

**August 14, 2007**

Welcome To The County Commissioners Meeting Of Tuesday August 14th 2007.

We Will Begin With The Invocation Followed By The Pledge Of Allegiance.

[Invocation-Inaudible]

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

Mr. Chairman.

I Want To Make A Public Service Announcement.

This Evening We Will Hear From The Minority Affairs Boards.

Hispanic Affairs Boards Bringing Forth A Resolution To Try To Improve The Diversification Of County Staff.

Reverend Gabriel Is A Member Of The Black Affair Advisory Board And He Is Here This Morning.

Thank You.

Thank You.

We Will Proceed With The Next Item On The Agenda, Ceremonial Presentation, Lead By Commissioner Judah.

Ray?

Thank You, Mr. Chairman.

Fellow Board Members, We Are Blessed With Some Wonderful Academic Institutions.

Of Course We Also Have Our Own International College Here In Our Community.

They Provide A Lot Of Opportunities For A Lot Of Folks.

I Just Want To Thank In Particular Earl And Thelma Hodges.

If They Can Step Forward.

And Also Mary Ann Vargas.

It's A Pleasure To Have Them Here And Thank Them For Their Financial Gift They Have Given To International College And We Will Hear That Shortly.

Resolution Reads, Whereas Earl And Thelma Hodges Dedicated More Than 30 Years Of Their Lives To People In Service Industries In Lee And Collier County And Received No Monetary Compensation, But Donated Time And Talents For A Myriad Of Community Based Functions.

Playing A Vital Part Of Improving Life Of Lee And Collier Counties And Remain Committed.

Helped Build A Stronger Community.

Whereas They Supported Veterans Educational Needs By Developing An Endowment Helping 50 Veteran Students A Year, And Provided Significant Financial Support To The Former International College And Provides Leadership For Many Of The Non-And For Profit Organizations In The Community.

Be It Resolved The Board Of County Commissions Of Lee County Florida Convey And Want To Thank For Their Hard Work And Generosity And Most Appropriate And Fitting.

Signed By Bob Janes.

[Applause]

We Would Like To Take Some Photographs If We Could.

We Will Put The Hodges In The Middle There.

Thank You Very Much, Mr. Chairman.

On Behalf Of Thelma And Myself, I Usually Let Her Do All The Talking In The Family.

When We Get Away From Home Life She Let's Me Talk.

I Certainly Appreciate This.

Thank You Very Much.

Thank You.

Chairman, Members Of The Commission, You Have Honored Two Truly Unique Individuals At Hodges University, We Are Proud To Have Them As Our Namesake, They Have Given A Lot In Collier And Lee County So We Appreciate What You Have Done Today And You Really Recognized Two Remarkable People.

Thank You.

We Won't Let Mary Ann Get Away Without Saying A Couple Words.

Thank You.

Most Importantly Thank You To Mr. And Mrs. Hodges For Their Most Generous Gift And Caring For The Ongoing Education Of This Community.

Thank You So Much For Recognizing Them.

Thank You Folks.

Thank You Mr. Chairman.

Thank You.

I Would Like To Continue With The Recap Sheet.

Under The First Item, Items To Be Deferred Or Continued.

There's A Revision.

We Would Like To Move Item A1a.

I Would Like To Move From Administrative To Consent Agenda.

Moved By Commissioner Judah Seconded By Commissioner Hall.

Ayes Have It, It's Approved.

We Have One Carry-Over And Two Walk-Ons Which We Will Considerate The Appropriate Time.

Thank You Very Much.

We Are Now At The Point Of The Consent Agenda.

And We're Going To Ask The Board Members For Items To Be Pulled For Discussion By The Board, Commissioner Hall?

Public Comment First?

You Are Absolutely Right.

This Is The Public Comment Of Our Agenda.

All We Ask Is You Have A Little Blue Card For Us, If You Don't Have One, That's Okay, We Will Still Take Your Name, But The Only Thing Is We Still Need To Get Your Name On The Record.

Anyone Wish To Comment?

I Don't See Hands Waving Or People Jumping Up And Down.

I Will Presume There Is None And I Will Close The Public Comment Period.

Now The Consent Agenda.

Commissioner Hall.

Nothing.

Commissioner Mann.

Nor I.

Commissioner Judah?  
Looks Like 9b, C, D And 13 A.

Okay.

Commissioner Bigelow?  
Just Taking Notes.

I Too Was Going To Pull 9b, C, D.

4a And 4b.

Okay.

That Concludes.

And I Have None To Pull.

Move The Balance.

Commissioner Hall Moves The Balance.

Seconded By Commissioner Mann.

Discussion?  
All In Favor Signify By Saying Aye.

Opposed?  
The Motion Is Adopted.

We Will Proceed With Item 9b.

If I Could Pull 9b, C Is And D Collectively And To Move The Items.

Second.

There's A Motion To Pull And Move All Items By Commissioner Judah And Seconded By

Commissioner Hall.

I Would Like To Thank Rowland, These Are Grants To Help With Water Management Improvement.

Indeed, That's A Very Generous Partnership We've Got Going.

I Want To Point Out That's \$862,000 Coming Back Home.

It's A Good Thing.

I Think We Are Improving Our Relationships.

Okay.

Further Discussion?

All In Favor?

Opposed?

The Motion Is Adopted.

13 A, Commissioner Judah.

Scott, Forgive, I Just Want To Make Sure This Has To Do With Colonial Boulevard Widening Project.

Nothing About The Proposed Over Pass, The Double Decker Colonial Improvements.

That's Correct Commissioner From The Widening Of Colonial.

Thank You, Move The Item.

Motion To Approve 13 A.

Second By Commissioner Hall.

Discussion?

All In Favor?

Opposed?

The Ayes Have It, So Adopted.

Item 4a, Commissioner Bigelow.

Thank You, Move The Item.

Motion To Approve Item 4a On The Agenda.

Second By Commissioner Judah.

And In Discussion I Just Want To Say That I Appreciate The Make-Up Of This Committee Is

Not Such And Such We Have A Supervisor And Subordinate, I Appreciate The Diversity You Have Brought To This Selection Committee So I Would Like To Commend That There.

Is There Further Discussion?  
All In Favor?  
Opposed?  
The Motion Is Adopted.

4b.

I Could Make Exception But I Won't Because I Want To Stress Another Point, I Guess I Would Refer You To July 23rd Letter From Mr. Mark Stevens To Dan Cruz With Our Department Of Construction Design.

In That Letter Says I Would Like To Read The 7% Fee Doesn't Include General Conditions, Supervision Or Project Management Which Will Be Billed As Cost.

These Fees Will Be Billed Along With Construction Of The Project On A Monthly Basis.

I Will Move This Item But Will Point Out.

There's A Motion To Approve 4b.

Then Just Continuing I Would Like To Point Out That's Not What I've Been Seeing, I've Not Been Seeing The Cn Fee Not Applied To General Conditions, Supervision And Project Management.

It Has Been Applied.

An Indication We Are Making Some Improvements.

Further Discussion?  
All In Favor?  
The Ayes Have It, Motion Is Adopted.

We Will Turn To The Administrative Agenda, Item A1a, We Moved To The Consent Agenda, That's Been Adopted.

We Will Look Now At 11 A.

I'll Move The Item.

Motion By Commissioner Hall To Approve Item 11 A.

Second By Commissioner Judah.

Discussion?  
All In Favor?  
Opposed?

The Aye's Have It, The Motion Is Adopted.

15 A.

I'll Move The Item.

Motion By Commissioner Hall.

Seconded By Commissioner Judah.

Discussion?

All In Favor Signify By Saying Aye.

The Ayes Have It, Motion So Adopted.

Item 15 B.

Move The Item.

Seconded By Commissioner Hall.

Discussion?

Will Signify By Saying Aye.

The Ayes Have It, The Motion Is Adopted.

We Are Now At The Public Hearing Stage.

Let Me Check It Off Here.

We Have A Number Of Them.

9:30 Public Hearing And Here Comes John.

Thank You Mr. Chairman.

Good Morning Commissioners, My Name Is John Ferdima Assistant County Attorney.

I Have Four Petitions Here.

The First One On Is Case Vac 2007 -- Excuse Me Let Me Put Affidavits Of Publications In The Record First.

I Have Inspected And They Are Little Le Sufficient With Respect To Form And Content.

Case Number Vac 2007-00018 To Vacate Five 12-Foot Wide Lee County Boulevard.

320, 322, 326 Ohio Road All In Lehigh Acres.

This Is A Public Hearing, Is There Any Member Of The Public Who Wishes To Comment On This?  
Back To The Board.

Move The Item.

Motion By Commissioner Judah To Affect The Same P Hearing.

All In Favor Will Signify By Saying Aye.

The Ayes Have It, The Motion Is Adopted.

Item Number Two.

Case Number Vac 2006-00047 To Vacate A 12 Foot And Six Foot Wide Public Utility Easement.

And 3118 11th Street Southwest Again In Lehigh Acres.

Move The Item.

Motion By Commissioner Judah.

Seconded By Commissioner Mann.

Is There Any Member Of The Public Who Wishes To Speak On This Item?  
Seeing None I Will Close The Public Hearing Portion And The Motion Is To Adopt, All In Favor Signify By Saying Aye.

The Ayes Have It, Motion Is Adopted.

Agenda Item Three Is Vac 2007-00015 To Vacate A 12-Foot Wide Located At 5570 Lee Street In Lehigh Acres.

Motion By Commissioner Judah To Approve.

Is There A Second?  
Second By Commissioner Mann.

Discussion?  
This Is A Public Hearing, Any Member Of The Public Wish To Speak On This Item?  
Seeing None I Will Close The Public Hearing And Go Back To The Board.

All Those In Favor Signify By Saying Aye.

Opposed.

The Motion Is Adopted.

This Is The Fourth Item To Vacate, Vac 2006-00046 To Vacate A Series Of Public Utility Easements Located At 5501 8th Street West In Lehigh Acres.

Move The Item.

There's A Motion To Approve Item 4 On The Public Hearing List.

Seconded By Commissioner Hall.

Any Member Of The Public Wish To Speak On This?  
The Question Arises On Its Adoption.

All In Favor Signify By Saying Aye.

The Motion Is Adopted.

Item 5.

Thank You Commissioners.

Good Morning.

Good Morning.

For The Record I'm Andrea Fraser From The County Toerp's Office.

I've Had The Opportunity To Review The Affidavit Of Publication, And Find It Legally Sufficient, It Was Published In The News Press Of July 2007.

Motion By Commissioner Judah To Approve.

Second By Commissioner Hall.

This Had A To Do With Virginia Small Business Funding For Ponds.

Any Member Of The Public Which To Speak?  
We Will Close The Public Hearing Portion.

All In Favor?  
Opposed?  
The Motion Is Adopted.

That Concludes, I Believe The Public Hearing Phase.

Does It Not?  
The Balance Will Be At The 5:00 Meeting, As I Understand, Andrea.

Is That Right?

The Rest Will Be At The 5:00 Meeting.

Okay.

Very Good.

That Concludes The Public Hearing, We Will Now Take A Look At The Walk-Ons.

One Carry Over.

I'll Do The Carry Over First.

Motion To Approve By Commissioner Judah.

Second By Commissioner Hall.

I Just Want To Thank Doug Muir He Has Been In Contact With Some Of The Individuals I Suggest.

Doug Just Wants To Verify And Confirm The An Hydrous Ethanol Would Be A More Suitable Replacement.

I Would Like To Ask Commissioner Judah To Give Me A Thumb Nail Background.

What Do We Use The Methanol For.

Tell Me About The Purchase.

It's Involved In The Wastewater Treatment Facilities.

Good Morning, Commissioners, Doug Muir Utilities.

It's Used In The Wastewater Treatment, Added As A Carbon Source To Remove Nitrates.

So It's To Remove Nutrients Before It Discharges Into The River.

We Can't Capture This From Our Own Waste Treatment Sites?

I Think You Are Referring To Methane, A Gas Generated And We Aren't Set Up To Capture Methane.

How Long Have We Been Buying Stuff Like This, Forever?

Yes, You Prefer Ethanol To Methanol?

To Be Honest, I'm Unaware Of The Use Of An Hydrous Methanol.

It Takes Research To See If It's A Viable Alternative.

We Have To Use Methanol Because Of It's Ability To Cap Sure Carbon, Or It's Carbon Based.

It's A War Done Source This That Ethanol Has A Carbon Source Again I'm Unfamiliar With The Anhydrous Methanol.

Further Discussion?  
That Must Be 101.

Okay There Are No Further Discussion, The Question Then Arises On Its Adoption.

I Believe A Motion Approve, All In Favor?  
Opposed.

The Ayes Have It, The Motion Is Adopted.

Walk-On Item Number One.

Let Me Just Mention I Believe We Do Have Bill Barton In The Audience Who Is Available To Talk If We Need Him To Talk.

Move The Item.

Motion To Approve Walk On Item Number One By Commissioner Judah?  
Second For Discussion.

Seconded By Commissioner Hall For Discussion Purposes.

Mr. Chairman, I Didn't Want To Lose The Opportunity For Mr. Barton To Speak.

The Back Up Is Pretty Indicative Of What Needs To Be Done And Provides The Information We Need To Make That Decision But I Think Out Of Courtesy It Would Be Helpful To Hear From Him.

Thank You Commissioners.

My Name Is Bill Barton, Chairman Of The Swift Florida Expressway Authority.

Through The Use Of Toll Express Lanes And The Necessary Tolling To Achieve Those Objectives, So I Have No Need To Burden You With Additional Information On That.

But I Would Like To Quickly Use A Little Of Your Time On Three Issues If I May.

In The Event This Commission Sees Fit To Pass The Resolution Today, As You All Are Aware, Certain Members Of The Collier County Commission Expressed Reluctance In Moving This Process Forward But Also Indicated Their Intent.

I Want You To Be Aware The Expressway Authority Intends To Work Closely With The Collier County Commission In An Effort To Bring This To A, What It Was Intended To Be Initially.

A Three-Way Partnership.

The Expressway Authority Recognizes The Very Distinct Need To Communicate Well With You, Our Partners If You Pass This Resolution Moving Forward.

And To Do That, I Think It's Important To Have A Regular Reporting Process.

And With Your Permission I Would Ask Staff To Discuss That Issue With You So That Moving Forward, We Can Have Some Formal Means Of Communication To Keep You Appraised Of The Actions And The Accomplishments Of The Expressway Authority.

The Third Thing I Would Like To Share With You This Morning Is One Of A Sad Note.

As All Of Us Are Aware We Wouldn't Be Discussing This Had It Not Been For Diligent Efforts Of Mike Davis.

Mike Was The Sponsor And Primary Supporter Of The Legislation That Created The Southwest Florida Expressway Authority.

My Kids In The Naples Community Hospital.

I -- Please If We Would Keep Make And Family In Our Prayers And Thoughts At This Difficult Time In Their Lives.

If There Are Any Questions I Would Be Happy To Answer Them.

Thanks, Bill.

We Are Fortunate In Having Tammy Hall Sitting On The Expressway Authority, And She Too Will Keep Us Appraised Of What's Happening.

In Addition To The More Formal Thing At The Staff Level.

We Have Commissioner Hall.

Certainly Relies On Commissioner Hall For That And Multiple Other Things.

Of Course.

Mr. Chairman?

Yes.

It's Been A Really Long And Painful Process For Us To Get To Where We Are Today And I Really Hope That We Can Encourage Our Partners To The South To Remain Partners With Us.

There Is Nothing Worth, One Of The Number One, Besides How Much Property Is Being Transportation.

Our Economic Backbone Is Being Able To Take Goods From One End To The Other And Out

Of The County Access To International Airport, Access To Educational Facilities, City Of Cape Coral, Many Communities Rely On This Board's Ability To Keep That Infrastructure Moving Effectively And Efficiently, It Really Concerns Me That We Get Bogged Down In The Politics Of Good Decisions Sometimes.

I-75 Is A State Issue Again.

And I Know That I Have An Opportunity As You Do To Speak To A Lot Of Folks.

And Our Legislature Has To Be Better Partners, We Have To Reach Out To Our Delegation How We Can Be Better Partners, And Support The Efforts On State Issues And Better Understand The Effort.

We Haven't Gotten A Lot Of Support Or Comments In Supporting, Recognizing Yes We Have Federal Dollars.

I-75 Is Still A Station Infrastructure Road And Backbone Of The Economy.

Certainly Is Stepping Up To The Plate To Paik That Happen, I Think The Expressway Authority, This Board My Co Partner Down In Collier Doing His Best To Convince His Board, We Have Exhausted Studies.

When You Talk About Study, After Study, After Study.

This Thing Has Been Studied To Death.

There Are Two Independent Studies, There Is No Conspiracy Or Agenda, If You Will, Other Than To Make Sure I-75 Will Operate In An Effective And Efficient Manner To Keep The Community.

I Appreciate The Board's Ability To Grasp That And Step Up To Our Long Term For Economic Future.

I Thank You For Staying Involved.

I Want To Make One Comment Too.

The Reason I'm Supporting This Is Because I'm Hoping It Will Bring Collier County Along With Us.

I'm Partially Convinced That For Us To Go It Alone, Alone Is Not The Best Way To Do It.

And It Certainly Doesn't Help Much.

This Helps Some But It's Nothing To Have Six Lanes Through Collier.

Four Lanes And Back To 4-6 Lanes.

It Provides In What Can Justify The Huge Amount Of Money They Have Been Steadily.

I Hope Our Actions Today Will Help Convince Colleagues To The South We Need To Work Together On This Issue.

Mr. Chairman, You Are Absolutely Right.

I Think Even Mr. Barton Would Agree This Would Be A Nice Gentle Nudge But We Need Studies Have Been Done.

Mr. Barton Has Been Very, Very Patient.

The Professional Being Chairman Of The Expressway Authority.

And I Think Well Recognizes We Have Already Looked At All The Orange Options, Other Options.

Right Now The Federal Government Can't Keep Up With Bridges And Roads Let Alone Building More.

We Have To Be Relative, I Want To Thank P. Representing Mike Davis.

He Work The Tirelessly He Managed To Accomplish.

I Think We Should Consider Sending Letter Of Recognition Wishing Him Well In Terms Of Getting Past His Health Challenges And Hope He Will Be Back On The Road To Recovery, Continuing To Represent The South End Of Florida Here.

Thank You, Commissioner Mann.

I Need To Ask Somebody, Strikes Me As A Resolution Showing Our Commitment And Sending A Message To Collier County.

Does It Actually Spend The \$625,000 That's Going To Create A Position.

I Think I Can Shed Some Light On That.

The Lee County Commission Some Time Ago Extended To The Expressway Authority A Total Of 775,000 Loan And That Money Has Already Been Transferred To The Expressway Authority.

When Only Received 155 Thousand Of A Prohibition On Spending Anymore Of Your Money Than We Receive From Collier County, Namely \$1 R50,000.

As A Consequence We Are Asking You Allow Us To Remove From Ourselves That Self Imposed Restriction On Spending Is That Money You Already Loaned Us What We Are Looking At Right Now, Two Possibilities.

The Hiring Of An Executive Director.

In The Short-Term We May Opt To Use A Consultant Rather Than Put Staff Members On.

Move This Process Forward Without The Long Term Commitment Of An Executive Director At This Time, That's One Thing The Expressway Authority Will Consider This Friday.

I Couple More Points I Need To Per Sigh This.

Commissioner Hall Mentioned, I Couldn't Agree With Her More.

Some Of Them Are Going To Be A Little Surprised When They Find We Built The Other Two Lanes And Will Ultimately Put A Toll On Them.

This Needs To Be Talked About To Get A Better Understanding.

Here Is Part Of My Frustration, Bill, Help Me With It.

I Watched Your Very Heavy Involvement From The Preparation Of This Came From Collier County, Seems Where The Initiative Began And Lee County Signed On And Now Lee County Is Toting The Whole Load, So To Speak, Financially And Commitment To Kles Thanks 5 And 6 We Are Talking About.

And Do I Understand Properly That There's Only, This Is Not A 30-Mile Project Anymore Because The Cost Estimate Is Like 16 Miles.

Where Will They Be?  
Totally In Lee County?

The Initial Suggested Corridor For The Expansion From Both Fte, Florida Turn Pike Enterprise And Smith You're Retained Consultants, Was For The Most Congested Segments From Alico To Immokalee Road.

Three Miles South Of The Lee County, Border.

What We Are Looking At Now Is Two Possibilities, One Is Still Moving South To Immokalee Road And Trying To Figure Out How To Get That Accomplished.

Because There's No Intent To Take A Ten Lane Expansion To The County Line And Figure Out How To Expand It.

We Have To Figure Out How To Treat That Area South In The Event Collier County E I'm Still Cautiously Optimistic This Will Be A Three-Way Partnership.

But Not Looking In The Event Collier Doesn't Come On Board We Will Still Have A Project Of About 14.5 Miles And Virtually All Of That Will Be In Lee County.

A Lot Of Attention, It's Been Focused.

Could We Issue The Bonds And Pay Them Back Based On The Numbers, At What Cost Per Mile?

You Are Spreading Out Cost Of Towing.

The Toll Are Intended To Be Low Nature.

At Peak Travel Hours They Will Be Higher.

The Estimates That Have Come To Us Thus Cents Per Mile, Peak Periods We Are Looking At Tolerates In The Range Of 27 Or 28 Cents Per Mile And That Is Based On 2015 Dollars So If You Back Up.

Is 2015 When We Will See It Open?  
S That's Our Goal.

What Are The Peak Hours?  
Early Morning 7-9.

Late Afternoon 4:30-6:30.

A Lot Of Us Around Here, Looks Like Peak Hours Is Any Time You Are Awake.

Generally Speaking During The Middle Part Of The Day You Are Off Peak Hours, Certainly Not 2:00 In The Morning Time.

At That Point The Rates Would.

We Need To Show Lee County Recognizes Something Has To Be Done, We Just Can't Walk Away From This, As I Stare At This And Say What Are We Going To Do For Additional Lanes, The Overwhelming Majority Is Local Traffic.

In The Sense They Live In Southwest Florida, Thee Aren't People Coming From Hawaii To Miami, But We Don't See Any Money In The Foreseeable Future, Virtually In Our Lifetimes In The Federal Government To Do Anything, So If We Are Going To Fix This We Have To Fix It Ourselves.

We Can Toll I-75 Or Tie 951.

Since We Don't Own The Right Of Way.

There Will Probably Be A Number Objecting When They Find Out They Will Have To Pay A Toll On What We Call Free Lanes The Government Is Going To Pay For Us.

My Question, To Our Compliment.

Are We Writing A Check For The \$600,000 Or Releasing That \$600,000?  
Commissioner, The \$625,000 Has Already Been Released.

It Just Allows Them To Go Ahead And Use That Money.

Send Them There's Not Must Have Enough To Step Up.

What Does It Do By Way Of Committing Us To Some Toll Construction Project?  
I've Got To Believe There's A Lot More Study Yet To Be Done Before We Start Putting A  
Shovel In The Ground.

There Is, Commissioner But I Would Tell You From My Perspective If This Resolution  
Passes Today We Will Move This Project From An Investigatory Phase Into A Planning  
Phase, In My Opinion A Milestone Because We Will Have Gotten To The Point Where We Go  
This Is Necessary, Is There A Fictional Story?

Absolutely, At Least We Will Be Moving Forward With Planning Rather Than Continuing To  
Explore.

One Last Question, I Know You Can't Speak For The Individual Members Of The Collier  
County Commission But You Have Worked With Them Personally, Each One Individually  
And Collectively.

Can You Give Us Any Hope That You See In Their September Meetings Some Movement?  
Because I've Attended A Couple Joint Meetings And There Seems To Be Substantial  
Resistance, I Keep Hearing Them.

In That Regard We Are In Total Concurrence.

Maybe The Question Is.

Although I Prefer Not To Share It Publicly, We Have A Plan Of Action, I'm Cautiously  
Optimistic We Will Be Attractive To Collier County Commission.

Can I Tell You That Going To Happen?

Certainly Not

Can I Ask You, The \$625,000 That You Are Looking, That Really Is A Loan, Is It Not That  
Will Eventually Be Paid Back.

That's Correct.

Out Of What?

Toll Proceeds.

In The Year 2015?

It Could Be Earlier Than That, Because As You Know In These Kinds Of Projects, Once You  
Have The Intent.

Once You Issue Bonds And There's Cash On The Tables,  
We Would See The Probability Of Being Able To Repay.

In 2009 Or 2010 If This Project Moves.

Scott Is Excited He Already Has A Place To Spend It.

Mr. Chairman?

Yes, Commissioner Bigelow.

Can You In 25 Words Or Less Explain What The Two Independent Studies Concluded.

Yes Sir They Concluded If We Are To Move Forward With The Ten-Laning Portions Of I-75 Through The Use Of Express Toll Lanes It Could Only Be Accomplished In A Feasible Way By Having Six Lanes.

I Cannot And Will Not Support This.

The End Game Is To Create Ten Lanes.

I Agree.

There's A Need If You Look At Number Of Cars Who Want To.

I Cannot Support To The End Game Which Is Six Toll Lanes At The Cost Of Three And A Half Hours, Potentially From One End To The Other.

This Is The Symptom Of The Disease Of Urban Sprawl And There Are Alternatives.

Gridlock Could Be A Good Thing If We Accept It Is A Mandate To Do Something Different.

To Change.

Growth Management In The Last Decade And A Half Has Failed This Road.

That's Our Fault.

The State Can't Be Expected To Solve The Problems We Created.

I Cannot, Will Not.

Bill Rngts We've Some Ted Discussion Before, And I Know You Have Been Supportive Maintaining The Proper Right Of Way For Multi-Modal Transportation System.

The Fact That The Right Of Way Will Remain For That But I Also Remember Discussing The Need For Setting Aside A Percentage Of The Toll Revenue Even Though I Know We Will Be Struggling To Come Up With The Funding But To Be Set Aside For Public Transportation And It May Be A Little Too Soon.

I Don't Want To Gum Up The Works Right Now But On The Other Hand I Don't Want This To Be An Afterthought, This Has To Be At The Forefront.

Alan If You Can Elaborate?

You And I Have Discussed That Before, I Can Tell You The Expressway Authority Has Discussed And Understands Ultimately We Have To Find Other Means Of Transportation In That Corridor.

I Personally Will Be A Strong Supporter That Part Of Those Funds To Observe That Process And How It Could Be Promoted And Moved Forward.

Just Want To Make Sure Again Somewhere Along The Line We Will Look Very Serious At Sitting Aside A Percentage Of Tolls For That Purpose.

I Can Give You Supportive, Thank You, Bill.

Questions?

Comments?

There Being Done, The Question Arises.

All In Favor Signify By Saying Aye.

Opposed?

4-1 With Commissioner Bigelow In The Negative.

Walk On Item Number Two.

I've Got A Motion And A Second.

Does That Have To Do With Vehicles?

Bucket Trucks.

It Has A Ring To It.

So It's Been Made And Seconded.

Yes.

Now We Are On Discussion?

Yes.

Just Everybody Here Knows What This Issue Is With Bucket Trucks.

We Talked About It, I Went And Looked At That Particular Bucket Truck, I'm Still Convinced We Could Wait Another Year To Replace.

What, It's Not About The Process By Which We Replace Vehicles In Our Fleet And I'm Still Totally Convinced That We Could Stretch Out The Time That We Own Vehicles Before We Trade Them.

According To Some Pretty Sophisticated Formula.

We Could Stretch It Out Another Year Before We Those Vehicles And We Would Save A Million Plus Every Year And No One Would Ever Know The Difference And We Would Get Along Just Fine And Many Other Counties Keep Vehicles Longer Than We Do.

The Public Will Be Just As Well Served From I Know This Would Interest You Commissioner,

Judah.

We Could Buy When We Replace Automobiles Hybrid Cars And Start To Save 50% On Our Fuel Costs For An Immediate Return.

It's A Broader Matter Of Policy, Not So Much As Single Bucket Truck.

Create

I Won't Talk At Length.

I Know There's A Lot Of Discussion On This Before, But The Million Dollar Savings Is Speculative At The Very Least.

Hybrid Cars?

No The Million Dollar Savings By Not Purchasing Equipment When We Need To Have Them Online To Install Or Repair.

This Case The Need For Signal.

It's Important To Have The Appropriate Resources And Equipment.

If We Are Really Looking To Save Money We Need To Move Forward With The Support Of Bio Diesel So We Can Use That As Fuel Source To Not Only Reduce Fuel Consumption Costs But Also Something Much More Environmentally Friendly.

I Know This Has Been Discussed Moving Forward As Part Of What We Need For Our Inventory.

Thank You, That Is The Question We Will Be Voting On.

Further Questions Or Comments?

Yes Mr. Bigelow.

Frank, We Will Go Down Together.

I Will Support Your Dissent On This.

I Would Like To Comment On Commissioner Judah's Reference To Buy Diesel, Briefly.

I Don't Think It's The Business Of This Government To Produce Bio Diesel Fuel, I'm Opposed To Producing It.

Further Discussion?

Question Arises On The Adoption.

The Motion Is Adopted By A Vote Of 3-2 With Commissioner Mann And Bigelow On Decent.

Commissioner Items.

Commissioner Hall, You Are Number One, Just To Gather, Thank Captain John Bunch He Has Been Working With The North Fort Myers Dfw House To Bring Wounded Soldiers In Our Commuting.

Transporting Them To R And R Got The Transportation, We Are A Go In September.

He Is One Of The Hardest Working Folks To Benefit Our Recipients.

I Want To Thank Him That They Are Welcomed Here With Open Arms And We Have Many Who's Husbands And Wives Are Left Back Here For The Day-To-Day.

My Brother As A Young Family Going Through The Same Thing Is A Huge Hardship And This Community Really Has Reached Out.

There's A Need For These Families, They Can Enjoy That Quality, Thank You For Being A Resident In Lee County And Semester Straights.

Thank You, I Really Appreciate That.

Commissioner Mann.

Nothing.

Commissioner Judah.

Thank You, I Know This Board Would Like To Extend Whether It's A Bouquet Of Flowers Or Letter To Charles Duray.

And Also, And I Say That With The Deepest Respect And Hopefully He Is Listening Or Watching, Along With Eric Baumann The Chairman Of, Mr. Melissa.

Practice Going On For Decades Which The Agriculture Interest, Sugar Industry Has Been Back Pumping Fertilizer And Pesticides Back In Lake Okeechobee.

They Were Using A Smoke Screen.

It Was Discussed What They Need To Do Is Stop Elevating The Waters The Conditions Were Self Reflected.

They Failed To Provide Adequate Storage On Their Own Hands To Store Water To Get Them Periods Of Drought.

Their Convictions In Spite Of The Tremendous Pressure And Intimidation They Were Subjected To.

To Stop The Practice Of Back Pumping.

And I Just Want To, Perhaps Mr. Chairman, Make The Motion That We Do Send A Letter Of Appreciate Action Thank Them For Their Courageous Vote And Prohibiting The Backflow

Into Lake Okeechobee.

Second.

Thank You.

I Think That's A Motion That's Been Seconded.

I Concur With That Two.

Khari Was Raised.

I Think They Have Set A New Error Record That's Long, Overdue.

It's Been Moved And Seconded.

There Are A Number Of Other Areas I Know David Owen Our County Attorney's Office And Andrea And Sharon Have Balboa Working On.

Been Working On.

Monitoring These Coming Up For Approval Where They Aren't Complying With Best Management Practices, Distant Island Conservation District, About 16,000 Acres, Challenging From Their Land.

Which Goes Into Backflow Into The Lake.

I Ask The Staff Get Back To This Board And Let Us Know What To Do To Provide Appropriate Correspondence To Also Focus On Preventing The Continued Impact To The Lake Okeechobee Area And Also To Our Coastal Estuaries By Taking A More Aggressive Stance On Implementing Best Management Practices And Prevent The Kind Of Backflow That Goes In From These Other Lands Further More We Need To Eighth Professor Press, That Requires The District To Have To Be In Compliance With The Clean Water Act If They Allow Back Pumping In The Future.

I Don't Know If That Letter Has Went Out, If It Hasn't We Need To Reemphasize Our Position That Back Pumping Has Got To Stop.

This Is Very Evident Of What The Agriculture Industry Has Done To Themselves.

When I Speak Of Agriculture Industry, I'm Talking About The Sugar Industry, They Have Been The Ones.

At The Time They Need To Drain Their Lands.

Continue To Allow For The Discharge Of All These Pollutants And Use The Lake As Their Own Private Cesspool, Fortunately It Will Stop.

But I Think We Need To Take It A Step Further And See If They Won't Use Public Tax

Payers Money To Prevent This Abhorrent Practice Of Back Pumping.

Andrea, Did You Catch That?  
Work Together For A Letter.

I Have Another, From The Division Of State Lands With Environmental Protection, States It Doesn't Anticipate Pursuing Acquisition Of Anymore Parcels.

I Think When The State, A State Rep And State Senator And They Did Well Initially To Buy Those Lands And Place In The Public Domain But Since Backed Off On Finishing The Remaining Acquisition Of The Last Few Parcels, Lee County Conservation 2020 Backed Off On Not Getting Involved.

We Didn't Want A Situation Where Property Owners, It Appears From The Correspond From The State.

I Would Hope We Could Give Direction To Our County Lands And Conservation 2020 We Need To Move Forward And Complete The Purchase.

Did They Say Why They Aren't Pursuing It.

They Don't Have The Funds.

The Funds.

They Have Obligated The Last Three Years Of Florida Forever Projects.

I Would Hate To Let The Project Sit.

I'm Hopeful We Can Use Forward And Consider Using Conservation 2020 Money To Purchase The Last Remaining Parcels.

I Need To Know Some Costs, How Much Is Left And How Much Could This Really? Even Though There Are -- It's Very Difficult To.

That Information Is Appropriate.

Good Morning, Commissioners.

For The Record Karen Forsythe.

The Situation Regarding The State Backing Away And Earmarking Funding For Florida Forever Has To Do With The History Of Other.

My Understanding Is At Least 3-4 Offers Have Been Made Over Time To Everybody On The Island.

Where He Are Now Having Contact With Property Owners Saying They Want The County To Buy The County At The Same Price As The State Of The Change In The Market.

Talking About.

I Believe We Will Exhaust The Fund This Year Before The Next Cycle Of Revenue Comes In And We Have That Many Properties That We Are Already Involved With That Will Probably Eat Up A Good Portion Of The Funding For Next Year.

That Is The Status, As I Know It.

Mr. Chairman?

Jo Yes Commissioner.

As We Look Out Here And No, I Think What Bothers Me Most, As We Look At Opportunity For Land, Having Some Method To Our Madness To Prioritize Because The Market Is Down, In The Last Two Years Will Probably Have A Lot Of Opportunity To Talk About Prices, I Sort Of Give Us That Big Picture Overview And Look Where The Connectivity Are.

I Know You Have Done This Karen But To Really Look At It, If We Are Exhausting Funds For The First Time Which Is Exciting.

It's Great To Know.

I Would Like To Just Have A Big Picture View Again Of Where We Could Have Opportunities.

We Know With The Water Challenges And Stormwater Management Challenges There's Going To Be More Of That Type Of Acquisition Needed Also To Preserve And To Protect How We Are Working With Water Quality Issues With The Caloosahatchee So I Don't Want To Be.

I Want To Keep People Connected.

Where The Biggest Fastest Threat, I Don't Know How Many People Will Rush Out To Build On Kao Costa Right Now.

They Haven't And I Certainly Don't Want To Think It's A Secondary Priority, It's Not But Before We Make That A Top Priority, I Want To Make Sure We Aren't Missing That.

I Would Like To A Better Strategy To Pass To The Advisory Committee, Just Our Thoughts To Share With Them.

Mr. Chairman?

I Agree With Everything You Are Saying, Commissioner Hall.

I Wasn't Implying We Circumvent The Process.

They Have A Wonderful Process Which They Evaluate All Parcels, There's A Two-Tiered System.

May Evaluation Based On The Value.

They May Be Deemed Lower Priority.

That's Okay, I Can Accept That, I Just Don't Want To Leave Them Out.

We Thought The State Was Going To Pursue It.

The State's Not.

Can They Be Put On A Level Playing Field.

That Option Is There.

We Didn't Want To --  
They Can Nominate Their Lands.

They Have Been Nominating.

Your Advisory Committee Took A Vote To No Longer Consider Because Of The Activity By The State.

It Was Obvious As These Nominations Were Coming In We Were Being Look Add At As The Source Because Of The Market Changing And The State Had Said Well We Have Done What We Can On The Island And We Are Moving Somewhere Else On The Funding We Haven't Had.

Sounds Like What You Want To Do How Been Done.

I Now It's The Their Program They Have In Effect So We Won't Be Involved.

Isn't That Your Preliminary A The First Step Incorporates Your Advisory Committee.

So Your Advisory Committee In Discussion With Staff And Looking At The Situation Regarding Kao Cass Sta Determined Not To Pursue Properties On Kao Costa Island.

The Stilt Was Still Identifying That As A Florida Forever Program, But -- You Are Moving Them To Other Programs.

You Want Us To Veto The Subcommittee?  
Not Veto But In Recognition, The Advisory Committee Will Understand We Won't Be Played Off The State With Potential Sellers Of The Property.

Since The State Is Out Of The Mix, They Would Incorporate As Par Of The List Of Projects They Would Evaluate And We Won't Pay Top Dollar.

I'm For That, Let's Move On.

Let Me Just Call On Commissioner Bigelow And I'll Come Back And Recognize You.

I'll Be Glad To Yield To My Esteemed Colleague.

I Know You Would.

I Would Just Like To Say We Have Asked Dina Lewis To Come Forward, With What It Is We Have To Pay Because The State Handed Down Unfunded Mandates.

I Would Like Us To Also Be Sure When We Look At That Figure Or Those, At That Study We Also Consider There Is Money We Get From The State Such As On Consent Agenda 3a.

I Think We Have To Keep In Mind We Receive Grant Money From The State.

It's Not Just That We Have To Pick Up The Tab For All The Unfunded Mandates, I Would Like To Make Sure We Include That In The Analysis.

Secondly, One More Time I Would Like To Make A Public Service Comment Tonight We Will Hear From The Minority Affairs Boards On The Importance Of Diversity In County Staff.

At Our Public Input Meeting Tonight.

Our Last Meet In, What We Are Going To Do.

I Want To Give You A Quick Report Of That Meeting, What You Can Expect.

They Are Developing A Management Plan That Will Be Used For The Foreseeable Future.

Frankly I Thought We Were Going To Be Running That Farm Operation For A Decade But Looks Like It's.

It's The Way The Wall Adopted.

What I Heard While I Was There, There Were A Pile Of Interest Groups Represented.

Some Talked About Additional, Even A Decisional Mining, A Decisional Cutting For Clear Cop, Agriculture Activities, Sod Activities And Frankly I Was A Little Concerned They Were Talking About Perhaps An Expansion Of The Existing Business Operations.

Without Having A Chance To Get A Show Of Hands Here, I Took The Liberty Of Writing A Note, Signed It Myself To Put In The Record Which In Essence Said It Was My Understanding, Even Though The Law Said We Would Continue The Operation Of The Farming Component That Any Expansion Of It Would Be Totally Inconsistent With The Source Of The Money Which Was Conservation Money.

Now That's Officially On The Record On Behalf Of The Commissioner Now Attending Those Meetings, There Will Be One More And It Will Come Back, The Plan.

But If That Is Inconsistent With Your Thinking I Need To Know It.

I Made A Strong Point We Are Not Supporting.

The Letter Can Stand.

You Wrote It As An Individual Commissioner, No?

Yeah.

I Support It But I Would Think Your Letter To Example Panded I Know You Spent An Enormous Amount Of Time In Tallahassee.

That Was A Big Ambiguous, My Attitude On That Was We Will Have A Management Committee Made Up Of Lots Of Interested Parties, Let's See What We Are Talking About.

The Goal For The State Was To Have These Conservation Lands Not Take Away From Moneys To Acquire New On The Maintenance Upkeep But For This To Be A Self Sustaining Property.

I Don't Think Anyone Disagrees There Are Certain Aspects Of What Go On Babcock That We Don't Want To See Expanded But To See A Hard Position Today And Not Allow The Plan To Move Forward For Us To Look At, To See What They Are Talking About, I'm Not Comfortable Doing That Because I Don't Have Enough Information, But I Know We Have Shared Our Concerns That We Didn't Feel We Were Appropriate To Expand.

But The Purpose Of Bringing All The Interest Groups Together To Do The Plan Is To Let Out All These Issues, And See What Will Continue And What Won't Continue, There Were Passionate Comments From People Who Work There And People Affected By Those Operations Who Came Here.

I Don't Disagree Saying We Have Concerns And Voicing Them.

The Purpose Of Having A Seat There Is To Rally Things We Don't Want, Not To Happen.

I Don't Feel Comfortable In Stone Saying This Board Won't Do This Or Do That, We Are At The Table To Work These Things Out.

I Think There's Enormous Support To Do The Right Thing.

This Is A Once In A Lifetime Opportunity On This Property, The Most Pristine Property We Have Of This Size In The State.

I Don't Want To -- We Haven't Been Shy.

I Would Like To Give Us A Little More Time To See Where Everyone Is Going.

We Have A Lot Of Support From The Governor And Legislature To Do The Right Thing On This Property.

Lee County, At The End Of The Day We Don't Have To Be A Member.

There's A Memorandum Of Understanding Saying We Will Let Our \$5,000 To Be Managed By The State To Be Continue Pus I Think There Are Things That Are There.

It Was Very Ambiguous, There Were A Lot Of Different Opinions, That's Why It's Ambiguous Now.

I Sense What Commissioner Hall Is Saying About The Types And Alternative Uses For Existing Agriculture Lands But I Agree With Commissioner Man That We Didn't Want To Be In A Position Of Ever Supporting Expansion.

I Think We Will Have To Be Creative And Resourceful To Make Sure We Generate The Revenue But Not To Expand Beyond That.

The Challenges Will Be.

For Further Clarification.

The Meeting I Attended Was For Development Of The Plan.

We Will Only See It One More Time, Only Have One More Bite At This Apple When It's Presented Here In About Six Weeks.

The Purpose Of That Wednesday Meeting Was To Give The Input As To Where This Whole Thing Was Headed.

That Was Our Opportunity.

It Now Goes Back To The Division Of Forestry.

And Florida Fish And Wildlife.

And They Are Going To Crunch The Comments That Were Made And Then Bring It Back Here Where We Could Adopt It Or Not And Then It Goes Ultimately To The Cabinet Sitting As Trustees.

But This Is The Time For Our Input And That Was The Input That I Gave And I Have Never Heard Anything That Envisioned Support For Clear Cutting, Additional Mining Or An Expansion Of The Agriculture Activities.

The Law Itself Says We Will Continue The Existing Agriculture Activities.

The Ranching Of Culture.

But Even The Mining, Frankly Frightens Me A Little Bit Because You Can't Mine And Fill It Up Again, When You Mine You Take Out.

The Position I Gave Was That Lee County, At The Time They Would Assume I Was Speaking For The County That's Why I Brought It Here To Make Certain I Did The Right Thing, If We Don't Think That's What We Want To Do Then We Need To Take The Position

Right Here Today And Say Expansion .It With A To Preserve It.

Legislature Mandated The Existing That Are Agribusiness Will Continue But It Was Not Clear As To Whether It Could Expand Or Not Expand I'm Trying To Make It Clear Our Position To The Point We Will Back Out And Take Care Of Lee County Portion Alone.

I Do Not Support.

Mr. Chairman?

Yes, Commissioner Hall.

You Are Giving Me Tidbits Of This And That And I Don't Have A Clear Picture.

Maybe We Need To Have A Preview From Our Own Staff.

I Don't Think Anyone Here Supports The Issue Of Clear Cutting.

But I Don't Have A Clear Picture.

I Have Tidbits.

I Don't Have A Full Picture What I'm Making A Motion On.

If You Want A General Statement, It's Our Understanding There Was No More Expansion, You Said That, But I Don't Know, I Don't Have All The Information.

I Sit On The Corridor Study Component.

We Have Been Meeting For Six Months.

I Think They If The State Was Going To Do That, The Committee Would Then Work Toward Fulfilling Or Implementing The Plan But At This Point, I'm More Than Happy To Sit Down With Staff But If You Want A Motion To Say It's Our Understanding X, Y And Z I Have No Problem With That Motion.

But I Think There's A Lot, If You Will, Devil In The Detail.

I Don't Want To Have To Take Back My Motion And Say We Didn't Understand That.

I Would Hope We Would Have More Than The Plan Handed To Us The Morning Of Our Meeting To Adopt It Or Not And Have Time To Make Comments On It And Come To Some Consensus Here.

We Certainly Can, Between Now And Then And Take More Specific Points.

Like We Have Done On Several.

I Think We Have Made The Global Statement.

It Sounds Like There Wouldn't Be Any Harm Going Forward With The Motion From Commissioner Mann.

I Would Tell You Additionally And Commissioner Hall, We Have One Member Of Staff.

I Ran This Language By Here, Exactly What Needs To Be Said.

Second.

Who Was That?  
Cathy Olson.

Do You Need A Motion To Support The Letter That You Wrote, Since You Said You Sort Of Wrote It From Our Board?  
That's What I'm Saying.

Motion Has Been Seconded.

Discussion?

This Is An Enormously Difficult Problem And I Agree With Everything That's Really Been Said.

The Major Problem The Babcock People Have Cannot Be Economically Sustainable.

That I Meant Anything Of Expansion Or Clear Cutting.

I Think They Ought To Look Carefully At Conservation Efforts, I Thought Reforestation Of The Pine Up There Is Critical To The Long Term Sustainability.

Those Are The Things We Have To Look At, I Don't Think We Ought To Go In And Permit The Cutting.

Making Mulch Out Of Cypress.

I Don't Think We Ought To Permit Any Of That At All.

But I Think We Ought To Permit Hunting Up There.

That Was Okay.

That Was Exactly My Point.

And The Hunting Leases.

Because They Are Having A Hog Problem Up There As We Are Having All Over Rural Lee County.

Hunting Was Something Everyone Seemed To Agree.

They Weren't Tearing Up Anything.

We Could Be Here All Day.

I Think We Moved Forward In General, But There's A Lot Of Devil In The Details.

That's What I'm Trying To Point Out.

I'm Supportive Of The Motion.

Further Discussion?

All In Favor?

Opposed?

The Aye's Have It, The Motion Is Adopted.

Commissioner Bigelow Were You Finished?

I Have A Number Of Things I Need To Bring Up, More Of An Early Warning And Early Alert To My Colleagues.

The First Is That Tdc Is Concerned About An Issue Having To Do With Real Estate Offices Calling Themselves Welcome Centers.

The Problem Is They Aren't Occupied To Any Great Extent.

The Legislation Does Permit Us To Do Something But Leaves It To The Counties To Regulate What We Mean And How We Want To Handle That Particular Issue.

What I Will Ask Is That Staff Take A Look At This And Propose Any Legislation We Feel Needs To Be Done, Because It's Quite A Problem With Lee County Welcome Center And It's A Real Estate Office.

You Go There, Knock On The Door And Nobody Is There.

And They Are Having Quite A Problem With That.

So I Agreed I Would Bring It Up To You Guys And See If You Want The Staff To Take A Look At It.

We Can Define A Welcome Center.

Sure, I Think So.

I Just Didn't Want To Do It Today.

I Want The Staff To Look At It.

So That Will Be Coming Back.

Another One Is A Potential Resolution I Want Blue Sheeted To Have Staff Look At.

Resolution To Ban Drilling Within 250 Miles Of Florida's Coast.

We Want To Have The Staff Check That Out And See Whether Or Not We Ought To Support, I Don't Have Any Information To Vote Yeah Or Nay.

I Wrote That In A Memo, The First Thought That Occurred To Me, I Didn't Think Florida Had The Legal Authority With Drilling And Federal Waters.

See That's The Stuff We Want The Staff To Check.

Also There's Another Position I Will Ask To Be Blue Sheeted.

And That Is The Appointment To The Committee Were We Talking About.

The Babcock Liaison.

We Have Had A Couple Applications Come In From People But I Think We Need To Blue Sheet The Item For Consideration Of Who We Want To Put.

I Appreciate Giving Me An Opportunity To Go To The North Fort Myers Panel To Let Them Alert Them There's A Position.

I Think, Have They Come Back With Recommendation?  
Yeah They Have, But Again Thanks For Giving Me The Time To Do That.

Commissioner Mann Will Alert Also.

Thee Little Groups Get A Little Upset When We Don't Communicate With Them.

How Do You Plan To Bring That Back.

With The List Of Applicants?  
We Could.

And Vote On It Here.

So Far There's Three.

Very Good.

The Last Thing I Want To Advise You Of Is There's A New Grant Making It's Way Through And It's Because Of State Legislation Passed That Permits Up To \$100,000 For Planning Grants, A Million For Implementation Plant With General Diversion Programs And The Courts Are Looking At This Possibility Of Putting Together A Grant Application And So Is The Public Safety Coordinating Council And Virtually Everybody Else.

But It's A Matching Grant.

Dollar For Dollar, So It Will Come Back To Us For Consideration.

But Please Remember It's A Jail Diversion Grant And Advancing Under The Theory That Any Dollar We Could Spend On The Front End, Would Save On The Other End.

It Doesn't Make Sense To Put Them In Jail For \$130 A Night When We Can Put Them In A Treatment Center For Maybe \$40.

It Saves Money, It Makes Sense.

Those Will Come To Us For Consideration.

I'm Just Giving You A Head's Up On What Is Coming Up.

Questions Or Comments On That?

They've Got To Be In Before October, I Imagine Sometime During The Month Of September We Will Take A Look.

It Requires Approval To When You Are Talking With The Sheriff, Have You Already Convened A Meeting With The Sheriff?  
This Afternoon.

I Knew It Was Coming Up.

I've Been Told By Some Attorneys Who Work Across The Street, The Sheriff Has A Tendency To Pick Up Folks For Numbers.

Are You Familiar, Do You Know The Process?

Commissioners, We Did, The Board A Few Months Ago Funded A Program For The Sheriff To Buy Fingerprinting Machines To Put In District Stations, The Idea They Would Issue More Notice To Appear In Lieu Of Booking Someone In Jail.

We Will Follow That A It's Implicated.

I'm Not Sure The Sheriff Puts People In Jail For The Sake Of Doing That But For Minor Offences We Can Do A Notice To Appear, They Never Even Hit The Jail.

That Will Help With The Daily Population.

Any Further Questions?

Okay, We Can Proceed With Committee Appointments, Commissioner Hall?  
None.

Commissioner Mann?

I Have A Couple, To The Land Development Code.

Jill Burgess To The Airport's Special Management Committee.

Second.

Been Seconded, Discussion, All In Favor Signify By Saying Aye.

The Ayes Have It, So Ordered.

Judah.

Michael To The Housing Authority.

Discussion?

All In Favor?

Opposed?

The Ayes Have It, Approved.

Reappointment Of Stan And Gary Muller To The Ldc Committee, There's Been A Motion To Approve All In Favor Signify By Saying Aye, I Have Another One, Replacing Liz Donely.

So Moved.

Discussion?

All In Favor Signify By Saying Aye.

Opposed?

So Ordered.

I Think He Is A Good Man, That's Why He Is On There.

Mike Mullens.

That Concludes The Committee Appointments.

County Manager Items?

Just One.

Your First Management Planning In September Conflicts With Labor Day On Monday The 3rd, I Would Like To Have A Motion From You All To Move The Management Planning For September To The 10th Beginning At 1:00.

So Moved.

Motion To Approve.

Second By Commissioner Judah, Opposed?

The Ayes Have It.

We Have Nothing Now Until 5:00, So We Stand Recessed Until 5:00 P.M.

**5:00 Agenda Public Hearing**

Item Number One On The 5:00 Agenda Public Hearing, Waste Collection, Annual Special Assessment.

Good Evening, Mr. Chairman, Members Of The Board, Scott, Assistant County Attorney, Here For Agenda Item Number One To Adopt By Resolution The Residential And Commercial Mandatory Solid Waste Collection.

Disposal Special Assessment And Mstu Collection By The Lee County Tax Collector For Physical Year 2007-2008, I've Examined The Affidavit Published July 31st And August 7th.

I Find It Legal Sufficient To Conduct This Public Hearing And Enter It Into The Record.

Thank You.

Staff And I Are Available To Entertain Any Questions You May Have.

This Is A Public Hearing, Anyone Wish To Make A Comment On This Agenda Item? Seeing None I Will Close Public Comment And Go Back To The Board.

Discussion, What Not?

Is There Discussion?

All Those In Favor Signify By Saying Aye?

Opposed.

The Ayes Have It, It's Approved.

Having Technical Difficulty.

Oh Good.

Item Number Two, Public Hearing To The Revised Lee County Utility Rates.

Yes Again Scott County Assistant Attorney, I've Reviewed The Notice Of Intent And Published July 31st And August 7th.

I Find It Legally Sufficient And Enter It Into The Record.

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

Any Questions By The Board At This Point?

Any Members Of The Public?

I Have One Card, John Keller.

John, You Just Got Down, And I Hear You Are Getting Up Again, That's Pretty Quick.

Good Evening.

Good Evening.

I Have A Question About Expanding The Infrastructure Of Lee County Utilities.

I Have Heard Out Of Context, Maybe.

The Part Of This Increase Is To Help Put Sewer And Water Out In Lehigh Acres And To Do The Expansion In North Fort Myers.

And If That's Somewhat Of The Case, When They Put The Sewer In Front Of My House, I Paid Dearly For It, Nobody Else Did.

I Don't See Why If This Expansion Is Going To Go That Way With Rate Increase, Why Is It County-Wide And Not Just Putting In New Infrastructure.

Okay, John.

Let's See If We Can Get Somebody To Answer That Question.

Here Comes Doug.

Mr. Chair.

Members Of The Board, Doug Muir, Utilities.

Nothing Was Included In The Rate Study For Lehigh.

That Was Excluded In The Total.

There's A Growth Component But The Growth Component Has Taken Into Account For New Growth Under The Connection Fee Component Of Revenue, So The Increase And Connection Fee Are In Anticipation Of Capacity Expansion Due To Growth.

Any Other Comments?

Okay, This Is A Public Hearing Again.

Anyone Wish To Comment On It.

Being No Further Comment I Will Close The Public Hearing And It Will Go Back To The Board.

Move The Item.

Motion By Commissioner Judah To Move Item 2, Is There A Second?  
Second By Commissioner Hall.

All In Favor?

Discussion?

I'm Not Going To Support This At This Time.

I Think The Timing Of It Is Problematic.

I Would Like Us To See, Prefer That We Find Out Where We Are Going With Our Final Millage Rates.

I Would Like Us To Understand The Environment We Find Ourselves Is Difficult.

We Have To Cut Back To '06 Revenue Levels, I Think To Hit The Rate Payers Of Lee County With A 25% Rate Increase And Sewer And Water And Connection Fees Of 53% For Sewer And 114% For Water Is Probably A Little Too Onerous.

I Would Prefer We Do This At Another Date And Time But I Don't Know If There's Any Will Here To Do That.

But I Can't Support It For The Reasons I Stated.

Okay, Any Further Discussion?

It's Important We Continue To Fund The Expansion Of Infrastructure To Deal With Public Health Concerns.

And As Well As Economic Concerns.

That's The Appropriate Approach To Take, We Have Had The Rate Studies.

The Adjustment Hasn't Been Made In Quite Some Time.

To Do Nothing Or Not Even Support The Recognition To Provide The Infrastructure To Keep Up With Expanding Growth Of The Community Is Just Not Responsible And We Need To Make Certain We Are Keeping Pace With The Provision For Infrastructure And That's Just The Candid Assessment That I Have To Offer.

It's All Well And Good To Back Off And Talk About The Hard Times That People Are Going Through.

There's No Question We Are, But It's Only Going To Be More Difficult For People If We Are Not Going To Recognize The Need To Be Able To Provide For Suitable Infrastructure.

Any Further Discussion?

All Those In Favor Signify By Saying Aye.

Opposed?

And It's Adopted 3-1 With Commissioner Bigelow In The Negative.

Okay.

We've Got A 5:05.

These Are Land Development Code Chapters.

Good Afternoon Commissioners, Dawn Leonard, Assistant County Attorney, I Have An

Affidavit Of Publication For A Third Public Hearing Concerning The 2007 Land Development Code Amendments.

The First Two Public Hearings Were Held In June And The Board Requested It We Continue For A Third Public Hearing To Allow Additional Time For Review.

I Do Enter It Into The Record At This Time.

Mayor From County Staff Will Talk To You About The Ordinance.

Okay.

Good Afternoon Mary.

Good Afternoon, Commissioners.

I Just Want A Refresher Because Our Last Public Hearing Was June 26th.

And Since That Time We Have Tried To Resolve As Many Issues As We Can So You Won't See Too Many People Here To Speak Tonight.

There's Just A Few Issues, I Think About Four For You To Make A Decision On.

I Will Summarize Those Four Quickly.

The First Item Is About Open Space.

We Need A Decision From You Tonight Whether You Want To Adopt The Staff Language Or Language Recommended By One Of The Committees.

What This Amendment Does, If You've Got A Large Project And If You Are Located On A Major Road Like Arteriole Or Collector And/Or Trees On The Property We Would Be Requesting A 50-Foot Buffer.

An Example Is Like Along Daniels Road And 41 Where We Have This D.R.I.

What We Are Trying To Do Is Keep The Buffer In The Front Of The Property.

So That When You Are Driving Down The Road You Can See Green Space.

Page 52 Of Your Ordinance If You Want To Take A Look At That.

The Second Issue Is On Page 84.

Property, Abutting County Parks.

What?  
Page 84.

It's Property Abutting County Parks.

What That Means, If Somebody Comes In And They Have Property Next To A County Park And They Want To Rezone It, It Would Be Required To Be A Planned Development.

And The Reason Is, So The Park Staff Can Look At It And See If They Need Extra Buffering Or Any Other Conditions.

And The Third Issue Is On Page 104.

That's The Bonus Density Issue.

This Is A 2-Part Issue Because We Have Land Development Code Changes And Administrative Code That Goes Along With It.

That's Your Second Public Hearing Tonight.

We Talked About This A Little Bit Last Thursday And The Two Things We Need You To Decide On Is What The Dollar Amount Should Be If You Want A Cash Contribution.

What The Staff Is Recommending.

Right Now It's About 11,000.

The Staff Was Recommending \$40,000 And Some Of The Committees Recommended 20,000.

So Decision About What The Dollar Amount Is.

And The Decision To Expand It To Include Moderate Income.

Which Is What You Had Asked Us To Look At Before.

Now Those Decisions Don't Need To Be Made Until The Second Item Of The Administrative Code.

So What I Recommend Is If You Are Developing The Land Development Code, Adopt The Language On Bonus Density Because It's Really Making Some Of The Procedures More Flexible.

The Last Issue I Think Is Still In Contention Is Non-Conforming Issue On Page 91.

And What This Means Is, Let's Say For Example You Have A House In Lehigh.

And You Want It For Commercial Use, Instead Of Turning It Into Business, You Turn It Into A Business But You Also Live There.

We Are Recommending Not To Do That Because It's Created Some Problems In The Past.

Because When You Convert It, You Need To Meet Fire Codes For Commercial And The Safety Codes And It Turns Into Commercial Business.

But It's Still A House, It Doesn't Have Any Buffering For The Parking Lots.

It Doesn't Have Any Of The Landscaping, It Doesn't Meet Criteria And Becomes A Problem.

And One Little Change On Page 96.

It's A Very New Change, Brought Up By Somebody In The Public.

Want To Make Sure On Staff's Recommendation, The Development Of Abutting Park To Come In As Plan Developments.

That's The Park's Department And Public Works.

For That Change To Take Place.

Any Further Questions?

Yes.

Can You Go To The Page Numbers Again?  
The Open Space, 50-Foot Buffer.

Open Space Is On Page 52.

Page 84.

Right.

Density Is On Page 104.

Non-Conforming Issue Is On Page 91.

I Made A Minor Change On Page 96.

Right.

We Will Want To Take These Up Individually, Right?

I Was Going To Suggest That You Might Want To Take The Public Input And See If There's Any Other Issues And Then Maybe Discuss Them.

I Agree.

If There's No Other Questions We Can Now Take The Public Hearing Because This Is A Public Hearing, Anyone Wish To Speak On This?

Linda Are You Sure You Want To Speak On This Item?

On The Land Development Code 291.

We Started This Back In March Of 2006.

After We Had Hurricane Wilma Come Through.

Since Then I Want To Congratulate Staff.

Mary Gibbs And Heart From The Attorney's Office For Their Complete 180° Turn Around.

I Still Have About Three Outstanding Issues.

Maybe Four.

I Think The Proper Designation Is Development Permits Pursuant To Florida Statutes.

My Concern Is That Somewhere At Some Point In Time, This Language That Proposed That Says All Development Approvals Is Going To Be Interpreted Being Broader Than The Definition Of Development Permits In Chapter 163.

I Believe The Case Upon Which The County Attorney's Office Made This Recommendation Refers To And Is Interpreting Chapter 163 Development Permits.

My Suggestion Is You Try To Keep It As Close As Possible.

It May Never Be An Issue.

But To Be Perfectly Honest, Interpret Proposed As To Say Every Approval, Every Development Approval In The County Has To Be Measured Against Every Section Of The Comp Plan And Found To Be Compliant With The Comp Plan.

I Don't Think That's What The Case Law Says.

I Don't Believe That's What's Intended By This Section Of The Code.

I Would Just Suggest Making That Revision.

That's Fine.

However.

You Get More Time That Way.

John Leonard Assistant County Attorney.

Exactly What Steve Is Saying That We Intended Or That We Might Have Intended Is What We Intended.

We Want All The Development Permits, Approvals Being Issued By Lee County To Be Consistent With The Lee Plan.

That's What This Is Intended To Require.

I Thought That Was A Given.

It Is.

And There's Been Recent Case Law That Has Substantiated That Fact.

And Supports That Position.

And It Has Long Since Been The Position Of The County That Development Approvals Need To Be Consistent With The Lee Plan, However The Development Committee Has Challenged Us On That Because It's Not In The Land Development Code.

Now We Are Putting It In The Land Development Code, It Eliminates The Challenges.

Okay.

Commissioners, If I Might.

Just So You Understand, It Appear To Be Self-Evident, But This Is One Of Timing.

Not Of Substance.

The Issue Is, It Must Be Consistent At The Time The Development Permit Is Issued.

In Other Words If You Have Applied For Something And We Change The Comp Plan After You Apply, The Fact That You Applied Before We Changed The Comp Plan Doesn't Save You.

That's The Key Difference Here.

Without Turning This Into A Long Debate, I Don't Argue With The Position That All Development Permits Must Be Consistent With The Lee Plan.

That's In Effect At The Time.

My Concern, The Way It's Written, It Doesn't Say Development Permits, As Defined Under Chapter 163.

It Says Development Approvals Issued By Lee County, Et Cetera, Et Cetera.

As Opposed To, Just Refer To The Statute, Which Is What The Case Was Interpreting.

So It's Not, This Isn't Some Attempt To Broaden Or To Create A Loophole.

I Frankly Believe If You Don't Talk About The Development Permits, Defined Under 163 That You Are Going To Be Interpreting This Provision Of The Land Development Code As A Separate Issue From That Case That Came Out.

You Will Be Debating This One Independent Of The Issue Of Whether Development Permits Must Be Consistent With The Lee Plan At The Time It's Adopted.

Or They Are Permitted.

To Some Extent This Development Approval Is Developed By Lee County, Et Cetera, Et Cetera.

I Won't Go Into All Of That.

County Attorneys May Address That Once Again.

Since We Are Taking These One At A Time.

Commissioners, We Are Fine With The Language He Is Proposing.

That Was Our Intention.

To Add, As Defined By Chapter 163?  
That's Fine.

Do You Want Me To Read That Again.

All Development Permits As Defined In 163.3164 Must Be Consistent With The Lee Plan At The Time It Was Issued.

Second Point Refers To Page 52.

The 50-Foot Native Tree Buffer Along Arterioles Or Collectors.

The Question That I Guess I Would Have For Staff Is That It's Not Very Clear To Me What That Term 50-Foot Right Of Way Buffer Means.

Under The Proposed Language, It Says That It Has To Be Designed To Provide A 50-Foot Right Of Way Buffer For Tree Preservation.

And The Question Is How Many Trees Does It Take To Require When You Say A 50-Foot Right Of Way Buffer, Does That Mean There's An Automatic 50-Foot Setback If There Is Any Native Tree Within That Front 50 Feet?

I Don't Think That's What Staff Is Saying But It's Not Real Clear.

From That Language.

Now The Alternative Language That Was Proposed By The Land Development Code Advisory Committee And Eroq Looks To Me Like They Attempted To Address That And Clarify That.

I Would Suggest Their Language Is More Clear With Regard To How To Implement That

Preservation, Indigenous Preservation Requirement.

I Had A Chance To Talk To Staff, I Understand What They Are Talking About.

Which Says Essentially, If You Have Indigenous Vegetation Up Front Along The Right Of Way, And You've Got It Someplace Else, Preserve The Stuff Up Front Along The Right Of Way, That Will Count As Part Of Your Requirements.

To That Extent I Don't Think There Are Huge Objections To It.

It's Just Not Very Clear From The Language That's Been Drafted.

Although The Eroq Language Comes Close To How That Would Be Implemented.

The Next Point.

Let's Make Sure We Covered This.

I Think The Way The Land Development Code Committee Restructured The Language.

The Way It's Written It Would Exempt A Lot Of Projects.

And We're Not In Favor Of It, It Is Designed To Be Flexible, If You Want We Can Add Some Language.

To Make It We Have A Couple Sentences We Can Add To Make It Be Flexible But I Think If You Adopt The Committee's Language It Will Exempt A Lot Of Projects.

On Your Main Corridors, On Your Frontage You Do Want To Maintain Green Space And Trees.

How Many Trees?

It Depends On What's On The 50-Foot, If There's One Pine Tree, We Know We Aren't Going To Say You Have A 50-Foot Buffer, If You Have A Big Cluster Of Pine Trees And A 50-Foot We Would Like To See The Cluster Of Trees Retained.

But That Doesn't Mean I Have To Do A 50-Foot Buffer, I Would Obviously Try To Apply Common Sense And Logic.

If You Aren't Comfortable With That, Let Me Come Up With A Couple Sentences We Can Add.

It Does Clarify Here, Mary, The Last Sentence, The Native Tree Preservation Buffer May Be Used Toward Requirement.

We Tried To Make It Flexible And Provide Some Incentive.

That's On The Next Page.

Community Alternative, Gotcha.

I Guess The Committee's Didn't Like Open Space.

Let's See, The Staff On Page 52, Committee On Page 53.

I Hope Your Page Numbers Are Numbered The Same As Mine.

So Far So Good.

What I'm Hearing Is That's Not What's Intended, Instead What You Are Intending To Do Is To Preserve Clusters Of Indigenous Or Native Trees That Are Along The Right Of Way.

May Come Back Next Year For Further Clarification If It Proves To Be Problematic.

So I Will Move Onto My Next Point.

Mary, Isn't There A Way To Articulate That?  
Somewhere As, By The Way, What We Mean Is.

Here Is, Since I Knew State Was Going To Be Here Tonight, Here Is What I Suggest We Would Add, A Paragraph, Applications Pursuant, Difficult Sites Such As Irregularly Shaped Parcels May Demonstrate It Could Be More Effectively Accomplished Through An Alternative Right Of Way Design.

Alternative Design Is At The Discretion Of The Director, That Way We Know, If You Have A Problem Site We Can Work With You.

Let Me Make One Suggestion.

If You Talk About Irregularly Shaped Indigenous Areas As Opposed To The Parcel, Because It Really Didn't Make Any Difference What The Shape Of The Parcel Is, It's The Shape Of The Indigenous Area.

Got It.

So We Can Say Parcels Or Indigenous Areas To Cover Either.

Thank You.

Go Ahead, Next One?  
Page 84, Section 34-341.

That's The Requirement For Plan Development Zoning For Every Residential Development Or Zoning Change That Abuts A County Park.

It Used To Say County Park Or Preservation Area.

Someone Is Thinking Of Donating And They Will Essentially Be Put In A Position, Having To --  
Whoever Has The Cell Phone Better Run Out And Get The Doughnuts.

Someone Who Would Think Of Donating Land Is Essentially Put In A Position Now They Have To Do A Planned Development Zoning.

You Are Required To Do Planned Development.

Zoning.

You Are Required To Get A P.D.

The Purpose I Think Is So Then Conditions Could Be Put In Place To Prevent You From Doing Something Bad Next To A County Park But If It's Located Close To Your Property Why Should You Be Penalized.

They Have To Go Through A Planned Development Zoning Process.

What We Are Looking For Is Compatibility, Steve.

We Haven't Been Getting It.

I Have A Question For Mary, This Was Brought Up To Me By Some Folks In North Fort Myers Who Have Five Acre Parcels That Do Have Conservation Land And They Are Looking To Build Their Own Home.

Mary, Would They Be Required, If They Go Ahead And Build Their House On Their One Acre Or Five Acres Would They Be Required To Have To Do A Plan Unit Development For Their House?

They Could Do That Under Existing Zoning, Like If They Were Zoned Under Agriculture.

We Are Saying Abutting A County Park.

This Isn't A Section On Zoning, So What It's Saying Is If You Have To Rezone Your Property, Then You Would Have To Rezone It To Planned Development.

S There's Another Section Where You Get A Development Order Or A Permit, So It Doesn't Apply.

If You Don't Have To Rezone It, You Don't Have To Buffer It, If You Do, This Is Saying You Have To Do The Planned Development And You Would Review The Buffers At That Time.

They Wouldn't Have To Build Their Personal House To Get A Planned Development.

Even If They Have To Go Through A Zoning Change?  
If They Develop A Subdivision.

I Understand The Reasoning For It.

Okay, Very Good.

Is That It, Steve?

Last Point Goes To The Two Issues With Regard To Non-Conforming Residential Uses And The Rezoning To Commercial.

Staff Pointed Out That's Created Problems When That Happens But I Believe The Problems They Are Talking About Are Essentially Code Enforcement Problems.

In Other Words, People Who Have Had Existing Residential Uses And Rezoned It To Commercial Have Subsequently Sold The Property And The Next Property Owner Comes In And Doesn't Comply With Commercial Standards.

That's A Code Enforcement Issue, You Deal With It By Requiring People To Meet The Standards That Are In Place.

Otherwise What You Essentially Say To People Is Even Though You Agree That It's Appropriate For Them To Rezone To Commercial And They Are Allowed To Continue The Residential Use, They Can't Sell The Property And The Next Person Can't Continue That Residential Use, You Are Essentially Saying No More Residential Once It's Converted And What That Prevents Is Say Mom And Pop Who Have A House In Lehigh Who Is On The Main Road There.

Everyone Agrees It's Appropriate To Rezone It To Commercial So They Can Sell It At Some Point In Time For Commercial, Conventional Commercial Property.

If They Rezone It, Then They Can't Continue With The Residential Use.

Do You Want To Hear From Mary Gibbs In Response To The Incompatible Use.

There Is A Point On The Non-Conforming Use.

It Is A Code Enforcement Issue.

It Becomes A Problem When They Can Convert Residential House To Commercial Use Continue To Live There, Not Get Permits For Remodelling.

The Intensity Of A Commercial Use Without Putting In Any Kind Of Buffers Or Landscaping Or The Appropriate Parking Lot.

Or Meeting The Building Codes For Commercial Buildings.

There's No Solution.

It's Problematic.

Other Questions?

Continuing On With A Discussion.

Like I Said This Was A Public Hearing, I Believe We Have Had It.

Jim, Did You Want To Speak On This Issue?  
Thank You Mr. Chairman, As A Matter Of Fact I Do.

We Have A Piece Of Property In Alba And We Find Ourselves With About A Mile Of Frontage.

I Don't Know If That's Going To Be A Park Or What You Have But You Bought Several  
Thousand Acres There.

It Appears We Will Be Adversely Affected That We Will Have To Dispose Of Our Property For  
Some Other Use.

It Doesn't Appear To Us We Will Work Out Anything That Will Continue An Agriculture  
Operation There.

If I Had Been Aware Of This, I Would Have Had An Attorney Here To Speak With You About  
It.

We Have Been Pretty Generous With The County Over The Years.

We Got About Two Miles Of Road That Either Goes Through Our Property Or Borders It.

There's Cemetery Road And Parkinson Road And County Road 78.

And We've Never Charged You For Any Right Of Way Or Anything.

It Just Seems To Me This Will Make Things A Whole Lot More Complicated And Expensive  
For Us To Proceed.

Then It Would Without It.

I Would Like To Ask You Not To Do It, Thank You.

Mr. Chairman?

Commissioner Hall?

You Are Talking About The Requirement For The Planned Unit Development When Your  
Property Is Adjacent To A Park Or A County-Owned Conservation Land.

I Just Want To Make Sure It's Clear What You Are Objecting To.

Mary, Do You Want To Comment On That?

I Did Want To Mention After The Last Public Hearing In June, We Did Get Comments On  
The Conservation 20/20.

We Got Comments From Class Act, They Didn't Like The Language So We Removed The  
Language, That's Not In The Amendment Anymore.

So That Should Satisfy At Least One Half.

Okay.

Ready To Move.

There's A Motion To Approve.

I Will Second With The Changes We Have Made.

Mary?

Under Discussion?

I Just Want To Add One Thing I Forgot.

Would That Include On Page 96 There Was A Staff Recommendation.

I Assume You Are Including The Staff Recommendation?  
On Lines 7 And 8.

With The Perimeter Wall And These Car Lots.

With The 25-Foot Setback.

That's Just To Make It Consistent With Other Sections.

The Secunder Agrees.

Further Discussion.

Yeah.

I Think You Wanted Us To Take The Bonus Density First?  
Your Next Item Which Is The Administrative Code.

You Want Us To Take It Last.

Any Further Discussion?

I Think We Need To Discuss This, There's So Many Here.

I Think The Points Are Well Taken Here With Respect To What Mr. Hartsell.

Requiring A P.U.D.

Next To A Park.

When We Kind Of Have The Decks Stacked In Our Favor, Where We Can Ask During These Rezonings.

Not If It's Additional Staffing Request.

I Think It's Something That's Troubling.

It Puts A Heck Of A Burden On A Small Mom And Pop, As The Saying Goes.

It's Just A Heck Of A Thing To Do To Somebody Because They Have Paid To Rezone It Commercial But The Market Being What It Is Has Turned And They Need To Continue To Use It, To Use The Building That's On The Land.

It's A Single Family Or Duplex Or Whatever.

Seems Like They Ought To Be Allowed To Do It.

I Think That's Putting A Lot Of, It Just Seems A Little Onerous.

Mr. Chairman.

It's Related To This.

Mary Can You Give Us Any Indication As To How Many?

I Just Can't Imagine Too Many Mom Or Pops Or Widow Or Widower Who Lives In A House On Lehigh Who Goes Through The Zoning Process Just To Put The House On The Market? Does It Happen All That Often?

I Wouldn't Call That Your Typical Example.

The Typical Is The Business.

Usually Someone Buys That House And Allow The People To Stay In There Perhaps, But They Know Going Through The Process It Will Come To An End.

And Out You Go At Some Point.

Right.

Are We Talking About Some What-Ifs Here That Are Really Not An Issue.

I'm Hearing What's Been Said But I'm Not Feeling It As A Real Problem.

Are You Telling Me --

I'm Saying It's Like That Scraggly Pine Tree.

It Does Happen, But It's Not Your Typical Case.

Well, We Can't Cover Everything.

What Was The Advisory Committee's Opinion On That?

I Don't Remember Off The Top Of My Head But I Think They Were More, I Think They Were More Aligned With The People, Developers That Proposed It.

I Think They Basically Agreed That, You Know You Should Be Allowed To Have Both Uses And Let The Committees, Usually Do Agree More With The Developers.

Okay.

I Don't Think My Objections Are Significant Enough To Move Anyone.

Okay, Signify By Saying Aye, Opposed?  
The Motion Is Adopted.

Can I Just Clarify One Thing.

Open Space Item?  
Uh-Huh.

Okay, Did You Want To Do The Second Item Which Is The Bonus Density Administrative Code.

Two Decisions 5:05 Item Two.

That's What I Was About To Call Up.

That Is The Administrative Code.

That Spells Out The Details Of Bonus Density, We Tried To Make It More Flexible But There Are Two Decisions You Need To Make.

And The One Is Sometime Back I Think You All Have Asked Us To Look At Raising The Fee, On A Somewhat Regular Basis, 11,000 Now, The Staff Looked At Similar Areas And What It Takes To Subsidize Units And Came Up With A 40,000 Recommendation, But The Committees Thought That Was A Little Too High And They Are Recommending \$20,000.

We Need A Decision From You What Do You Want The Fee To Be.

You Can Do \$20,000, \$40,000, Leave It At \$11,000 Or Make It Something Else.

The Second Item, Did You Want To Expand That To Include Moderate Income Housing Which You Had Asked Us To Look At Before.

Mr. Chairman?  
Yes, Commissioner Hall?  
Mary, I Think It's Interesting.

We Have A Pretty Big Gap Between \$20,000 And \$40,000.

11,000 To \$40,000.

Give Me An Idea Why This Was The Magic Number Based On The --  
The \$40,000?

I Would Like Matt To Explain That.

For The Record Matt Noble Division Of Planning.

We Looked At What It Cost To Subsidize People To Get Into Low And Very Low Units.

Subsidies Run Upwards Of \$65,000 A Unit.

We Also Then Surveyed In Florida All The Jurisdictions That Have Bonus Density Programs  
And Looked At What Everybody Was Charging.

And There Was A Range, A Very Large Range From Manatee County, Was About \$4,000 A  
Bonus Unit Where We Were Years Ago.

All The Way Up To Some Of The Municipalities On The East Coast, Such As Del Ray, Boca.

They Are All In The Neighborhood Of \$60,000-\$65,000.

We Weighed Those Factors In Our Recommendation Of \$40,000.

Okay, Further Discussion?  
Yes, Can I Ask Mary.

Say The Committees Were In Support Of \$20,000, Is That Unanimous?  
Well Not The Affordable Housing.

They Agreed To \$20,000.

I Think Everyone Felt The Jump From \$11,000 To \$40,000 Was A Little High.

One Thing I Might Want To Add, You Might Want To Ask For Public Input Since It Was An  
Advertised Second Item.

Yeah, We Haven't Opened It Up For Public Comment Which We Will Do.

We Are Trying To Get The Staff And Board Questions Out Of The Way First.

Can We Proceed On Public Comment?  
Okay, This Is A Public Hearing.

Look Here Is Steve Heartsell Again.

Steve Heartsell For The Record.

With Regard To The Cost Of The Bonus Density, I Would Encourage You To Go With The  
\$20,000 Fee, Recognized At \$11,000 You All Have Determined Is Too Low, I Would Suggest

To You, And I Believe That Commissioner Judah, You Mentioned It During The M.M.P.

That Given The Decline In The Housing Market That At This Point In Time \$20,000 Is Probably Reasonable In Terms Of A Limited Increase.

I Think Part Of The Issue Is The Point That You Want Is To Encourage Development Of These Types Of Units.

If The Fee Gets Too High, And It Doesn't, If It Removes The Profit Incentive You Aren't Going To Develop The Housing Units, That's Part Of What You Are Trying To Talk About Here.

I Would Encourage You To Make A Limited Step Up To The \$20,000 This First Time, If You See That's Something That Has A Great Deal Of Demand Then It Would Be Reasonable To, At Some Point In The Future Re-Examine This.

I Think That's Probably What The Various Committees Were Considering As Well.

Understand That In Addition To The \$40,000 Or \$20,000 That People Will Be Paying For These Units, They Are Also Talking About Substantially Higher Impact Fees And Various Other Fees We Are Looking At As Well.

That Would Be My Encouragement.

My Comments Spoke More To Incentivizing Building Units On Site In Lieu Of Paying The Off Site Fees In The Affordable Housing Trust Fund.

If We Made It High Enough That Would Help To Incentivize The Developers To Build Their Bonus Densities On Side As Opposed To Paying The Fee In Lieu Of.

If I Understand It Correctly.

Any Of These Processes Have To Be Approved By The Board.

If Someone Comes In And Says They Want 50 Affordable Housing Units At 11,000 Per Unit Or 20,000 Or 40,000 Per Unit You Still Have To Approve That.

Which Means Ultimately You've Got The Say On This.

So I Don't Think That It's Being Used That Much Right Now.

I Don't Think You Have Very Many Instances Where It's Being Approved.

And I Think That Message Is Also Getting Out Into The Community That It's Very Difficult To Get These Approved.

So To Some Extent Your Concern About Whether It's Being Done On Site Or Whether Folks Are Going To Be Taking Undue Advantage Of This Process Or Procedure, I Don't Think It's Going To Be A Major Concern.

I Think At 20,000 A Unit You Are Likely To See More People Take Advantage Than You Are At \$40,000.

But Ultimately You All Decide Whether They Do Or Don't.

Thank You.

Thank You.

Questions?

Comments?

I Think More Public Comment?

More Public Comment, Yes.

As A Real Estate Broker In The Marketplace, I Believe It Will Assist In Incentivizing Adding Units.

Currently The Market For Any Units Are About \$15,000-\$20,000 In The Door, If They Have To Pay \$40,000 To Add More Units It's Financially Not Feasible To Do That, Therefore The Objective Of Creating More Densities And Less Impact Will Not Be Achieved.

I Would Suggest As We Discussed That The \$20,000 Was Not A Random Number But Market-Driven Which Might Actually Cause Us To Achieve The Outcome I Understand The Process Is Meant To Achieve.

Thank You Very Much.

Thank You.

Any Other Comments.

Just One, Mr. Chairman.

Are We Still On Public?

I Just Want To Get A Response.

Commissioner Mann Had A Question.

Commissioner Hall Had Thrown Out A Suggestion The Other Day When We Were On This Subject That I Liked But I Don't Know How We Get There.

It Had To Do With Trying To Create A Mechanism Whereby We Could Discourage Bonus, I Mean Discourage Density And Rural Areas, Truly Where We Don't Think It's Appropriate, If There's Some Way To Transfer That, I Don't Know What That Mechanism Is But That's The Kind Of Encouragement I Would Like To See To Discourage Density In Certain Areas By Allowing It Here.

But Can I Get There?

We Don't Allow Bonus Density In Rural.

I'm Talking Bonus Density And Rural.

Talking Existing Density, Whatever Is Allowed There To Reduce That More.

If There's A Way To Trade That Up.

One Thing With The Bonus Density, You Might Not Be Aware Of, It Only Applies In The More Urban Areas.

If Somebody Came In A Rural Area You Can't Do That.

Sorry I'm Not Expressing Myself Clearly.

I Know What You Mean Then.

If You Needed To Up The Density In Other Urban Areas.

We Will Have An October Management And Planning A Discussion Of Some Other Housing Options As A Follow-Up To Last Week's Meeting.

If There Is That To Work On, I Would Be Happy To Work On It With Somebody.

Any Other Public Comment At This Point?

Years Ago That Plan Was More Or Less Implemented In Green Way.

All Of The Sudden, It Went To, What Do You Call It Now?

Wayne Daltry?

That Sort Of Died When It Went To, What's Wayne Daltry Ahead Of Now?

That Might Be An Answer To Your Question.

Funny I Had This Stuff In My Folder Tonight And I Took It Out Before I Came.

John Is Correct.

Discussion That Took Place About The Overlay And Drgr.

Align For Transfer Density.

Further Discussion?

I Have Public Comment.

I Don't Have Anymore.

But More May Come Up.

First Of All, My Suggestion Wasn't To Eliminate Density In The Rural Area, My Thought Process Was That We Need To Incentivize Private Property Owner To Work With The County On Creating Habitat Corridors And Opening Up Easements.

There's Lots Of Ways To Do That, But It's Not To Say You Have No Building Rights, We Will Transfer Them Out.

Because I Don't Think In An Entirety That's Going To Work.

Land Uses That Incentivize 50% Or More Of Green Space, For Us To Try To Define And Be Proactive.

In My Opinion It's Just Not One Unit With A Bunch Of Amenities In The Middle.

But That Was My Point.

It Wasn't, I Really Hadn't Thought About Transfer Development Rights But That's Certainly Another Option.

My Concern On This Item, It's Going To Go Back To, I Personally Have To Agree With The Committee.

I Think Going To 40 Was Too Big.

But We Haven't Addressed Affordable Housing.

We Have A Bonus Density.

I Can Support The Moderate Housing Addition Here.

It's Very Challenging For Someone To Build On Site, Very Low Income Housing In These Gated Developments Coming Before Us.

I Think It's Sad, I Think.

Because I Don't Think The Same Comments Are Made On Thursday, So I Do Support The \$20,000.

But With The Caveat.

Let's Get On With The Issue Of Affordable Housing And What Kind Of Rules We Have For Inclusionary Housing Because I Don't Think That During The Zoning Process We Get Enough Information To Make Good Decisions On Inclusionary.

And I Really Hope That We Can Get Beyond Trying To Ad Hoc, Sort Of Case By Case Address Affordable Housing, I Think We Have To Have A Comprehensive Program We Can Inspire And Instill Good Affordable Housing Developments That Not Only Deal With Moderate Housing But Workforce Housing And I Don't Want To Lose The Amount Of Money To Put People In Home Opener Ship.

Ownership.

We Have Lots Of Programs.

I Know There's Been So Much Talk About It, But I'm Ready To See Some Policies Come Up For Us To Review And Get On The Table.

And I Don't Think The Bonus Density Is The Key To Our Affordable Housing Challenge.

I Think It's One Very Small Component And I Would Hate For Us To Undermine Putting Money In That Program So They Can Do Their Job In Truly Getting Some People In-Housing, Because We Wanted All Inclusionary And Guess What, No One Will Buy Those Houses, It Will Sit Empty.

Then You Come Back To Commissioner Mann's Comments.

Do We Really Want Bonus Density In Urban Corridors?  
We Had A Case On Page Park, Commissioner Mann's Comment, Why Would We Put More Density Where There's Already A Lot Of People.

I Don't Feel Comfortable Going From One Extreme To The Other In One Evening.

So I Guess My Happy Medium Is Moving Forward With Making The Change To Include Moderate Because There's Been Precedents Set By This Board, Rather Than Jumping By 20,000, To 40,000, To Collectively Go The Same Direction On A Bigger Picture.

I'll Second That.

I'll Make That Motion, Thank You.

It's Been Moved And Seconded.

We Will Go To 20,000.

Include Moderate.

Under Discussion?

Yes.

It Appears That's A Reasonable Approach To Take Tonight.

I Do Want To Incentivize.

To Want To Build On Site.

We Want To Provide For The Ability For In-Fill Development.

And I Don't Want To Make It So Onerous The \$40,000 Would Prevent That From

Happening.

I Guess I'm Just Going On Faith Here The \$20,000 Is Perhaps Appropriate In This Day And Age.

We Can Change It.

We Can Always Adjust It Later.

We Can Adjust It.

It Appears This Would Be The Common Ground We Can All Settle On And Move Forward.

Okay, I'm Closing The Public Hearing On That Particular Portion And We Will Proceed.

You Have Heard The Motion And Second.

Further Discussion?

Yes.

I'm Going To Just Make A Pitch Once Again To Try To Keep It At \$40,000 To Build Off Site.

I Would Like Us To Consider How We Can Use This As An Incentive Program So We Might Sell The Moderates Bonus Density At \$20,000, Low At \$10,000 And Very Low Free If It's Built On Site.

I Think There's A Way To Use This Program To Incentivize The Development Industry Into Providing Us The Units In The Places We Desperately Need Them.

I Am Going To Support Today's Motion.

I Really Think There's Some Wonderful Creative Things We Could Be Doing We Are Missing The Opportunity Of Doing, But That's Where I'm At.

Further Discussion, All Those In Favor Of Saying Aye.

The Motion?

Opposed?

The Ayes Have It, The Motion Is Adopted.

That Takes Care Of Items One And Two, I Believe On The 5:05.

Is That Right, Mary?

Now We Will Proceed With Some Other Items On The Agenda.

Before We Get Into Your Presentation, Commissioner Bigelow, I Will Call On Jim English Who Apparently Wanted To Speak At 5:05.

I Would Like You All To Take A Look At These Photographs.

There's Some Presented Information.

The Photographs That I've Got Here Were Taken On The 7th Day Of September In 2006.

In Other Words About 11 Months Ago.

If You Check The Record You Find The Rainfall Was Below Normal.

We Aren't Talking About Flood, That's 25 Year, 50 Year, 100 Year Or Even A 5-Year Storm.

The Property There Highway 31 In Charlotte County And The Property On The East Side Of The Road Is Where The \$45,000 People Are Going Into The Babcock Ranch Community And On The Other Side Land Owned By Private Individuals.

It Concerns Me That The County Isn't Taking Anymore Interest.

In That Problem Up There.

At Some Point You Are Going To Have To Deal With It And If You Wait Until This Permit Process Is Over It May Be Very Expensive For The County Tax Payer.

Thanks, Jim.

Linda Carter.

No Person Left Behind.

Is Linda Still Here?

I Think She Left.

I Think She Left.

She Told Me She Wanted To Speak On No Person Left Behind.

Want To Say Thank You -- (Inaudible) The Other Thing We Need To Consider When You Talk About Affordable Housing, People Out There Don't Drive.

How Are They Going To Get From Point A From Affordable Housing Back In To Where They Need To Work?

There's No Busses Most Of These Places Where They Build Affordable Housing.

They Aren't On The Bus Route.

People Can't Even Get The Doctors Appointment, Use Any Other Transportation.

So Where You Put Your Affordable Housing For Transportation For These People To Get Out, How Are They Going To Do This?

If You Build It In A Rural Area You Have To At Least Provide Transportation For These People Who Are Your Workers.

Nowadays, Two Cars, Several Hundred Dollars Insurance, Several Hundred And \$600 Gas Bill For A Lot Of People At \$3 A Gallon.

\$2.80.

People Can't Afford Plus High Mortgage And Rent.

So They Use The Bus System, Public Transportation, We Need To Expand So If They Use Affordable Housing Can Get These Places And A Lot Affordable Housing People Work Night Shift, How Do They Get To Work At Night And Get Home?

We Are One Of The Few Cities That Doesn't Have A Night Route For Our Bus People, We Cut Off At 9:00 Or 10:00.

We Need To Do This, If We Expand, Look At The Entire Program.

One Area Relates To The Next And Then Onto The Next, Because We Have To.

The Last Thing Is September, Emergency Preparedness Month.

I Gave Commissioner Janes Some Information.

I Want To Make Sure You All Do Know.

We Will Be Featured On A Presentation During The Fourth Week As Soon As I Get That Information I Will Share It With You.

Thanks, Linda.

Okay.

Before I Turn It Over To Commissioner Bigelow And His Minority Affairs Group, Is There Any Other Issue Someone Would Like To Raise At This Point?

I Don't See Any, So Commissioner Bigelow, I Think You Wanted To Make A Presentation, Did You Not?

I'm Not Making A Presentation.

Is Mary Ann Vargas?  
David Vargas.

Is That Her?  
There She Is.

Mary Ann, It's My Understanding You Were Going To Speak On The Resolution.

No?  
Am I Off Base There?

I Apologize.

State Your Name For The Record.

I'm So Tall.

Mary Ann De Vargas, Member Of The Black Affairs Advisory Board.

We Certainly Support The Resolution That I Think The Commissioners Have All Received.

The Only Thing That I Have To Add This Evening Is That It Was Our Understanding, Ours Meaning Mine And David's.

That We Were Supporting The County Manager In His Efforts To Work Together As A County.

To Work On This Document.

That It Was Not Going To The Press.

That We Weren't Asking Anyone External To Work On It With Us At This Time.

So We Are A Little Bit Disappointed That It Hasn't Been Brought Forward In The Way We Hoped But We Are Supporting The Concept.

Okay, Well Thank You Mary Ann.

It's My Understanding We Will Take Public Input.

That's What We Are Doing.

This Is Apparently Somewhat Not What Mary Ann Was Saying.

There's A Gentleman In The Back.

Good Evening Commissioners.

I Would Like To Echo Some Of The Comments Made -- Sorry, My Name Is Jared Edie I Serve As Chairman Of The Black Affairs Advisory Board.

We Support The Resolution Drafted By The Hispanic Affairs Advisory Board.

But As Our Board Would Like To Thank County Administration To Meet With Us.

Tonight I Speak In Favor Of It.

We Feel There Are Some Discrepancy In Terms Of Hiring Practices But Since We Have Talked To Administration They Will Be Taken Care Of.

To Say There Is A Need For Us To Look At The Practices As A Life Long Resident Of Fort Myers, Albeit 25 Years, I No Know It's Important To Keep Making Gains With Lee County Government.

I Was An Intern For Commissioner Janes So I Know It's A Great Place To Work, But Also Know It Needs To Be Considered That We Have A Lot Of Work To Do.

That's The Purpose Of Our Resolution, And They Have Met With Us As The Three Minority Boards To Solidify Our Approach To See An End To This Problem As We See It.

The Diversity Officer In Our Opinion Is Not The Only Alternative, However The Only At The Moment, So We Are Very Grateful You Took This Time To Consider Our Plea To You And We Would Like You To Consider Other Alternatives To Ensure That The Diverse Workforce From The Top To The Bottom Is Reflective Of Our Community.

Thank You.

I Didn't Recognize You Back There.

The Resolution Documented, A Lot Of Work We Have To Put On It.

But The Idea Will Solve Some Of The Problems Lee County Has Right Now.

With The Lack Of Diversification At The Apex Level.

So As A Member Of The Multi-Cultural Advisory Board I Urge You To Adopt The Resolution.

Thank You, Nick.

Pastor, Were You Commenting Too?  
Reverend?  
Anthony?  
Okay.

Good Evening, Commissioners.

I Hoped To Speak A Little Earlier But Time Is Short.

I'm Here Today To Support Commissioner Bigelow In The Black Advisory Board.

I Was At The Last Meeting.

I Don't Care About Meeting With Administrators And Having Them Give Us Assurances That Their Practices Have Changed.

I Served On The Advisory Board In The Past.

I'm Not All Concerned About That.

What I Am Concerned About Is The County Commission Consider And Adopt This Resolution.

I Know Mr. Vargas Quite Well.

He Is A Thoughtful Man.

Commissioner Judah And I Both Have Great Respect For Mr. Vargas, I Don't Care This With A Leaked To The Media, It Should Be Before The Citizens Of Fort Myers And I Was Very Pleased This Morning To Read The Paper And To See That The News Press Saw Fit To Place This Important Issue Of Public Policy On The Front Page, So I Don't Share The Comment With Others Disappointed This Was Somehow Given To The Media, It's Important When You Engage In A Public Debate All The Information Is Given To The Citizens.

Let Me Just Say A Word About The Person Bringing Forward This Thing At The Commission Level.

I Know Some May Criticize Him And His Tactic And The Way He Brings About Issues.

You May Not All Agree With How He Brings About Issues But As A Citizen Of Fort Myers And He Is My Commissioner And I Can Tell You I Believe His Approval Rating Would Be Higher Than Anyone On The Board Because People Want To See Their Elected Officials Engage In Dialogue.

I Happen To Be Involved In Politics.

I Don't See Anything Wrong With Asking Questions, I Watch C-Span All The Time.

When You Go Before The Senate Or Before The U.S.

Congress Or House Of Representatives, You Will Be Asked Questions.

So Those Who Attack People Because They Take Their Fiduciary Responsibilities Serious And Ask Questions, I Believe They Are Off The Mark.

If You Look At Statistics Commissioner Bigelow Has Brought Forward To The Board, Dealing With The County Manager's Department.

You Will See There's A Lot, There's Very Few Minority,.

There's Not One African American Or Hispanic.

That's A Problem, When You Look At The Port Authority You Have The Same Problem.

I Believe That Lee County Needs To Address The Spirit Of Leism.

Which I Believe Is Institutional Racism Within The Government That Perpetrates Injustice To The Citizens Of Color In Lee County.

I Applaud The Commissioner Or County Manager Whoever Hired Andrea Fraser, That's A Step In The Right Direction.

I've Been In Politics For A While, I Know Every Time You Begin To Ask Questions About Public Policy They Try To Throw You A Bone.

We're Not Going To Be Satisfied Because You Gave Us One Position And Say We Met Our Quota, I Don't Believe In Quotas, I Believe In Equal Access, We Need Affirmative Action The Way We Do At County Commission, Because There's A Problem With Hiring And I Strongly Urge You To Adopt This, Thank You Very Much.

Thank You.

Anybody Else.

Yes Ma'am.

I Moved There In 1988.

It Was Really A Hidden Paradise, Because I Had My Own Property, Took Care Of Myself.

Did My Own Work And Lived With People That Was Mixed.

We Were Diversified.

Now All Of The Sudden, Three Houses Sold.

In Back Of Me.

To Adjacent To Me.

And Of Course Through Hud.

Now I Come From Michigan, Live In The Detroit Area.

I Integrated.

Do You Understand.

We Had A Lot Of Problems Years Ago But When I Go By Because At My Age Now I'll Be 80, In A Month Or So, When I Go Down First Street, Last Month, Steady Because I Had A Little Job There.

And These High Rises, The People Working There Came Out, I Saw One Black, One White, Out Of Hundreds.

All Spanish Or Hispanic.

The Way I Figure That The Only Reason I Saw So Many, That They Are Being Exploited.

They Are Being Used.

My Area Working 40 Hour Weeks The Men Were Working 60-70 Hours.

I See The Spanish Family In The Morning During The Season Get Up, Get A Car Full Of People.

Go To Work.

5:00 In The Morning, Return At 7:00.

They Might Be Traveling An Hour Or Two But That's People Working A Long Time.

Several People On My Whole Street Down, Did Bankruptcy.

They Lost Their Home.

Okay.

Now We Can Say All Right.

They Have A Drinking Problem, They Have A Drug Problem.

But I'll Tell You One Thing, We Have A Drug Outfit On Almost Every Block, It Wasn't That Way A Year Ago, Or Year And A Half Ago.

Because Now We Are Bringing In People That Have Left And Bringing In People That Can't Afford Their Houses.

They Overpaid A Few Months Ago, Okay.

Nine Or Ten Times Somebody Is Going To Lose A Little Bit More.

But I Saw Something About A Week Ago When I Turned The Corner, Was A Black Woman, I Almost Cried.

Because She Had On Her Hand Two Little Kids Following Her.

And Those Kids Weren't Well Dressed.

And She Wasn't.

But Honest To God I Wish I Could Have Had A Picture To Take Her Face.

I Think To Find Diversity Has To Start From The Bottom Up.

When They Can Exploit People To Work In The Places That Say A White Man Wouldn't Work, I Think It's A Disgrace, I Think We Are Going Backward Instead Of Forward.

I Mean, Look, We Have Lost So Many Things In The Last Few Years.

And We're Losing Them One By One By One.

And Meanwhile, We're Making People Poorer And Poorer.

And The Working People.

I'm 80.

I Don't Have To Worry.

I Lived In The Best Of Times.

But We Are Creating A Problem Like This Big Headline Out There, How Many People Are Sitting And Already Building Prejudices.

Because They Think The Spanish Are Getting Too Much.

Or Guatemalans Are Coming Here And Setting People Against Each Other?  
Diversity Actually Calls It Harmony, But If You Want To Continue Letting A People Being Used By Employers, Then We Are Headed For More People Hating Each Other.

Not Harmony.

Thank You Very Much.

Anybody Else Wish To Comment?

Yes, John?

John Keller For The Record.

Diversification, Fine.

The Young Gentleman Who Was Just Up Here Before With A List Of Employees That Weren't Hired, Whether They Were Black Or Hispanic.

We Have A Young Lady Right Here Who Is An Assistant County Attorney.

And Diversity, The Only Thing We Have To Watch For Commissioner Bigelow Is Qualification.

This Has Been Tried In Lee County Here Before.

The Library System.

Under Our Present County Manager And He Admits He Finally Made A Mistake When That Person Was Hired, I Had Gone To Commissioner Judah And Said This Is Wrong, She's Not Qualified.

And We Had Turmoil In Our Library Situation.

So The People Have To Be Qualified.

I Don't Mean Because They Are A Minority.

I Have A County Ditch That Has To Be Taken Care Of Several Times A Year.

Consequently The D.O.P.

Doesn't Do It Until I Call Commissioner Judah.

But There Are Three People There From D.O.T.

One Was Puerto Rican, One Was Black, And One Was Hispanic, So We Have Diversification In Lee County But When You Go Higher They've Got To Be Qualified.

Thank You.

Anybody Else.

Yes, Sir?

My Name Is John, Live In Cape Coral.

I Don't Have Anything Printed For You.

In The Past I've Consulted For Health Care States Of Indiana, Kentucky, Michigan, Boston, Primarily In The Healthcare Systems And Owner Of J And J Synergies, Mental Health Consulting Firm And We Have Some Interest In This Area, I Worked With John Engeler, In The State Of Michigan, Welfare Reform In That State.

I'm Running Around Today And Flying Out Quickly, And I Apologize For Not Knowing You, When It Comes To Policy Decisions, It's Amazing We Talk In Rhetorical Manner, We Hurt About The Problem, We Ache About The Problem.

I'm Sorry But A Lot Of Us Very Important People, We Simply Write Out Solutions.

This Has Been Solved.

I'm Shocked That Other People Simply Haven't Gone To The State To Solve This, Map It Out And Done It.

Grossly Speaking, Roughly Speaking If You Would Pardon The Expression, It's Very Simple.

You Take Your Pool Of Qualified Minority Applicants As We Did In Other States Clearly With Major Businesses In Chicago, You Take That Pool Of Roughly Qualified Minority Candidates And You Simply Pay Them To Train Under The Existing Person In A Job That Is Slated Or Due For Some Retirement In The Next Three Or Four Years.

You Incentivize For Paying For That Project And Incentivize The Person Training Them By Offering Them Pay For Doing That And Early Retirement And You Buy Them Out.

This County Has Cashment And To Not Solve A Simple Engineering Solution, And Pardon Me My Old Man Was An Engineer.

This Is Not About Anything But Taking The Dollars And Engineering A Solution, It's Been Done In Other States I Can't Believe Career Administrators Haven't Taken That, Career Program Administration And Mapped It Out And Came To You Ten Years Ago And Said Gentlemen Here Is A Ten-Year Program To Solve This Problem.

We Have The Money All We Lack Is The Will.

If You Want To Hire J And J Synergy.

You've Got The Money.

You Are At Least Saying In Public That You Have The Will.

Now There's A Very Simple Idea.

You Take Your Pool Of Minority Candidates Who Are Roughly Qualified And Offer Them A Position Or Under Study.

Train Them For Which They Get An Early Retirement.

Now All You Have To Determine Is Since You've Got The Money, Do You Have The Will? Thank You Very Much.

Okay.

Anybody Else?  
Going, Going, Gone.

Okay, That's The End Of The Public Comment Period Then, We Will Bring It Back To The Board.

Mr. Chairman?  
Perhaps It Would Be Appropriate To Hear From Don, Because I Know There's Been A Lot Of Discussion, You Don't Have To Go At Any Great Length But To Know The Communication Lines Are Open, It's Not Just Lip Service, It's A Recognition There's An Outstanding Issue That Needs To Be Addressed.

I Appreciate That Commissioner Judah, I Don't Know Anyone Who Is Not Concerned Making Sure Our Workforce Is Reflective Of The Workforce.

I've Been Here 14 Years And This Board Has Always Told Me That From Day One.

And For Me To Anoint Someone To Be My Successor Or Any Other Manager To Anoint Someone To Be Their Successor Is Discrimination.

I Don't Think That's Fair To The Taxpayers In Lee County.

But Certainly The Commitment Is There.

The Lines Of Communication Are Open.

We Are Happy To Meet With Anyone At Any Time To Try To Resolve This.

Mr. Belenty Is Here.

He's Doing A Wonderful Job.

I Think Perhaps He Can Give You A Better, Quick, Recap Of What We Are Doing And Where We Are Than I Can.

If I Could Indulge You For Two Or Three Minutes, I Think It Would Be Time Well Spent To Have Him Come Up And Speak For A Moment.

Sure.

Paul?

Good Evening, Paul.

Good Evening, Commissioners.

For The Record, Paul Valenti, Manager Of Lee County Office Of Equal Opportunity.

Just To Build Upon What He Was Discussing By Way Of Some Of The Efforts We Have Taken Since My Arrival In Lee County, We Expanded Our Outreach Of Job Opportunities Within The Community.

We Have Solicited From The Advisory Boards Places Where Our Listing Of Job Opportunities Should Be Sent And Upon Receiving Those Suggestions, Send Those Opportunities To Those Places.

This Year, In Fact, Was The First Year Where We Set Up A

Table At The Martin Luther King  
2 Day Festivities In Centennial Park To Have Availability Of Our Opportunities.

In April Of This Year We Attended The Hispanic Chamber, Southwest Hispanic Chamber Of  
Commerce's Job Expo At The Ambassador Hotel.

We Will Be Doing So Again In October.

There Were Many Comments Or Suggestions Within The Resolution Proffered By The  
Hispanic Affairs Board.

Some I Think Are Worthy Of Discussion And Implementation.

I Shared This Publicly So I Have No Problem Saying This At The Black Affairs Board  
Meeting, I Saw Some Duplicity Of Roles That I Myself Serve, That Others In County Staff  
Serve.

We Will Work That Out With County Administration.

But Certainly I Think As County Manager Stillwell Has Always Indicated As Pete Has Always  
Indicated And Others And I Firmly Believe We Can Always Strive To Do Better.

That's What We Will Continue To Strive To Do And That's My Pledge To The Boards Which I  
Serve As Staff And To The Commission.

Ok.

Questions?  
Comments?  
Thank You, Paul.

I Guess Not .

: Thank You, Commissioners.

Have A Pleasant Evening.

Thank You.

Anybody Else?  
Let Me Just Thank The Members Of The Various Committees, Black Affairs Advisory Board,  
Affairs

Advisory Board, Multi Cultural  
Time To Be Here This Evening.

3 Advisory Board For Taking The

I Think The Statement That Was Made That We Still Have Much Work To Do Is Real Evident.

But I Believe That The Administration Well Understands The Recognition For Diversification And I Think Now It's A Matter Of The Opportunities That Present Itself, There Certainly Will Be, I Believe, A More Forthright And Concerted Effort.

I Know We Have Some Middleman Agers Or Upper Management That Are In The Drop Program.

So It's A Matter Of When Those Times Present Itself, We Need To Be Cognizant Of What Needs To Be Done.

And I Think The Word Is Certainly Out.

I Think That's One Reason That We, We Look To Promoting From Within As Much As Possible, Too.

Because In Fact We Are Hiring Minorities At The Mid-Management And Lower-Management Level Bringing Them Up As Vacancies Occur.

And That Takes Time.

I Don't Think Anybody Is Seriously Suggesting That We Fire People At The Top Now Just Simply Because They Feel That We Need To Make Room For Somebody, Some Person Of Color.

But That Doesn't Mean That, You Know, We Aren't Interested In It, That We Don't Really Have To Strife To Make That.

And I Just Concur With That Whole Heartedly And I Think We Are Doing It To Try To Bring These People Up.

You Don't Give Them Six Months' Training And Make Them A County

Manager Or The County Engineer 4 Or Whatever Overnight.

It Just Takes A Good Deal Of Time And People Have Spent Careers In These Fields And Then To Suggest That As Soon As They Leave, Somebody Who's Had Three, Four, Five, Six Months' Experience Could Be Moved Into The Seat Because They Sat Under Somebody.

And I Also Agree With You, Don, I Think That's Discriminatory To Anoint And Bring Them Up Without Looking Around To See What Sells Available Not Only Within The Organization But Perhaps Went Community And Outside, If Need Be.

I Think We Do That.

We Tried To Look Outside And Have Had Nationwide Recruiting For Many Of The Positions.  
So I Think That, You Know, Yes, We Need To Keep Working On This.

It's Something We Must Devote More Time And Effort To, I Think.

But It's Something That We Are Making Some Progress On As Slow As It May Be.

I Wish We Could Wave A Wand And Solve A Problem Perhaps Not Possible To Do.

That's Just My Comment.

I Had The Same Problem Earlier.

Mr. Chairman, I Think This Issue Is Of Such A Sensitive Nature That There's, That We All  
Need To Be Sort Of On Record As It Were With Our Comments And I Appreciate Your  
Comments.

Comments That I've Heard Earlier.

Let Me Share My Thoughts As Best I Can Collect Them.

I've Read, I Have Been Reading The Whereas Es On This

Resolution And I Think They Are 5 All Relevant And Timely And Something That We Better  
Always Have In Our Minds.

Every, Every Day.

When We Get To The "Now Therefore Be It Resolved", Frankly, Aim Not Ready To Go There  
Yet, Because I'm Not Convinced That That New Mechanism Would Improve, Substantially,  
Commissioner Bigelow, Over What We Are Doing Today.

Improvement's Going To Come From The Hearts Of All Five Of Us Up Here And Our  
Administration And Our Sincere Commitment To Do A Better Job.

I Have Taken Note That In Our Demographics, The Hiring That We Have Done, We  
Compare Favorably With Other Counties.

I Don't Know That That Is Anything To Write Home About.

I Don't Know That Other Counties Are Doing A Particularly Good Job.

I Feel In My Own Heart And My Own Experience That There's Probably Still More That We  
Can Be Done -- That Can Be Done -- To Do A Better Job.

But I'm Also A Commissioner And One Policy Maker For A County That Runs About A Billion-  
Dollar Budget Depending On Whose Number You Are Going To Listen To, With Enormous

Responsibilities And Not Too Far Short Of 3,000 Employees.

And We've Got To Have The Most Competent People With Education And Experience And Training To Do Those Jobs And Unfortunately, In This Real World We Live In, We Don't Always Have That Talent Pool That We Would Like To Have Available To Us.

I Appreciated The Comments Of The Gentleman From Cape Coral,  
6 Giving Us Something We Might Think About If -- I Haven't Thought About Doing That.

Haven't Heard About It Being Done Somewhere Else.

But My Point That I Will Make One More Time Is I Believe There Is Still More That We Can Do In Lee County.

It's -- Look, It's A Minor Gesture, But As This Subject Was Coming Forward, I Had An Opening On Our Little Street-Lighting District Down In Lehigh.

I Don't Think We Ever Had A Minority On That Board But Tuesday, We Are Going To Vote 27% Of The Member On That Little Board Are Going To Be Hispanic.

It's A Minus Thing But If Commissioner Bigelow Hadn't Made An Issue, I Don't Know That I Would Have Thought About It.

I Want To Thank You, Commissioner, For Making Us Think About Things That Are So Easy Not To Think About.

I Think If Rosa Parks Had Not Thought I Am Not Going To The Back Of That Bus Today, In Birmingham, They Might Still Be Sitting In The Back Of That Bus.

Somebody Has To Make A Stand And Stand Up And I Commend You For It Because It's Going To Keep Us On Our Toes And It's Going To Make Us, I Hope, Admit That There Is Still More That Can Be Done.

And Just Because We Sort Of Look Good On Any Kind Of A Comparison, That's Not Good Enough.

And We Must Continue To Strive To Do Better.

This Is America And That Is Require Fd Us As Public Officials.

Mr. Chairman?

Yes.

I Agree.

I Think We Should Put Some Comments This Evening, I Guess I Was A Little Discombobulated, I Thought There Was Going To Be A Formal Presentation So I Apologize.

Um, You Know, I Don't Think The People Of Lee County Elected Me Because Aim Hispanic

And I'm A Woman.

I Think They Elected Me Because I Went Out And Presented Something That They Could Support And Believe In And Felt That I Would Represent Their Interest.

As A Matter Of Fact, My Gender And My Race Never Came Up During My Campaign.

Not Very Much.

The Fact That I'm The First Woman To Ever Chair This Board Doesn't Really Get An Overwhelming Amount Of Recognition In 119 Years.

And I Guess, To Say That I Am -- That I Would Be The Bone Thrown To This Community As The Hispanic Female Is A Little Insulting To The Hard Work And Dedication And Effort.

My Family Wasn't Rich.

They Didn't Pay For Me To Go To College.

I Have Had To Take Classes And Work For A Living And Go Back To School And Take Classes And Still Haven't Obtained My Degree.

And I Appreciate Hojs And Edison College.

I Had To Work Very Hard To Read A Lot Of Books And Do A Lot Of Homework And I See David In The Back And They Have Designated Me The Work.

I Guess From A Very Young Age, I Recognize That When You Put Your 8 Best Foot Forward, Good Things Will Happen To You.

There's A Lot Of Adversity Out.

There I Come From An Extremely Small Town Where There Were No Opportunities.

My Family Move Immediate Here At 17 Years Old And I Saw An Opportunity And A Chance To Be A Better Person.

I Got Involved In This Community And Got To Know People.

But Every Job I Ever Had, Whether It Was Sweeping And Being The Cleaning Lady In My Office, The Secretary, The Receptionist, For A Long Time I Worked Two Jobs, I Worked 80 Hours, I Moved To Dallas For A Short Time To Get Some Experience In Telemarketing In Direct-Mail Marketing And While I Worked During The Day From 8:00 Till 7:00 At Night, There Then I Went Over To The Fuller Company That My Boss Had And Answered The Phones There Until 10:00.

All That Experience Prepared Me For An Opportunity To Continue To Go To The Next Level.

Never Once Did Someone Tell Me They Were Hiring Me Because I Was The Woman And I

Was Hispanic.

It Was Because You Are A Hard Worker And You Are Doing A Good Job.

I Appreciate The Gentleman From Cape Coral And Your Comments.

This County, The Three Years That I Have Been Here, Every Quarter We Do Service Awards.

We Do Five-Year, 10-Year, 15, It Goes On Up To, Think We Are Up To 30 Now.

One Person At 30?  
Oh, Several.

One At 44.

Well The Point I'm Make Something That When You Look At Those Five-Year Pins We Are Giving Out, The 10-Year Pins We Are Giving Out, You Are Seeing A Dramatic Change In The Faces And In The Genders Of The Folks That Are Coming Up The Ladder In Lee County.

It's Obvious The Demographics Are Changing.

I Think Our Workforce Demographic Is Changing.

We Mentor Everyone In The County.

There's A Policy That Is There To Cross Train So That When Someone Is Sick, When Someone's Gone For Two Weeks T Doesn't Matter.

If You Are A Person Who Is Committed To Honoring Your Spouse By The Work That You Are Doing And Respecting The People Around You, You Are Going To Advance In Lee County Government.

Our Top Positions Have Been Held For Years, And Aim Not Talking Five Years, We Got People Here 12 Years, 15 Years, That Have Worked Their Way Up Through This Community Process And It's Hard For Me To Say That I'm Going To Deny This Person Who's Been Working Their Way Through County Government In Their 10th Year And Somehow, Because Someone's Gender Or Someone's Vase Going To Now Give Them That, That They Have Been Working So Hard To Get There That I'm Going To Put A New Person In There, That's Not What Anyone Is Suggesting.

I Think There Are People Who Want To Say That.

But I Have A Lot Of Respect For Our Advisory Board.

What I Am Sensitive To Is That We Do Need To Make Sure That Our

Mentoring Programs Are Still In Effect And Working Well.

I Think We Can See That When We See Those Folks That Come Through On The Yearly Basis.

When You See The Same Folks That Have Gone From Five Years, Now They Are In The 10-Year Category, Something Is Work Right For These Folks In Lee County Government.

It's A Quality Place To Work.

Everyone Has An Opportunity To Advance.

Our Employment Opportunities Get Sent Out To Our Current Employees.

They Don't Have To Stay Working In Public Works.

They Don't Have To Stay Working In The Library System.

If There's A Managerial Or Assistant Management Job, They Will Be Reviewed Like Everybody Else Based On Qualifications.

I Think -- I Wish -- That Lee County Had More Job Opportunities To Draw More Minorities Here.

Qualified Minorities Here.

I Hope, And I Work With Children In Schools, We Need To Foster Them To Stay In This Community And Continue To Work And Get Their Education.

But Internally, I Want To See More Diversity But I Don't Want It To Be Out Of Reverse Discrimination.

I Want To Make Sure That Everyone Who Comes To Lee County Government Has An Opportunity To Succeed.

Has An Opportunity To Advance.

Has An Opportunity For A Fair Salary And Fair Benefits And That If You Are Not Happy, You Have An Opportunity To Express That Fairly And Objectively To Our Management And Certainly While We Don't Manage Our 11 Employees When Something Really Bad Is Happening, We Address It And Sit Down With The County Manager.

Think There Are Some Extremely Good Suggestions In The Whereas Of The Resolution And I Believe That Those Can Come Forward Through Bill's Office And We Can Adopt Some Of These Things Probably Relatively Quickly.

The Idea, Though, Some Of Them, Aim Just Not Comfortable With Yet And I Am Still Willing To Continue To Move Forward But I Did Want To Say That This Community's Been Very Fair To Me.

I Have Been Very Blessed.

I Have Been Very Blessed That A Lot Of People Recognize The Hard Work That I Was Doing And Opened Doors For Me And When Those Doors Were Opened, I Worked Very Hard Not To Let Those People Down And I Tried To Turn Around And Give Back To People Who I Know Are Working Really Hard And Sometimes Just Need A Door Open For Them.

They Just Need A Chance.

And I Think Sometimes In Our Minority Community, They Just Need That Chance.

And I Think That's Where We Can Truly Offer A Better Opportunity, Because I Don't Think There's A Better Mentoring Of Business Worlds Than In Lee County Government.

You Get A Little Bit Of Everything Which, If You Don't Think You Are Prepared For A Job In The Private Sector, But Certainly We Want To Foster The Commitment To Stay Here And Have Our Investment Pay Off.

We Had A Lot Of Calls Tonight And A Lot Of E-Mails About This Issue This Evening And There Was A Lot Of Confusion As To What Our Advisory Committees Were Suggesting To Us And I Was Sort Of Disappointed To See How Confused People In The Community Were.

I Guess, I Don't Know If It Was Over The Article In The Paper Or If There Was Just Some Miscommunication.

So I Think Going Slow And Reaching Out To The Community To Explain What We Are Doing And How We Are Doing It Will Be Very Helpful.

I Agree With The Resident From Sun Coast, Our Goal Is To Create A Quality Community, Not A, An Adverse Community.

And I Got Some Pretty Harsh Comments, Telephone Calls And E-Mails Today And I Had To, Carmen And I Both Had To Go Through A Slow Process Of What Was Going On.

There Was A Tremendous Amount Of Confusion.

So, Illegal Immigration Came Up In There And All Kinds Of Things.

And So, Obviously Somehow It Didn't Get Communicated Well Out There In The Public.

But, I Commend Our Committees.

I Want Us To Keep Working Hard And Where We Can Find Some Benefit, Let's Get Some Of These Resolutions Adopted And Keep Working On The Others.

Ok.

Thank You.

Thanks For The Comments.

Yeah, I Guess I -- Well, You Know, I -- I -- Never Wanted Something More Than This.

And Not For Myself, Because If You Look At Me, I Got It Pretty Good In This County. I'm A White Male. But I've Seen A Lot Of Pain And A Lot Of Faces And Got To Know The Stories And -- We Got A Lot Of Problems Out There And We Need More Help To Solve Them.

They Are Problems We Can't Solve As 90-Plus Percent White.

Because The Problems Are So Multi Faceted, Multi Colored And Multi Cultural And We Are Really Hamstringing Our Ability To Solve Those Problems.

And, I Just Feel So Bad For The Folks That Have Worked So Hard Before I Ever Showed Up Here To Try To Bring Forth The Problem And Bring Forth A Solution In Such A Civil, Respectful Way, And It Just Pains, Really, Really Pains Me.

And I Just Hope That The Folks On The Advisory Board Won't Give Up.

They Won't See This As An Impossible Hurdle To Overcome Because I've Never Been More Proud Of The Work Of These Folks And Would Continue To Do So If The Next Chairman Would Put Me On The Advisory Board, I Will Continue To Work.

But I Wish Each Of You Would Consider, As You Put Your Head On The Pillow At Night And Think About This, You Know, Could We Do Any Better In This Regard And If So, We Be Doing Better Now Making Some Effort In A Big, Bold Way To Do Better? Because There Are So Many People Hurt By This Government That's Closed Door Mentality.

We've Got To Find A Way, A Kinder And Gentler And More Open And I Hope That We Will.

I Am Proud To Serve With You And I Will -- I Don't Know.

I Just -- I'm Going To Lose It If I Keep Going.

Thank You So Much For Hearing Us And Hearing The Folks.

Any Further Comments?

If Not, Then We Stand Adjourned.