

**September 18, 2007**

Welcome To The Board Of County Commissioners Meeting Of September 18th 2007.

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

May All Of Us Pray Together.

Teach Us To Number Our Days, Oh God That We May Gain A Heart Of Wisdom.

Amen.

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

Thank You Pastor Williams.

We Have A Couple Of Resolutions We're Going To Present.

I Will Call First On Commissioner Tammy Hall Who Has A Resolution To Present.

Commissioner?

Thank You.

It's Really An Honor For Me To Read This Resolution And If I Can Ask Terry Hixt, Dina Hixt And Clay If I Can Read This To You, We Will Take A Picture Of You And Then Like To Hear A Few Comments From You And Your Family.

Thank You So Much For Being With Us This Morning.

Dino Hixt Was A Resident And Small Business Owner In Lee County For Over 20 Years And Unselfishly Gave Of Himself In Time, Donations And Monetary Contributions To The Community And Advanced The Ideals Of Environmental Conservation At Speaking Engagements And His Talk Show Reel Talk For Over 10 Years And Awarded Conservationist Of The Year From The Association And Whereas Mr. Hixt Was Respected Admired And Loved As A Community Leader, Businessman And Man.

The Board Of County Commissioners In Memorandum Recognize The Services Of Dean Hixt.

Now Be It Resolved We Here By Proclaim And Rename The Existing Causeway Site A Dean Hixt Reef.

It's An Honor To Read This To You This Morning.

If You Could Come Up.

On Behalf Of Dean's Entire Family We Would Like To Thank All Of You.

This Is Quite An Honor For All Of Us.

You Have Given Our Family And Friends And Generations To Come A Place To Drop A Line And Catch Big Fish.

Clayton Deanna And I Will Continue To Do Our Part.

I Would Like To Thank Big Tuna And Gary For All The Work They Have Done.

Thank You.

I'm Going To Call On Commissioner Judah Who Also Has A Petition, A Resolution To Present.

Thank You Mr. Chairman.

Let Me Thank The Hixt Family And What A Wonderful Family And What A Great Legacy To Leave This Community With The Artificial Reef Being Available For Tremendous Recreation Opportunities.

I Really Appreciate The Effort.

At This Point In Time I'm Pleased To Invite Most Of The South Fort Myers Florida State Champs, If They Could Step To The Podium Along With Coach Richie And The Actual President Of The South Fort Myers Little League, Howard Gold.

It's A Pleasure To Have Them All Here This Morning.

These Young Men Have Accomplished Something That's A Dream In The Minds And Hearts Of So Many Little Leaguers, They Are All 13, 14-Year-Olds When They Won The State Junior All-Star Championship.

And Welcome Gentlemen, It's Nice To Have You Here.

It's Tough You Have To Be Out Of School This Morning.

Though We Appreciate Your Sacrifice.

It Really Was With Howard Gold's Leadership And Vision Instilling A Real Structured Program Where These Kids Have An Opportunity To Play Baseball All Year Round.

The Volunteer Efforts, Assistant County Coach, We Will Hear From Him Shortly But Also To All The Parents, Grandparents, The Entire Support Structure That Make Little League

Successful.

Florida Is A Very Competitive State And For Them To Be Able To Achieve What They Did With The All-Star State Championship Is A Tremendous Accomplishment.

It Requires Not Only The Physical Ability But Mental Toughness, They Live Out Of A Suitcase, They Are On The Road For Weeks On End.

It Seems The Summer Never Ends But They Are Doing What They Do Best And Love, And That's Playing Baseball.

Some Were Runner-Ups In The State As 9 And 10-Year-Olds.

Some Won The 11-Year-Old Championship.

So This Is A Special Group We Will Hear From.

It's A Pleasure To Have Them Here, The Resolution Reads As Follows Whereas The Southwest Florida Little League With 2 50 Teams Entered The.

The Second Championship In Two Years, They Came From Behind To Win All Three Games In The Sectional Tournament Over Naples, Sarasota And Had To Overcome A Rain Out Forcing Them To Play Five Games In Three Days.

And Whereas This Team Represents Southwest Florida In Georgia And Recorded Wins Over North Carolina, Virginia And West Virginia, Be It Resolved The Board Of County Commissioners Would Like To Take This Opportunity To Congratulation In Winning The 2007 State Of Florida Championship, Duly Executed This 18th Day Of September, 2007 And Signed By Robert Janes.

Howard If You Could Please Accept This Resolution On Behalf Of The Board And We Would Like To Shake Everyone's Hand, Okay?  
Okay.

I'm Howard Goldman President Of The South Fort Myers Little League.

This Resolution Pretty Much Summed Up What A Crazy Summer It Was With These Kids.

They Seem To Get Behind And Come Back And Give All The Parents Heart Attacks In Every Game But It Worked Out Well In The End.

I Would Like To Thank The Lee County Commissioners For Your Support Of Youth Sports And Little League Baseball.

As We Have Traveled Around The State We Have Seen Several Hundred Facilities And The Facilities Here In Lee County Are Second To None.

I Would Like To Thank You All, The Administration, Parks And Recreation Department For That.

We Also Had A 10-Year-Old All-Star Game That Made It To A State Tournament, Lost By One Run To The Eventual State Champions, Hopefully We Will Be Back In A Year Or Two For Another Of These Ceremonies.

But On Behalf Of The Kids, Volunteers And Parents Who Make Up The Southwest Florida Little League Team I Would Like To Thank You For Your Support.

Thank You, If We Could Hear From Coach Richie.

I'm Proud Of You All, Good Job.

Thank You.

Mr. Chairman, Could We Do A Wave.

Do You Know What A Wave Is?  
I'll Be Glad To Start It.

I Don't Think We Can Ever Train.

On The Count Of 3.

You'll Be Back In Time For Second Period?  
I'm Here I Want To Do A Wave For These Guys, These Are State Champs.

Thank You Mr. Chairman.

The Next Item On The Agenda Is The Recap Sheet We Have Nothing But Notification There's One Walk On And One Carry-Over.

I Will Take This Opportunity To Make An Announcement That We Need To Cancel The September 25th Public Hearing In The Evening And To Move Those Items To The October 23rd Evening Public Hearings.

Also The October 9th Public Hearing In The Evening Has Been Cancelled In Order For The Legislative Taxation And Budget Commission To Use Our Chambers For Their Meeting, So If I Can Have A Motion.

So Moved.

Moved By Commissioner Hall.

Second By Commissioner Mann.

Thank You Very Much.

That Concludes The Recap Sheet.

We Will Go Now To The Public Comment On The Consent And Administrative Agenda.

This Is The Opportunity Where We Give You The Opportunity To Speak On Any Subject On The Agenda.

And We Have Asked You Fill Out Blue Cards.

A Number Of People Have.

But We Will Call On Anybody In Case They Haven't Had A Chance To Fill Out A Blue Card.

The First One I Will Call On Is Steve Heartsell Followed By Dave Depew.

Good Morning, Members Of The Board.

I'm Steve Heartsell, I'm Here On Behalf Of Coral Creek L.L.C.

The Cypress Creek, Speaking To Item Number One With Regard To The Proposed Or Potential Moratorium.

We Would Urge You To Follow The Option The Staff Recommended To Continue To Process Applications Which Have Already Ballpark Filed.

Regardless What Might Be, We You Fairness And Equity Should Continue To Be Processed.

With Regard To The D.R.G.R. Area, We Point Out What's Obvious, An Area That's Been Stripped Of Most Of The Uses Otherwise Permissible, Limited Now To Essentially 3-4 Uses.

Agriculture, Golf Courses Or Very Low Density Residential Associated With Plan Developments And Mining.

The Last Two Of Those Require That You File Plan Development Applications.

The Process Is Both Time Consuming And Expensive.

It's A Process That Doesn't Just Take Place Overnight.

If Those Applications Have Been Filed Then Owners Have Counted In Good Faith And Spent Substantial Sums Of Money To Meet Those Rules.

Now That They Are Filed And Being Reviewed It Would Be Up Fair And Inequitable To Make Them Wait While New Rules Are Examined And Possibly Put Into Place.

The Applications Have Met Rules And Regulations And Not Placed Into Limbo, If There Are Concerns Whether Staff Has The Technical Expertise To Review Those Applications Now I Would Suggest It's Entirely Possible For The County To Choose To Hire Experts And To Require As Part Of The Application Fee Applicants Pay For That, Other Jurisdictions Do It.

I Think Also The County Has Done It.

Furthermore You Look At The Process, In The Process Of Reviewing Applications, Often Times Questions Or Issues That Are Raised Provide Information That There Is Information Or Solutions That Are Actually Discovered In The Process Of Reviewing Those Applications And Addressing The Problems And The Issues.

Those Things Won't Happen If Everything Is Put On Hold For A Year Or Two Years. Ultimately These Will Come Before You To Make The Final Decision.

There Are Still Outstanding Questions Or Issues That Haven't Been Adequately Addressed Through The Process, That's Something The Board Can Take Into Account, They Will Be Addressed As The Applications Continue To Be Processed.

It's Both Fair To The Applicants And Makes Good Sense For You To Continue To Process The Zoning Applications That Have Already Been Filed And Not To Put Them On Hold Indefinitely.

I Urge You To Adopt Option 2.

Thank You.

Dave Followed By Jocelyn Landis.

Good Morning Commissioners.

I'm Going To Give You A Memo At My Conclusion Here That Basically Outlines The Applicable Goals Objectives From The Plan, Recognizing Mining Is An Appropriate Use.

I Am Talking About Walk-On Item One.

Recent Years The Approval Of Mining Activity Has Been Subject To Increasing Review To Art Side Parties.

It's Interesting To See With Increasing Levels Of Detail And Half Dozen Or More Technical Meetings With Staff, Request For Additional Information And Other Types Of Extraordinary Analyses Being Applied.

?

General The Applications That Are Part Of The Mining Activities Are Confirmed To Area Not To Adversely Affect Hydrology Of Adjoining Wetlands Including Really Some Of The Most State-Of-The-Art Solutions That Have Been Proven To Replicate With Sub Surface Hydro Geology With The Areas Being Mined.

Traffic Noise, Visible Impacts Can Be Managed As Part Of The Permitting Process On A Case By Case Instance.

The Quota Of The Review Processes Are Extraordinary And Come Into The Process.

Once The Ultimate Application Has Been A Process, The Design Construction And

Management Steps Cost Many Millions Of Dollars More, This Is A Vital Resource, It's A Resource That's Being Recognized State-Wide In Good Faith, The Applicants Now Undergoing Such Intense Scrutiny Who Spent These Resources Who Committed This Effort Should Be Allowed To Proceed To A Final Determination Not To Do So At This Late Stage, Pending Application I Believe Would Prime Of A Very Necessary Resource.

I Will Give You A Copy Of These Goals, Objectives And Policies That Have Been Recognized By Staff And The County Attorney's Office As Being Applicable And As Being Controlling In These Applications To Demonstrate To You That You Do Have A Lot Of Stuff On The Books To Control These.

Thank You.

My Name Is Jocelyn Landis.

I'm One Of The Board Of Directors.

This Is The First Time That I Have Been To One Of These Meetings.

Though We Are Kept Up-To-Date.

I Can Well Appreciate The Two Counsellors That Have Presented Their Cases Before You This Morning.

I Can Appreciate The Amount Of Money Spent Already By These Mines, Miners That Want To Get The Approval For Their Zoning.

But As A Resident Near Those Mines I Just Want To Tell You The Impact That It Has On Us.

I Have Great Concern About The Environment.

I Have Great Concern About The Blasting That May Occur.

We Purchased Our Home In March Of Last Year.

Walked Into My Kitchen And A Few Other Houses In The Area, At First I Saw Cracks In The Floor, I Thought It Was Pencil Marks Until I Went To Try To Erase Them And Found They Are Actually Cracks.

And What I Learned Is They Came As A Result Of The Blasting That Occurred.

And We Live Op The West Side Of The Development.

The Other Thing I Have Tremendous Concern Is The Trucks That Come Down Corkscrew Road.

Unless You Are There, I Don't Think You Can Fully Understand The Impact And How Fast These Trucks Come Down, They Don't Maintain The Speed Limit And Once They Get Going Truly They Are On A Roll And They Don't Want To Stop For Anything.

My Concern Is There Are Other Access Roads.

Alico Road Could Be Used.

I Don't Know If You Can Make Them Use That Road, Versus The Residential Road.

Also How Much Impact That Has On Itself.

These Are Just A Few Of My Concerns And I Hope You Would Consider Option Three Versus Option Two.

Thank You.

Thank You Very Much.

Most Honorable Commissioners, Thank You For Allowing Me To Speak.

I Have Been Breathing On A Regulator For About A Month.

I Came Up From The Keys Because This Meeting Is So Important To Me.

I Live Nine Years In The D.R.G.R. Area Off Corkscrew Road.

We Have Been Actively Recruiting Already Come Up In Their Present Third Opposition Which Lasted For 12 Day And Scheduled Another Three.

A 15-Day Opposition.

The Attorneys Before Me Mentioned Costs Of Seven Figures.

Is The Red Light Already On?

I Must Have Said Something That Wasn't Right.

It's The Operator.

He Is New At This.

Okay.

The 7-Figure, Imagine Private Citizens Trying To Oppose The Size Of The Organizations Coming In For Permitting Of Mines.

We Have Successfully Opposed Too And Hopefully By The Grace Of God Do The Third But There's An End And There's A Limit To Our Resources, Trust Me.

I'm Using My Retirement Money And So Are Others In Our Area To Look At This.

We Believe The Mining And D.R.G.R.

I'm Appalled.

I've Been Driving Through 29 Years And I Have Watched That Area Transform Into An Unbelievable Massive Mining Area.

It's Just Not Habitable.

Now Of Course You Are Well Aware Of The Problems This Waters, Chlorine And The Other Problems.

Not All That Is Out In The Open Yet.

That's Why I Heavily Recognize, Please Moratorium The Present Applications Which I Believe Are Four Rock Mines And One Dirt Mine Which We Are Presently In Now And Give The Citizens Approximately 20 Land Owners Controlling 24,000 Acres.

There's About 450 Of Other People Who Own Land Out There.

My Simple Understanding Of Property Rights, The Person Who Owns 10,000 Acres Doesn't Have Anymore Property Rights Than I Who Own Five Acres, But It Seems They Feel They Have More Rights Than We Do Simply Because They Have A Much Larger Land Mass In Title.

So They Control 24,000 Acres And 450 Control The Rest Of The Land And We Feel We Have The Majority Of Representation.

Right To Peace Safety And Quality Of Life As Well As The Future Of The Water.

We're Not Talking Not In My Backyard Here.

We Are Talking About Big Picture, Water Quality, Life Quality And A Paradigm Shift.

Industrial Zoning, Every City I've Lived In Is Relegated To An Area, Because It Has Off Site Impacts That Are So Radical.

If It Can Be Looked At With Public Hearings And Lee County Coming In To Decide If We Want To Keep Mining In The D.R.G.R. Which Was Just A Decision Made 15-16 Years Ago And Maybe A Decision We Don't Like As A County And Maybe We Want To Change It.

At Least It Could Be Looked At And Some Of The New Science Coming On Board About Water Quality And The Harm Of Aquifers.

I'm Getting More Educated On This Than I Want To.

Am I Over?

I Don't Have Any Light.

I Need To Have You Summarize.

So I Recommend That You Moratorium Not Just The New Applications That Are Not Submitted Yet But The Present Applications Which I Think Are About Five, Thank You Very Much.

Thank You, Russell Followed By Neil.

Good Morning Mr. Chairman, Members Of The Board.

I'm Russell, I Have Two Sets Of Comments On Two Entities.

First On Behalf Of A Client Of Mine, 6l Farms Which Owns A Significant Amount Of Property In The Drgr.

The Proposed Length Of Moratorium On Comprehensive Plan Amendments, Requesting Two Years.

I Don't Remember That Action Coming From The Board Last Week To Initiate This, I Don't Know If A Time Length Was Discussed.

If I Missed It, I Apologize.

It's My Feeling Two Years Is A Little Bit Of Excessive.

The History Of The County's Review Of Drgr Issues In The Last Ten Years Or So It's Been A Series Of Starts And Stops.

You Study One Issue, You Come Back.

The Result Of Which Is That You Have Had A Number Of Studies But You Have Never Really Taken A Look Or Any Action On Them.

You Have Two Out There Now, One In 2005, I Guess The Study Out For Peer Review, I Don't Know If Anything Transpired From That And Then You Have The 2007 McClain Study Which Is The Study Of Studies.

But The Reality Is You Have A Number Of Studies Out There.

It's Time To Stop And Focus On What They Mean.

And You've Got A Bunch Of Motivated Stakeholders In This Area Willing To Work With You And Move Forward And Address This Thing, If You Leave It At Two Years You Know It's Going To Happen, There Will Be No Impetus To Move Forward Quickly.

The First 6-9 Months Is Where Do We Go, What Kind Of Studies Do We Need And You Will Likely Focus On It, The Work Will Expand To Fit The Time.

You Have A Series Of Motivated Stakeholders Willing To Work In This Section And Area.

Keep The Moratorium Period No Greater Than One Period.

The Other Set Of Comments, Since 1994, Representing Mining Interests In The County, If The Intent Expressed Last Week Is To Not Receive And Process New Comprehensive Plan Amendments It Seems At Least For The Moratorium What You Are Really Looking At.

If You Enact A Moratorium On Planning, You Don't Need A Plan Unit Or Zoning To Do You Need Zoning To Do Mining.

I Think This Is Evident From The Cases Mary Cited To You.

One Is Going Back To A.G.

I Presume It Can Develop In The Classification And The Other Is A Small Special Exception, I Don't Know If It's Small But A Special Exception For A Tower.

My Encouragement If You Are Going To Look At Any Moratorium At All In Zoning That You Look At Option 6 As The Most Likely And Favorable Option, It Would Allow For Existing Mines To Massage And Modify Their Mining.

The Area Of Lee County Has Come From Increasing Scrutiny On The State And Impact On Existing Mines That Would Impact Their Ability To Bring Product Out Of The Ground And Meet Market Demand I Think Would Engender Additional Scrutiny, So My Encouragement Would Be To Look At Option 6.

Proceed Forward With Pending Applications And Existing Mines That Have Received Approval To Receive Existing Modifications.

Thank You Very Much.

Thank You.

Neil Followed By Gary Sams.

Good Morning Neil.

Good Morning Commissioners, Thank You Very Much.

First I Would Like To Applaud The Commission And Staff For Undertaking A Serious Examination Of This Drgr Area We Have Talked About For A Long Period Of Time.

It's Time For That And Time To Prepare A Comprehensive Plan And I Have No Problem With Those Who Would Like To See It Done Earlier Rather Than Later But Let's Have A Look At What We Are Talking About Here.

We Are Talking About Several Uses.

The One That Causes Everybody The Most Grief Is Mining.

And We Are Under Pressure Unbridled Pressure, It Seems To Me By Several Forces.

Department Of Transportation Being One That We Need To Approve More And More Mining Here Because We May Be Losing Opportunity To Gather Rock From The Other Coast And My Question Is This.

If The Judge Is Right, Even If He Is Only Partially Right, Why Would We Want To Stand Up Now And Say, Okay, Red Rover, Red Rover, We Are Lee County, Send Mining Right Over.

Our Water Supply Needs To Be Protected.

And I Say If There Is Any Potential For Damage To The Water Supply, I Think You Are Bound To Protect It.

So Yes.

We Are Talking About Undertaking A Plan.

We Have Willing People On Both Sides, Let's Do It, Let's Do It Now But While We Are Doing It Does It Make Sense To Approve Anything Else Until We Know What The Conclusion, What The Direction Of The Plan Would Be?

I Urge You To Adopt Option 3 And Let's Get The Horses Teamed, Saddled Up And Get Go Win.

Thank You Neil.

Good Morning Mr. Chairman, I'm Gary Sams.

I'm An Attorney Advising One Of The Mining Applicants On A Rezoning Application For, That's Been Pending And Under Active Review For About 18 Months.

I Can't Get Into The Application Details Here But I Can Give You Generalities I Hope Would Inform Your Discussion.

In That Review I Can A Pure You, I Work State That The County Staff Is Applying A Broad Array Of Principles, The Principles Mr. Depew Gave You From The Comp Plan, They Are Both Comprehensive And Detailed.

The County Staff Has Used Outside Consultants Who Have Asked Tough Questions And Continue To Do That.

Among Other Things In Reference To What The Last Speaker Said They Are Diligently Looking At Any Potential For Pollution And Being Sure They Know How To Prevent It.

Their Strict Review In Return Is Forcing Innovative Thinking And Design Of The Mining Project That Goes Way Beyond Anything You Have Seen To Avoid Or Minimize Off Side Effect.

One Of Those In Reference To A Prior Speaker's Comments Is To Look At The Traffic

Enforcement.

There Are Considerations For Applicants Caught Mid Stream.

I Would Submit One Of The Most Effective Ways To Develop Policy Is In The Review Of Individual Applications That Frankly Push The Envelope Of Protection.

That's What We Think We Are Being Forced To Do By The Level Of Scrutiny By Your Staff And Encouraged It's By It's Consultants.

I Believe Continuing To Review Applications Would Combine The Best Of Public And Private Efforts And Be A Credit And A Compliment To The Policy-Making Effort You Are Undertaking.

Thank You For Considering My Thoughts.

Thank You Very Much Mr. Samson.

Neil Montgomery Followed By Tracy Haden.

Good Morning, Neil.

Good Morning, For The Record My Name Is Neil Montgomery.

I Want To Follow-Up On What Russell Mentioned.

The Time Frame Is Inordinate And I Would Urge You To Limit The Comp Plan Moratorium.

Because There Are Things You Want To Do In Regards To Water And Sewer, Even In Regard To Resource Extraction That You Can't Do If You Have A Two-Year Moratorium, So That Means It's 3-4 And Even Longer Years Down The Road.

For Example If You Want Water And Sewer, You Can't Amend The Utility Map For Two Years.

I Don't Know If That's What You Intended.

I Think It's The Law Of Unintended Results.

I Think If You Look At The Policies And Objectives, It's An Expensive List Of Analysis That Have To Be Provided In Regards To The Environment, Water Quality, Water Quantity, Air Emissions, Transportation, Compatibility Safety, Fire Safety.

All Those Things Are Already In Your Comp Plan And Things That Have To Be Looked At.

So I Hear The Concerns The Residents Have Raised.

I Hear The Issues.

Your Comprehensive Plan Requires You To Analyze Those Things And Your Staff Is Already Doing That.

I Want To And I Will Provide You With Copy Of Language From House Bill, 935.

Senate Bill 2804.

It Relates To Moratorium Or Any Ordinances.

And It Requires You Before You Do An Ordinance To Consult With Fdot And Limits The Moratorium To One Year.

So I Would Urge Before You Adopt Any Ordinance That You Comply With That State Statute And Get Input From Fdot.

I'm In A Unique Situation, I Have A Client Who Has Been Working On An Application For Over A Year, One Of The Studies Rings The Resources.

They Have Been Studying It For Over Nine Months, Spent Over \$1 Million.

They Did It In Reliance Of Existing Regulations And In Light Of Your Discussions Last Week They Attempted To File An Application Yesterday And They Were Rejected By The Staff Because This Board Was Presumably Going To Adopt A Moratorium Today.

He Spent Over A Million Over Nine Months And Gets To Do Nothing With It But Sit And Wait.

When You Created The Drgr It's Well Known You Eliminated The Number Of Economic Viable Uses.

One Of The Few Is Resource Extraction.

What This Analysis Does Show You, You Have Fdot High Grade Aggregate On This Property.

We All Want To Keep Housing Costs Down And See Our Roads Improve But We Don't Want To Use The Resource We Have.

Minerals Are Just Like Any Other Natural Resource And They Should Be Used Appropriately, I Would Submit Probably Recommendation One And A Half, I Think Those Who Spent Substantial Sums Of Money Who Had A Complete Application Which Was Accepted And Then Rejected Should Be Permitted To Submit Their Application And Be Evaluated In Accordance With Your Rules And The Moratorium On The Comp Plan And Zoning Is Primarily Directed At This Property Owner, The Reason Is Because After Your Action Last Week The Staff Directed Media To Talk To A Consultant Because They Said They Were The Only Affected By Your Actions.

So That Raises Issues For Me, I Would Urge You To Allow This Applicant To Proceed Forward.

You Guys Have An Ear Process, Every Five Or Six Years Where You Evaluate Your Plan.

You Have Studied It And Studied It But Haven't Moved Forward And Now The Price Will Be Paid By Land Owners And It's A Very Significant Price.

Thank You.

Tracy Haden, Followed By Pete Quaushus.

Thank You.

Good Morning, For The Record I'm Tracy Haden Here Representing Florida Rock Industries.

Florida Rock Is Concerned About Any Moratorium You May Be Considering For Mining.

However I Want To Set Aside That Issue And Talk To You Specifically About The Lee County Florida Rock.

And Talk About Any Other Previously Approved Mine Operations Here.

As A Previously Approved 25 Plus Year Mine Off Alico Road There Are Certain Activities That Are Necessary To Continue A Healthy Operation That Need To Be Addressed With Regard To The Options Staff Have Submitted To You.

First, Florida Rock Industries Has Incurred An Application Through The Process, That's Been Found Sufficient And In Fact There's A Hearing Examiner's Date Scheduled.

And Certainly They Would Request That Application Continue To Be Processed And Come To A Final Resolution.

Florida Rock Also Has From Time To Time Operational Changes That Require Master Concept Plan Amendments.

Such Changes May Be Due To Market Conditions Or New Technology Found.

They May Have To Change Their Phasing Plan, Even.

But Those Applications Need To Be Able To Continue To Go To Staff And Those Are In The Form Of A Rezoning Application.

Therefore We Would Like To Submit For Your Consideration A Proposed Option 7.

This Option 7 I Just Handed Out To You Actually Melds Conditions 2 And 6 That Staff Proposed To You.

We Believe They Will Accomplish Our Concerns.

For The Record I Would Like To Read That Proposed Option 7.

Do Not Accept New Rezoning Applications But Continue To Cross All Applications Already Submitted And Continue To Accept Other Cases For Amendments To Previously Zoned Mined Operations As Long As They Don't Increase The Zoned Mining Footprint.

Thank You.

Thank You.

Pete Quaushus Followed By Kevin Hill.

Good Morning, Pete.

Good Morning Mr. Chairman And Commissioners.

I'm Representing Auto Bon Society Which Has Many Members In South Lee.

It Supports The Proposal No New Applications For Rezoning In The Drgr Be Accepted At This Time With Exception Of Current Rezoning Applications, Which I Understand Are Seven Mines.

That It Be Postponed For Not More Than Two Years And Hopefully Much Less While Comprehensive Planning And Measures Are Developed Based On Best Available Science And Best Management Practices For The Mines.

We Remain Concerned About The Environmental Impacts, While Recognizing The Need For Rock And For Fill For Our Road Construction And Building Industry.

Society Appreciates The Board Of Commissioner's Protection Of The Natural Resources And Good Planning In The D.R.G.R. And Throughout The Region And Look Forward To Working With You, The Staff And Parties To Implement A Plan As Soon As Possible.

Thank You Very Much.

Thank You.

Kevin Hill, Followed By Don Eslik.

Kevin Hill For The Record.

I Would Like To Applaud You On This Effort So Far.

First Of All With The McClain Study Approval Last Year, Provided Us With A Lot Of Good Information To Work Forward And Then Taking The Next Step And Accepting The Staff's Excellent Proposal For An Action Plan On A Master Planning Effort For The D.R.G.R.

We Think That's A Critically Important Course Of Action To Take When Looking At This Very Important Area Of Lee County.

And We Think That Effort Should Move Forward Without Distraction, Without The Spectre Of

Five Mining Projects Going On And Trying To Work With The Stakeholders And Best Available Science To Come Up With A Plan That Hopefully Will Result In A Situation Where Every Appropriate Use Can Move Forward Without Opposition From The Other Side.

That's The Goal.

I Think It's An Attainable One But Sustainable.

The Situation As It Is Not Sustainable.

Throwing Out The Idea Of Seven Figures That Large Land Owners Have Put Into This So Far Is Not A Monumental Amount.

Private Citizens For The Last Five Years Have Mounted Opposition On A Case By Case Basis And Spent Far More In A Percentage.

It's A Lot Of Stress, A Lot Of Financial Burden To Put On Private Citizens To Have To Oppose These One By One, For Areas Larger Drgr That Wasn't Planned Properly To Start With.

I Don't Think Anybody Intended For The Entire Drgr To Be Mined.

Nor Did They Think It Ought To Be, Pieces And Let People Live On It That Way.

Good Morning Don.

I'm Don Eslik.

Appreciate The Opportunity To Talk To You This Morning.

In 2002 Lee County Had Approximately 5,500 Acres Permitted In The Drgr, Since Then An Additional 5,000 Acres Has Been Approved By This Board Doubling The Amount Of Land A Lot Of Research-Oriented Type Of Information, Development And Planning For The Area.

And Those Things Need To Be Done Prior To Moving Ahead With Additional Authority To Use That Land Whether It Be Comp Plan Amendments Or Mining Permits.

So Very Much Appreciate Your Consideration Of This Important Matter, It's Been Long Neglected And It's Important That You Move Ahead And Allow This To Be Done Without Changing The Uses That Are Already Authorized Within That Area.

Thank You Very Much.

Thank You Very Much.

Jack Meeker, Followed By Beverly Grady.

Good Morning, Jack.

Good Morning, Thank You Commissioners, I'm Jack Meeker From Estero.

Last Week As Don Mentioned You Adopted An Action Plan.

And I Think This Item Really Exemplifies That Plan.

I Would Urge You To Adopt Option Number Three, I Think That Would Give Staff The Necessary Time To Find A Good Consultant As Far As The Water Supply Is Concerned.

You Have Heard Other Speakers Before Me Discuss The Water.

I Will Not Beat That Horse Today.

But This Affects All Of Us.

Some Of The Concerns Are Correct We Would Make A Mistake To Allow That Much More Mining In This Area.

Thank You.

Thank You Very Much.

Beverly Followed By Don.

Good Morning Beverly.

Good Morning Mr. Chairman, Members Of The Commission.

My Name Is Beverly Grady.

My First Comments Are A Little More General And I Wanted To Speak Specifically For Someone On Option Four.

Looking At Proposed Staff There's A Concern Over Moratorium That's Been Described By The Number Of Options On Zoning Because It Clearly Targets Only One Use Which Is The Mining Use, So I Would Say There Should Be No Moratorium In Cases In Process.

There Should Be No Moratorium On Fill Dirt Or Over Burden Application Only.

Only Applications.

There Should Be No Moratorium Where An I.P.D. Has Been Approved And An Owner Needs To Make An Amendment.

I Want To Request A Clarification In Option Four, Which Says Do Not Accept Rezoning Applications And Do Not Process Any Application, Including Rezoning, Special Exception, Development Borders And Permits.

So My Concern Would Be For Estero Group Limited Before The Hearing Examiner, I Won't

Discuss The Case Before You But I'm Concerned What Number Four Means And Whether That Would Be Interpreted If Chosen To Stop An Existing Hearing Process In Which Case We Would Object.

So Since That's Not Clear And It Goes Beyond To Then Say In The D.R.G.R., I Think No Permits, No Development Orders, That's A Much Larger Scope Than Any Of The Other Proposals By Staff.

So Would Be Concerned For An Applicant Who's Read Your Rules, Followed Your Lead Plan, Followed Your Land Development Code.

Filled Out Your Application Form.

Has Worked With Staff.

Gone Through The Insufficiency Process, Obtained Experts Necessary And Proceeded Through The Hearing Process At Extraordinary Fees To Have Even Contemplated Option Number Four If You Would Interpret That Or Direct Your Staff To Stop An Ongoing Application In The Hearing Process And Would Be Very Opposed To That.

One Of The Benefits Of Being A Latter Speaker I Won't Repeat, But I Concur With Gary Of The Level Of Scrutiny By Your Staff.

I Think That's Very Accurate.

Other Speakers Have Stated About Following A Process, Working In Your Guidelines, Your Rules And Expectation Of Fairness From The Leadership Of The County Commission, So We Would Request That You Not Adopt The Moratorium That Would, As I Said, Affect Ongoing Application, Certainly One's That Already Have Ipd Or In The Hearing Process, That Would Be My Request.

Thank You.

Thank You.

Don Zilnis.

Good Morning Mr. Chairman And The Commissioners.

I'm Don, I Live In Estero, 22199 Nature's Grove Court.

Thank You For Your Recent Support In Identifying A Path Toward Looking At Future Of Our Rural Lands.

You Will Soon Be Voting On A Course Of Action That Requires Prudent And Visionary Consideration.

Currently There Are Proposals On The Books To Add Nearly 3,000 Acres Of Mining In The DrgR And Earlier It Was Submitted There Are 10,000 Currently Permitted.

These Proposals Have Been Able To Go Forward.

Until You Fully Understand The Mosaic Of The Drgr And Plan Accordingly Why Haphazardly Give Up Another 3,000 Acres Without A Comprehensive Plan.

The Big Question Is What Is The Urgency?

We Have Seen No Documented Shortage Of Permitted Aggregate Within Lee County.

Keep In Mind The Aggregate That Ultimately Is Mined In Lee County Can Be Utilized Not Only In Benefit To Its Businesses And Citizens But The State, Possibly Other States And Even Now To International Markets.

This Is Supported By The Fact The Industry Substantially Increased To National And Multi-National Companies In The Last Ten Years.

Why Should We Prioritize A Finite Risk That Whatever Path We Take Will Some Day Be Depleted We Have No Control Over The End Use Beneficiaries At The Possible Expense Of Drinking Water, Flow Ways, Wetlands And Habitat That Are Unique To Lee County Pointed Out In The McClain Study.

Until Such Time As We Have A Clear Scientific Picture Of The Broader And Long Term Impacts That These Mines Can Create And Further Identify An Appropriate Planning Policy That Recognizes All Our Resources Why Push Forward With New Irrevocable Zoning.

Poor Decisions Now Can End Up Costing The Residents Of Lee County Untold Tax Dollars In The Future.

If Remedial Decisions Are Necessary Due To Uninformed Decisions.

It's One Thing When You Have This Great Decision But You Know If There's Problem We End Up With A Hole In The Bag So To Speak.

We Don't Have Control How That Will Be Utilized To The Benefit Of People Not Even Within Our Area.

Please Support And Vote In Favor Of Option Number 3 As Identified By The Staff.

Thank You For Your Consideration.

Thank You Very Much.

That's All The Blue Cards That I Have.

I'm Wondering If Anyone Else Would Care To Speak On This.

You Have To Wave A Hand To Give Me A Clue Here.

I Never Know If You Are Going To Get A Drink Of Water Or Speak.

But I See The Blue Card, Okay.

Thank You.

Deborah Schneider.

Good Morning.

My Name Is Deborah Schneider, I'm The District 1 And 7 Materials Engineer For The Florida Department Of Transportation.

We Cover 17 Counties Including Most Of Southwest Florida And Lee County, Collier County, Charlotte County Are All Part Of Our Districts.

I'm Sure You Have All Heard About The Strategic Aggregate Study That The State Materials Office Had Done Last Year In Regarding Aggregates And Base Rock And Sand.

All Of Those Materials Are Needed To Build Roads And Bridges And They Are Used In The Concrete, The Asphalt, The Cinder Blocks And Everything Else.

Well Since The Study Was Completed, The Study Said That 40% Of The Aggregates That We Get In The State Are From The Lake Belt Region, As Numerous People Have Said Today Some Of Those Mines Have Been Closed.

So Needless To Say A Big To Build I Hi 75 And Other Things Are All Going To Be Affected.

Prices Have Increased \$5 A Ton Last Month In August, They Will Increase Again In October And Then Again January.

When This Happens It Will Nearly Double The Cost Of A Ton Of Aggregate, That's Just In A Six-Month Time Period, Not Only Does That Affect The Land Owners But Everybody As Tax Payers, Because If The Aggregate Costs Go Up, Construction Costs Go Up And Building I-75 Or Any Other Road Way Can Get Much More Expensive.

One Thing I Don't Think People Understand Is Aggregate Materials Are A Place-Based Natural Resource, You Can't Just Dig Up Your Back Yard And Decide To Put A Rock Mine There, It Doesn't Work, You Have To Go Where The Mineral Is Located.

There's A Healthy Deposit Of Lime Rock In Lee County.

You Just Can't Go To Another County And Dig A Hole And Say Do You Want To Make A Mine.

The Last Thing I Wanted To Say, Neil Montgomery Was Right.

There Has Been A Statute Passed If You Do Pose A Moratorium Or Planning To Propose A Moratorium You Need To Contact The Department Of Transportation.

My Information Is There On The Blue Card, If You Need To Contact Me, I Can Get You In Touch With The State Materials Office Where We Have Things Available.

And They Can Contact Me.

I Urge You Not To Do The Moratorium And Continue Processing The Applications You Already Have On File.

Okay, Thank You Very Much.

Anybody Else Wish To Comment?

Okay, I'm Going To Close The Public Comment Period Then And We Will Proceed With The Consent Agenda.

The First Item, Items To Be Pulled For Discussion By The Board, Commissioner Hall?  
None.

Commissioner Mann?  
11 B.

Commissioner Judah?  
9a.

Commissioner Bigelow?  
8b.

Okay, Is That It?  
I Need A Motion On The Balance.

So Moved.

Moved By Commissioner Mann, Seconded By Commissioner Hall.

Is There Discussion?  
All Those In Favor Signify By Saying Aye.

The Ayes Have It, The Balance Of The Consent Agenda Is Approved.

Item 11 B Commissioner Mann?  
Mr. Chairman What My Concern On This Is, It's An Automatic Annual Renewal.

Of A Service Agreement Which Is A Half Million Or Been In The Half Million Dollars Close To \$50,000 A Month.

It's A Single Source Provider.

I Don't See Anyway To Get Out Of This.

But I'm Curious How We Get Into It And I Just Need Somebody To Explain To Me, What Is The Nature Of This Thing And Will We Ever Be Out Of It?  
For The Record Michael Bridges Public Safety.

Our 800 Megahertz System Is A Motorola Proprietary System, It Has Been Since The Early 90's.

They Are The Only One's Authorized To Maintain It, There's Only Two Companies In The Nation That Make, The Other Is Maycom, Also Proprietary, They Do Not Talk To Each Other, So Motorola Had A Technicians On Site For Maintenance, Corrective Maintenance, Bottom Line Is They Are The Only One's That Can Work On The System.

Nearly \$50,000 A Month.

Well We Have Nine Tower Sites Plus Microwaves, Fiber-Optic Connectivity, T1 Connectivity And About \$19 Million Into The Radio System.

If We Redid This Whole System, How Long Are We Legally Committed By Some Contract To This Particular System?

Forever?  
Well No.

If The County Chose To Replace The System, Specification Could Be Written And Put Out For Bid.

But There's Really Only Two People That Can Bid On It.

Motorola Had A Something Like 85% Of These Systems In The Entire Country.

The Other 15% Are Maycom, One Of Which Is In Collier County That Is Problematic.

Well, I Feel Vulnerable And Handicapped Here In Either Staying Or Going.

Going Out For Bid Doesn't Seem To Be The Thing Because It Would Be In The Millions And Millions For A New System.

But I Feel Vulnerable I Have To Approve This Half Million Service Contract Annually With No Options Available To Me.

Mr. Chairman?  
Let Him Finish First.

I Was Just Going To Say I Give Up, I Don't Have An Alternative To Suggest.

I Was Going To Move The Item.

Moved By Commissioner Mann, Second For Discussion.

Commissioner Judah.

I Have Some Of The Same Concerns, It's A Pay It, And Use It Or Lose It Option, You Pay Half A Million Whether They Come Out And Service Or Not, I Talked To Michael This Morning Quite Extensively About This.

Just Hearing This Discussion I'm Wondering Michael Is There A Way We Could Just Do This On An Hourly Basis Or Why Do We Have To Commit To This \$43,000 A Month Price Tag If They Aren't Servicing Us?  
Well They Are Servicing.

They Are Servicing On A Daily Basis, 3-5 Technicians Are On Site At One Tower Site Or Another Doing Preventive Maintenance And Corrective Maintenance, I Have Never Known A Day During The Regular Work Week Where We Did Not Have At Least Several Technicians Performing Maintenance.

And Sometimes On The Weekend And Of Course When We Run Into An Anomaly.

So We Would Be Thinking \$43,000 Maybe We Can Hire Some Experts To Do This Ourselves And Maybe --

We Do Have A Com Supervisor Internal Technician, Between He And I We Oversee The Operation Of Motorola's Support To Us.

To The Best Of My Knowledge It's Never Been Discussed To Try To Do A Cost-By-Hour Basis But I Think It's A Valid Suggestion And I Will Certainly Pursue It.

I Feel, Like Commissioner Mann Said, Vulnerable But We Have To Pay A Half Million.

It's Kind Of Roll Of The Dice If We Need Them.

Further Discussion?  
Opposed?  
The Ayes Have It, The Motion Is Adopted.

Item 9a, Commissioner Judah?  
Thank You Mr. Chairman.

Lindsay, What I Wanted To Confirm With You, This Is In Regards To Recycling Bins, Are These The Dual Blue One's?  
Used For Cardboard And The Other For Glass And Plastic That Are Distributed To Customers?  
For The Record Lindsay Samson, These Are The Standard 18 Gallon Open Top The Standard For The Majority Of The County.

They Aren't The Ones That Are Separated With Two Different Lids That Leak?  
These Are Not The Ones?  
These Are Not The Ones, No.

Same Company That Provides The Ones That Leak?

No It's Not.

When Does That Contract Come Back Up?

Well That Program Was In Conjunction With Our Collection Contracts In 2005.

Study Of 30,000 Units.

And We Will Be Bringing Back To The Board In The Future Options Of Expanding That Program Continuing It And That Type Of Thing.

Now With More Leaking Containers.

You Need Some Kind Of Redesign If We Are Going To Have To Consider Extending The Contract For The Company Or Haulers Issuing Those Leaking Recycling Bins.

Those Containers You Are Referring To Are Not Specified As Water-Proof.

The Open Top 18-Gallon Bins That Most Of Us Have, Of Course Are Not Waterproof.

And The Amount Of Water That We Are Talking About Does Not, In Any Real Manner Deteriorate The Recycling Program.

I'll Have To Show You Then, The Situation.

I'm Just One Household Owner, Experiences A Lot Of Water And My Particular Recycling Bin That Affects The Newspaper And Cardboard, I'm Just One But I'm Sure There Are Plenty That Have The Same Type Of Design.

I Don't Disagree, However It's Not In Any Magnitude In Comparison To The Open-Top Bins.

We Have Problem, We Ought To Be Able To Provide For A Design That Keep The Materials From Getting Wet.

I Understand.

However The Companies That Purchase The Material From The County Have Expressed No Concerns Regarding Moisture In The Materials That We Are Selling.

And There Is No Problem With Processing The Materials?  
That's Correct.

Move The Item.

Thank You Lindsay.

There's A Motion To Approve 9a.

Discussion?

Commissioner Bigelow?

Is This A Test Case We Were Talking About This Morning?

What Commissioner Judah Is Referring To, Yes.

This Is Something Happening In His Neighborhood Or Area In The County?

We Have In Each Of Our Five Franchise Areas Throughout The County.

Okay.

Approximately 6,000 Units In Each Of The Five Areas.

I Can Talk More With Keith About That, Right?

Keaton.

Any Further Discussion?

All In Favor Of Adoption Signify By Saying Aye.

Thank You Lindsay.

Item 8b, Commissioner Bigelow?

Let Me Find It Here.

Move The Item.

Motion To Approve.

Second By Commissioner Mann.

Any Discussion?

Yes, I Just Want To Say I Pulled This Item Because I Liked The Way The Competitive Negotiation Committee Was Made Of, Consisted Of Department Heads None Of Which Work Under Each Other And I Like That Independence.

I Would Prefer To See More Of That In Our Selection Committees, Thank You.

Further Discussion?

All In Favor Signify By Saying Aye.

The Ayes Have It, The Motion Is Adopted.

We Will Present With The Administrative Agenda.

Move Item 15 A.

Second.

I Spilled Coffee On It And My Pages Are Stuck Together.

That's The Settlement In Lee County.

Motion To Approve Item 15 A On The Administrative Agenda.

Seconded By Commissioner Judah.

Discussion?

All In Favor Signify By Saying Aye.

Ayes Have It, The Motion Is Adopted.

Item On 15 B.

Move The Item.

Motion By Commissioner Hall To Approve, Is There A Second?  
Second By Commissioner Mann.

Discussion?

Yes.

Commissioner Bigelow?

There's A Lot Of Back And Forth And Delay On This One.

I Just Want To Hear From The County Attorney As To What's Up -- Why Did This Keep Getting Delayed?

Is There Something In Here That Didn't Find It's Way Onto The Blue Sheet.

I'm Sorry, David Owen, This Is Just Based On The Ability Of Ms. Roth.

Okay, So They Are Here, I Guess?

Ms. Roth Is Here To Answer Any Questions Of The Board If You Have Any.

We Find No Conflict.

This Is A Formality Pursuant To The Board Rules.

They Are Representing The Folks, Citizens For City Hood.

She Will Represent Them From A Legislative Standpoint.

I Guess We Will Be Seeing That Come Back Soon.

Next Week.

Thank You.

Any Further Discussion?

Has There Been A Motion To Approve?

I Believe There Has Been, Discussion?

All In Favor Signify By Saying Aye, Opposed.

The Motion Is Adopted.

15 C.

Good Morning, Mr. Chairman, Scott Assistant County Attorney, I Would Like To Put Items Into The Record.

Fort Myers Boat Club.

Move The Item.

I've Examined The Notification Of Publication And Notice Of Intent Published September 7th And 11th And Find It Legally Sufficient As To Form And Content.

Thank You.

Discussion.

All In Favor Signify By Saying Aye?

Opposed?

The Ayes Have It, The Motion Is Adopted.

That Concludes The Administrative Agenda.

We Do Have One Public Hearing At 9:30.

Who Is Doing That?

Good Morning Commissioners, Donna Marie Collins, I Have Before Me Affidavit Of Publication For The Hearing, It's Legally Sufficient As To Form And Content And I Enter It Into The Record At This Time.

Today Is The 2nd Of Two Public Hearings On The Proposed Designation Of The Southern Extension Of Three Oak It's Parkway As A Controlled Access Road Way, Controlled Access Facilities.

The Intent Of The Resolution For Adoption Is To Set The Access Points That Are Permitted By Lee County Within This Stretch Of Road Way That Commences On The Southern Boundary And Continues South To The Intersection Of Terry Street And Imperial Parkway.

Move The Item Mr. Chairman.

Second.

There's A Motion By Commissioner Judah To Approve The Public Hearing Item And Seconded By Commissioner Hall.

Is There Discussion?

We Need To Take Public Input.

Yes, This Is A Public Hearing.

If There Is Anyone, Anyone Wish To Speak On This?  
Seeing None, I Will Close The Public Hearing, Go Back To The Board For Discussion.

There's A Motion To Approve.

It's Been Seconded.

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

Okay That Concludes The Public Hearing, We Have Walk-Ons And Carry-Overs, First Is Walk-On Item Number One.

Mary Gibbs?  
Good Morning Commissioners.

This Is A Follow-Up To Last Week's Meeting Where We Talked About The D.R.G.R. In The Southeast Lee County And There Are Two Items Today.

One Is The Option For A Possible Rezoning Moratorium And The Second Thing Is To Get Some Direction From You On The Comprehensive Plan Amendment Which You Already Voted On At Last Week's Public Hearing But We Needed A Little Clarification On The Comp Plan Amendment To See How Long You Wanted That Moratorium To Be.

We Had Suggested That It Apply To Privately Initiated Comprehensive Plan Amendments And We Suggested A Two Year Moratorium For That.

At Last Week's Meeting You Mentioned Maybe Exempting The Fountains, So We Will Need Some Direction On That, The Second Item We Need Direction On Is A Possible Zoning Moratorium And In The Blue Sheet I Listed Six Different Options But Let Me Kind Of Highlight The Three That I Think Were Talked About The Most Today.

The First Option Is To Keep Processing Everything.

So In Essence It's No Moratorium, Taking New Applications And Continue To Process The Ones We've Already Got In The System.

The Second Option Which Is The One I Recommend Is The One Where We Process The Ones That Are In The System On The List I Attached To Your Blue Sheet And There Are 7 Mines, 10 Cases All Together But 7 Mines.

And We Are Saying In That Option Not To Take In Any New Rezoning Or Amendments.

The Other Option Three Is The More Strict One Which Says Do Not Accept Any New Applications And Also Don't Process Anything That's In The System Right Now.

And Then The Rest Are Just Variations Of These First Three.

On The List You've Got Attached There's Ten Cases, Seven Are Mine Rezoning Or Mixture And There Is One Small Rezoning Again And Then There's The Fountain.

The Reason I Recommended Number Two, I Was Trying To Find A Reasonable Alternative But If We Do Have To Work On A Large Master Plan, Then If We Keep Accepting More Rezoning's It's Just Going To Make It Much More Difficult To Do A Plan Because If More Property Comes In, The Staff Is Trying To Focus On Getting Those Through In A Timely Manner.

So It Becomes Very Problematic.

I Did Want To Mention One Thing To You, One Of The Speakers Talked About Trying To Submit An Application Yesterday.

And I Did Reject That Application Yesterday, Here Is The Reason Why.

I Felt That The One's We Had On The List Were The Ones Everybody Knew About, These One's On The List, Some Have Been In The Process For A Year And A Half Or A Little Bit More.

The Limit Came In Yesterday, I Felt Was Trying To Get Under The Wire With A Very Large Project That We Had Been Told Was Going To Be A Mixture Of A Residential Component With A Mine Component And Another Mixed Use With Another Component On A Ballot With 6,000 Acres, What Came In Yesterday To Our Counter At 3:30 In The Afternoon Was A Mining Component, I Felt That Was To Circumvent The Board's Intent.

Because You Said No Comp Plan Amendment But Somehow It Morphed Into A Mine Application.

Yes, I Did Turn It Away.

And I Did Want To Admit That.

But I Believe When Mrs. Montgomery Explained, I Think She Twisted The Facts A Little Bit.

There's No Attempt To Apply This Districtly To Mind.

Mines May Make Up The Majority, But There's No Intent To Single Out Mines Or Her Particular Project Because We Have Heard There Are Other Comp Plan Amendments Pending Or In Process So I Just Want To Get That On The Record.

I Do Feel That My Proposal For Option 2 Is Reasonable.

Does It Make Me The Most Happy?

No, If I Had The Perfect World And We Were Doing A Master Plan I Would Say Don't Take Anything And Don't Process Anything We Have In The Hopper But I'm Trying To Find A Middle Ground Because Apparently No One Likes That Option Involved.

If I Can Just Comment A Little On A Couple Comments.

Russell Was Offering An Option 6 Where We Could Allow Some Amendments For These Existing Mines That Have Been Approved And Need Some Flexibility To Maybe Do Phasing Changes And While We Could Be Open To Some Of That, I Think The Difficulty Is How Do You Distinguish Between What A Simple Amendment May Be Versus What More Substantive Amendment May Be, That's Problematic And I Don't Want To Create A Loophole If You Want To Do This, Some Of The Things I Thought About If You Are Doing An Amendment And Changing Footprint That May Be Acceptable But I Heard Some Want To Amend, They Want To Increase Depth Of Excavation From 40 To 100 Feet Or Do Watering Or Add Property Or Do Blasting.

While An Amendment Sounds Like It May Be Kind Of A Minor Thing There Can Be Some That Are Pretty Substantive That I Really Wouldn't Want To Be Trying To Deal With Those Issues At The Same Time As Working On A Master Plan.

That's Why I Didn't Recognize, She Talked About An Option 7 To Allow Some Amendments If It's In The Existing Footprint, If You Were Leaning Toward That, That Needs To Be Really Flushed Out To Make Sure We Are Very Specific That Wouldn't Include New Activities Like Dewatering, Intensifications, Blasting.

Adding New Areas That Weren't Evaluated Before.

So If You Are Leaning Toward That, I Think That Needs Some More Work.

But As I Said, I'm Proposing The One Where We Accept The New One Or We Process The Ones On That List But Do Not Accept Any New One's.

Again We Need Direction From You All Today On What You Want Us To Do And Direction On The Comp Plan Amendment Because My Understanding Last Week Was You Did Invoke The Comp Plan Amendment And It Seemed Like You Were Leaning Towards Exempting The Fountains Because They Had Been In The Process So Long, But I Need Some Direction, Should It Be A 2-Year Moratorium And Apply To Privately Initiated Amendments And We Will Come Back Because Need To Have Another Public Hearing To Adopt That Moratorium Ordinance.

Mr. Chairman?

Commissioner Hall?

I Have A Couple Questions, First From Our County Attorney, We Heard From Two Speakers About A State Statute, Are You Ready To Comment On That State Statute To Us?

Yes Ma'am.

I Don't Have Anything In Addition.

They Were Accurate What They Said About The State Statute.

You May Have Missed The Fact It Only Applies To Construction Materials Mining.

So There's No Limit On A Moratorium On Just Fill Pit Mining For Dirt.

However That May Play Into Your Policy And It Does Require Consultation With F.D.O.T.

It Doesn't Mean We Have To Wait For Them For Any Particular Period Of Time But I Expect We Would Do That Without Any Problem.

We Would Have To Follow One Year.

Yes Ma'am, There's A One Year Limitation If We Put A Moratorium On Construction Materials Mining, That's Lime Rock, Sand, Certain Things In The Statute, It Doesn't Apply To Fill Dirt.

If I Can Add One More Thing When We Talk About Consultation With Fdot, We Had A Conversation About Mines In General What Was Going To Happened To And We Had A Conversation So We Are Consulting With Them.

I Just Have A Couple Questions Before We Get Into The In's And Outs.

How Many Outside Consultants Are You Going To Need To Move Forward On This Project? Are You Talking About The Consultants To Help Us With Mining.

Under Recommendation There Was Outside Help To Help You Moderate To Get Moving With That Task Force.

So As We Are Looking At Talking About Different Moratoriums Or Different Things We Are Doing, Obviously That Part Of The List Is Directly Impacted By These Decisions We Are Making.

Trying To Back Into The Time Frame Of Why You Thought You Needed 24 Months.

Well, We Were A Little Bit Conservative With The 24 Months.

I Appreciate The Tune But Please Turn Off Your Cell Phone.

12 Months Typically Isn't Enough For The Extent Of What Needs To Be Done, Looking At The Lehigh Thing And 18 Months To The Two Years.

We Just Put In Two Years To Be Conservative.

You Can Always Do One Year And Then Come Back And Extend Like We Are Going To Be Doing With The Lehigh One's.

Here Is My Concern, I Will Share This With The Board.

We Are Under Pressure Because We Sort Of Dilly Dallied This Year.

Not In A Negative Way But Really Tried To Go Out And Be Very Broad In Bringing In A Lot Of Opinions And All The Other Studies.

We Studied The Studies And Brought That Back And It Just Took Time To Get Here.

We Have An Aggregate Task Force That Will Make A Report To Our Legislative Delegation, To The Entire Legislation This Coming Session.

And I Don't Want To Be Behind The 8-Ball.

I Don't Want To Be Pre-Empted By The State.

When We Put Together Our Water Task Force, Most Work On A Six-Month Basis And They Are Intense Meetings.

They Don't Go For One Or Two Hours, They Go All Day, Because They Are Tasks To Get The Job Done.

You Set Aside The Hours It Takes Whether You Have To Meet Every Other Week.

And Being On These Task Forces, We Are Driving All Over The State So The Work Can Be Done In A Timely Fashion And Just Like Our Staff, D.E.P. Staff Or Health Department Or Community Development Staff In Tallahassee Is Just As Taxed.

And I Don't Want Anyone To Think This Should Be Dragged Out.

I'm Ready To Put The Resources And Say, If You Want To Sit On The Task Force You've Got To Commit Some Hours, This Isn't Like A Two Hour Meeting, You Are There All Day Or Not At All.

I Don't See The Need.

We Just Belabor Things Ad Nauseam Sometimes.

We Can't Get This Person Here Or That Person There, It Is What It Is.

My Concern, I Don't See Why We Can't Have Substantive Results In Six Months If We Put The Commitment Of The Right Staff People With The Right Outside Consultants And Say These Aren't Going To Be Two-Hour Meetings, They Can't Be, You Just Get Started On These Issues, There Will Be A Lot Of Issues, I Know The Blasting They Usually Met For Half A Day Or Things Like That.

But I'm Ready To Fast Track This, By Not Losing The Data, By Committing The Appropriate Time And Everybody Here Is Local.

So It's Not Like They Have To Come From The Five Corners Of The State.

So I Just Put That Out There For Our Thought Process, I Can't Imagine Taking Two Years

To Get To This Process.

I Really Can't.

I've Been Sitting Here For Three Years And To Think Another Two Years We Couldn't Make The Decision, I Can't Accept That, I Really Can't.

Thank You Mr. Chairman.

Did I Understand As Far As Rock And Aggregates This No Question Here Anyway, We Are Talking About 12 Months On The Zoning Matter?

Yes, Sir Any Prohibition That Would Say No More New Mines For Aggregate Cannot Last Longer Than 12 Months.

Essentially For Our Purposes We Are Stuck With 12 Months If We Are Stuck With A Zoning Moratorium.

Whatever The Proposed Sheet It Would Have To Be 21 Months.

Well It's A Little More Complicated Than That.

Some Options Include Others, Not Just Mines, The Only Thing That's Limited Is The Mine.

Let's Assume For The Sake Of Discussion We Took The Staff's Recommendation Of Option Number Two.

That Would Be 12 Months Is All We Could Do There.

Well, What You Could Do 12 Months For Mines You Can Do Longer For Others.

You Could Say 18 Months With A Limit Of 12 For Construction Aggregate Mining.

Or You Could, Because Like Tim Said If There's Others That Aren't Construction Aggregate Mines There's No Limit On The Moratorium.

We Have A Couple Options, You Could Say 12 Months And Then We Will Look At It After The 12 Months Expires Like With Lehigh And See If It Needs To Be Extended To.

Some Are Mixtures, Mines With Other Uses.

Thank You, I Understand We Can Make Almost Endless Options Here But Frankly I'm Inclined To Go In The Direction That Commissioner Hall Was Describing That Now That We've Got This Thing Going As Someone, Maybe Mr. Lidle Said We Are On This Horse, Let's Ride It.

I Would Hope We Could Accomplish This In A Year, If Not We Have The Option To Extend This, Just Like We Were Discussing On The Moratorium In Lehigh Right Now And Residential Zoning Out There.

We Can Put All Our Good-Faith Efforts Toward Resolving This And Having A New Plan In A Year.

I Would Be Comfortable Going That Direction.

What I Would Like To See, Perhaps We Can Take In Two Steps And Talk About The Comp Plan Moratorium First.

And Just Put That Away And Deal With That.

And Then Come Back To The Zoning Issue.

Now Tell Me About The Two Years There, Can We Not Also Do This On A One Year And See If We Can Get It Done?

Yes, You Can Do That.

You Can Make It One Year And Have Us Bring It Back Before The Year To Re-Examine Where We Are.

I Would Be Happy With A One-Year Moratorium On The Comp Plan Amendments But To Allow The Fountains To Proceed.

Since That's What's Been Mentioned Last Weekend Today That They Have Been In This Process A Long Time.

Okay, Any Comments?

That's My Thoughts, Not A Motion.

I Understand.

Commissioner Judah?

I Support The Time Frame Of One Year, That's Reasonable And Keeps Our Nose To The Grind Stone.

I Did Want To Ask Mary A Couple Quick Questions If I Could.

Sure.

Mary, I Understand You Trying To Find Common Ground With Option Two, But I'm Looking At Option Three Because I See A Big Difference Between That's Been Submitted And That Considered Sufficient.

Certainly Those Considered Sufficient We Ought To Continue To Review, I Don't Know How Many Of The 7-8 You Gave Us Would Be Considered Sufficient.

I Think There's Two Or Three In There.

I Believe That's Where We Need To Make A Commitment For Those Who Have Gone Through The Process And Deemed Sufficient We Ought To Continue Their Review.

That Would Be Option Three.

But I Understand With The Exiting I.P.D.'S Were They Looking At Amending Through Rezoning Their Operations And I Appreciate You Mentioning Issues Like Blasting And Intensification And Dewatering.

But Certainly If There's A Proposal For Phasing, I Don't See A Problem With That, As Long As There's Not A Footprint, I'm Hoping We Can Massage That Language With Those That Are Already Existing Operations Where We Don't So Confine Them To Be Able To Come Back And Request The Amendment That Doesn't Affect, Or Intensifies The Use.

I'm Sensitive To The Fact That Some May Be Approved And They Want To Go Down 40-60 Feet For Aggregate.

That's The Schaub Case.

I Think We Need To Condition Those We Are Willing To Accept Based On What's Being Requested So We Don't Let The Cat Out Of The Bag, So To Speak.

If You Do That, We Still Have To Come Back With The Public Hearing For The Moratorium.

So We Can Try To Work That Into The Language When We Come Back.

But Do You Think We Can Do This Comp Plan Amendment First?  
That Might Be More Simple.

What I'm Hearing You Say, Since It Was Voted On Last Week But Not The Specifics.

Not The Fountains Because They Are In The Process Already.

Second.

And Then My Only Question, And We're Not.

Since You Made That Motion Last Week We Would Not Accept Any Comprehensive Plan Amendments In The Meantime.

Let's Say It Takes A Month To Get The Ordinance Actually Back To You.

That Would Be The Intent Of The Motion.

Okay, You Have Heard The Motion, There's Been A Second.

Now Discussion, Commissioner Hall?

On The Fountains I'm Seeing Dc 12 006 As Insufficient And D.R.I. 2006 001 As Insufficient.

So Are You Saying Even Though Those Are Insufficient You Would Review To Make Them Sufficient?

Yes Because The Plan Amendment Is Being Scheduled, I Think For The L.P.A. Next Month.

So The Hearing's Already Set.

The D.R.I. And Zoning Was Tracking That.

It's All One Package, I Would Say That Needs To Be Exempted Because It's All One Package.

Secondly, Why Would We Not Moratorium All?

I Don't See Lee County, Why Would We Be Different Than A Private Amendment?

Because There Could Be Some, There Might Be Some, I Mean You Could, But There May Be Some Compelling Thing That Comes Up That's A Public Thing That We Weren't Thinking Of That Might Need To Be Done In The Next Year.

I Can't Think Of Anything, But There Might Need To Be Something, You Can Certainly Do Something No Public And Private.

We Can Say At The Time It Comes Up.

Okay.

Further Discussion?

Yeah, Mary, This Would Then Give Us The Time As We Are Envisioning Look At Some Viable Options Like T.D.R.'S In The D.R.G.R. Push For Sewer And Water Instead Of Septic Tanks And Wells.

This Would Give Us A Year To Come Up With The Language Once That Moratorium Is Lifted.

Okay.

I Guess My Only Other Comment Mr. Chairman, For God Sakes If We Don't Need A Year Let's Not Take A Year.

The Rubber Has To Hit The Road.

But Let's Really Commit The Resources And Let This Board Know Where You Are Lacking The Resources.

Not Wheeling Along Because You Think You Are Helping, I Want This To Be An Open Two-Way Dialogue.

I Want To Move This Thing, I Don't Want To Have A Meeting And Then Sit For 30 Days.

Then Have Another And Sit For 30 Days, I Want Us To Be Focused.

I Want To Too, The Only Caveat, If We Have To Get Consultants And You Get An R.F.P.

That's A 3-Month Process.

We Will Try Our Best To Get It Moving.

I'm Looking At Administration.

I Think People In The Audience Are Feeling The Same Way, I'm Ecstatic We Are Here Today But I'm Frustrated That We Are Here Today And Weren't Here Last Year.

So I'm Very Serious Administration, Get With Community Development.

We Have Team Members.

It Shouldn't Take Three Months To Get An Rfp To Get Consultants On Board, I Really Can't Imagine That If We Are Focused.

We Had To Pick 19 From Around The State, Bring Consultants, Got Everything Done In Six Months And We Came Out With Northern Everglades Legislation, I Know This Isn't Impossible If We Focus.

They Are No Busier Than The County Of Lee.

Further Discussion?  
Yes.

Commissioner Bigelow?  
I'm Ecstatic We Are Here, I Wish We Had Been Here A Decade And A Half Ago.

Now We Will Try To Do This In A One-Year Period.

Talk About Putting Mary's Feet To The Fire.

I Think Two Years Is The Minimum.

When You Think About It, The Magnitude Of What We Have To Do, Two Years Is Not Even Enough, Probably.

I Would Be Interested In Hearing From You, Mr. Chairman.

I Tell Ya, As It's Proposed So Far I'm Not Supporting It Because I Would Like Us To Move To At Least Two Years And I Would Like Us To Stop The Bus And That Would Include The Fountains.

That's Where I'm At.

Okay, Any Questions?  
Just The Issue Today Doesn't In Any Way Indicate Support For The Fountains, It's Going To Have To Rise On -- Survive On Its Own Merit

There's A Few Obstacles In The Way.

Let Me Pick Up And Say We Have Heard From Paul O' Connor Last Time And Mary Is Repeating Today, It's Important To Understand If We Are Going To Allow The Fountains To Move Along And We Make Some Discussion.

For The Sake Of One Application.

We Then Change What It Is The Landscape In Which We Are Trying To Plant.

I Think Again, We Don't Do Ourselves A Service, When I Say Us I'm Including The Fountains.

Private Industry As Well As The Public Interest At Large.

I Would Just Respectfully Request That We Stop The Fountains Application As Well.

Again, Mr. Chairman, I Think It's, You Are The Missing Link Here.

I Would Be Interested In Hearing From You.

I Want A Moratorium With A Capital M As You Know.

I've Not Been Shy Or Holding Back In That Respect.

But I Do Want To See Something Pass In The Way --  
I'm Going To Support The Motion, Commissioner Bigelow.

I Think We Have Been Diddling Around With This For Some Time.

This Isn't A New Subject, We Have Been Talking About It For Years And Years And Years.

All We Have To Make Certain Is The Staff Is Onto Allocating Resources As We Need Them.

I Think It's Just Critical That We Move And We Cannot Convey At All To The Public Or To The Legislature We Are Dawdling Because They Will Take It Away From Us.

I Think We Need To Move Quickly.

If More Time Is Needed I'm Not Above Saying More Time Is Needed But I'm Not Certain It Is At This Point.

I Would Like To Issue A Challenge That We Try To Resolve This As Quickly As Possible.

Can I Just Say One More Thing To Clarify My Vote?

I Will Vote For This To Support It And Move Collectively With I Think The Majority.

I Assume All Of Us.

But I Really Do Want Us To Consider That In Time, When We Have To Re-Look At This,  
That We Will Consider Whether Or Not It's A Good Idea.

Even Before Or During The Fountains.

Absolutely.

Public Hearings.

Any Further Discussion?  
All In Favor Will Signify By Saying Aye.

Opposed.

The Motion Is Adopted.

What Do You Need Now, Mary?  
Some Type Of Motion On The Rezoning.

I Need One More Question Answered Before We Move On.

Two People Made Reference To Judge Huvler, I Need A Summary As To What The Impact  
Of His Decision And How It Relates To What We Are Talking About Here.

Somebody Has The Advantage On Me As To What That's All About.

Here Comes The Judge.

Commissioner Mann, I'll Give You A Thumb Nail Sketch On That.

That's A Whole Different Scenario.

And It Really Doesn't Have An Immediate Impact On This County At This Point In Time.

That's Focused On The Set Of Link Belt Mines In Miami.

There's Certain Fact Scenarios That Have Come Out Of That Case Which Lead Judge Huvler  
To That Decision.

They Have Not Risen, That's The Best Way To Put It.

It Doesn't Have An Effect What The County Would Do Here With Respect To Your Zoning.

That's Enough.

Perhaps We Will Pursue This Later.

But I Just Want To Know If There Was Something We Had To Be Thinking About Based On  
That Decision On What We Are Doing Here Today.

Not At The Moment.

Commissioner Judah?

I'm Going To Suggest We Seriously Consider Option Three As Slightly Modified, If We Are Talking About Costs, There's No Greater Cost Than Jeopardizing Our Water Supply.

Also I'm Very Sensitive To The Fact The Residents In The Proposed Mining Area Have To Expand Their Resources, Every Time A Specific Rezoning Comes Ultimately To This Board And What I Would Like To Do, Obviously, I Think We Are All Trying To Recognize With The Benefits Of The Analysis And Evaluation Of The Drgr And Study To Give Us Information To Make An Informed Decision If Rezoning Applications Are Not Sufficient We Don't Review Them For Up To One Year.

But I Do Want To Ask Mary Between Now And This Going To Public Hearing, Work On Language To Provide For Ways To Allow For Existing I.P.D.'S Not Injurious Or Adverse To What We Are Trying To Accomplish With Water Resources In The Area.

Mr. Chairman, If I Could.

Yes.

Assuming This Is Going To Be A Motion?

Yes.

Well I Don't Know.

I Want To Ask We Make Sure We Clarify What Pending Applications We Are Talking About.

I Thought The Way Mary Was Saying It, The Pending Applications We Were Talking About Were On Her List Attached To This Blue Sheet, We Aren't Counting One's That Attempted To Be Submitted Or May Be Submitted Today Or Tomorrow Or Later.

In Other Words Only The Ones That Were On That List, In Essence In That System Last Week.

And Option Three Further Specifies, Only Those That Are Sufficient.

Right.

Mr. Chairman.

Yes Commissioner Hall.

Can We Clarify With Mary, She Is Identifying As Sufficient.

Would Be The Estero Group Ipd, The Corporate Harper Mine.

And East Hill.

Those Three.

I Have Four.

Estero Group Ipd, Because That's Already In Hearings, Fort Myers Harper Mine.

Never Mind, I Was Looking At Fountains.

So Three.

Those Three.

Commissioner Judah, Am I Assuming You Are Expanding Those Three To Say If It's Not A Mining Operation, In Other Words If Someone Is Coming In For Residential Development Or To Change Their Land From Yxz Back To A.

No That Would Be Zoning, Wouldn't It?

So In Other Words You Are Saying Anything That's Not Mining Or Aggregate Request You Would Still Let Those Come Through?

No, Everything Is Shut Down For A Year.

Just Those Three Would Come Through.

Yes Ma'am.

And Those Amendments.

Wait.

Let Commissioner Judah Finish His Statement, Then I Will Call On Commissioner Hall And Then You, Commissioner Mann.

What Was To Clarify What Commissioner Hall Was Requesting, Estero Group Ipd Verified By Mary, Harper Mine, Considered.

I'm Asking Mary To Come Up With Language For Existing I.P.D.'S Before We Have A Public Hearing On The Matter.

So The Tower And Anything Else Would Be A No.

Everything Else Is No.

Is That What You Are Considering Making A Motion.

That Is My Motion.

Okay.

Commissioner Mann, Did You Get That Information Down?  
Yes.

Can I Clarify Two Points, The Fountains Even Though On This List Would Run With The  
Comp Plan Amendments So It's Exempt Because It's A Package.

And The Other Thing On My List, There's A Tower.

I Just Asked About The Tower.

Oh Sorry.

Said No.

The Tower Is Just A Special Exception, It's Not A Rezoning.

It Will Have To Come Back For Us To Deliberate On Anyway, Ultimately?  
Well Special Exception, No It Won't, Not To This Board.

If You Say Rezonings Then The Tower Won't Be Affected.

It Can Proceed.

Rezonings Only.

I Thought That's What We Were Talking About.

Rezonings Only.

For Clarification For You Commissioner Hall, Thank You For Pursuing That Discussion.

Any Further Discussion?

Yes, I Would Like To --

I Don't Have A Second Yet.

I Thought You Did.

Is There A Second?

For Discussion?

I'll Second It For Discussion Purposes.

Who's Going To Discussion?

Me?

Thank You.

I Was Thinking Maybe We Should Peel Out The Construction Material Away From The Other  
Rezoning Issues Because Of The State's Requirement That We Have To Work With Fdot  
Naturally As We Should, But Also That It's A One-Year Limit.

Mary, Would You See Any Benefit Of Treating That Separately From The Other Applications So That We Can --

I'm Not Sure You Need To Do That.

The Only One I Can Think Of Off The Top Of My Head That's A Fill Dirt Is Estero Ipd And It's Already In The Hearing Process.

So That Would Continue.

I Think The Others All Had Some Construction Aggregate Involved And If You Separate It, I Would Be Worried Everybody Would Come In And Say I'm Only Doing Fill-Dirt Now.

And For Another Year And Then I Will Come Back And Do Rock Later.

I Was Going To For The Reason The State Has Reacted.

But I'll Withdraw That Thought.

I Guess If We Are Under Discussion And Getting Our Thoughts Out There I Would Like To Say That Fortunately We've Got The One Year Limit The State Has Imposed On Us.

I Did Hear Mary Say, Tim, I Don't Think Said It Or Confirmed It But There's Nothing To Preclude Us From Extending It, We Can Make Them Consecutive.

No, Sir, I Don't Think You Can Extend It As To Rock Mines.

No We Can Extend It Consecutively, One Year, One Year.

I Doesn't -- Don't Think That Was The Intent.

The Comp Plan You Can Continue To Extend.

I Was Only Talking About The Zoning For The Mines.

Right, Right.

So It's Not A Question We Can Definitively Answer Today So We Will Hear More About It During Public Hearings.

So To The Extent That We Can Only Go A Year At A Time, I'm Going To Support That Naturally.

I Do Believe Though That Again, We All Benefit When We Have A Non-Moving Target And Unfortunately By Allowing These That Are In The Hopper To Continue To Process, Even The Hearing Examiner's Hearing In Place Right Now It Makes It All That Much More Difficult.

But Again I Want To Be A Part Of The Team Here And Be Sure That We Are Sending A Loud And Clear Message If We Can Get A 5-0 On This.

Important To Restate My Case.

Mr. Chairman?

Yes, Commissioner Hall.

Maybe This Is A Question For Tim, If The State Passes The Legislation Where Mining Won't Be Cited Locally How Long Before That Won't Be In Effect?

I Would Predict It Would Be As Soon As The Governor Signs It.

If That Passed How Does That Affect Our Land Use Then?

If They Take Mining And Cite It From Tallahassee, They Would Still Have To Follow Our Land Use, Or Would Everything Be Off The Table Then?

That Would Probably, Depend On How They Wrote It, But I'm Going To Assume They Would Take Complete Control.

If They Locate And Came In And Said We Found More Resource And Even Though We Didn't Allow Mining, If They Wanted To Cite That, They Wanted To Do That.

We Can Do It With Other Things But I Want To Clarify Because I Think It's A Legitimate Question With The Environment We Are In Now.

Hence Why I Was Pushing For A Shorter Moratorium To Be Ahead Of It.

If We Had To Extend It We Could.

But At Least The Effort Could Be There To Recognize That Locally We Are Trying To Do The Right Thing By Keeping The Decisions Local And Try To Meet Them Halfway.

Because I Will Tell You Bob And Commissioner Janes And I Were In A Meeting Yesterday And This Is A True Threat.

We Held Onto Local Citing By A Thread Last Year.

Florida Association Of Counties, We Fought Long And Hard In Committee Meetings To Keep The Citing Locally.

Autobon Was With Us.

I Guess My Hesitation Commissioner Judah, I'm Trying To Get Ahead Of The Legislation And Try To Sit In As Many Of The Aggregate Meetings As I Can, We Can Always Extend The Moratorium But I'm Trying To Put The Pressure And Commitment And Time.

These Aren't Three-Hour Meetings This Task Force Will Have To Sit In.

If I Could, Believe Me I'm Hearing You Loud And Clear, That's Where I Proffer This Motion That Includes One Year, Not Two Years.

Two, It Provides For A Reasonable Response On This Board's Part Recognizing Those In The

Hopper That Are Sufficient And Also That We Will Consider Amendments To Existing I.P.D.'S Based On Conditions Mary Will Give Us At The Public Hearing.

To Honorable Council Down There Are We Risking Anything By Picking And Choosing Which Are In The Hopper And Which Are Not?  
Are We Subjecting Ourselves To Some Legal Challenge By Those That Didn't Get Under The Wire?

Commissioner, There's Always Some Risk.

But I Think What The Action Is Proposed Is Supportable And Sustainable.

Okay.

Mr. Chairman, I'm Going Back And Forth As To Whether I Want To Go This Direction Or Not.

I Think I've About Talked Myself Into Supporting This Motion At This Point.

And Commissioner Bigelow, Since We Can't Chat About This Outside The Sunshine, I Would Like To Say That I Think From The Comments I've Heard You Make In The Past About Your Frustration Not Getting Two Things And It's Taken So Long That I Think, I Would View This As Pretty Much Of A Fast Forward On This Whole Very Heavy Duty Issue.

So I Would Hope That We've Got A Chance To Move In A Unanimous Front Here.

Today, I Think It Would Be A Bold And Very Positive Step.

Okay, Any Further Discussion?  
There's Been A Motion, Seconded.

Further Discussion?  
All Those In Favor Signify By Saying Aye?  
Opposed?  
The Ayes Have It, The Motion Is Adopted.

Next, Mary?  
Do We Have A Scheduled Date On The Proposed Public Hearing For The Ordinance?  
I Don't Think So, But Would It Be About A Month?  
I'm Sorry Mr. Chairman, I Was Just Curious.

We Have To Do Two, Right?  
We Aren't Having Any New Public Hearings Until October 23rd.

So That Would Be The Soonest We Could Have It In Front Of You.

And We Have To Do Two?  
Yes, Sir, Two.

For Both?

That's Correct.

We Have To Wait Until October 23rd?  
Because We Don't Have People Here.

We Don't Have Quorums.

We Just Cancelled A Bunch Of Them.

Okay Mary, Where Are We Now?  
I'm Leaving.

And I'm Never Coming Back.

I Must Say You Must Be Absolutely Ecstatic With The Overwhelming Amount Of  
Information You Asked For And Got.

Kind Of Scary.

Okay We Have Carry-Over Number One.

Move The Item Mr. Chairman.

There's A Motion To Approve Item Number One By Commissioner Judah.

Maybe Before You Render Your Final Vote If I Can Put The Advertisement Into Record.

I've Reviewed The Affidavit Of Publication And Notice Of Intent As Published In The Fort  
Myers News Press, September 4th And 11th And Find It Legally Sufficient As To Form And  
Content And Here By Put It Into The Record.

What A Guy.

It's Been Moved And Seconded.

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

That Concludes The Walk-Ons And Carry-Overs.

Commissioner Items, Commissioner Hall?  
None.

Commissioner Mann?  
Just To Clarify, Word Kind Of Went Around The Courthouse Last Week That I Was Not  
Going To Be Here This Coming Tuesday And The Two Incorporation Issues Are Coming Up.

I Understand Both Estero And Lehigh Acres For Us To Put Them On The Ballot January 29th  
Or Not.

First Off I Will Be Here, I Am Leaving After That.

I'm Driving For A Long Scheduled Visit In Tennessee And I Will Be Back The Following Monday Night.

So I Don't Intend To Miss Any Of Our Tuesday Meetings Here.

And It Is My Hope Frankly We Do The Democratic Thing And Let Those Folks Vote In Estero And Lehigh, That's Where I Will Be Headed Next Tuesday On That Particular Issue.

You're Not Going To Go To Tennessee, You Will Go To That First?

Yes, Sir, Go To Bat For Folks In Lehigh To Bring Democracy Home To Lee County.

Thanks Very Much.

Commissioner Items, Commissioner Judah?

Last Tuesday We Really Should Have Acknowledged And Recognized Jim Lavender And Winguard.

That Was An Incredible Ceremony We Experienced With The Unveiling And Ribbon Cutting Of The Sanibel Causeway.

Want To Appreciate The Work Well Done And We Have A Functional Corridor There.

And I Want To Thank For Putting Together A Fantastic Ceremonial Ribbon Cutting.

Thank You.

Have You Ever Ridden In A Rumble Seat Before?

That Was My First Experience.

I've Never Done It.

But It Looked Good, Right?

I Also Want To Thank Rudy Bush And Kennedy Beautiful As Part Of The Coastal Clean Up Weekend.

They Were Involved All Over The Community.

Also Want To Thank All The Volunteers That Took Time To Enhance And Improve And Clean Up Our Coastal Areas, Beaches And Back Bays.

Also To Solid Waste For Providing The Dumpsters And Collecting The Trash And Taking It Back To The Facility, Allowing Us To Have A Cleaner Environment.

One Last Item At The 10 County Coalition Meeting And I Want To Pass Out Copies Of A Resolution, Because I Feel Certainly It's Incumbent Upon Me As A Liaison To Share This With The Board.

Basically What It Does, It Requests Of The 10-County Collation To In Turn Request Of Congress To Expedite Funding For The Enhancement Of The Levies There Around Lake Okeechobee, The Herbert Hoover Dike.

At That Meeting I Had Suggested What We Should Include In That Language Under Section One, Page One Of Two, You See That Language Right There, Where It Refers To.

To Include A Spill Way To The South.

I Know Wayne Daltry Is Here.

We Have Had Long Discussions Particularly In Light Of Katrina And Failure Of The Levees In New Orleans, If This Herbert Hoover Dike Is Fortified And Strengthened Because It's A Potential Risk To Lives And Property, If There's A Breach, A Major Breach Then Certainly Any Dike Or Fortified Levee Needs To Have A Spill Way In Order To Relieve And Reduce The Stress And Strain Of High Water Levels Compromising The Integrity Of The Berm.

They Opted Not To Include The Language That We Should Insist That A Spill Way Be Built To Release Excessive Waters To The South For A Variety Of Reasons But I Feel Strongly This Lee County Board Needs To Send A Message To Our Congressional Delegation Recognizing The Fact That If We Don't Provide A Spill Way As Required By Engineering Design Practices For Dikes And Levees And Dams, That There Is Potential For A Major Breach Like In New Orleans With Katrina.

Affecting And Impacting Lives And Property.

Further More, If A Spillway Is Not Provided Then All We Have Is A Reservoir For Flood Control And Water Supply And We Don't Allow For The Living Ecosystem That We Are Trying To Restore In Lake Okeechobee.

There's Going To Be Times That The Lake Is Going To Have High Waters During Our Wet Seasons And Right Now I Know We Are In A Drought.

But We Will Have Wet Seasons Again, In 2004, 2005 That Lake Can Rise 3-4 Feet In A Matter Of Two Months And That Water Has To Be Released To Tide Unfortunately Which Is Squandering Of A Precious Resource But Goes To The Back Bays And Estuaries.

If We Move Forward Proactively With A Need To Improve And Fortify Of The Herbert Hoover Dike, The Need To Make Sure We Have A Living Ecosystem To Restore, Bring The Fisheries Back And Help The Economic Potential Of The Surrounding Glades Communities And To Hopefully Eliminate The Impact, The Design Should Include A Spillway, So I'm Asking This Board Respectfully That We, Too, Should Get On Board To Support This Resolution But With The Inclusion Of A Spillway To South In The Language Number One.

There Are So Many Working Groups Out There That Compile Engineers, Analysts, Interested Parties.

And Commissioner Judah, I Have Had To Take Three Years And Educate Myself On A Lot Of

These Issues.

They Aren't As Simple As These Going Up There, There's A Lot Of Complex Components To It.

I Feel Uncomfortable When We Tell The Army Corps Of Engineers What They Have To Do To Design A Dike.

I Would Rather Take Time At An Mmp Meeting So We Are On The Same Page.

We Have, And Have Had, Commissioner Mann, This Goes Back To When You Were With The Water Strict.

District.

It's All The Same People Working On The Same Issues.

All 50,000 Or Whatever.

I Think Lee County Draws It's Line In The Sand On Specific Things.

And We Stand Up And Fight For Things, Based On The Facts, Based On Expertise Testimony, We Get Behind It, We Get Behind It With Money, With Lawsuits, We Get Behind Things.

I Think Resolutions Are Wonderful.

But I'm Not Comfortable.

I'm More Than Happy To Support This, This Is Great, That's Fine.

But To Say We Have To Get Behind A Spillway Design In The Dike, I'm Not Comfortable With That.

I Have Enough Information To Say By The Way I Want To Support Our Congress Telling The Army Corps Of Engineers To Put A Spillway When I Know There Are Other Things Being Talked About.

I Don't Know If A Spillway Is The Answer Or Something Conveying Water To The South Is The Answer.

I Don't Want To Get Locked Into That, Commissioner Judah.

I Certainly Support Southern Conveyance Through The E.A.A. To The Everglades.

I Just Don't Know If The Answer Is A Spillway.

We Can Keep This Brief, I Have No Problem Going To Management Planning To Flush This Out.

There Are Few Options With Regard To Release Of Option Around Lake Okeechobee.

And Right Now We Are The Relief Valve As We Know As Is St. Lucie.

So If We Aren't In Support It Goes Hand In Hand With The Spillway To The South.

Wayne?

Good Morning, Afternoon, Wayne Daltry For The Record, Smart Growth Director.

This Is Not A Water Management Issue For Water Supply.

This Is A Emergency Management Issue.

I Feel Very Comfortable If This Board Was To Ask The Corps To Convene A Working Group Around The Lake To Deal With The Potential Subject Of Breeches, That's A Side Note But That's Where The Issues Should Be Addressed.

It's An Issue I Have Brought Up, So It's Not New.

The Overall Question Lies In The Fact, This Was Brought Up By The Core Of Engineers Who Said They Were Going To Examine The Spillway As A Concept Or As A Potential Action For A Reach.

That Is The Basic Area Around South Bay To Clewiston.

Right Now They Are Asking For And This Is The Resolution Before You.

Please Help Us Get The Money To Fix Reach One.

If That Goes There's A Book Out There That I Presented The Working Group That Shows A Devastating Release Of Water Into The Populated Areas, Not Only Of East Around The Lake But Out West Around The Lake.

But East Along The Coast.

So The Corps Needs The Money For That, They Need To Move On That As Fast As Possible.

The Subject Of A Spillway Around Clewiston Or South Bay And If They Think That's A Worthwhile Concept They Will Pursue It And Pursue It At That Higher Level.

They Weren't Prepared To Do Anything More Than To Respond To Questions Asked In The Meeting.

They Weren't In Opposition But That Was The Vote 6-4 To Not Include The Spillway Language, I Think It Would Be More Appropriate If We Include Emergency Language, Right Now The Only Thing They Proffer When The Lake Is Rising, Discharge As Much East And West As Possible And In The Past That Didn't Keep The Lake From Rising And It Rose To The Levels They Are Concerned About Rising To Again Today Even With Repairs.

I Had A Discussion The Other Day With Ms. Wheelly When She Was In Town Briefly, She Talked About The Need To Deal With Herbert Hoover Dike And Get It Built Up And Fortified.

Which Would Increase His Capability To Hold A Lot More Water Than It Does Today.

Which Answers A Lot Of Our Problems So The Need For The Spillway Would Be Less After The Dike Is Fortified.

It's More.

Well Again, I Think To Stick To The Subject Commissioner Judah Brought Up, Because Again You Are Hearing Debate Now.

I Would Like To Take It In Bits And Pieces.

It's Just Enormous And Us Adding, And By The Way Put A Spillway In There Too Isn't Going To Move Anywhere Right Now, Commissioner Judah With All Due Respect If We Are Going To Be As Staunch As This Board As The Board Of County Commissioners, I Want It To Be Done In A More Formal Manner, I Would Like For The Army Corps To Be Present For Our Experts To Come And Speak To Us About It And Give Us A Direction Rather Than Putting It As A P.S. On A Resolution.

I'm With You From The Standpoint What Wayne Is Suggesting That We Take Emergency Measures To Deal With Excessive Release, We Don't Have To Deal With It Today, This Can Come Back After We Flush It Out, Talk To Staff, Bring It Back To Management Planning.

The Reason I Say That, Commissioner Judah, Is All Of Us Within Our Contacts Are Talking About Specifics And Lee County Has Put What Our Position Is On These Specifics, Whether It's Commissioner Mann Talking To Wheelly Or Commissioner Bigelow We Sort Of Have, This Is What Our Board's Position Is, As Individuals We All Have Personal Opinions.

You Have Strong Opinions About The E.A.A.

I Have Strong Opinions About Different Aspects.

I Respect That Difference.

But I Would Like For Us, Maybe On Behalf Of The New Board Members To Go Over That List Of Policies And Positions Because Guess What, We Will Be Back In Washington D.C. After The First Of The Year Meeting With Those Folks Again And I Think It's Healthy To Revamp P And See What's Changed And Where We Need To Add New Positions, If The Spill Way Is A New Position, I'm In Washington Making Those Calls, I Want To Take And Put As Much Effort Behind It, I Just Want Us All To Be On The Same Page As A Board And I Don't Like Doing It In Bits And Pieces Because It Makes Me Nervous Because There Are So Many Moving Parts That Changes Daily.

Let's Have This Scheduled At The Next Available Management Planning Committee.

I Will Second Your Resolution.

I'm Not Proposing A Resolution.

We Will Bring This Back After M.M.P.

Is That Okay, Staff?

We Could Skip It.

If He Will Second It, I'll Vote.

I Don't Mind With This Resolution, I Just Don't Want To Add Anything.

Why Would We Not Move Forward?

Because If All You Are Doing Is Creating A Reservoir With A Fortified Levee You Have Continued To Compound The Problem We Asked For Decades It Will Be Treated As A Flood Control Water Supply Pit.

But Commissioner Mann Was Going To Amend It, I Believe.

But Wasn't Going To Include The Spillway.

I Just Want To Say Too, I Think The Idea Of A Spillway Is Intriguing And The Idea It Would Go South Is Even More Intriguing.

But I Think We Need To Get A Methodology Or Procedure Here A Little Bit Different And Suddenly Some Commissioner Item, Bring Up An Add-On Item That No One Really Fully Understands.

I Agree With Commissioner Hall On This Case That We Schedule This For M.M.P.

It Needs A Full Discussion.

What I Would Like To Have Is Our Full Understanding What It Is We Are Proposing On The South End Or The Southern End Of That Lake That We Feel That Way And These Are Some Of The Issues And Identify A Series Of Steps We Should Be Taking, One Of Which May Be Supporting A Spillway.

As The Opportunity Arises We Will Move On It.

But I Like The Idea Of The Emergency Managers Convening And Talking About It.

I Don't See Any Reason Why We Couldn't Support Something Like That.

I Need To Talk About It And Think About It More At Mmp Before I Can Move On It.

Thank You.

Commissioner Bigelow?

Are You Done, Ray?

Yes.

No, I'm Ready For Committee Appointments.

I Don't Either, I Do Have Committee Appointment.

It Will Take A Little Bit Of Fast Moving.

Commissioner Hall?

Just Want To Remind Everyone The Everglades Coalition Is At Southeast Plantation And If You Are Interested, Invite Every Person, Including Elected Officials And Very Inspiring Presentations.

I Have Several Appointments, Reappointment Of Grace Le Due To The Bike Pedestrian Committee, Walter Construction Licensing, Reappointment Of Wayne Kirk Wood To Board Of Appeal.

Scott Carter To Construction Board Of Adjustments And Appeal And Reappointment Of Kim To Conservation Land Stewardship.

Seconded By Commissioner Mann.

Discussion?

All In Favor.

Ayes Have It, So Ordered.

Commissioner Mann?

None.

Commissioner Judah.

Mary Ann (Inaudible).

All In Favor Signify By Saying Aye.

Commissioner Bigelow?

Reappointment Of Ernest To The Land Development Code.

Reappointment Of Richard Sap To The C.A.A. Neighborhood District And Seymour Roach Caa Neighborhood District Reappointment.

Dean Desirree To Whisky Creek Club Estates, Daniel Iron To Whiskey Creek Club Estates.

Those Are Reappointments.

You Are A Busy Bee.

I've Got Two More, Charles Born, Black Affairs Advisory Board, Nancy Kelly Sims, Replaces Mary Ann Vargas.

All In Favor?  
Opposed?  
The Ayes Have It.

I Have One But I Will Ask You To Take Two Steps.

I'm Going To Move That We Appoint Kevin Estasky To The Airport Special Management Committee In Place Of Mike Gimmel Who Left.

But I Would Like To Convene As The Port Authority Board To Do The Appointment Again.

So Moved.

Did You Notice A Meeting Of The Board?  
No.

This Is Actually Your Appointment.

This Is My Appointment.

I Wanted To Move On This Because I've Been Slow In Coming Around Here.

All In Favor Will Signify By Saying Aye.

We Would Like To Convene As A Port Authority Board.

Now Convened As The Port Authority Board, I Would Make A Motion To Appoint Kevin, Moved And Seconded By Commissioner Hall And Commissioner Mann.

All In Favor?  
Ayes Have It.

We Are Now Adjourned As The Port Authority Board.

That Concludes Committee Appointments, County Manager Items.

None.

You Mean You Sat Here All This Time?  
Terrific.

County Attorney I'm Sure Has Something To Say.

No.

No?

That Being It, I Believe We Stand Adjourned.

Thank You.