That Has Public Access Defined By The Coastal Systems.

Based On That We Come Up With How We Distribute The Costs Among The Partners.

In This Case The \$150,000 Is The Storm Protection Cost.

You Will Remember From Management And Planning We Had Two Different Scenarios.

The Town Would Pay The Full 150.

The 110 Represents Payment For The Portion Of Property Not Owned By Lee County.

Translation Flip Side Is The \$40,000 Or So That Are The County-Owned Parks, We're Agreeing To Pay The Storm Protection Benefits For Those Assets That We Own And We Have To Talk About Where That Money Comes From.

We Can Do That In Context With The Interlocal Agreement.

The Other Piece Related To The Groin.

Typically When You Build A Structure Down Drift Of That There Could Be Impacts.

Their Concern Is We Might Have Some Unintended Consequences Once We Build This.

They Want A Mechanism To Prevent It.

If There's Additional Knowledge To Prevent It.

And If Not The Bond Piece Was A Corrective Action.

We Have Re-Evaluated This Structure Numerous Times.

We're Comfortable We Have Something Consistent With The Current State Of Coastal

Engineering.

Also It's At The End Of A System.

The Sand Moves Along The Beach.

If We Don't Catch It And Keep It On The Shoreline Where It Will End Up Is In The Federal Navigation Channel That Has Its Own Set Of Problems That We Dealt With Before.

It's Not Like There's An Adjacent Beach Down Drift We Might Cause Erosion On.

It Was Re-Evaluated By The Army Corps When They Did The Re-Evaluation Report For Their Participation In The Project.

And It Was Evaluated During The Permit Approvals.

Okay.

Well, At Least We Gave Them A Fair Shot.

The Item Before You As You Know Is Public Record Is To Purchase Some Beach Frontage And It's Going To Come Back In A Week And Going To Contract Negotiations.

That Too Then Would Be County Asset.

It Seems To Me That We Would Probably Want To Try To See If We Can't Have A Con Contingency Plan Going Into This Agreement To Renourish That Portion South Of The Pier.

I Think It Could Be Incorporated Assuming We Get That Far We Could Have An Option To Potentially Do Something.

There Would Be Stand Alone Ability To Do That Should The Need Present Itself.

And Then There Will Be Private Property In There And We May Have To -- There Are A Couple Of Difficulties In Play.

The Pier Becomes A Physical Optical For Construction And The Private Properties Between The Pier And That Parcel.

We Have To Talk To Them As Well.

It Is Something We Can Investigate As We Go Forward.

Well, If You Go South Of Lynn Hall Along The Shoreline If The Tide Is High Enough You Can't Get Past The Property There.

We Could Make That Link Possible As A Possible Pathway To Get To Our New County Facility.

I Would Like To Be Sure We Are At Least Going Into This Thinking That In Advance And Appreciate The Indulgence.

Chairwoman Hall: Any Other Questions? Then I Will Look For A Motion And Recommendation? I Would Like To Move That The County Move Forward With The Beach Renourishment Project.

We Understand If We Can With Any Modifications Include The Three Lots To Be Purchased South Of The Fishing Pier.

But With An Understanding That Two Issues That Were Part Of The Motion By The Town Council, Fort Myers Beach, Be Respectfully Asked To Be Set Aside From The Standpoint That Item 1 Regarding The Groyne.

That Groyne Has Been Re-Evaluated Which Is What The Concern Was.

That Should Address That Concern And The Proposed Monitoring Of The Beach Renourishment Project To Be Relied Upon Versus The Proposed Bond.

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

Any Further Discussion? We Performed Very Well On All Of Our Monitoring And Any Issues We've Had Due To The Dedication Of Ttc And Recognizing That Beach Renourishment Is Our Number One Asset.

And When We Look At The Pot Of Money We Take The Money Off The Top On An On Going Basis And There's A Nice Reserve There To Make Sure We Have The Dollars To Do That.

I Like To Thank The Advisory Board To Recognize The Importance Of Beach Renourishment.

Our History Shows The Performance Is There And The Monies Are There.

One Last Comment If I May.

Sure.

In The Light Of Everything Going On In The Gulf Of Mexico And Disastrous Oil Spill I Think It's Critically Important Positive Statement We Need To Make About Fort Myers Beach And Steps We're Taking To Guarantee The Tourists Have The Finest Beach They Can Find In This Entire Globe.

I Look Forward To Continual Close Relationship.

I Am Much Pleased About How Much We've Come Together Since This Started Months Ago.

It's Critical To Get This Project Moving.

Thank You For Your Motion, Commissioner.

Chairwoman Hall: Further Discussion? I Would Like To Echo Commissioner Mann's Comments By Saying Also To The Town That I Appreciate The Thinking You Were Giving To The Bond And Purpose It Would Serve And Certainly What's Happening In That Area Is Naturally Important To Consider.

I Guess We Got To Move As You Said, Paint Or Get Off The Ladder? I Think We're There.

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

We Move On To 14 A.

I Will Move 14 A.

Second.

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

Further Discussion? All Those In Favor? Opposed? Item Moved.

14 B.

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

All Those In Favor? It Carries.

14 C.

Any Further Discussion? All Those In Favor? Opposed? Motion Carries Unanimously And 14 D.

Move The Item.

I Have A Motion By Commissioner Judah.

I Will Second The Motion.

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

Our 9:30 Public Hearing Has Been Deferred So We Will Move On To Carryovers.

First Is -- I Have A Motion By Commissioner Judah.

I Will Second The Motion, Further Discussion? All Those In Favor? Opposed? Motion Carries Unanimously, Carry-Over Two.

I Was Hoping That We Could Go Forward With This Contract Today.

I Understand We Are Waiting On An Audit And -- Oh, We're Not? I Thought We Were.

Chairwoman Hall: Let's See If We Can Go Forward And If We Need A Whole Presentation We Will.

We Will Have The Commissioners Ask Questions And Karen, Why Don't You Go Ahead And I Apologize, Why Don't We Go Ahead And Carryover Number Two.

If We Can Move The Item.

I Have A Motion By Commissioner Judah.

Is There A Second? I Will Second The Item For Discussion.

Comm. Judah: I Thought We Were Waiting On Some Type Of Audit.

Yes, Sir, I Have Requested The Clerk Of Courts To Take A Look At This.

If You're Asking Me To Recommend It To Be Delayed, I Am Not.

Comm. Judah: I Was Going To Suggest For Sake Of Continuity And The Fact That We Are In A Fight With Limited Time And Resources To Be Able To Capture Important Dollars For This Community.

Particularly In Our Effort To Diversify Our Economy And Moving In The Area Of Research And Development And Renewable Energy Type Of Jobs.

And All I Hope For Recognizing What Wilbur Smith Has Done With The Funding They Brought In This Past Year, The \$3.2 Million Stimulus Package.

The Fact That They Are Working To Obtain Dollars In Collaboration Of Fgcu, We Can't Skip A Beat And I Hope This Board Will See The Importance And Benefits With Going Forward With This Particular Consultant.

If There's An Issue With It We Can Forego The Contract.

I Discussed This And There Was Lingering Questions.

Enough To Even Prompt A Memo From Your Shop To The Rest Of Us To Explain How You're Dealing With All Of This Or The Proponents Under Question And The One Week For The Clerk's Office To Give Us His Review And Blessing And I Think We Lose Nothing And It Makes A Lot Of Folks Feel Better.

I Still Would Like To Put This Off For One More Week And Get That Report From The Clerk's Office.

Chairwoman Hall: Well, You Know, I Will Just Say Because I've Been Working Closely With The County Manager And Working On Creating The Research Diamond That I Want To

Thank Commissioner Judah For Spending Time In Tallahassee Working With The Governor's Office On Energy And Being In D.C.

It's Disappointing To Me That Sometimes Politics Play A Bigger Role In Our Decision Making Than Just Good Decisions As Hard As We Try To Communicate There's Always Perception Versus Reality And The Reality Is That We Are Out Fighting As Commissioner Judah Said For Every Dime We Can Get.

Florida Has Had -- It's Just Not Getting Its Fair Share.

I Don't Know Why.

That's What Is Happening.

We Are On Some Quick Turn Around For Some Capitol Out There To Coordinate With The Office Of Economic Development.

We're On Some Quick Turn Arouns For Some Programs To Enter Prize Florida.

We're Meeting With Jim Moore's Group.

We're Reaching Out.

We Have Four, Five Hard Working Property Owners Out There Reaching To Bring Industry From All Over This Country, Including Outside The Country To Relocate Right Here.

We've Invested Millions Of Dollars In Incentives.

We've Invested Hundreds Of Thousands Of Dollars In Campaigns To Say Bring Your Business To Lee County.

And Here We Are.

So If We're -- I Would Rather See Us Not Fail.

It Is Very Disappointing.

It Is The Season, The Political Season We're In.

People Are Working Hard And You Know, There's Not Going To Be Anything There.

This Has Been Very Transparent.

It's All Right In Front Of Us.

If We Need The Clerk To Rubber Stamp It I Don't Want To See It Fail 2-2.

It Saddens Me.

We're All Good People.

We Got 14% Unemployment And As We Go Forward We Want To See That.

When We Hit Another Issue Like This That We Have The Opportunity To Bounce Back After And We Have Really Made Some Lemonade Out Of The Lemons Lee County Has Been Thrown.

We Have Affordable Housing In The Region.

The Best Climate.

We're Working Hard To Make Sure Our Beaches Are Beautiful And Opportunity To Do Your Business And Educate Your Children And Stay Here And Work Is Getting Better And Better.

Commissioner Mann, Agree With You Seven Days Isn't A Lot Of Time, But Again, It's More About Doing What I Think We Can See.

There Is -- We See It All.

I Don't Know Commissioner Judah, Where You Want To Go With This.

I Don't Want This To Fail 2-2.

We Can See If This Motion Will Pass.

If It Doesn't, Someone Else Can Make Another Motion.

Any Other Discussion? Well, Madam Chair, This Is Critical.

We've Talked About The Importance Of Getting Behind The Community And You Know Providing The Jobs, Providing For Economic Recovery.

You're Right.

As A State Unfortunately They Seemed To Have Dropped The Ball Or Are Not Finding The Right Way In Which To Deliver The Message That Florida Needs To Create Jobs And Diversify Our Economy But Lee County Has Done Well With The Biofuels, We Are Doing Everything Possible To Recognize That Green Technology Is The Future.

That We Are Providing Jobs With The Economic Stimulus Program.

2,000 Jobs Will Be Committed To Lee County And Construction Sector Jobs With The Grand Opening Or The Ground Breaking Of The Boston Red Sox Stadium In July.

We Are Covering Every Conceivable Level Of Employment Here In This Community, But We Are In A Dog Fight And I Can't Thank Wilbur Smith Enough For What They Have Done In Tapping Into The Reinvestments Recovery Act In Bringing Needed Dollars To Help Our Economy.

I Got To Tell You Having Been Involved Dot And Amy With Preserving The Dollars And Help Provide A New Direction For This County.

You Know, We -- Every Minute Is Precious.

The Bureaucracy That We Have To Work Through To Be Able To Capture These Dollars And Thankfully Wilbur Smith And Associates Through The Good Work Of Amy Davis Helped Us Through This Process.

I Know How Other Communities And Other States Are Fighting For These Limited Dollars And I See A Potential Hiccup.

Hopefully Next Week We Can Get The Support Of The Board To Move Forward.

I Will Withdraw My Motion.

Chairwoman Hall: Okay, Do I Have A Motion To Defer A Week? Yes, Ma'am.

Chairwoman Hall: I Have A Motion By Commissioner Judah.

I Have A Second By Commissioner Mann.

Is There Further Discussion? Yes, Commissioner Bigelow? Comm. Bigelow: I Need To Expand The Scope Of This Review A Little Bit.

If You Don't Mind I Wanted To Talk About This.

Chairwoman Hall: We Will Have An Opportunity To Listen To Your Options.

We Are More Than Happy To, I Can't Guarantee We Will Expand It.

The Request Is Necessary.

We Need To Clear The Air On This.

My Review On It And It's Been Two Or Three Days Of Review On My Part.

Lots Of Paperwork Here.

Having To Try To Learn Accounting And Finance And Fiscal And I Am Just Want To Be Sure That We Are Crossing Every T And Dotting Every I Because I Am Worried That We Might Have Potential Perception Of Favoritism.

And I Would Like To Ask As I've Talked To The County Manager Yesterday For An Attorney Opinion On This For Two Reasons.

I Would Like To See That It's Comprised With The County's Resolution, 06-03-19.

I Don't Know If It Goes By A Name, But In March 2006 Prior To Commissioner Mann And I Arriving Here The Board Approved Increasing Spending Authorities For Certain Folks In County Management.

I Want To Be Sure That All Of The Change Orders, And There's Seven Of Them.

Only One Of Which Was Board Approved.

I Would Like To Be Sure It Matches Up Correctly With The Resolution.

Also, There's A Four-State Statute, Section 287.055 Known As The Consultant's Negotiation Act.

My Review Of That States That It Does Not Bode Well For This Contract And All Of Its Many Approvals And Authorizations.

I've Looked Through This Through A Period Of Time And Rather Quick Review.

But There's Some Interesting Issues Here That I Do Think Need A Very, Very Close Analysis.

I Think We Got To Follow The Dollar Trail On This One.

And There's Some Signatures I Can't Figure Out Why They Are There.

I Would Like To Get Some Answers To That.

Let Me Take The First Contract.

The One The Board Approved.

The Original Contract Approved 6/19/07.

It Is Known As A Tnr Report.

Toll And Revenue Report.

The Purpose Is To Comply With Some Bonding Requirements We Have For Our Toll Facilities.

We Have To Analyze The Tolls And Revenues And Be Sure We Are Square With The Bonding Requirements.

Well, It Started Out As \$187,000 In The First Year, But There Was A One-Year Extension That Would Have Bumped It Up To \$375,000.

In The Middle Of The Three Years, Mr. Lavender Approved \$100,000 Increase To This Contract.

That's Change Order Number One.

Maybe That Is Okay.

Again, We Need A Legal Opinion.

Maybe That Comports With Resolution.

The Change Order Says Alico Road Expansion Analysis.

And If You Go Through As I Have All Of These Invoices You See It's Very Much Related To The Tnr Report.

So It Makes The Board Authorized \$375,000 To -- \$475,000.

If You Take All Of The Invoices To The End, We've Paid \$558,000 As Of April 5th, 2010.

Let Me State That Again.

\$187,000 Contract For Two Years, That's 375 -- Mr. Lavender Added \$100,000 For \$475,000.

The County Paid In Total, \$558,000.

That's \$183,000 More Than The Board Approved.

Yesterday I Talked To Mr. Ringard Over The Phone And Maybe Because We Were Both On Cell Phones There Was Confusion, But He Told Me His Understanding Of The Resolution That I Keep Referring To Allowing County Management Employees To Authorize Increases Or Change Orders, That His Understanding Is That If It's Not Like Work That County Management, As Long As They Are Staying Within The Approval Levels Can Authorize These Change Orders.

And It Makes A Lot Of Sense When You Look At How This Became A Tnr Report And Something Else Later, The Ihub, Which Is A Private Property Owner's Project And How It Is We're Spending All Of These Tax Dollars Advancing Advocating For Some Private Property's Interest Is Troubling.

I Don't Know -- I Can't Find Anywhere The Board Approved That.

So I Am Really Troubled.

Lots Of Questions Come As I Dive Into This And Like I Said, I Probably Just Scratched The Surface.

Later Madam Chair You Will Bring Under Commissioner Items A Letter You Would Like Us To Authorize.

I Guess Your Signature To Sent To Governor Crist.

The First Senate Says Lee County Is Excited About Having Created A Renewable Energy And Research Diamond In South Lee County Where We Are Actively Recruiting Renewable Energy Industries To Create Jobs And Help Diversify Our Economy.

It's The Renewable Energy And Research Diamond That Apparently This Change Order Before Us Again Today Is Meant To Be Advanced.

Or Advocated By Wilbur Smith And Associates.

And Yet Again, Either I Have A Case Of Amnesia, But I Have Tried To Look Through The Record For It.

I Don't See Where This Board Has Created A Renewable Energy And Research Diamond.

No Official Action Of This Board Has Created This Diamond.

Somebody May Have Created It.

But Not This Body Of Government.

It's My Way Of Understanding.

So I Think A Week Might Get Us A Good Start To Look At This.

But I Am Telling You, We Got To Clear The Air Because I Am -- I Just Can't -- Chairwoman Hall: Anything Else? That's All.

Thank You.

Chairwoman Hall: Any Other Comments? We Have A Motion On The Floor To Defer One Week And I Will Just Say That Through Management And Planning The Diamond Has Been Discussed And Presented.

I Brought Up To Speed The Board Under Commissioner Items When We Went In Our Relationship Of Florida Gulf Coast University And Brought You To Speed With The Meetings That We Had.

But Memory Is A Hard Thing And Photos Come Forward.

We Will Go Forward And See What Can Happen.

Commissioner Bigelow If You Are Not Satisfied We Can Discuss It Next Week.

All Those In Favor Of Deferring One Week? I Am Sorry.

I Can't Let It Go.

Maybe Commissioner Bigelow If You Had Attended The Ground Breaking Of The Ihub You

Would Have Been Better Informed.

Is That Where We Adopted It? No, But It Has Been A Wonderful Vision That Seemingly The Business People In Our Community.

The Economic Development Office, Several Of The Commissioners Well Understand The Message That We're Sent To Go The World That You Know, The Carolinas Have Their Triangle.

We Have Our Diamond.

I Would Hope You Would Get Behind The Concept That What We Are Promoting Is Our International Airport To The North.

Our Florida Gulf Coast University To The South, Ihub To The East And The Incredible Opportunities To Fill In The Land That Is Available To Be Developed With Research And Green Technology-Type Companies.

You Know, It's -- For Those That Are Suggesting That We Need To Be Greener, We Need To Be Smarter, We Need To Diversify Our Economy.

We Can't Rely On Tourism And Agriculture And Construction.

I Would Hope Those People Would Understand It's Important To Get Behind This Effort.

You Would Have Understood It Wasn't A Few Dollars Moving The I-Hub Forward.

It's Trying To At That Point Federal And State Grant Funds To Help Move This Project Forward.

The Florida Gulf Coast University Saw The Opportunity The Benefits, The Vision Of The Synergy Between FCGU And The I-Hub To Provide A Working Lab.

And That's Why Over A Million Dollars Is Provided For A Chair Position So They Can Hire A Faculty Member To Move Forward With Energy And Research And Development Type Curriculum.

It's All Coming Together.

But For Some Reason Some Folks I Guess Still Just Don't Get It.

And Unfortunately Until I Guess The Appropriate People That Need To Provide The Leadership In This Community Understand The Importance That We Are Ever So Relying On Diversifying Our Economy And In Terms Of Also Being Able To Provide The Leadership Throughout The World Like We Are Doing With The Biofuels, Converting Grease, Those Are Good Examples Of The Direction We Should Proceed In Than Relying On Fossil Fuel That Is Creating The Problem In The Gulf Today.

I Hope Everybody Gets Educated To Understand The Direction We're Trying To Move

Forward.

Comm. Mann: We Didn't Have The Advantage Of Your Presence Here Last Week When We Discussed This Andvoted To Defer It.

I Will Repeat What My Concern Was At That Time That Was Fairly Modest But Worthy Of Not Rushing Into This.

I Will Give You An Example.

I Don't Know If It's A Perfect Analogy, But Americans Have Long Been Upset Or Confused Or Even Tired Of Watching The U.S. Congress Pass A Military Budget Bill And Then All Of A Sudden In It Is A Bridge In Alaska.

There Are So Many Add-Ons.

My Concern Is We Began With A D.O.T. Budget Item Many Months Ago And It Referred To Tolls And Studying That Issue.

And Now That Same Little Project Has Grown Into A Research Center.It's Hard To Follow That Transition And How We Went To The Dollars Involved To Something That All Of A Sudden Loses Touch Of Where It Began And Did It Carry With It The Authorization Of The Commission? I Said Let's Take A Week And Think About That.

Staff Has Come And Talked To Me About It.

I Have A Few Questions, But That's All We're Talking About.

Clarification, Arm's Length Transactions.

Things That The Citizens We Represent And Tax Payers Can Understand.

Right Now It's Confusing At Least To Two Of Us And I Think This Week Will Be Time Well Spent To Get A Better Grasp And Do Something That The Tax Payers Will Have Confidence When We Are Through With It.

Chairwoman Hall: Thank You, Commissioner Mann.

Commissioner Bigelow Did You Have Another Comment? Comm. Bigelow: I Would Like To Respond.

First The I-Hub Was Presented In A Management And Planning Meeting And We Had The Property Owner And Gentleman That Will Fund It.

The Chair Of Fcgu.

Wilbur Smith Associates Were Represented.

I Never Seen Anything Like That At A Management Planning Meeting.

They Came In A Sense To Lobby Us On A Project On Their Property Known As The Innovation Hub.

I Remember Turning To Donna Mary Collins And Thinking Wait A Minute, This Has Zoning Issues Associated With It.

We Have A Prohibition On Being Lobbied On Matters That Come Before Us As A Zoning Board.

I Started To Get Very Uncomfortable At That Point.

On The May 4th Board Meeting I Asked How Wilbur Smith Was Being Paid Because I Didn't Honestly Know.

Madam Chair I Think The Record Will Show That You Had Approved It.

We Approved It, You Approved It.

Okay, If That's The Case, I Juts Want To Know How -- Just Want To Know How, When.

If I Missed It On Agenda I Will Be The First One To Admit It.

She's Admitting There's \$100,000 Of Her Signature, \$100,000 Of Mr. Lavender.

Mr. Gilbertson I Think Signed One.

Although I Hear That's Been Cancelled.

I Am Telling You, It Just -- There's A Lot Of Good In Everything You Said.

Listed A Lot Of Green Initiatives And Every Time I Think This Country Is In Dire Straits To Figure Out How To Become Energy Dependent And How To Deal Locally With Accommodating Another 600,000 Folks In Our Community.

How Are We Going To Do This If We Don't Continue The Automobile-Dependent Lifestyle? I Am In Tuned With And Concerned With How It Is We Are Going To Become More Sustainable.

I Don't Think This Is What The Citizens Expect Of The County Government.

Chairwoman Hall: I Have One More Comment To Make.

Commissioner Mann, I Appreciate What You're Saying.

There's A Process And I Always Believe In The Process And If We Have Not Followed The Process That Is Appropriate We Need To Correct That.

But It Is Very Frustrating.

I Do Spend A Lot Of My Time Because We Are Competing With The World.

We Are Competing With Our Neighbors Up The Street And There's No Better Reality Than When We Sit In A Meeting And See What The Counties And Cities Are Doing And Try To Get Through The Challenges We Are Faced In Our Economy.

I Do Spend A Great Deal Of My Time Making Sure Our Partners Know We Want Their Business And I Take Very Much The Honor I've Been Given To Serve As Chair Of This Board And I Do Contact Those People And Say Lee County Wants Your Business.

Our Staff Does A Great Job Of Promoting This Area Through The Tourist Development Council And Wherever I Can Be With Them To Let Them Know This Board Has A Representative County Government That We Will Do Whatever We Can From A Legislative Process And Environment To Do Business, We Will Do Our Best To Make Sure The Environment Is Conducive To Having Your Business And We're Serious About That.

A Lot Of My Time Is Spent Educating And Reaching Out To People, Going To And Talking To And Spending My Time Doing That.

It's Almost A Seven-Day A Week Job Doing That And That's Okay.

We Have The Ability To Do That And The Ability To Be More Involved Or Less Involved.

I Think That What Saddens Me And I See -- You Know, We All Have Various Schedules, But We Really Have Got To Be Very Aggressive About What We Are Doing.

Not To The Lack Of The Appropriate Protocol That Can Assure Our Tax Payers That Every Dime We're Spending Is Being Spent On Our Behalf In A Good Way.

I Don't Want To Underestimate Commissioner Mann Where You Are Going With This.

We Need To Let The Public Know These Dollars Have A Much Higher Return On That Investment.

I Am Not Necessarily Upset Waiting One More Week To Allow The Clerk To Do What He Needs To Do, But When We Get Down To Some Of These Little Comments That Get Made.

I Welcome All Four Of Us Doing In The Areas That We Are Experts At.

Whether It's Industry Or -- Do Your Best To Let The Community Know And People Outside Of This Community That We Want Their Business.

We Are Serious Of Coming Out Of This Recession.

Take The Time To Reach Out And Do That.

Make The Time To Get To The Little Silly Things Going On To Let The Community Know We're Serious.

We're Serious About The Safety Officers That Died In The Face Of This Community.

We Go And See And Be With The Families And Let Them Know.

County Government Is Transparent And It's Insulting To Have To -- Insulting To Say We're Only Human, But I Don't Think One Of Us Up Here Would Ever Do Something Intentional That Was Not In The Best Interest Of Our Citizens.

Commissioner Bigelow I Appreciate You Pointing Out The Fact.

Let's Go Through The Line, Let's Go Through The Commissioner Items.

I Have Tried Hard To Keep Everyone Up To Speed On Things That Are Happening.

I Know That Staff Is Working On Different Things.

The Meetings Happen Every Month.

They Are Open.

Sit In Some Of Them.

Ask If You Can Sit In An Executive Meeting.

These Are All Public Meetings.

Anyone Can Go.

It Just Takes Time.

So We Have A Motion On The Floor To Defer One Week.

We Have A Second.

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

Let's See.

We're Down To Commissioner Items.

So Commissioner Mann? Comm. Mann: No.

Chairwoman Hall: Commissioner Judah? Comm. Judah: I Do Have A Few.

Last Week Unfortunately While There Was Consideration By The Environmental Regulatory Commission To Control The Application Of Double A Sludge In The Lake Okeechobee Watershed And Pursuant To The Everglades Protection Act To Getting The Environment Protection To Incorporate Policy That Would Actually Effectively Eliminate The Spreading Of

Aa Sludge That As We Know Is Ultimately Potentially Contaminates Ground Surface Waters.

We Had An Employee Who Understandably From His Viewpoint Thought He Was Doing A Good Thing When He Went Before The Commission And Suggested That Eliminating The Application Of Aa Sludge To Give Away Would Undermine Lee County's Efforts With Regards To Composting Biosolids And Not Allow Us To Find A Market For The Biosolids That We Would Produce.

What I Would Ask Madam Chair And Fellow Board Members Is Because We Need To Get Behind The State-Wide Effort Pursuant To The Everglades Protection Act To Protect The Entire Lake Okeechobee Watershed Could We Ask Our Attorneys To Communicate With The Environment Of Protection, Get Back To The Board And Let Us Know How We Can Address Our Fellow Waste Department's Concerns With Regards To Marketing That We Will Create With The Biosolids And Not Create An Adverse Impact With The Application Of Sludge Within The Lake Okeechobee Watershed And Get Back To The Board As To The Steps We Will Need To Take And Included In The Steps Are Probably Going To Be Asked In The Regulatory Commission To Reopen The Consideration Of Eliminating The Give Away Of Biosolids That Is Currently A Loophole In The Application Of The Double A Sludge And Water Board.

Chairwoman Hall: Go Forth And We Will Hear Back From The County Attorney's Office.

Something Is In My Memory Here.

We Were Pursuing A Bio Solid Waste Program? Is That Applied Or Play In Here? Yes.

We Are Currently Mixing And Making Compost At The Lee Hendry Land Fill And We Are Accepting The Lee County Utility Sludge And Fort Myers Sludge.

I Thought We Were Going To Try To Find A Way To Dry It Or Make It More Marketable? It Was Too Expensive.

We Found A More Cost-Effective Way To Deal With It And As Long As We're Taking The Sludge We're Taking Right Now We Don't Need The Multimillion Dollar Plant It Would Take To Do That.

Chairwoman Hall: We Will Have More Detail On That.

It Is Possible You Might Want To Look At That Maybe Doing -- Maybe County Administration Will See And More Dialogue Will Come With That Rather Than Just The Report.

Depending On Timing You May Want To Look At That To Have An Opportunity To Have More Discussion Rather Than Just An Update Under County Attorney's Items.

Commissioner Judah? Comm. Judah: Also, It Was On The News And I Think It Was In The News Print About An Unfortunate Incident Where Illegal Clearing Was Done By A Bulldozer Operator That Ran Amuck In Orchid Isles Land.

We Now Know Who Was At Fault And With The Help Of The Regulatory Agencies We Will

See The Area Restored With Trees And Shrubs Being Planted.

But What Concerns Me Is The Reason Why Evidently This Bulldozer Operator Was On Publicly-Owned Concentrated 20/20 Lands And That Was For Hanson Street.

And I Got To Say There Is -- I Would Imagine There Is No Conceivable Way That The County Would Support The Extension Of Hanson Street Through Conservation 20/20 Lands.

There Are Other Ways To Address The Traffic Circulation Without Having To Use Orchid Isles Property Or County Lands Property -- Really What I'm Asking For Is That We Got To Get The Clear Message To The City Of Fort Myers That This Is Not Part Of The Game Plan.

Hanson Street Is Not To Be Extended Through The Orchid Isles Property.

There Was Survey Flags And Stakes Put In Place With An Intention Where Hanson Street Would Be Extended.

I Am Happy To Hear From Those That Maybe Said It For The Record That This Is Not On The Table For The Extension Of Hanson Street And I Know There Are -- For The Record, Karen Mcguire, County Lands.

When This Was Brought Forward To Our Advisory Committee Class Act There Was Full Representation Of The City Of Fort Myers Including The City Engineer And Lengthy Discussion With The City That In No Way Shape Or Form Was The Committee Indicating That We Would Be Willing To Even Sell The Property.

The City Doesn't Have Condemning Authority Over The County.

It Was Discussed That They Would Probably Need To Look For Alternative Locations To Do This Road And They Were Involved In Probably Three Or Four Meetings On This Discussion.

So Let's Go Ahead Then.

I Think Commissioner Judah As We Need To Go Ahead And Put A Letter Out To Them That Goes Through The Process That We Have Something On The Record And The County Attorney Could Work Through County Lands To Remind The City That We Could Again Put On The Record That We Are Not Interested In Seeing That.

Is That Where You Are Going With That? Let's Make Sure We Have A Copy Sent To The City Engineer.

I Think The Council, The Mayor And Staff -- We Will Acceptedsent It -- Send It To The Mayor, But It's The Individual That Hasn't Got The Message That We Will Not Allow Hanson Street To Be Extended Through Orchid Isles.

Chairwoman Hall: If You Could Draft That Letter For Us Between David And Karen To Outline The Conversation So The City Recognizes They Were Engaged In That Conversation That We Didn't Just Wake Up This Morning And Say We Changed Our Minds Or There Was Some Understanding.

We Will Cc The Board And Obviously The Appropriate People Including The Mayor And City Manager.

I Don't Think I Have A Problem With Doing That, But Am I Confused In The Comparison Of An Extension Of Del Prado Ultimately To The Interstate? Different Project.

I Know It, But Is It Interfering With County-Owned Lands In 20/20? No, We Purchased It That There Will Be A Del Prado Interchange And We Were Aware That It Would Have Impact With Del Prado.

There Would Be No Impacts With Hanson Street If It Was Acquired Before 20/20.

I Think What You Do Before You Purchase It Is The Dialogue That Occurred.

I Don't Remember Being A Part Of Any Dialogue.

I Don't Remember That Discussion About The Possible Hanson Extension.

I Am Sensitive To The City's Needs For The Infrastructure And There Are Times When We Can Accommodate One Another Without Destroying -- Looks Like The Discussions Here Is It Would Be So Totally Devastating To The Property That We Would Never Consider Under Any Circumstances Or Any Mitigation.

I Am Just Saying That There Is Always Two Sides To The Story And I Don't Want To Go Fire Off Another Angry Letter That We Are Good At.

Madam Chair? Yes.

Commissioner Mann, There Was An Intent By The City At One Time When It Was Under Private Ownership.

But Orchid Isles Was Purchased That Hanson Extension Would Not Be Appropriate In Terms Of -- It Was Your Clear Understanding.

Not Mine.

It Was Class Acts Clear Understanding When They Recommend We Buy Orchid Isles And There Are Other Alternatives To Access State Route 82.

This Is A Clear Destruction Of Publicly-Owned Lands Of An Individual That Doesn't Understand That Hanson Street Is Not To Go Through Orchid Isle's Land.

Chairwoman Hall: We Will Bring It Back To The Board So Everybody Knows We're On The Same Page.

It's Interesting.

This County Moved Forward Whether We're Sitting Here Or Not And Things That Happened

Before Any Of Us Were Elected, Except For Commissioner Judah Of Course, And There Were Things That Happened Before And Make Sure We Have The History Correct.

I Am Not Looking To Fire Off An Angry Letter.

I Am Looking To Fire Off An Factual Letter.

That's Why We Hold Joint Meetings And I Am Proud As The Chair I Started That Process And We Can Have A Joint Meeting With The City Of Fort Myers And It Will Be Detrimental To Have A Discussion.

Anything Else? Well, You Didn't Bring Up The Issue On The Recycling Bill? Go Ahead.

If I Could, In Fact There Is A Recycling Bill That We Are Hopeful That Governor Crist Will Sign And It Calls For Achieving A 70% Recycling Goal Which Is Achievable.

We In Lee County Achieve The Minimum Requirements.

I Hope We Would Get Behind The Effort To Encourage Governor Crist To Support Signing Hb House Bill 7243.

Chairwoman Hall: Okay.

Okay I Have A Motion By Commissioner Judah.

I Have A Second By Commissioner Mann For The Happy Letter? Any Other Discussions? All Those In Favor? Opposed? Move On.

I Would Like To Back Up To The 20/20 Plan.

Chairwoman Hall: Speak Up Commissioner Bigelow.

Comm. Bigelow: Okay, I Will Do That.

Thank You.

With Respect To The House Bill 7243 That Commissioner Judah Is Asking Us To Support.

Let Me Take This Opportunity To Say That In No Circumstances That We Should Incinerate Any Recyclables That We Collect Or Those Within Municipalities.

I Would Like To Be Sure That We Are On The Same Page About That So We Don't Have The Same Situation Before Where We Have The Public Works Saying We Are Recycling By Turning It Into Energy.

Chairwoman Hall: You Know What.

I Will Stop You Right There.

Commissioner Items Are Starting To Take Longer Than The Board Meetings And The Commissioner Items Are For The Purpose Of Information.

If We Want A Segue Into The Incineration Of Recyclables, I Am Happy To Have Mmp Deal With The Recyclables.

You Will Not Get A Motion To Say That Because I Think I Need Solid Waste To Come Here And Have A Discussion With Us Because We Say Things And They Are Kind Of In Context, Be And Kind Of Not.

If You Want To Be Reassured What The Program Is I Am Happy To Put A Request For Lindsey To Come Forward To Have A Review Of What We're Doing With Recyclables And How They Are Doing.

If That Is Your Request, I Am Happy To Accommodate That.

Which Will Ask The Governor To Sign A House Bill Requiring Certain Levels Of Recycling In Communities, I Think We Should Be Sure We Are Not Going To Incinerate And Call It Recycling.

We Don't Want To Have Disparity.

Chairwoman Hall: Point Noted.

Any Other Item You Want To Comment On? Comm. Judah: You Want A Motion On That One First? Chairwoman Hall: All Those In Favor? Opposed? Now Commissioner Bigelow, Let's Go Back To The 20/20 And What Is Your Comment On That Item.

I Would Like To Echo Commissioner Mann's Concern That Is We Don't Fire Up An Angry Letter Because I Will Add My Recollection On A Matter That Did Come Before Me And That Is The Purchase Of The Orchid Isles Property.

Taking A Lot Of Heat.

It's My Recollection That The City Understood As Well As I Think The Property Owner That Was A Council -- Is -- Was A Council Member Of The City Of Fort Myers Was Expecting That The Provision Of Hanson Street Extension Through This Land Was Still On The Table.

Chairwoman Hall: I Am Not Going To -- What I Will Do Is Bring Forward The Letter So We Have All The Facts In Place.

I Hope The Letter Is Seeking One Of Clarity Rather Than To Say You Can't Do It.

I Am Telling You, I Think I Recall The Hanson Street Extension -- Chairwoman Hall: That's What I Said.

Thank You For Reinserting That.

Go Back To The History, Go Back To The Record.

It Will Not Be An Angry Letter But A Factual Letter.

I Will Bring It Back So Everyone Can See It And Then We Will Sent The Letter To Them.

That's What I Said.

Is There Any Other Comment? Yes, You Like Saying What I Say Better -- Chairwoman Hall: I Know, It Takes A Long Time.

What Other Comments Do You Have? I Was Going To Bring It Under Commissioner Item.

I Will Wait Until My Commissioner.

Do You Have Any Other Item? This Is A Bond.

And I Don't Think Anyone Here Is Comfortable Waiting For The Potential Disaster To Happen To Our Shores Like It's Happening In Louisiana With Regards To The Oil Encroachment And Shoreline Of Louisiana.

Madam Chair, There's Been Ample Discussion At Various Level That Is I've Been Involved About The -- Not The Fact That Bp Is More Concerned About Maintaining Their Oil Reserve Where The Well Site Is Located Than To Consider Blowing Up The Site.

The Sheer Act Of Explosives And Blowing Up The Site Allows For The Implosion Of The Sub Strait In The Area To Plug That Well.

It Deactivates The Well From Being Used Again, But Oh Darn I Can't Be Concerned About Bp's Revenue Picture In The Future.

I Am Concerned About The Devastating Natural Disaster Occurring Before Our Very Eyes.

I Don't Feel Comfortable Sitting Around Waiting Even Though I Know We're Preparing With Regards To Crowded Gulf And The Booms And Manpower And Everything Else It Will Take To Protect Our Shoreline, But It's A Position, I Ask To Find Out If We Can Relay A Message To Our Congressional Delegation To In Turn Talk To The President Of The United States To Blow Up The Site And Allow For The Implosion Of The Site To Plug Up The Well Once And For All.

Wow.

Chairwoman Hall: Okay.

I Am Going To Let The Board Just -- What Do You Want To Do? Is That A Motion? Yes.

It's Informational.

It Has To Come Back To This Board.

There's A Motion To Have Our Staff I Guess With Technical Experts While Extending No Dollars Because We Don't Do That Under Commissioner Items To -- Are You Asking To Draft A Letter? To Inform Us Of The Viability Of That Option.

Who Is The Expert On Our Staff? It's Getting On The Internet.

I Can Do It, There Is Others That Can Do It.

Chairwoman Hall: I Don't Want To -- I Am Not -- I Am Not Being Glib But -- Can -- Let Me Stop There.

Commissioner Mann.

Comm. Mann: We Are All Watching This National Debate And Now It Seems Fashionable To Jump On The President And The Administration For Not Doing Enough Because Bp Hasn't Been Able To Do Enough.

We Have The Brightest Minds On The Globe Looking For Solutions Here And Frankly, With The Greatest Respect Commissioner Judah, I Know You Like To Get Involved With The Corp Of Engineers And Water Management District And Epa And All That, But I Don't Share Your Expertise And Understanding Of Some Of These Things And Since There Are Tens Of Thousands Of People That Do, I Don't Think We Are Going To Get Very Far Sending Lee County Commission's Opinion On What They Should Be Doing Out There.

There Are Greater Minds By Far Than Mine And I Suspect Collectively By This Entire Commission.

Why Don't We Let The People Deal With This That Are Paid To Deal With This And Let's Stick To What We Can Do To Protect Our Own Shores.

And That's What We Have Already Done.

I Am Glad You Are Excited About This But We Will Sent Off On Explosive Letter? I Don't -- I Don't Mean To Make Fun Of It.

I Mean, There's -- None Of Us Are Not Terribly Concerned For The Future Of Lee County And All Of The Gulf Coast.

This Is Probably The Most Tragic Environmental Disaster In The History Of The World And It Gets Worse Every Day, But I'm Sure That People That Are Dealing With This Have Considered The Bomb Approach.

Let's Let Folks That Are Dealing With This Deal With This.

This Will Just Go In Another Waste Can In Washington Somewhere.

Chairwoman Hall: What I Would Like To Do If I Can, What I Would Like To Do And If The Board Will Concur Is As The County Manager Suggested To Ask John Wilson To Give Us An Update And Look At What You're Looking And Let Him Coordinate That.

I Think We Should Have A Standing Update At The End Of Under County Manager From John Wilson So We Can Kind Of Have -- Because He Is Meeting On A Weekly Basis With Calls And Engaged.

I Recognize Obviously A Lot Of The Context You Have That You Are Engage In A Different Level Than Many Of Us Are Engaged.

Let's Have The County Manager Look At The Appropriate Staff To Discuss What Your Issue Is And How That -- If That's A Message We Want To Sent, How Would Be The Best Way To Sent That Message And Put It Under County Manager For John To Update Us Next Week.

That Would Be Great.

And If The Board Concurs I Think We Should As This Unfolds Have Something From John Where We Are At Because I Know Each Of Us Get Asked Every Day What Are We Doing And I Think It Would Be Helpful For Us To Know Rather Than Read About It.

And That Way Commissioners Can Engage With John Or Whomever He Sends As A Representative.

Absolutely.

Chairwoman Hall: Karen, If You Can Do That.

And Commissioner Bigelow? Comm. Bigelow: On That Same Note As Far As The Oil Spill In The Gulf, I Would Like To Say It Was Last Night After The Story Of This Clearing On The 20/20 Land That I Saw Their Latest Is To Try To Drop Some Device That Is Going To Inject Hydraulic Concrete Into The Pipe.

I Think They Pursuing Out Of The Box Alternatives.

There's Something Else About This That Is Troubling Me And That Is Bp Told Other Countries That Are Offering Help -- Will To Go Sent Big Rigs.

I Think To Do As You Suggested Which Is To Skim The Water And Separate The Oil From The Water, Those Kind Of Services Are Being Provided Apparently By Other Countries And Bp Has Been Saying No And That I Tell You Is Extremely Troubling.

That's All I Would Like To Offer To That.

Chairwoman Hall: Commissioner Judah? Comm. Judah: I'm Good.

Thank You.

Chairwoman Hall: Commissioner? I Saw On The News About Clearing The 20/20 Land And Saw This Report, I Guess Issued By The County Parks And Rec To Us Last Night And It Describes The Trees That Were Cleared.

And By Far The Largest Number Of Trees That Were Cleared Was An Exotic.

There Is Some Lemonade Here And The Brazilian Pepper Too An Invasive.

My Thought Here Too Is Perhaps As Bad As This Is That We Ask The Contractor Who Of Course Assuming They Are Willing.

Perhaps We Should Consider Whether Or Not We're Eradicating Exotics In This Area As Opposed And Using Money And Time And Energy And Effort That Way Would Be More Beneficial To Us.

The Area That Was Bulldozed Heal Itself In Time.

Chairwoman Hall: What Are You Asking The Board To Concur With? We Will Be Dialoguing -
- Chairwoman Hall: What Are You Asking Us To Support? I Am Trying To Throw In Identifies For Parks And Rec.

If The Board Wants To Join In, That's Fine.

Rather Than Have Them Restore All Of The Non-Exotics That Were Destroyed, Perhaps We Ask Them To Move Exotics From A Certain Area Of This Property Outside The Boundaries Of What They've Done.

Try To Use Their Services To Heal This Area In A Larger Way And Not Just Restore The Native Species.

Chairwoman Hall: You Want Them To Continue Removing The Exotics.

I Just Didn't Understand.

Because The Natives Will Come Back Naturally If We Monitor -- Chairwoman Hall: Is There Anyone Interested On The Board To Pursue That? No, We Have 20/20 Maintenance Funds That Can Be Used As They Have Been.

In Fact We Have A Contract With Private Companies That Remove Exotics At No Cost To The County.

Particularly If They Can Harvest It For Their Purpose.

With Regard To The Area That's Been Cleared, You're Talking About Matured Trees, Sweet Bay Cabbage Palms, Those Need To Be Restored Because Any Area That Has Been Cleared Of Native Vegetation Is Vulnerable To Objection Ott I Can -- Exotic Infestation.

The Native Will Restore Themselves.

I Am Concerned About The Area At Large And I Would Like To Know What Kind Of Exotic Program We Have.

Chairwoman Hall: There Is A Plan That You Can Find Online To Outline All Of The

Restoration And Mitigation Plan For That.

So You Can Go Online And Do That So We Don't Have To Have Staff Come Back And Make A Presentation.

Is There Any Interest On Making Anything Different Than What Staff Is Recommending At This Point? I Don't Have Any Desire To Do That.

I Think Staff Is Doing What They Think Is In The Best Interest Of The Property.

I Am Trying To Suggest We Partner With Them To Remove Exotics.

Chairwoman Hall: There Doesn't Seem To Be Any Interest To Do That.

What Else Do You Got? That's All Madam Chair.

Chairwoman Hall: Okay.

I Have A Couple Of Items.

I Want To Thank Artists From Lehigh.

He Will Be Displaying His Series In My Office And I Want To Thank Scott For Sharing His Artwork The It's Very Colorful And Bright.

The Commission -- I Guess -- Are You Going To Talk About Our Recess Under County Manager Items? Great.

If I Could Get A Motion To Support The Fcgu Funds? I Got A Motion By Commissioner Judah? I Will Second It.

Any Discussion? I Don't Want To Tell The Governor That We Created Something That I Can't Find A Public Record That We As A Board Created.

Chairwoman Hall: Thank You.

I've Been Told It's There, But -- Chairwoman Hall: I Appreciate Your Comments.

Is There Any Other Discussion? You Might Want To Defer This A Week.

Is There Any Other Discussion? All Those In Favor? Opposed? So The Motion Failed So We Will Not Sent A Letter To The Governor Because It Needs To Go Out This Week.

That's Fine.

Comm. Judah: Let's Make Sure We Get A Copy Of The Vote And The Florida Gulf University.

Chairwoman Hall: I Will Sent A Letter On My Personal Stationary.

We Can Do That As Individuals.

Not As A Board Of County Commissioners.

That's All I Have.

What I Will Ask Is We Had 45 Minutes Of Commissioner Items.

It Seems Like Every Three Or Four Years We Have To Go Back Over Commissioner Items For Information.

I Would Like Us -- The Individual Commissioners And They Seem To Segue Into Other Topics And On A Regular Basis I Have To Bring Them Back.

I Don't Want To Go Back To Have You Present Your Commissioner Items Ahead Of Time But Let's Try To Stay Focussed.

If It Needs To Be An Agenda Item, I Am Happy To Accommodate Them And Then Bringing It Back As A Following Sheet As Is A Walk-On So The Public Knows We Will Go Into A Deeper Discussion Than Just The Information The Commissioner Is Providing Us.

I Would Appreciate That.

I Guess You're Bringing It Up Under Commissioner Items? Chairwoman Hall: I Am Bringing It Up Under Myself And I Am Just Asking As A Favor At This Point As Chair I Am Not Going To Ask You To Submit Your Commissioner Items Prior To, But Let's Acknowledge It Is An Item.

It's Just A Favor I Am Asking To Be Conscious Because We Had 45 Minutes Of Commissioner Items.

Next We Move On To The County Manager.

Commissioners, After We Discuss This Recess A Couple Of Weeks Ago -- We Got All Of The Schedules To Coordinate And We Would Recommend That The Last Board Meeting We Have Would Be July 6th.

And We Would Like To Have A Millage Session Immediately Following The Board Meeting To Set Maximum Rates For The Trim Notices And Then At 5:00 P.M. There Would Be A Solid Waste Hearing And We Would Cancel The Meets Of July 13, 22nd And August 3rd And Keep August 3rd An As Place Holder If We Cannot Agree On July 6th.

Sure.

Chairwoman Hall: I Have A Motion By Commissioner Judah.

I Have A Second By Commissioner Mann.

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

I Apologize.

I Skipped Over Appointments.

I Was Excited To Get To The End Of The Agenda Today.

Commissioner Mann.

Grant Gertman To The Riverdale Shores Improvement.

That's All.

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

Comm. Judah: Robert To The Mobile Home.

Chairwoman Hall: Motion Carries Unanimously.

Reappointment Of Kelly Palmer Of The Palm Beach Street Lighting Unit And Patricia Washington To The Partnering Results Committee.

Chairwoman Hall: Motion Carries Unanimously.

And I Have Two Reappointments.

The District Four Appointment To Robert Wells And The Reappointment At Large Rotating Appointment Of Pam.

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

Anything Else, Karen? County Attorney? Assistant -- I Am Requesting To Appeal A Decision In Old Corkscrew Plantation Llc Versus Lee County.

Just By Brief Background September 2007th Board Discussed At An Open Board Meeting Action Plan For Studying Land Uses, Specifically Mining, And You Adopted A Moratorium On Plan Amendments And Rezonings.

The Scope Of The Rezonings Was Subsequently Deferred To The Meeting Of The 18th Of 2007.

And At That Point The Board Defined The Scope Of That Moratorium And Subsequent The Moratorium Was Adopted.

On September 17th, Knowing That The Board -- Well, Was Going To Act On The Scope Of The Moratorium, Old Corkscrew Attempted To Submit An Application For A Rezoning Of A Mine Off Corkscrew Road.

Bcb Refused To Accept It In 2009.

They Tried Again.

Again Saying That They Are Like Rca To The 2007.

Again Their Application Was Refused.

They Filed Suit.

They Are Claiming They Should Be Treated.

The Case That Was Decided In The Circuit Court In 2009 And They Want To Be -- They Cited That Case As Precedent.

Facts Are Different For Old Corkscrew Than Rch And Significant Difference In The Fact Lead To A Different Legal Conclusion, So We Are Recommending The Board Appeal That Decision.

Chairwoman Hall: So The Court Has Ruled That We Were Wrong, Is That Correct? It Ruled On Friday On A Summary Judgment.

We Didn't Have A Trial.

Chairwoman Hall: This Ruling Just Came To Us Then? Yes.

Chairwoman Hall: Okay.

Question.

Was It The Same Judge? Same Court? Yes.

So He Has Ruled -- He's Given The Same Ruling But Based On Significantly Different Legal Bases And That's What You Want To Challenge? I Think The Facts Are Significantly Different In Old Corkscrew That They Are Not Similar To Anything That Happened In Rch.

In Rch Their Application Was Filed In 2006 And If You Recall, Maybe You Won't, But On December 18, 2007, The Line Was Drawn To Include Rch Even Though They Were In The Process For Over 16 Months As Opposed To Those Who Were Either Not In The Process Or Had Their Application Submitted But Weren't Deemed Sufficient Under Our Code.

Rch Was Subsequently Determined Sufficient.

Old Corkscrew Is Not.

What's The Time Frame For The Appeal? It Should Take 70 Days For Us To File -- What's The Time Frame For Us To Have Legal Right To Appeal? 30 Days From The Date Of Rendition.

I Am Sorry Mr. Mann.

I Understand 30 Days.

Commissioner Mann, I Didn't Mean To Interrupt.

Comm. Mann: I Was Through, Thank You.

Chairwoman Hall: Okay.

I Am Going To -- You Are At The End Of Our Agenda And It Would Have Been Nice To Have A Little Conversation With You Guys Before You Throw These Things On Us.

And I Am Not Saying You Have To Blue Sheet It But Sometimes We Have Questions And We're Like Deer In The Headlights And It's A Serious Issue.

I Will Go Ahead Since You Flue It As Us.

We Have -- Threw It As Us.

What Do You Want To Do? I Have A Motion By Commissioner Judah, Second By Commissioner Mann? Any Discussion? All Those In Favor? Motion Carries.

It's Confusing Because We Get All Of These Cases.

We Have A Zoning Case Coming Wednesday.

We Are Trying In Our Heads Trying To Grapple With What You're Saying As You're Unwinding It.

If We Got A Little Time It Would Have Been Nice To Come Around And Explain Nuances So When You Brought It Up As A County Attorney Item We Would Have A Little Understanding Of It.

We Have A Lot Of Moving Parts With The Drgr And It Would Be Nice.

[Inaudible] Chairwoman Hall: Okay.

Great.

Okay.

We're Done.

Anything Else That You Have For Us? May I Speak In Of Course.

I Am Sorry, Madam Chair.

I Know You Want To Conclude The Meeting And I Want To Apologize And Explain.

Sometimes It's Necessary For Us To Take Actions Fairly Quickly And It's Difficult To Find Time To Get With You Before We Bring Something Forward.

I Discussed This With Length With John Yesterday And It Was My Decision To Bring It Forward Today.

As John Was Starting To Say The Issue With This Is To Stay Proceedings.

It's Very, Very Important When We Get A Decision Like That To Very, Very Quickly To Get The Appeal Into The Court To Get The Paperwork Into The Court So We Don't Have Proceedings That Will Be Taken By Our Opponent And Make The Case More Complicated As It Is.

I Don't Do This As A Routine.

This Is A Very Important Decision.

It's Adverse To The County And An Opportunity To Set The Record Straight On The Particular Case.

We Do Not Want To See Rch Become A Pattern For The Courts As A Result Of The One Decision.

Different Facts Don't Always Come Out With The Same Legal Decision.

I Do Apologize.

We Didn't Have An Opportunity To Talk To You Beforehand.

There Has Been A Lot Discussed Very Short Order In The Last Couple Of Days, So There's A Matter Of Things Brought Before The Board.

I Do Apologize Madam Chair, Members Of The Board, Appreciate Your Decision And We Will Proceed From There.

Chairwoman Hall: I Was Confused On What Case We Were Talking About So My Mind Wasn't Working As Fast As Everyone Else's.

Anything Else? We Have A 5:00 Public Hearing This Evening.

We Are Recessed Until 5:00.

Thank You.

5:00 Public Hearing

Chairwoman Hall: Welcome To The Continuation Of The Board Of County Commissioner's Meeting.

Our First Hearing Is Adopt A Resolution For Final Assessment For San Carlos Island Drainage.

I Have Examined The Notice Of Intent And Application Of Publication.

I Find The Affidavit And Publication Legally Sufficient To Conduct This Hearing And Hereby Enter It Into The Record.

Staff And Myself Are Available To Entertain Questions You May Have.

Any Questions For Staff At This Time? Okay.

This Is A Public Hearing And The Public Can Be Heard On This Item.

The First Card I Have Is Raymond Golden.

Good Afternoon.

So You Understand Our Process.

Please Come To The Podium And State Your Name For The Record.

We Allow Three Minutes.

When The Light Goes To Yellow, It Means You Have One Minute And At Red We Would Like You To Wrap Up.

I Own A Piece Of Property On San Carlos Court.

I Developed This Property In 2004 At Which Time I Piped It And Put In Storm Water System At The Cost Of \$9,000 To Me.

The Project That Comes Along Taps Into My Storm Structures, My Piping And Charges Me To Pay It Off Right Now Would Be Approximately \$8,000.

If It Runs Full Term It Would Be \$12,000.

I Guess.

This Seems Like An Unfair Application Of Assessment To Me.

I Paid The Property -- They Look At My Structure And I Am Being Assessed This Kind Of Money.

I Don't Understand What Is Fair About That.

Chairwoman Hall: Anything Else You Would Like To Share With Us? Yea, The Property Is Worth Approximately \$100,000.

When You Try To Sell It And Tell A Potential Buyer It Comes With A \$12,000 Assessment, They Don't Hang Around Long.

That's It.

Chairwoman Hall: Thank You Very Much.

We Appreciate You Taking Time To Be With Us This Evening.

Is There Anyone Else From The Public That Would Like To Address The Commission On This Item? Seeing No One.

I Will Close The Public Comment And Come Back To The Board.

Just A Couple Thoughts.

It Was A Closed Drainage System That The Larger System Is Connected To? The Question Or Comment That The Gentleman That Stated His Concern And Frustrations That He Had Already Paid For A Self Container And Closed Drainage System And A Much Larger Network Was Incorporated Including His.

I Guess His Request Is Looking At The Equity Or The A-- The Fairness Of The Fact That He Had Already Paid For A Closed Drainage And Now This Much Larger System Is Connecting With His System And Then Charging Him In Addition To That.

Okay.

I Still Don't Understand -- As I Understand His Presentation Is That He Had Paid For An Enclosed Drainage System.

Taking An Open Flow System And Making It An Enclosed Drainage System.

Yes.

Evidently He Had Done What The Larger Project Did.

Yes.

And What He's Saying Is He Is Having To Pay Again For A System He Already Paid For.

Yes, I -- I Need To Understand Better How We Can Charge And Assess His Property.

Well, According To The Engineers And Maybe Someone From D.O.T. Or L.C.U. Might Be Better Positioned To Talk About The Engineering Part.

From My Understanding The Engineer Says It Was A Total Project And They Needed To Include That Part For The Whole System To Work As A Whole As One.

And I Appreciate That, But He Had Already Paid For His Part And Yet We Are Going To Assess Him Even Though His Closed Drainage System Has Been Installed? Yes, I Am Not Sure On The Engineering Aspect Of That Part.

I Understand What He Is Saying But I Am Not Sure What Was There Before And What They Put In Now In Terms Of Engineering.

Perhaps We Need To Hear It From The Engineer.

I Am Not Taking An Issue With You.

I Am Take -- This Is The First I've Heard Of This Particular Incident.

That's What Is Frustrating.

The Engineer Himself Is Not Here, But We Have D.O.T. And L.C.U. Here.

Perhaps One Of Those Two Gentlemen Would Be Able To -- Sure.

Good Evening.

Mike Tish With Lee County D.O.T. For The Record.

Evidently It Wasn't A System That Was Already In There -- There Were Some Property That Is This Enclosed Drainage Along The Frontage.

This Project Connected To Them And Made A Vast Network Of Closed Drainage To Get All Of The Drainage Off Of The Roadway And Eliminate The Drainage Problems That We Have Had There Previously.

That's Not The Only Component Of His Assessment.

I Mean, We Did The Road Improvements Were Rather Substantial Out There.

Drainage Is One Component Of His Assessment, But Not The Only Thing He's Being Assessed For.

Was There Ever Any Discussion On Not Charging Him For The Drainage Component? I Was Not Involved In The Actual Assessment Issues.

I Do The Construction Side.

Maybe Ms. Walker Could Address That Issue.

Chairwoman Hall: Commissioner Judah, Is There A Mechanism To Follow To Your Question,

Are We Not Giving Credit For Those That We Are Hooking In And Incorporating Their Systems In? Evidently.

Libby Walker For The Record.

As Was Indicated This Was A Whole System And These Properties, Even If They Had An Enclosed Drainage They Were Part Of The Whole System Including The Valley Curbing That Assisted With The Whole Drainage Program.

We Can Look At Somebody And See If They Are Entitled To A Credit.

We Did Not Find That To Be The Case When We Created This Unit Realizing That Each Will Benefit At A Minimum Of What They Are Being Assessed.

Comm. Judah: I Am Not Trying To Make It More Complicated Than It Was, Except I Was Under The Understanding That There Was A Need To Actually Install A Closed Drainage Network And Yes, These Individuals Benefit Because They Will Be Included In The Entire Network.

That's Correct.

Comm. Judah: But If They Are Expended Dollars On Putting In A Closed Drainage Component I Would Have Thought There Would Be Some Discussion To Reduce That Cost Of The Assessment.

And That's A Possibility.

We Did Not Look At That Seeing That Each One Would Benefit At A Minimum With What We Expected To Assess Them.

We Would Have To Go Back And Look At Get With The Engineer To See If The Enclosed Drainage System Was A Benefit To The Whole System.

If There Was Something There Or It Would Be Something That Would Be Of No Benefit To This Whole System.

Comm. Judah: There's A Time Factor Here And I Don't Wanted To Delay It Because It Actually Is A Benefit To All Those That Were Assessed.

And So I Don't Want To Delay It, But I Don't Know If There's A Legal Way Of Revisiting The Individuals That Paid For The Part Of The Closed Drainage System.

Good Evening.

Madam Chair, Commissioners.

The Best Thing We Can Do Is Basically What Libby Is Saying.

You Can Go Forward Tonight.

Let The Folks Take A Look At What The Improvements Were And How Much They May Offset The Benefit That That Property Is Receiving By Having The Whole System.

It Could Be A Reduction, 5%, 10% And Make The Assessment On The Final Assessment Roll.

That's One Way To Address It.

Comm. Judah: Okay.

The Engineer Isn't Here And That's The Person Who Has To Compute What The Value Of The Pre-Existing Closed System Was.

What's Happening Here Is That The Whole System Is Providing A Much Greater Benefit To That Property And Yes, There Might Be Some Small Increment As A Result Of The Existing Closed System And That's The Part We Could Possibly Discount.

Much Like If You Have An Easement That Is Not Benefiting Because It's Encumbered By Something Else.

That's Something They Have To Look @ The -- At The Few Property That Is Had That.

The Folks That Had The Pre-Existing System Is Small But What It Is Could Be Deducted.

Comm. Judah: I Think It's An Opportunity To Evaluate That.

Thank You, Dave.

I Appreciate Libby And Denise With Working With The Engineer.

There Will Be Some Design Within The System That The Outfall Will Be Detained And I Believe Maintained And Actually Recovered By D.O.T. As They Manage And Maintain The Drainage Network That I Am Pleased To Hear.

Other Questions For Staff? A Couple.

Chairwoman Hall: Commissioner Mann? Comm. Mann: The Final Interest Rate Is To Be Adjusted -- Or The Assessment Will Be Adjusted -- I Am Talk To Go Myself.

I Guess Ms. Walker Or Somebody, The Final Assessment Will Be Adjusted With The Final Interest Rate When That Is Determined.

How Is It Financed? When Will The Final Interest Rate Be Determined And When? It's To Determine Three Days Prior To Our Closing.

The Banks, Sun Trust, That We Use Right Now Will Determine The Final Interest Rate Three Days Prior To The Closing.

It's Based On I Believe The H 12 -- It's Based On A Published Swap Rate On That Day And That's The Day That They Determine The Interest Rate.

So The Money Is Borrowed For This Project From That Bank? Yes.

We Borrowed Short-Term Monies To Do The Project To Pay The Contractors.

When We Complete This Project As Of Tomorrow If You Approve The Assessment Starting Tomorrow The Property Owners Will Have 30 Days Which To Pay Us In Full Without Any Financing Charges.

On Day 31 We Borrow The Long-Term Financing And That Will Include The Interest That The Property Will Be Based On The Interest Rate Three Days Prior.

The Long Term Is Different From The Short-Term? That Would Stand To Reason.

But How Short Is Short And What Is The Purpose Of The Money? To Go To Contract.

Traditional -- Are There Ultimately Bonds Or When Is This A 20-Year Project? It's A Term Loan.

It's A Term Loan Program We Have In Effect And We Have For Many Years.

We've Been Doing This For About 10 Years.

It's Not A Specific Program -- We Don't Borrow The \$740,000? This Is Just A Rolling -- It's A Different Loan.

It's A Different Loan.

It's A Stand Alone Loan -- That's What I'm -- Yes, It Is.

From Whom? Sun Trust.

And Now There's A Short And Long Term? That Will Be The Long Term.

The Short-Term Financing To Pay For The Project So We Can Pay The Contractors, The Permitting, The Engineers, The Short-Term Money We Have Done An Internal Fund Loan From Our Own Fund For The Short-Term.

Okay.

So -- Now -- For The Long Term -- We Will Pay That Back.

And That Occurs In 30 Days Or When The Project Is Done And We Know Exactly What It Costs? We Are Scheduled To Do The Preclosing On June 29th.

In Preparation For The Long Term Loan? That Will Be The Closing On The Long Term Loan.

Okay.

On The Blue Sheet It Refers To Administrative Code 3-25 Allows The County To Contribute To Available Funds Up To 20% And Apparently We've Done That In This Case.

Yes.

We've Talked Many Times About This General Msbu Fund We Have Available And The Rolling Money And We Use It For Certain Purposes From Time To Time.

What Is The Criteria For When A Project Like This Qualifies, 20%? Commissioner, For The Last -- I Am Going To Say Four Years Or So We've Been Contributing 20% For Each Of The Projects That We've Done.

Each Of The Capital Projects Because The Funds Have Been Available.

For 10-15 Years Before That We've Been Able To Refinance Loans And Been Able To Secure Funds In That Fund.

We've Been Paying The Property Owners Back By Giving This Contribution As Well As A Grant Program To Those That Need The Funds To Pay Their Assessment As Well As A Deferral Program For Those That Can't Afford To Pay It Each Year There's A Deferral Program.

Those Funds Are Used To Help Those That Are In Need.

Comm. Mann: Well, Madam Chairman, Commissioners, I Don't Have A Problem With Where We Are Going Here, But I Am Still Trying To Understand The Msbu Process And I Am Thinking About A Little Road Project In The Eastern Part Of The County That We Opted Not To Proceed With But There Were Substantial Costs Associated With The Engineering And The Design And Getting Ready For It And It Was Several Hundred Thousand Dollars And Even Though We Opted Not To Proceed With That Project We Had To Assess Them That Cost That Had Been Accrued Up To The Point We Decided Not To Go And We Talked About This Msbu Fund And Whether It Could Possibly Provide Some Relief To These People That Never Wanted The Project To Begin With, But People Were Being Assessed \$1,000, \$1400, Whatever It Was.

I Am Trying To Assess The Use Of This Is The -- It's The Same Fund That We Pulled The Funds For That Particular Fund.

We Did Accommodate And Help Those Property Owners And Did Give Them A Minimum Of 20% Towards Their Expenses, Assessments.

It Is The Same Money.

I Forgot We Gave Them Anything On That.

We Gave Them A Minimum Of 20%.

Okay.

Okay.

I'm All Right.

Thank You.

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

Commissioner Bigelow? Comm. Bigelow: I Want To Go Back To The Installed Closed Drainage For A Minute Just To Be Sure I Understand.

The Gentleman From Transportation Seemed To Tell Us That It's A Whole New System And Those That Hadn't Closed Systems, That Part Was Removed And Installed, Is That Correct? Because They Had A Closed System.

If They Had Reinforced Pipe In Place Was That Removed And New Pipe Installed? For The Record, D.O.T. Some Of The Drainage That Was Existing Out There Depending On The Size Of The Pipes That Were Already There We Can Do An Engineered System Depending On The Size We Came Through With.

If It Was Undersize We Removed It And Put In The Size We Used Throughout The System.

Depending On What Was There And Whether It Was Large Enough To Take The Drainage That We Were Putting Through It Determined Whether Or Not It Stayed.

Comm. Bigelow: So In The Cases Where You Were Not Removing It Was Adequately Sized Or Oversized Even.

Was There Any Credit At All Provided To Those? I Am Not Involved In That, Sir.

I Do The Construction.

Chairwoman Hall: Libby Stated There Were No Credits Given.

With Our Direction She Would Do That And She's Put On The Record There Were No Credits Given At This Point.

She Looks At Our Direction To Look At That.

Comm. Judah: I Was Going To Wait Until Everyone Had A Chance To Comment And I Would Incorporate A Motion To Evaluate The Individuals That Had Closed Drainage Systems That Conform To The Specifications Of The Project.

Chairwoman Hall: Does The Second Agree? I Don't Have Any Reason Not To.

But I Would Like Someone To Explain Exactly What You Mean By That.

How That Will Work.

Chairwoman Hall: Okay.

I've Got An Amended Motion By Commissioner Judah With The Seconder To Agree And We Will Go To Libby To Tell Us How That Would Work.

Commissioners, What I Will Do Is Go Back To The Design Engineer, Identify The Parcels That Had Some Sort Of A Closed Drainage System, And Then I Will Go With The Contractor And Our People And Identify If In Fact We Were Able To Utilize That Portion Of The System That Was In Place.

And If So, We Will Come Up With An Appropriate Credit To Give The Property Owners Their Assessment.

Great.

Any Other Questions How That Will Work? Yes.

I Don't Know How You Determine Appropriate But You Won't Be Coming Back Here.

We Are Leaving It In Your Capable Hands.

Chairwoman Hall: It Would Be The Cost Of The Material Themselves.

Rated Among All Of The Qualifiers? The Qualifiers.

Thank You.

That Sounds A Little Bit Better.

Chairwoman Hall: Do You Have Any Other Questions? Okay.

No More Discussion.

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

We Will Move On To Public Hearing 905.

The First Public Hearing Is Conducted A Public Hearing Regarding Ordinance Lee County Development Matter Chapter 12 Resource Extraction And A Second Public Hearing For June 8, 2010.

Good Afternoon.

I Am Assistant County Attorney.

I Have The Notice Of Intent And Application For Three Items For The 5:05 Hearings.

And I Will Enter Those Into The Record Now.

Chairwoman Hall: Thank You.

The First Item Is A Chapter 12 Amendment To Allow A Process For Mine Operators To Come In And Ask For An Extension Up To Five Years.

Chairwoman Hall: That's Correct.

This Is A Public Hearing And So Therefore Is There Anyone From The Public That Would Like To Address The Board On Item Number One? Seeing No One, I Will Close Public Comment And Go Back To The Board.

I Have A Motion By Commissioner Judah.

I Have A Second By Commissioner Mann.

Is There Further Discussion? This Is To Go To The Public Hearing For June 8, 2010.

Could We Talk After -- Before The Second One? Thanks.

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

Public Hearing Number Two Is Another To Conduct An Ordinance Of The Second Public Hearing June, Regarding The L Dc To Allow For Community Gardens.

Is There Anyone From The Public That Wishes To Address This Ordinance Going To Second Public Hearing Regarding Community Gardens? Seeing No One, I Will Close Public Comment And Come Back To The Board.

I Have A Motion By Commissioner Judah.

I Have A Second By Commissioner Mann.

Is There Further Discussion? I Would Like To Say This Is Good Stuff.

I Would Like To Know Whose Idea This Was.

Who Can We Credit With Initiating This? It Was Mine.

Oh.

Nobody Was Pointing At You.

It Was Actually Through Human Services Started The Whole Process.

They Started The Process, Came To Us And Met And We Started Look Around And Drafting

The Ordinance And That's What We Came Up With.

What A Great Neighborhood.

You Guys Do A Great Job With Those Groups And We Have To Thank Them For Thinking Outside The Box.

Okay.

Did I Ask For The Motion? Yes.

Chairwoman Hall: Did I Call The Question? No.

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

The Last Item Is To Conduct A Hearing For Transfer Of Development Rights And Development Of Compact Communities Development.

The Application Of Affidavit Has Been Read Into The Record.

This Is An Ordinance Creating Chapters 32 Of The Land Development Code.

Bill Is Here, The Principle Drafter Of This Ordinance And If You Would Like An Overview He Is Prepared To Give You One.

Chairwoman Hall: I Have A Motion By Commissioner Judah.

A Second By Commissioner Mann.

This Is A Public Hearing And I Have One Card And Nicole Ryan.

Thank You.

Commissioners, Good Evening, Nicole Ryan For The Record Here On Behalf Of The Conservancy Of Southwest Florida And The Conservancy Supports The L Dc Amendments Before You Implementing The Tdr Component Of Program.

A Lot Of The Information I Think Will Go A Long Way Toward Answering The Questions That Dca Has.

I Have Talked With Bill And Don About Them But I Wanted To Point Out In Section 32-30-5, The Credits Are Put In Place So Wetlands Can Be Preserved In Exchange For Tdr's And It's Done Through A Conservation Easement.

Uplands Are Preserved Through Agriculture Easements Where Farming Can Continue To Occur And It Allows For Tdr Credits.

And One Of The Most Important Components Of The Credit Ratio And Allocation Of Tdr's Is Once You Have The Wetlands In A Conservation Easement That No Additional Impact Will

Occur On Those Lands.

That Is Contained In This Language.

The Conservancy Concern Is There's Nothing To Preclude Potentially Having Impact To The Wetlands Prior To Someone Asking To Enter Into A Tdr Easement.

For Example, If Someone Would Clear The Wetlands For Agriculture Usage And Then Perhaps Come Forward, Ask For An Agriculture Easement And Receive Tdr, That Would Be Double Dipping.

Collier County Deal Was This By A Provision That States A 25-Year Prohibition On Tdr Credit On Any Parcel Or Portion There Of, If Lands Have Been Cleared After The Date Of Implementation.

If You Put A Provision Like That In, That Could Protect Those Wet Lands From Any Inappropriate Clearing Prior To Someone Trying To Get A Tdr Easement Or Conservation Agreement.

So I Would Ask That You Consider Language Like That.

It Wouldn't Keep You From Using Your Ag Areas, It Would Protect The Wetland Areas.

The Second Item And I Believe Don Is Working On Additional Language.

In Section 32-30-7, The Language Was Written In A Manner That I Interpreted It To State That The Grantee Of The Conservation Easement, Once It's In Place The Land Owner Grants The Easement To An Entity And It Sound Like The Grantee Would Be Responsible For The Management Of The Lands.

And Of Course It's Supposed To Be The Land Owner That Would Actually Maintain Their Lands In Perpetuity And I Would Request That Lee County Be Not Necessarily A Primary Grantee.

It Does Tie To Lee County Land Uses And Lee County Should Be A Secondary Signatory To Those Easements.

Chairwoman Hall: The Next Card Is Steve.

I Am Here On Behalf Of The Bennett Trust, Owners Of The Fountains Property.

I Spoke Yesterday Morning At The L.P.A. And Raised Four Or Five Points Which Bill Was So Prompt And Quick To Address In An Email That When I Got Back From The Hearing A Few Minutes Ago There Was An Email Probably Addressing All Of The Four Or Five Issues That I Had Raised.

I Hadn't Had A Chance To Digest Them.

I Am Not As Quick As Bill, So I Think He Could Address The Issues That I Raised By The

Second Hearing.

So Rather Than Going Into All Of Those.

If I Can Talk To Bill And Con Back To You At The Second Hearing If Additional Changes Need To Be Made, I Will Do That.

Chairwoman Hall: Thank You, Steve.

I Have No Other Cards.

Is There Anyone Else In The Public That Wishes To Address The Board On This Item?
Seeing No One.

I Will Close Public Comment And Go Back To The Board.

Can We Hear With Regard To The Conservancy Request -- [Inaudible].

Good Evening.

As To The Grantee And Once The Conservation Easement Is Granted Who It Goes To, The Current Draft Says Lee County Would Be Listed As A Secondary Grantee.

What The Code Says Is Has To Be A Government Agency Or A Charitable Organization That Is Qualified To Do It.

And We Think That's The Best Way To Keep The County In The Loop But Not Put All The Burden On The County To Necessarily Be The Primary Person.

That's What Was Suggested That The County Is Involved, But Not The Primary Person Responsible.

Another Issue She Mentioned Has To Do With The Agriculture Clearing.

We Have Set This Up As An Incentive Not To Clear Native Vegetation.

Collier Doesn't Have That Incentive.

If You Do Clear It You Are Ineligible For 25 Years.

We Can Use The Prohibition Method Or Some Combination.

We Considered The Prohibition Method Earlier And Recommended The Incentive Program To You.

Comm. Judah: I Didn't Know Whether You Would Have A Combination Of Both Or Really You Have To Stick To One Or The Other, But To Keep The Options Open We Could Consider Either Option? We Could Draft A Paragraph With The Other Option And It Would Be In The Final Version.

You Could Take A Look And Decide If You Wanted To Add It Or Not.

Comm. Judah: Okay.

Chairwoman Hall: Other Questions? That's An Either Or? Chairwoman Hall: If He Could.

It Could Be Either Or, Or A Combination Or Both.

It Would Be Interested To See What You Guys Recommend.

Chairwoman Hall: Mr. Bigelow? Comm. Bigelow: No, Fine.

Chairwoman Hall: I Was Concerned On Page 20 In Section 341516 Under Item Number Two, A Cash Contribution To The Affordable Housing Trust Fund And Then It Says, The Board Of County Commissioners Will Not Approve New Applications To Support Affordable Housing Trust Fund For A Two-Year Period.

You Are Putting A Prohibition On Bonus Density And In Order For Them To Have It They Will Build It For Two Years And Go To 2013? Not Require That You Build It, But -- There's Actually Five Separate Item That Is I Wanted To Bring To Your Attention That Are Policy Calls In The Board That Are Embedded In The Ordinance That You Need To Know About.

A Lot Of The Things Are Flowing And A Number Are Not.

What We Have Outstanding Is 100 To 125 Tdr's Available From The 1986 Tdr Program.

What We're Trying To Do Is Get Those Retired Without There Being Any Public Expenditure To Acquire Them.

Our Suggestion Here In The Language You Read Is That For A Two-Year Period, If Someone Wants To Purchase The Density Bonuses, They Would Purchase The Tdr's.

That's Allowed Under The Current Code.

They Can Go Either Way.

What We're Suggesting Is Not Allowing The Cash Contribution For Bonus Density It Would Give Us A Chance To Retire The Tdr's.

We Have A New Tdr Program And Usable In Some Of The Same Places The Old Tdr Program Is Used And We Don't Want To Hurt The People That Joined Under The Old Program.

Chairwoman Hall: I Will Deal With You.

Here's My Policy That I Have Problems With.

Let's Say What Our Intention Is Because I Think Again There's An Actual Formula For The

Cash Contributions For That And I Understand Where You're Going, But -- I Guess I Will Get With You And Staff And Try To Come Up With Something That Will Get Us Where We Want To Be Without It Being Detrimental.

I Have Nightmares How We Approved Bonus Density And A Lot Of This Has To Do With Density So I Will Get With You Guys Between The Meetings.

At Least I Understand Why You're Going There.

There's A Few Other Policy Things I Would Like To Call To Your Attention.

Another One Is On Page 16 On The Main Part Of The Ordinance.

A Footnote That Says New Subdivision In The Grdr Would Have To Get Development Zoning.

There Would Be Some New Special Requirements, But It Doesn't Say What The New Special Requirement Would Be.

On Page 16 We're Suggesting That It Be A Requirement For Planned Development Zoning.

Basically We're Reversing It From The Current Method That If You Want To Do The Compact Communities It's A Long Process.

If You Do The Compact Communities It's Easy And Harder If You Do The Ranchettes.

We Had Different Language And It Was Broader Than That And We Narrowed It Down In Response To The Committee Discussion.

On Page 21 There's A Provision That Says That In The Compact Communities We Won't Have Gates And Guard Houses.

That's On Page 21.

And The Flip Side Of That Is That On Page 32-8 We Say The Public Would Actually Maintain The Streets.

If They Are Going To Be Open To The Public, The Developer Wouldn't Have To Maintain Them.

That's A Clear Policy Call That We Should Talk About Tonight Or The Second Public Hearing If You're Uncomfortable With The Way We Have This Drafted.

And The Last One On Page 32-37 On Where Tdr's Can Come From Within The Brgr.

There's A Conservation Easement On The Property, You Wouldn't Want To Do That Again.

One Is They Would Not Come From Lime Rock Mines And Not Come From The Ranchette Subdivisions.

Those Are The Areas Dedicated To Large Lot Living And There's 300 Or 400 Of The Lots Left And We Would Like To See Those Be Available For Those That Want To Live On A Large Lot.

That's A Policy Call.

Without That Language People Could Take A Tanker Lot In Wild Cat Farms And Get A Tdr And Not Develop It.

That's Something You Should Consider If You Like That Approach Or Not.

Thank You For The Chance To Put That On The Record.

Chairwoman Hall: I Think There's Probably A Couple In There -- I Think You're Going In The Right Direction.

Any Questions? Go Back To The Ranchettes.

It Sounded Like Your Suggestion Would Be Designed To Discourage -- It Would Keep It From Being Automatic.

Right Now We Have A Situation Where If You Want To Do -- It's Up To Five It's Okay, But If You're Going To Do Five Or More.

Five Or 20 Or 100 Ranchettes.

You Have To Rezone In Order To Do That.

Whereas Today You Can Get A Development To Do It.

If I'm Just One Guy But Not The Developer, Can I Buy -- I Can Buy My Five Acres.

Can I Buy 10? It's The Developer That Wants To Do 100 -- Developers -- That's The Guy That We Will Make Go Through The Zoning.

\$6,000 Worth Of Attorney Fees And Application Fees.

It's A Disincentive To Do It.

We Haven't Had Anybody Developing Ranchettes In Dozens Of Years And We Don't Anticipate There Being A Demand For It.

Chairwoman Hall: Do I Have A Motion? Yea, We Do.

Chairwoman Hall: Further Discussion? The Idea Is To Make It Easier To Cluster And Harder To Keep It Spread Out.

Yes, Sir.

Chairwoman Hall: This Is To Move The Proposed Ordinance To The Second Public Hearing To June 8th? I Have A Motion, Any Discussion? All Those In Favor? Opposed? Motion Carries Unanimously.

Before We Move Off The Item, Sounds Like There's Policy Issues And Things Here Maybe We Could Summarize It And Be Debriefed And Get Into The Public -- Why Don't You Sent An Email On The Policy Decisions So Tomorrow -- We Will Be In Zoning All Day Tomorrow, But Commissioners Will Have Time To Contract Staff To Get A Broader Briefing On Those Items And We Won't Have To Go Back To The Minutes.

If You Put It In One Memo, That Would Be Great.

I Was Going To Suggest That.

I Wanted To Let You Know We Are Working With Internal Staff Because Some Of The Compact Community Stuff Is Standard When You Consolidate Things.

There Are Internal Issues.

We Are Trying To Work That Out.

Work Out All The Language.

Hopefully We Get It Worked Out.

We May Not Have Every Issue Taken Care Of On June 8th And It May Be Possible To Have Another Public Hearing.

We Were Trying To Get A Lot Of Input And There Wasn't -- I Was Surprised We Didn't Get That Much.

But We've Had Separate Meetings With Developers To Get Their Input.

It Might Be Possible If We Can't Get Everything Worked Out We Can Talk About The Policy Issues On June 8th And We May Have To Have Another Hearing.

I Was Surprised We Didn't Have More People Here.

I Am Very Surprised Because I Remind Them.

Before We Adjourn I Want To Make Sure The Minutes -- Recognize We Did Have A Motion And A Second? Yes.

Okay.

Very Good.

But In Addition To These Policy Questions, I Mean I Would Like To Know What Mr. Hartzel's Concerns Are.

If They Are Not Worked Out, You Will Hear Those On June 8th.

All Right.

Chairwoman Hall: Okay.

Are We Ready To Move On? Okay.

Next Is Our Opportunity For The Public To Present Matters Of Their Concern To The Board Of County Commissioners.

Is There Anyone That Would Like To Address The Board Of County Commissioners This Evening? Yes, Sir.

If You Would For The Record, State Your Name And There Are Some Lights Up There.

When It -- There's Three Minutes.

When It Turns Yellow It Means You Have One Minute And When It's Red We Ask You To Wrap Up.

My Name Is Michael.

I Live In Lehigh Acres.

I Have Two Issues.

One Is With The Lee County Utilities And The Other Is With Florida Governmental Utility Authority.

Both Of Which -- The Lee County Utility I Referred To Mr. Bigelow's Office.

They Billed Me For \$2500 On A Lot That Is In 4342 Lexington Avenue.

It's Been My Homestead For The Last 50 Years And My Family.

It's The Last Resulting Lot Of A Three-Lot House.

Set Up There.

Actually That Lot Has Been Vacant For 20 Years.

It's Always Been Vacant.

I've Received A Bill For \$2541 From Lee County Utility Saying They Have Been Billing Me For 20 Years On Some Sewer Assessment Tap Availability Or Whatever.

I Have Never Been Billed For It.

They Had My Forwarding Address.

They Had My Address.

Everything In Public Records, But I've Never Received A Bill And I Referred This Back To Them.

They Said It Was Something Coming From The City And I Didn't Know Why The City Would Be Involved In Something That Is In The County.

Chairwoman Hall: Okay.

I Also Have A Problem With Florida Governmental Utility Authority.

They Have Started Billing Those Of Us Not Here Full Time Any More.

I Consider Myself A Sun Bird Because I Can't Stand Florida Any More In The Summertime, So I Leave.

And They Are Trying To Charge Us \$35 A Month For Inactivity Fee.

And I Talked To The Man Up In Longwood Where -- Which Is The Home Office For Ftua And They Told Me Because Of The Foreclosures And Loss Of Revenue They Were Charge An Inactivity Fee For \$35 Which Is The Substitution Of The Normal Monthly Charge Of The Utilities For The Sewer And Water Base Rate.

That Was The Excuse They Gave Me For This.

Was Because Of The Loss Of Revenue They Had Enacted A New Policy In October That Would In Fact Charge Those That Weren't Here An Inactivity Fee Rather Than A Monthly Utility Or Base Rate.

I Have A Real Problem With That Because They've Never Done This Before.

They've Never Charged Us A Base Rate.

Nobody Else Charges A Base Rate.

Why Is It This Company Gets To Take Advantage Of The Fact That We Have The Worst Problem Notice Lee County In The Past 35 Years.

Chairwoman Hall: Our Administration Has Your Questions.

Commissioner Bigelow Have You Addressed The First Issue? I Talked To My Assistant Jeanine And She Would Work With Utilities.

Chairwoman Hall: Your Office Is Handling The First One Then.

It's -- Comm. Bigelow: We Don't Have A Answer For You Right Now.

Chairwoman Hall: Holly Has Down Your Issues.

And We Will Try To Get Some Answers To You.

So If You Wouldn't Mind Filling Out A Card For Me To Have Your Contact Information And We Will Continue To Work With Commissioner Bigelow's Office On The First Issue.

Comm. Bigelow: We Could Tell Him That The Public Service Commission Oversees It And We Don't.

Chairwoman Hall: Let's Get Him The Proper Information So We Know How To Direct His Concerns.

We Will Contact You, Sir, And We Appreciate You Coming Down And Sharing That With Us.

Is There Anyone Else From The Public That Would Like To Address The Board Of County Commissioners This Evening? Madam Chairman, I Think What Commissioner Bigelow Is Trying To Clarify Is There Is Different People -- Chairwoman Hall: There Is Different People, But I Would Like Holly To Give Him The Right Contacts And -- Comm. Bigelow: Mr. Lavender.

Chairwoman Hall: Holly Will Put Him With The Right People.

We Are Not Here To Answer His Question Today But Take It And Respond Back To Him.

You Will Not Be Happy With The Answer You Get.

Chairwoman Hall: Seeing No One Else, We Will Close Public Comment And Tell Everyone Have A Great Week.

Thank You Very Much.

We're Adjourned.