

October 16, 2007

I'd Like To Call The October 16th Board Of Meetings To Order.

First Item Will Be The Invocation Followed By The Pledge Of Allegiance.

During That Time I'll Have You Stand, But I Would Like To Introduce Pastor Kenneth Mcgee.

Thank You For Coming. Lord Jesus We Thank You For Allowing Us To Come Today To Do The Business Of This County.

God I Pray That You Would Give Wisdom And Understanding To The Commissioners, To Those In This Room Who Are Making Their Plea.

Lord, As We Have Entered A Time Of Economic Struggle I Pray You Give Wisdom To These Men And Women Who Make The Decisions Where Funding Needing To Go.

We Give You All The Praise And Glory For It In Jesus' Name, 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 Very Much Pastor.

I Think We Can Proceed With The Ceremonial Presentations And.

Here's Dinah.

We'll Go Out Front, Guys. Good Morning Commissioners. Good Morning I'm Dinah With The Administrative Services Department.

We're Here To Present To Eligible Employees Their Length Of Service Awards For The Third Quarter Of 2007.

Which Represents Collectively 630 Years Of Service To Lee County.

For Those Employees Present, Please Come Forward When They Careful Your Name, Receive Your Pin And Greet The Board And County Administration, And If You Will Remain Off To The Side So We Can Have A Picture At The End.

I Would Like To Begin With Those Employees Who Have Completed Five Years Of Service.

Robert Blinkhorn, Transit.Gerald Bucey, D.O.T.

Operations.

Flas, Facility Management.

Gary Glaze, D.O.T.

Operations.

Andrea Jones, Animal Services.

Robert Matcy, D.O.T.

Operations.

Anthony Palermo, Zoning.

Karen Sloan, Library.

Ronald Thomas.

Parks And Recreation.Peter Traveti, Facilities Management.

Nancy Weinmaster, Internal Services.

Brian Williams, D.O.T.

Traffic.

With 10 Years Of Service, Andre Bikeri, Transit.

Beverly Bearborn, Internal Services.

Denim Graham, Transit.

Denise Stanwin, Internal Services.

Lloyd Biola, Public Safety.

Recognizing 15 Years Of Service, Francine Nash, Human Services.

Diane Short, Convention Bureau.

Susan Stewart, Library.

Oscar Williams, Transit.

With 20 Years Of Service, Doreen Gulage, Utilities.

Donny Miles, Facility Management.

William Walker, D.C.D. Development Services.

Completing 30 Years Of Service To Lee County, Harold Juwit, Transit.

Congratulations To Our Employees And Thank You For Your Service.

[Applause]30 Years, That's Something, Isn't It?
Isn't That Moving?
He Looks Terrific.

Thank You I Would Like To Call The Meeting Back To Order If I Can.

We Would Proceed With The Recap Sheet And Believe It Or Not, Absolutely Nothing On The Recap Sheet.

Now That Is One Of The Few Times I Can Recall That Ever Happening.

That's Congratulations, Frank.

I Appreciate You Doing That.

The Next Item Is A Public Comment On The Administration Agenda, This Is The Period Where We Give People The Opportunity To Comment On Matters That Are On The Agenda.

And This Is The Opportunity.

We Do Not Allow You To Comment On Things Not On The Agenda.

So If You Have Anything To Comment On Items On The Agenda, Now Is Your Time To Do That And I Will Call First Time Peter Quashas.Mr. Chairman, Member Of The Commission.

I'm With Audubon.

On The Agenda Is The Caloosa Beach Reserve.

You Had A Launch Stands If I Were In Support Of Access To Public Land And Waters.

Lee County 20-20 Program Purchased About 1300 Acres Along The North Shore Of The Caloosahatchee.

Audubon Which Will Be Part Of The Management Program.

We Will Be Offering With The Cooperation Of Peter D.

Witt From Lee County Parks, And Laura, And Many Different Forms In Lee County, A Guided Tour Of That Facility And Where The Intended Parks Will Be Going On In Early December.

Anybody Who Is Interested In Participating Can Contact Our Audubon Of Southwest Florida, To See What Will Be One Of The Superb Amenities To Our Community In Years To Come.

Thank You And I Urge Your Support For This Program. Peter Was The First I Called On Because He's The Only Blue Card That I Have.

So If Anybody Who Has Not Filled Out A Blue Card Would Still Like The To Comment On Matters On The Agenda Or Let Me See A Wave And You Can Come On Down And Say What's On Your Mind.

Well I Don't See Any Hands Waving Or Things Like That So I Will Say That Closes The Public Comment Proceed And We'll Proceed With The Comment Agenda. None This Morning. Commissioner Judah. 13-B. Is That It? That's It. Commissioner Big Low. Sorry, 13-C.

I'm Sorry Let Me Start Again, 4-B, I Have It Written Down In The Wrong Order.

13-C And 13-D. Move To Balance. A Motion To Move The Balance.

The Items On The Consent Agenda, Second By Commissioner Mann.

All Those In Favor Signify By Saying Aye.

The Ayes Have It.

Its Pulled For Discussion.

Commissioner Judah, 13-B. Just Wanted To Confirm That D.O.T.

Has An Understanding That Any Remaining Oak Trees Are To Remain, Not To Be Removed.

The Contractor Understands That. Scott Gilbert For The Record. Any Remaining Oak Trees Planted Years Ago That Might Be In The Median. As I Understand It We're Pretty Much Done With That Phase.

This Is A Change Order To Add, Enhance Landscaping Requested By The City Of Bonita Springs And They Are Funding That Enhanced Level. There Will Be No Removal Of Existing. Not Under This Change Order In. And We're Going To Get A Clarification On The Clear View Or Clearing, Pardon Me?

November?

Okay.

Thank You, Scott. Motion By Commissioner Judah To Approve Item 13-B.

Seconded By Commissioner Hall.

Discussion?

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

Commissioner Bigelow.

Item 4-B. This Item Is For The Selection Of Architects Design Group I.N.C. For The Lee County Office Building.

In The Amount Of 494,510.

I've Asked Jim Lavender Names And Again It's An Issue I Brought Up Before.

Little Concerns Continue To Be A Concern With The Makeup Of These Selection Committees.

I Am In Support Of The Item, And I Will Move It But I Wanted To Get On The Record.

My Concern And Suggestion To The Board That Maybe We Look At How Other Counts Have Organized And Created Their Selection Committees Because I'm Finding Out That Other Counties Who Are Mixing It Up, So That We Don't Have It All Under One Division Manager, All The Selection Committee Members Are Not All Under One Committee.

Had Who Is Usually The Boss Of The Boss Of The Boss.

One Other Point Is That Other Counts Apparently Use Citizens On A Selection Committees Which I Think Always A Good Idea To Try To Get Outside Looking In Upon What We're Doing.

So I Will Move The Item. A Motion To Move Idea. Second. Second By Commissioner Man, Discussion. I Don't Think There's Any Directive Today But To Move Forward With The Item. That's My Understanding. All Those In Favor Signify By Saying Aye. Aye. The Ayes Have It, The Motion Is Adopted.

13-C Commissioner Bigelow. 13-C. You're Right.

13-C.

Countywide Continuing Construction Management Contract.

This Is Change Over Number Five To Westco Of Florida.

This Contract Started Out At A Guaranteed Maximum Price Of \$248,892.

It Now Ryes To \$410,000 Total.

And Now To Again One Of The Concerns I've Expressed With These Change Orders, How They Start Out At A Set Price But Then They Continue To Escalate From There.

I'm Not Sure That In This Particular Case A Change Order To What Was Originally A Construction Property Management Contract To Westco For Shell House Has Now Become The Addition Of A At Alico.

So Again I'm Concerned If Paul Wants To Address It That Would Be Good. For The Record Paul, D.O.T.

Initially Was To Automate Certain Number To Automate, So The Value Was Approximately \$120,000 To Do Each, We've Now Taken On Some Additional Weirs That Were Not Ours Back Several Years Ago.

We've Added Them So It's Adding Additional Sites Doing The Same Thing.

The Contractor Has The Experience, The Contacts To Get The Material And Again With It Being A C.M. Contract That's One Of The Advantages Of That Is Being Able To Add Additional Locations.

So It's The Same Type Of Work Just In A Different Location. Right But Wouldn't You Agree The Alternative To Doing This Is To Put It Out On A Street For Bid? Competitively Bid It? That Is Certainly An Option.

I Mean That's Not How The Original Portion Of The Contract Was Done.

The It Was Done Again Through A C.M. But That Is Another Method Of Contracting Is To Go Out And Hard Bid The Jobs. As Insurance It It's Subcontracted Bids Which Are Competitively Let, And Then The C.M. Overseas Those Subcontractors.

And So, By In This Method Of Contracting Where You're Taking A Contracting You're Adding Change Order On Top Of Change Order, Not Only Does It Exceed The Maximum Price, Original Price But It Continues To Add Noncompetitively Bid Prices To It.

So, I'm Not Moving The Item. Move The Item. Second. Move The Item 4-C On The Agenda.

Seconded By Commissioner Judah For Discussion. You Indicated Some Of These Approved By The Airport Now We're Taking Them Over.

The Function To Assist The Airport With The Drain Age.

I Suspect From Airport Property. That's Correct.

They Assist Both The Airport And D.O.T.

As Well. Would It Not Be Appropriate For The Airport To Reimburse And Providing For The. We Have Worked Out An Agreement With Them To Fund The Automation Of The Weir, That's Correct. Okay I Just Want To Make Sure Because This Is. This Is Part Of Fiddle Sticks Canal Which Was A Joint Project Done In Conjunction So The Airport Is Paying For A Portion Of It As Is D.O. The T.

Because It Benefits Both Of Us In The Project. I Appreciate You Clarifying That In The Record.

So It's A Joint Effort With The Port Authority.

Great, Thank You. Following Up On That, Can I?
What Portion Of The \$248,000 Change Order Will Then Come From Airport Money? I Would
Have To Confirm The Number But If I Remember Correctly It Was Approximately \$150,000.

Now That Money Is Not Coming In To This Particular Contract.

That Was Other Contractual Arrangements That Had To Do With The Construction Of Tree
Line Road In Fiddle Sticks Canal But That Was Their Contribution Towards This Portion Of
Automating These Weirs. Okay. All Right, Do We Have A Motion On This. Yes. That's What I
Thought. All Those In Favor Signify By Saying Aye. Aye. The Motion Is Adopted Four To One.

Thank You.

13-D. Okay This Originally Was The String Fellow Roadside Walk Project For Roughly \$1.7
Million.

Now It's A \$2.2 Million Total Project If We Approve This Today.

And Yet What's Interesting Is This Started Out As A String Fellow Road Sidewalk Project
And This Particular Item Seeks To Construct Road Frontage To Extend Edelberry Drive
Which Was Not In The Original Contract.

And If I Understand Correctly That's Close To The Intersection Of Gladiolus, Right? That's
Correct Commissioner.

This Connection Is A Continuation On The Frontage Road In That Quadrant Of Summerland
And Gladiolus I Believe.

.

To Increase Circulation And For Movements In That Area.

We Used The Strength Of Our Contract Because The Contractor Agreed To The Continuation
Of Those Prices And Those Prices Resulted In A Total Price For This Change Order About
Half Of What The Road Contractor Was Willing To Do It For.

So We Saved Ourselves Over \$100,000 By Using This Other Contract. And How Do We Know
That.

We're Saving \$100,000 By Using This. We Negotiated With The Contractor And His Price
Was \$100,000 Plus More Than What We Got From This Contract Change Order.

. But Again The Alternative Would Be To Hard Bid This Correct?
To Put It Out For Exit Thai Bid. That's Correct.

It's A Rather Minor Project For A Hard Bid. So We Have A String Fellow Road Sidewalk
Project, This Has Now Become A Road Project.

First Start Out On Pine Island And Now We're At The Corner Of Summerland And Gladiolus And I'm Thinking, Wow, First It's Sidewalks.

Now It's Roads, Now It's On Gladiolus And Summerland.

It Goes To The Point.

Why Are We Taking A Contract Adding Change Order On Top Of Change Order Escalating These Guaranteed Not To Exceed Prices, It Just Seems Unwielding.

I'm Not Moving The Item.Commissioner.The Common Link Is The Contractor And What Scott Has Already Indicated With Paving And The Number Of Solicitations They Requested For The Work To Be Done At Gladiolus And Summerland This Is Far Less Costly To Use The Same Contractor.

This Is A Cost Savings To The Taxpayers Of This Community And For A Much Needed Project.

The Common Link Now Is The Contractor.Mr. Chairman?Yes, Commissioner Bigelow.I Find It Hard To Accept That We Know That This Is Less Expensive, Because How Can We Know That Unless We Put It Out To Competitive Bid And See What Those Prices Will Be.

I Think We Have, Don't We, An Item On Here For The Curve At Corkscrew?
I Don't Want To Get Us Off This Particular Item, But If You Will See The Prices In Those Bids That We Received Were Wildly Different From Each Other.

We Accepted The Low Bid Which Was I Think A Quarter Million Dollars Less Than The Highest Bid.

So, Clearly The Market Is Moving To Our Advantage If We Were To Simply Take Advantage Of It.If I Could.Scott Did You Not Solicit Other Bids From Local Contractors And Found That Paving Was Far Less Costly.Yes, We Went To The Road Contractor Phoenix Construction Doing The Summerland Project.

And His Price Was \$110,000 Greater Than What Gulf Paving Was Willing To Do It.Who Is This Other Contractor.Phoenix Construction.And Where Is That, Where Is The Result Of Their Bid.It's Not In The Backup, Commissioner.So It Would Substantiate Your Claim That There's A Cost Savings Here.

But I Don't Think It Would Refute My Point That We Can Potentially Save Money If We Were To Put These Out For Hard Bid.

The Disconnect Between Stringfellow Road Sidewalk And Summerland And Gladiolus Is Obvious So I Don't Know How We Can Continue To Kind Of Piecemeal Project.Commissioner It's Just A Matter Of Being Able To Read The E-Mails That Are Flying Around With Regards To Issues On This Board Agenda.

And There Was A Question, Again The Common Link Of The Contractor.

And After Doing A Solicitation Of Otherbies From Local Contracts This Is A Much Less Costly Way To Go.Move The Item.Motion By Commissioner Hall To Approve Item 13-D On A Consent Agenda.

Second By Commissioner Judah, Discussion?Yes.

Clearly I'm Uncomfortable And The Majority Of This Board Is Exceedingly Comfortable So I Just Want To Be Sure That It's Clear That I Think Its Within Our Duties Here To Express Our Support Or Discomfort.Adoption Of The Motion, All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It By A Vote Of Four To One.

That Concludes The Consent Agenda.

We'll Proceed With The Administration Agenda 1-A.Commissioner This Is Your 07-08 Goals And County Manager Ontives And We Have Gotten This All To You For Your Review And Just One Point That We Did Some Reworking Of The Smart Gulf Goal To Show The Integration Into The Departments And Various Disciplines Throughout The County.

So, We're Here To Answer Any Questions.I've Got A Question.Yes, Commissioner Mann.On The Second Page Or Maybe It's The First Page As I Look At It Under Planning Objective Three, Item C, Continuing Implementation Of Lie High Community Plans, There's Work Under Way Right Notice Of A Plan As Well.Yes, And I Didn't Delineate All Of The Plans.

Those Were The Two Larger Ones, But, No Plans Is Getting Less.Those That Are Ongoing Continue Ongoing.

Thank You.Mr. Chairman.Yes, Commissioner Hall.One Of The Things That This Board Talked About Six Months Ago Was How We Were Going To Do A Better Job Of Connect Activity With Our Rural Land As We're Looking At, And I Think One Of The Suggestions I Brought Up, And Seemed To Have Support From This Board Was As We're Looking At Our Rural Lands Is Where Is The Connect Activity Like Corridors, Water Flow And I Thought That We Were Going To Start Working On Either Incentive In Those Projects Or Something Along Those Lines.

I Don't See Anything In Smart Grove Or In Planning Regarding Rural Lands.

Because That Is An Area That We Really Need To Get Our Arms Around And Have Some Better Policy Than We Have.

We're Being Very Reactionary As With My Statements Six Months Ago.

So Where In Here, And I Leave That To You And Staff, And I Know It's In There Hidden Somewhere, I Really Want It Outline Specifically How We're Going To Attain The Connect Activity, Not Only In The Staff's Goals And The County Management's Goals And Objectives But As We Go Forward In The In The Section.

Another Thing I See Here We Have An Objective To, A Comprehensive Simple Smart Growth Tech List For Used By Applicants For Evaluation Of Development Proposals.

I Don't Know What That Means. Where Are You? I'm On Page One. Okay.

I Mean Is That Something That We're Going To Do This Year?

Is That Something That Will Be Ongoing. My Name Is Wayne Daltry, Members Of The Commission, We've Been Through The County Policies And Checklist.

Great Details An There Are A Great Number Of Them And The Intent Is Here To Consolidate For Those Pursuing The Use Of Fairly Short Series Of Bullets That They Would Coordinate, So That Staff Would Be More Proactive In Providing The Ideas And Pictures, For Use By An Applicant In Designing Their Projects So It's On The Front End And This Coordinates With The Community Plans Because Each Community Plan Has The Opportunity And A Couple Of Them Were Taking It Up For A Particular Design Standards For Their Community.

And So That's The Intent.

And The Trick Here Is Convert 14 Pages Of Checklist Items Into A Very Few That Guide Applicants As Opposed To A 14-Page Checklist Where When You're Done, You've Gotten Back To The Bland. So This Is A Checklist On Any Type Of Project, Some Of That Does Exist. I Want To Make Sure That It Is A Checklist For Overall Applicants Coming In.

Your Goal Is To Get It Down From 14 Pages And To Make It More Simple, Blah, Blah, Blah. I Have An Example Of The Appearance Of Commercial Uses As One Approach But That Doesn't Provide For Some Of The More Innovation Coming Out Of The Smart Growth.

Part Of The Effort That Year Is To Try And Convert Much Of What I Do Into A D.C.D. Effort That Is Then Standardized For Staffing.

Around Easier For An Applicant To Make Their Way Through A Process.

In Regard To Your Point On Rural, It Wasn't Meant To Be Hidden In 7-A But We Will Move That Forward. And Commissioner We've Had Various Discussions, On The Issue Having To Do Primarily With The D.R.G.R. Study And The Conflict Mapping We're Doing As Well As The Integration Of The Master Mitigation Plan. We've Got Rural Lands Throughout This Entire County And They're More Pressure Than Anywhere.

Not Only Is It Going To Be South But More Immediate It's To The North.

Those Are Where The Applications Are Coming In Right Now.

We Have A One-Year Moratorium Down South.

I'm Not Feeling The Pressure There Right Now.

I Would Like It Spelled Out So Number One All Five Of Us Understand Its.

And There's No Misunderstanding When We're Evaluating You And We Go Through I Would Like To Just Have It Stated Clearly.

Because I Think That's One Of Our Biggest Challenges We're Facing Is How We're Going To

Do Deal With Rural Land Answered How We're Going To Protect Them, Not Just This Board, But In Future Boards.

And I Know You're Anxious Mary So I Will Stop There If You Want To Jump In, Because I Have A Question On Objective 3-B Also.

But Go Ahead. Commissioner Gibbs For The Record, If We're Being Clear, I'm Confused Because Right Now We Are Looking At The Drgr, That's A Huge Major Study Consuming Pretty Much All Of My Staff Time Along With Affordable Housing And A Few Other Projects.

Now I Understand Because We Did Have A Conversation For What You're Looking For, But It's Not Explicitly Listed In The Board Goals Because I Never Heard Like Any Board Direction From The Workshops That We Had Or The Goal Session To Look At The Rural Lands.

We're Going To Be Looking At The Environmental Connectivity Issue.

Right Now We Do That As Each Case Comes In.

We're Not Doing A Big Study.

I Just Want To Be Sure That There's Not Some, That I'm Not Misunderstood The Board Expectations. I'm Not Looking For A Big Study Mary, But Somewhere In Smart Growth Whether That's In Wane's Valley, Three Years Ago My First Goal's Meetings I Asked How Does Smart Growth Integrate Into The Department.

And At That Meeting It's On Tape, There Was A Commitment That Wayne Is The Staff Of One.

And This Year We Couldn't Incorporate Smart Growth Personnel Into The Department.

The Following Year There Was A Budgetary Commitment That Planners Would Go In To Each Of The Departments And Begin To Address These In A More Proactive Way.

Rather Than Us Constantly Getting Land Use Amendments And Rural Lands Where We Would Have To Be Reaction Air To A Developers Request And They Work Diligently With You Guys.

I Mean They Spend A Year, Two Years Sometimes Coming Up With Very Innovative Ideas.

The Problem Is If We're Not Proactive In Understanding How The Cumulative Effect Of Those Great Ideas Will Slowly Eat Waste And Wake Up One Morning An Say, Gosh, This Board Got It This Time, But 10 Years From Now A Different Board Took A Different Interpretation.

So I'm Not Looking For A Major Study.

But I Certainly Am Looking Whether We Do It Through The Regional Planning Council, Which Is Another Tool For Us, Or We Do It Through Wayne.

There Has Never Been A Commitment To Put Smart Growth Planners To Deal With These Issues In Your Department.

Now We're Slow.

You're Saying Now With The Space We Have Onboard Your Staff Is Overwhelmed.

I'm Looking For Whether Wayne Can Start That Motion Going.

We've Got Applications Coming In For Land Use On Rural And I Think This Is The Beginning Of A Lot More Application, And It Tie Into My Question On Continue Mapping Efforts For Use When Evaluating Proposals.

You're Insinuating There, To Have A Cumulative Look At What We're Doing.

But The Mess That I've Got, I Mean, I'm Looking How Are You Going To Get Us All On The Common Vision So The Big Picture Is There And The Big Picture Carries Over From New Board To New Board And That We Can Be Proactive When We're Evaluating These, Where We Don't Have To Start From Ground Zero During The Applications Presentation To This Board.

In Other Words This Board Has Some Consensus, And Some Understanding Of What The Big Picture Is In Rural Land.

That's The Objective In Goal And If We Have To Go Backwards To Come Forward And Say We're Going To Start Having Those Dialogues.

I Don't Know If A Big Study Needs To Occur There.

A Ton Of Studies.

The Treasury Has Done Tons Of Studies.

Has An How Can We Do A Better Job.

I Don't Know If We Have To Do A Big Study Or If We Have To Pull The Information Together.

But Board And Colleagues, I Just Don't Want Us To Have To Have Five Different Opinions While We're Looking At Applications And Would Rather See Where We Agree Because I Find The Process Very Unfair To The Applicant In The Time That They've Invested With Our Staff.

And Our Staff Has Very Strong Opinions On This.

And I Would Like The Two Minds To Come Together While The Applicant Is Working With Staff, They Have Some Predictability That The Board Is In Some Way Onboard With What Staff Is Saying. An I Just Wanted To Clarify That We Weren't Doing A Separate Study Of

That. I would agree with Commissioner Hall trying to get us to accomplish, and she used the word "connectivity." I think we're all on the same page here.

We need the planning effort.

Not just in the D.R.G.R. but all of Lee County because we've put a lot of taxpayer dollars into acquiring a lot of environmentally sensitive lands but the only way is to provide the connection and we can do it through protection of river repairing systems, and emphasis is on rural lands and we're starting to see the beginning of the avalanche for a comprehensive plan for changes in our rural land and we do need to get ahead of the curve.

So I would hope if we've deferred this item for one week and give staff an opportunity to provide the appropriate language to address the rural lands planning effort. May I also add that this is also part of the topic we're addressing through the mayor's meetings, where we're trying to introduce a topic of annexation, where our intent is low services, no urban services and a city annexation which also may be a resource base as something that's concerned you before.

So we have different approaches but we can quickly come up with an explanatory memo and a particular wording additions.

For members of the management. Could we make it two weeks because I will be gone for the rest of the week and we'll write up a short little objective here for you. I realize these are annual goals and objectives.

I don't want to overwhelm you but I'm also very nervous at what I know is coming down the pipeline and where you know the industry is slow right now.

So, I don't know how many people are just going to hold off, but more and more the process and some of the quality developers are getting very nervous on the disconnect between staff, and when they get to the this board.

And so one of the things that is lacking is the common vision that you as a staff have for this board to embrace or change.

And that's one of my larger concerns that I have right now.

This county to have five commissioners sit here for 12 years and you have differences.

You have new people who have their thoughts and in order to get us working as a team, so that we can provide predictability and we can make it easier for you and make it desirable for people to do good development, I'm looking for that common vision and really start to get it down into a funnel because I don't see it happening right now.

I see us working as five individuals and every notice and then three of us agree.

That's my personal opinion.

Pete, In The Transportation Component, There's Nothing About Transit.

And Transit Being One Of Our Major Expenses.

Commissioner Judah And I Have Been Serving With The Metropolitan Planning Organization, Desperately Trying To Understand How This Community Can Deal With Transit Funding And The Different Mechanism, There's Nothing There On How We Can Move Forward On That.

There's A Lot Of Talk About Roadways But Nothing On Transit.

And I Don't Know What That Objective Would Be Other Than To Take The Efforts That The Subcommittee Is Doing And Try To Have A Local Understanding Of What Transit Would Be Because That's Where We Are Right Now.

We Finally Got Four Of The City's To Give Us Their Goals And Objectives Of Transit And We Have Been Able To Up That To One Document.

Somewhere In There Those Efforts, This Commission Needs To Keep Those Efforts Alive, Because I Don't See Us In The Future With Tax Cuts Being Able To Continue To Fund Transit Through The General Fund.

Unless We're Going To Really Sacrifice Some Other Programs.

So Just A Note There That There's Nothing In Transit Here. Yeah, 11-B Is Kind Of A Catch-All Where Transit Is One Word In There, But That's Basically An Objective Where We're Talking About Maintaining Or Expanding Transportation Facilities Everything Within The Available Resources. I'm Looking For Other Funding For Transit.

I Think That's What Our Objective Was So Maybe That's The Easiest Way Recognizing That Transit As An Integral Part Of An Urban Community An Our Goal Should Be To Continue To Pursue With Our City's Alternative Funding Mechanisms To Continue Its Success.

Or Something Along Those Lines.

Thank You Mr. Chairman. Let Me Just Ask A Question.

Are We Now On The Direction Of Maybe Just Separating Out Several Things Such As 11-B And Delaying That And Approving The Balance? Or You Simply Want To Delay The Whole. For Two Weeks. Okay, Whatever You Want To Do. That's Fine. I'm Just Trying To Get Some Focus On It And There's A Motion To Defer For Two Weeks.

Is There A Second. Proposed Amendments. Okay.

Seconded By Commissioner Mann.

You Have A Question, Sir. Yes.

On The Floor Again.

I Started This Discussion By Mentioning The Alba Plan.

I Want To Thank Commissioner Hall To The Scope To That Whole Discussion Of Rural And Commissioner Judah For Chiming In On That.

So I'm Glad We're Going To Take A Couple Weeks And So We Might Be Able To Find A Way To Bring More Attention To Those Kind Of Issues. This Caught Me Off Guard In The Package, Because I Didn't Feel Prepared, To Adopt It Today So I'm Glad We're Giving This A Couple Of Weeks.

But I Looked Through It, I See There's A Lot Of Feel-Good, Look-Good, Sound-Good Language In Here.

But I'm Not Real Sure What It Means.

And Here's What Would Have Helped Me And Maybe I Know Now We Have Two Weeks To Do It.

A Lot Of Times I'm Sitting In My Office I Look Out Suddenly A Staff Person Appears To Enlighten Me On Something Coming Up The Next Tuesday.

With Something This Broad And So Potentially Far Reaching, I Needed That This Week.

So Some Time In The Next Couple Weeks.

And Mary And Wayne I Know You Guys Are Up To Your Whatever In Alligators.

But If You Could Squeeze Out 20 Minute I Would Be Grateful.

Thank You. I Just Want To Make One Comment Too And I Don't Know, And I Don't Know Whether There's Any Interest Among My Fellow Commissioners For Doing This, But Another Area That Is Completely Lacking In This Is Any Dimension Having To Do With Human Services.

And This Is A Tremendously Changing Environment That We Find Ourselves In Human Services.

And We Need To Begin Looking Long Range At Shifting Developing New Taking A Look At Core Services About How We're Going To Be Developing Some Of These Issues.

I Got To Tell You That We Just Can't Simply Go The Way We've Been Going Just Constantly Building Jails And We Have To Look At Alternatives.

And The Alternatives Prove To Be Much Cheaper Down The Road.

And I Just Think We Ought To Take A Look At It, I Don't Know To What Extent You All Would Be Interested In Pursuing That A Little Bit. Commissioner Janes Thank You For Bringing It

Up Because I Did Have An Opportunity In Talking With Our Director Of Human Services On Another Matter Brought Up The Bigger Picture Of Human Services. Yes. And The Process That We Go Through, The Decisions That We've Made On Some Of The Capital Things, And Then You Look Long Range At What Our Challenges Are In This Community With Triage And I Asked Karen And I Said Is The Human Services Committee, We Need To Take The Few Dollars That We Have And Get The Biggest Bang For Our Buck.

And We Need To Start Coordinating With The Other Funding Mechanisms For The Individuals, Because I Feel Like We're Treading Water And Not Dealing With The Bigger Issues.

And I Would Really Like To Have At Some Point In Time Next Year, Human Services In This Board To Really Have An Objective Conversation About That.

Because We're Not Getting Results From The State, And We've Had Successes With Triage.

We've Had Some Successes With Other Things.

We're Putting About With Everything Include, About \$10 Million Out To Human Services This Year, And Then The Other Dollars We Put In The Different Pockets Including The Health Department.

You Know And Not To Pick On The Health Deposit, But We Gave Them A 25% Increase To Their Budget Last Year.

They Received A Higher Budget Increase Than Anyone Else In Our Entire Budget Process.

And That Speaks Volumes To How We're Piece Mealing Still.

And I Know Commissioner Janes, You Are The Biggest Advocate For How Do We Get The Biggest Bang For Our Buck.

So I Would Appreciate Somewhere In Here That Objective Of Let's Start Talking About Where We Need To Be Rather An Where We Have Been, But Where We Need To Be.

So That If We Need To Start Making Some Slow Changes So We Don't Negatively Impact Anyone, We Can Start Having That Dialogue Amongst The Group As A Whole.

Because I Think There Are Serious Changes That Need To Occur.

We're In A Tidal Wave In Health Care In This Community And I Think It's Going To Be We Don't Address It, I Believe There's Going To Be Economic Impacts To It Long-Term. Absolutely.

Thank You I Appreciate That Very Much.

So The Motion To Postpone This For A Couple Of Weeks.

Further Discussion.Can I Ask A Question Commissioner.Yes.Don, When Was Our Smart Growth Director Hired?

What Year, Month Roughly.2000 Something.March 2002.Okay.

In My Observation Over The Past 11 Months That Wayne Is, You Know, Carrying Two Big Bales Of Water, No Pun Intended, But He's Working Tirelessly On Our Water Quality Issues And I Can't Imagine That In 2002 That Was Part Of The Job Description, And Yet It's Evolved Into That.

And Its Necessary.

And I Think His Expertise In Both Areas Is Renowned.

Maybe We Need So He Can Carry These Two Bales Of Water.

It's A Suggestion We May Want To Talk About In Two Weeks.Wayne.Mr. Chairman, In Areas Where The Board Had Not Very Well Evolved Policy, On Point To Help Get That Policy And Then It Translates Into Operational Details, In The Division Departments And Then Frankly As A Period Of Time Where I Still Watch It To Make Sure It's Still On Point.

And I Step Back.

Human Services Council Was An Initial Effort That Came To The Smarts Growth Effort And Now It's Handled In A Human Services.

The Water Issue I Had An Early Start On Because This Area's Representative On Everglades Restoration Back In My Previous Life And So It Was Easy For Me To Identify The Many Mixes We Had To Have With Other Agencies, In Other Communities To Pursue Our Policies.

Now With The Hirings That Have Occurred Of Natural Resources, The Elevated Participation, Importance Of Water Quality Through Tmdl Program And Through The Shaw Harbour Program, I'm At That Stepping Back Mode From There.

Right Now I Was Appointed To The Hospitals To The Hospital Systems Board And I'm Seeing Major Opportunities To Further Both Our Human Services Issues And Our Affordable Housing Issues Who Participation There.

So, The Position Just Evolves As The Departments Are Picking Up Or Expanding Their Effort On That, I'm Able To Move Out.

This Was A Position You Hired For Two Years, To Work With The Committee That Finished Its Work In 18 Months Added A Year To Start The Implementation And Just Starred Using Me As Person To Help Evolve Issues Even Though There May Be Sharp Edges To It.

It Was A Critical Point.

But Different Departments Have Been Expanding Their Capacities And Necessary Adding Staff.

The Environmental One Is Just So Evident Because The Unusual Regional Impacts We Had Well Beyond Our Borders That Affected Our Resources And Again That Was My Experience So I Was Able To Help There A Lot.

I Think I'm Putting Down As Much As I Take Up.

I Still Like To See Something That's Finished Like When That Reservoir Breaks Ground I Can Lay My Hands Off The C-43 Issues Forever I Hope But That Is I Believe The Intent Which I Was Hired And Been Pursuing Ever Since. Let Me Try To Follow That Up With This And That Is Undergo One Which Says Maintain Lee County's Quality Of Life Using Community Support Smart Growth Policies That Appropriately Balance Growth In The Environment.

Just That Statement Alone Justifies The Two Big Bails Of Water I Described That You're Carrying.

So I'm Not Suggesting You Should Not Be Doing That Because I Think That You Have To Balance The Environment With Our Growth Needs.

And Then Underneath That Goal It's Appropriately Itemized Or Further Delineated With Smart Growth Planning And Environmental Lands, Water, Renewable Energy, Transportation.

All These Have To Get Successfully Coordinated And, I Think To The Extent That You Could Be The Overseer Of This Monumental Coordination Affecting The That I Think We Have As I Hear Commissioner Hall Talking, I Think She Would Free. I Don't. Okay, Then You Don't Agree That We Need To Coordinate Our Various Departments In A More Successful Way So That We Can Find The Day When We Are Comfortable With A Balance That We've Reached Between You Know Our Environment And Our Future Growth Needs.

If You Disagree With That That's Understandable And Respectable.

But. Please, Commissioner. If We Can Help You Become That If We Could Help You To Be That Overseer Because You Have That Expertise.

I'm Championing Wayne Your Cause And That Is To Help You Take On This Huge Affecting The That I Would Have To Agree, As I Understood You Talking To Commissioner Hall, I Think You're Saying And You Said Through Your Term Here On The Commission That We're Not Succeeding In Our Smart Growth Efforts.

That's A Simple Short Way To Put It And That's My Interpretation, It May Be Miss Taken But I Think I Could Agree With You On That If That's Your Position.

I'm Trying To Find A Way To Significantly Improve Our Department Coordination Efforts. I Appreciate That Commissioner But Let Me Just Say This Is Not The Agenda Item That We Have On Us Today But What You Say Does Need To Be Discussed.

Perhaps At Another Time.

But I Don't Want The Issue Before Us Is Whether Or Not We Want To Adopt Board Of County Commissioner Goals And County Managers Objectives And We've Decided We're In The Process Of Voting On Whether We Want To Delay It For Two Weeks.

And I Think That We Have To Confine Our Remarks To Whether Or Not It's Appropriate To Delay It For Two Weeks Or Not.

I Would Like To Raise Other Issues.

I Agree With You.

Need To Be Discussed But We Need Another Appropriate Forum For That Because I Think This Is A Subject We Need To Do Some Talking About.

We Need To Inform Ourselves On And.

You Made Your Point.I Appreciate Your Comments But I Have To Respectfully Disagree, I Think This Is A Time To Discuss The Items Issues I Was Trying To Raise Here.Okay.

No Problem.Mr. Chairman And I Was Answering Your Question When You Asked Me Did I Agree?

I Don't Agree On Smart Growth Director Being That Coordinator.

What I Do Agree Is Your Statements That We Have To Have Coordination But Each Department Head Working Together In That Coordinated Effort, Coordination Comes To The County Administration Office And There Needs To Be, We Don't Need Another County Manager Overseeing All The Department.

But The Managers When They Meet Once A Week They Need To Break Off From That.

And I Agree There Is That Connect At This Time Between It So I Was Just Disagreeing With The Standpoint That The Smart Growth Director Should Be A Coordinating Effort.

So Let Me Just Clarify That.Well I Want To Call A Halt To This Because We Segueing Off, But Make Your Concluding Statement.All Right.

My Concluding Statement Will Be Would Be That If The County Management Is The Coordinating Entity, If You Will Of Our Various Departments, I Think You Have To Look Around And See As You Described Commissioner Hall The Avalanches Beginning.

I Think It's Well Begun.

I Think It Happened At Least Five To Eight Years Ago If Not More, I Would Say That The Diamond Head Moment Where It Is Currently Cited, That's When We Should Have Been In Front Of This Avalanche And That's About The Time That It Started.

And I Think That We Have To Retool This Government In A Way That Gets Us To The Place We Know We Want To Be.

Simply Put.

To Appropriately Balance The Growth Needed In This County Versus The Environmental Protection We So Clearly Demonstrate On This Board And I Don't Think -- Well The Goals Will State It Maybe Broadly Enough That We Can All Say Well, It's In There.

Just Got To Find The Right Word.

I Don't Know That This Gets Us There.Commissioner Thank You I Appreciate Very Much And I Would Like To Hear Your Thoughts On How We Ought To Be Restructured But That's Not Appropriate For Today.That Was Part Of My Discussion Just Right Here Trying To Simulate Some Ideas.Well, One Of The Ideas You've Stimulated In Me Is To Move On.

Is There Any Further Discussion?I Guess Not.I Guess Not.

On The Subject And Apparently There Are None Any Further Discussion.

All Those In Favor Of The Delay For Two Weeks, All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It.Move The Item.A Motion By Commissioner Hall To Prove Item 15-A.

Discussion?

All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It.

We Have The Public Hearing.

9:30 Public Hearing Scheduled And Here He Comes.Good Morning, Thank You Mr. Chairman.

Assistant County Attorney.

I Have One Position For You This Morning.

I Have The Affidavit Of Publication.

I Have Examined That Affidavit And Find It Is Legally Sufficient With Respect To Form An Content To Allow You To Go Forward With The Public Hearing.

I Will Enter That Affidavit Into The Record.This Is 9:30 A.M.

Public Hearing Agenda Item Number One.

-00013.

This Is A Petition To Vacate.

A Request To Vacate A Portion Of A Drain Age Easement Located At 14620 Highland Harbour Court In Fort Myers.Okay, Any Comments.A Motion By Commissioner Judah To Approve The Petition To Vacate.

Seconded By Commissioner Mann.

Discussion?

This Is A Public Hearing So If There's Any Member Of The Public Here To Speak On This Issue?

Wave Your Hand.

Wave The Flag.

Something.

Do A Cartwheel.

Seeing None I Will Close The Public Hearing And Back To The Board For Discussion.

There's A Motion To Approve.

The Move Seconded, Further Discussion?

All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It.

The Motion Is Adopted.Thank You.Thank You.

Walk-On An Carryovers, There Are None.

And Boy What A Day That Has Been.

None On That At All.

Unbelievable.

I'm Going To Frame That And Hang It In The Office.

Commissioner Items, Commissioner Hall.I Have None.Commissioner Mann.None.My Goodness.

Commissioner Judah.Do I Have.I Thought So.First Of All The Roadway Landscape Advisory Committee Sent A Letter To The Florida Board Of Transportation But We Need To Get Behind The Effort Also.

Unfortunately, Doesn't Appear To Really Promote Or Support The Effort To Landscape Our Roadway Network.

And The Most Recent Proposed Change And The Roadway And Traffic Design Standards Is Going To Eliminate The Planting Of Trees, Left-Hand Turn Lane.

Generally We've Been Able To Plant Trees, In The Left-Hand Turn Lane Median There.

And What I Would Want To Do Is Ask For Administration Utilize The Roadway Committee

Recommendation And Form Our Own Letter For The Department Of Transportation That We Don't Support.

Their Effort To Eliminate The Planning Of Trees In The Left-Hand Turn Taper.

That Being Said Hopefully This Board Will Agree.

It Doesn't Jeopardize Public Safety.

A Very Rigid Stance And Without Hope Is That We Could Send A Letter Requesting That Rule Change. That's Not A Safety Issue. Then We Go Ahead And Have The Chairman Sign The Letter On Our Behalf Then? Sure. All Right, Thank You.

Speed Not Here.

But I Don't Know If You've Commissioners Have Been Dealing With Other Development Projects In Your Respective Districts But I Have, Where There's Been A Lot Of Lake Erosion.

And What We're Starting To Realize Now When I First Worked At The Plant Or Early On As A Commissioner, We Used To Have A Design Slope Standard Of Six To One, Six Feet Out, One Foot Drop-Off And That Was Changed To Four To One.

I Think One Of The Problems That We're Having Now Is Because That's Such A Dramatic Drop-Off That's Causing The Erosions In A Lot Of These Lakes And What I Would Ask Is That We At Least Direct Administration To Revisit And Evaluate The Appropriateness Of Four To One And Bring That Back For Management Planning For Further Discussion For A Potential Change To The Land Development Code. Sounds Good And At The Same Time Could They Also Address Your Issue With The Tributary Setback. I Appreciate That Commissioner Hall Particularly In The Rural Areas, Where We Lost A Lot Of That Protection.

But You've Got Cypress Creek, All The Creeks In The North-Eastern Part Of Lee County That Will Be Impacted.

So Yes, Staff Could Then Visit The Potential For A Setback Ordinance That Would Allow Us To Provide Appropriate Bumpers To Protect The Beds Of Those Systems And Maintain Water Quality. Commissioner Mann. If We Could Bring Pictures.

I'm Not Familiar With The Erosion Issues. I Would Be Happy To Share Them With You. Usually It's A Result Of Water Activity And We Haven't Had A Lot Of Water Activity, I Just Need An Understanding Whether The Slope Issue Is A Simple Answer.

Pictures Would Be Helpful. Actually Jeopardizing People's Property And Buildings, But Yeah We Can Provide That Information To You. Gulf Harbor. Gulf Harbor Is One.

Yes.

The Other Is We're Going To Be As A Board Reviewing The Potential For A Buffer On Certain Road Systems Sufficient As Parkway.

That Road Can Be Completed In January Of Next Year And We've Got Residents Down There That Have That Edge Of Pavement Right In Their Backyards And We Talked About This Issue Before.

Is That Coming Back.The Buffer Policy Is On Next Week's Agenda.Oh, Very Good.

That's Pretty Quick.

Thank You.

Thank You Very Much.Is That It.Yes.I'm Sorry One More.

I Know Commissioner Hall Is Well Aware Of This.

Here We Go Again With The State.

It's The Transportation For The Development Advantage Medicaid Cuts, 38%.

People Aren't Going To Be Able To Go To Dialysis Treatment.

Guess Who Is Going To Have To Pick Up The Slack.

And So I'm Hopeful That We Can At Least Send A Quick E-Mail Letter To Our Respective Legislature That This Medicaid Program Is A State-Federal Program.

We're Already Taking Up Slack In Other Areas Such As Nursing Homes.

But This Cannot Occur In Terms Of What's In The Balance If Goodwills And The Transportation Development Disadvantage Program Sustains A 38% Cut In Medicaid Service.Commissioner We've Been Working With Commissioner Hall And The Transportation And I Just Talked A Couple Days Ago With Our Lobbyist.

There's Nothing We Can Do Right Now, But Representatives Senator Saunders Committed That He Would Put Something Forward In The Upcoming Session To Restore Funding Through For That Program.

So We're Going To Work On That Tack.This Is Part Of The Cuts I Believe.We've Sent Hundreds And Hundreds Of Letters.

We've Asked People Using The Service To Explain What The Impact Is Because I Think That's Almost More Impactful Than A Government Body Saying Don't Make Us Fund This.

And We Had That Conversation At Our Last Meeting.

And So I Have No Problem With Us Sending A Resolution If You Want To, But We Really Reached Out And Gary Truly Has Reached Out To His Passengers, We've Given Them A Form Letter.

We've Given Them A Quick Statement.

We've Given Them The E-Mails Of Everybody And Have Said You've Got To Get Engaged Many This Because This Is Your Transportation And They Need To Hear From You And You Need To Explain To Them What This Means The To You.

Here's Like Dear Blah, Blah, Blah.

So We've Reached Out To The Years And Said You've Got To Bombard Them With The Impact That Means To You Personally.Okay.If I Could Just Comment To Holly, I Think We Need To Put This On Something To Track So We Don't Forget About It Because This Is A Critical Issue.

And Commissioner Hall Is Right, This Is Along It's Just Tragic To Allow This To Go By.Your Legislative Priority Package Will Be Coming To You November.Good, Terrific, Thank You.I Would Just As Many My Add That Two Days Ago I Sent My Own Letter.

I Didn't Know We Were Going To Have This Conversation But I Found One Of Our Own Staff Employees Here Directly Impacted On That.

And I Was So Taken Back By That And Really Disturbed By The Lack Of Attention By The Legislature In General.

And I Wrote A Letter To Each One Of Our Legislative Delegation Members From Me Personally And Said Come On Guys, You Can Do Better Than This.

These Are Real Live Bodies Visually Impaired Wheel Chair, Handicapped And You're Going To Tell Them They Can No Longer Come To Work Because That Was The Only Way, And You're Just Walking Away From This Issue And Waving Flags And Acting Like You're Doing Something In Tallahassee And You're Ignoring Florida's Most Vulnerable Citizens And This Is Unconscionable So I Appreciate You Brings It Up Again.

I See Everyone Is On The Same Page Here.

But We're Going To Have To Do More Than Just A Mild Temper Tantrum Because Not Only They're Ignoring It, They're Expecting Us To Do Something With It By Taking Our Own Resource Away.

But I'm Preaching To The Choir, But If You're Listening Folks, You're Probably Not, But We Wish You Were That's Our Message.Thank You.Commissioner Bigelow.Thank You Mr. Chairman I Just Want To Ask The County Attorney If He Could Bring Us Up To Speed On Our Involvement In The Mosaic Lawsuit And What's The Next Plan? We Had A Brief Meeting That Was Cancelled And Want To Know What We're Doing.

I'm Reading A Lot About Charlotte County's Attorney And Finding It All Interesting Reading But Want To Know What's Next For Us?Be Glad To Do It.

Mr. Chairman, Good Morning, Commissioners.

I Was Going To Bring It Up As A County Attorney Item.

I Appreciate The Segue.

Commissioners Last Tuesday When We Met You Had Asked Me To Begin The Process To Bring The Three Counts And The Representatives From The Peace River Water Supply To Meet In One Place, One Time To Go Through The Proposed Phosphate Compact Sediment Agreement.

I Sent Thelers Out.

I Did Speak With Both County Attorneys From Both Charlotte County And Sarasota County.

Both Felt That Their Boards Would Be Inclined And Interested In Going Forward With Such A Meeting.

And Had Advised Me Though That They Will Bring It Up With Their Boards Sarasota This Week And Charlotte County Next Week.

And The Interim Thursday Or Friday Of Last Week I Received A Call From Mr. Richard Mac Who Was The General Counsel From Mosaic.

We Did Not Connect Until Yesterday.

We Had A Good Discussion And We Discussed Where The Mosaic Company Was With Respect To The Process.

And Their Presentation Of Their Version Of The Compact.

What I Wanted To Do This Morning Commissioners Is I'm Looking For Permission From You To Do Something To Get This Commission And Us To Where The Other Two Counties Are Right Now.

Both Charlotte County And Sarasota County This Week Have Had The Benefit Of Presentation By The Negotiation Team To Include Mr. Delapart His Folks And Consultants To Where We Have Been.

What Is On The Table An What Our Recommendations Are.

And What I Want Like To Do Commissioners With Your Permission Is Set Up A Meeting To Bring The Team To This Commission.

As Soon As Practical Based On The Commissions Calendars.

I Don't Think I'm Going To Have A Problem With Getting The Team Folks Down Here.

But I'm Also In An Effort To Being Fair, Balanced And Equally Representative To Invite On A Separate Day But For The Same Purpose To Bring The Mosaic Folks Here To Make Their Presentation With Respect To Where They Are With The Process, How They See The Proposed Agreement And Do Both Of Those Prior To Our Getting The Point Where We Have

The Three Commission Meeting.

I Think That Can Be Done.

I Think The Schedules Are Probably Going To Be Loose Enough Between Certainly Now And Mid Month Next Week To Do That.

This Way You're Going To Have The Benefit Of The Consultants That We've Been Working With.

The Representatives As A Team Town Conclude Those Folks From Charlotte County And Sarasota County And The Peace River Water Supply Authority To Give You Their Thoughts.

Whatever Questions You Have With That Team Here Will Be Able To Be Answered.

We'll Also Give You Our Current Opinions.

With Respect To Where We Are In The Negotiations And The Proposed Document.

There Are Strong Feels On Both Sides.

I'm Sure You Can Appreciate That At This Point In Time.

My Job Is To Represent You.

I Believe We Have Done So Both Myself, Mr. Renner And Miss Henderson Have Been Actively Involved With This.

I Fell Off This Summer, I'm Back On Board, And If You Will Give Me That Permission I Will Begin Today, Start The Process And Help From My Administration Counterparts To Help Me Get That Coordinated Between The Team Folks And Commissioners.

I Will Try To Set Something Up On A Day When You're Here.

So That We Don't Have To Pull You Off On A Different Day.

If I Can Fit Something In Between A Board Meeting In The Morning And Evening Public Hearings, And We Try To Do That, I Can't Speculate Right Now When That May Or May Not Happen But I'm Going To Try My Best To Get That Scheduled Before We Have The Three Commission Meetings.

All Right, Commissioner Mann.Are These Individual Briefings You're Talking About.No.It Was Open Session.Not Executive Session.

Open Session Just Like Right Now.At The Same Time.Excellent.

Great.

I Concur.Absolutely.And We Will Do Two Of These, One With Mosaics Representatives?Yes,

Sir, That's What I'm Proposed That We Hear From Both, And The Water Supply Authority Get Together Before We Make Any Final Decisions On The Compact. Is There Any Reason Why We Would Do The Commissions First?

Before Mosaic Because It's Possible We Could Meet With Mosaic First And See. I Would Rather Do Us First. Island Like To Do Us First Also. I Would. And Then Hear Their Comment. I Would Just Like, That's Fine. Feel Better Armed. I've Got Your Direction? Yes. Thank You. Thank You Very Much.

Commissioner Bigelow. Are You Bringing Up Something On Pine Island. I Certainly Am. Then I'm Done. The Issue I Will Like To Bring Up Of Course Is Commissioner Judah Speaking About Erosion, We Had An Entire Lake Disappear On Pine Island.

I Don't Know Whether It Was Erosion But Anyway It Was Filled In And That's Willow Lake.

And The Developer Illegally Filled In Parts Of Willard Lake On Pine Island.

And My Understanding Levelled Too.

He Had Absolutely No Permission To Do So.

And The Unfortunate Thing Is That This Has To Do With A Worker Housing On Pine Island That He Was Just Moving Ahead Full Steam Ahead And Didn't Have Proper Okay Or Approval From Agencies To Proceed.

Now In Order To Get The Fill, The Fill Willow Lake So He's Dug Soil Out Of Somewhere, Out Of There And Willow Lake With It.

And I Just Think This Is An Outrageous Action That He Has Taken And We Need To Do Something About It.

And We Need To Do Something Hard.

This Goes Back Now To The Trout Man Thing Same Thing Happened Years Ago, That We Need To Step On Quickly.

So I Would Like The To Know What It Is We Can Then And Here Comes Mary.

The Problem Is It Hit The Farm Worker Housing Project Which Is Needed Desperately But We Can't Run Without Any Controls On What He Wants To Do. Good Morning Commissioners.

Just To Give You An Update On This, We've Brought To Your Attention Yesterday So We've Been Doing Some Investigation Into It, And We Did Not Authorize The Filling Of The Pond But There Are A Few Issues Involved That We Still Need To Get Some Resolution Too.

One Of These Is There May Have Been A Valid Ag Exemption For Part Of The Property.

So We're Looking Into That Right Now.

It Appears That There Is A Water Management District In Violation And We Have Contacted Water Management District This Morning, Because We As You Know Don't Have Our Own Violations Anymore.

That Was Taken Out Of The Land Development Code For The County And Just Given Back Some Years Ago.

We're Also Looking Into Whether There Is A Violation.

We Have Limited Development Order On A Small Piece Of The Property Which Was To Dig A Little Farm Pond, A Little Watering Hole.

And, Looks Like They May Have Gone Beyond That, So We're Looking Into That To See If We Have A Violation In That Area.

We're Also Looking Into Because They Are In House Right Now To Get A Special Excess For The Farm Worker Housing Whether That Piece Of Property Is The Same That's Been Backed Or Not.

Is Out On The Site This Morning Checking It Out To See If The Lake Was In Fact Filled In Which Our Understanding Is It Was.

And Then The Other Piece Of Information Is Last Friday Our Environmental Staff Met With The Applicant, And Their Attorney They Have Come In To Meet Was And They Mentioned That They Have A Different Environmental Consultant Working On The Project Now, They Want To Work With Us To Do A Restoration Plan.

Which If We Did Cite Them, That Would Be One Of The Things We Want To Get.

Out Of It Would Be A Restoration Plan.

So, They Have Met With Beckie And My Staff And Talked About The Different Issues, And They Did Agree To Work On A Restoration Plan With Us.

So, That's Really All That I Know Because It Kind Of Came Up Fast.

As Of This Point, But We Are Check With All The Agencies And Then Working With Our Staff On It.You're Checking With Agencies Like Water Management.Water Management District And Then Code Enforcement Is Going Out There And Our Environmental Staff Met With Them And We're Researching The Limited Development Order.

And We Have To Compare With What We See On Site.

And Then We Understand There May Be An Ag-Exemption Issued By The State, But We Don't Know If It's Still Valid And If It's For The Whole Property, So We Have To Research That Too.Yes, Commissioner Hall.Mary This Won't Come Before The Farmer Housing Segment Of This Isn't Coming Before The Board.No It's A Special Exception, It Will Go To The Hearing Examiner.So We Have A Lot Of Folks Out There I'm Sure Then Our Codes Will Kick In For Proper Buffering.

And Other Thing As The Are Needed.

It Will Come Were Us And You've Got A Lot Of Investment Around That Particular Parcel, For Personal Residents And Also For Ag Purposes.

There Just Needs To Be Consideration Of What They've Invested With What's Going On In This Property. We Will Be Looking At That.

Right Now The Special Exception Application Is Not Sufficient.

So, It's Not Been Scheduled For Any Hearings.

We're Still Waiting For More Information From Them.

They'll Have To Provide That Before They Can Get A Scheduled Date. Well, I'm Curious, I'm Not Curious But I'm Hopeful We Can Get Something Going On The Restoration Effort.

Because It Was A Seasonal Fresh Water Lake Like I Say, And I've Been Told It's The Only Natural Fresh Water Body On Pine Island, More Than Six Acres.

And The Guy That Wrote Me Said That It Contained The Largest Willow In Southern Florida Surrounded By Oak And Swamp Hammocks.

And It Was The Only Habitat Suitable For Scrub Jays And Now It's Nothing But Perfectly Leveled Dirt And Piles Of Dead Vegetation.

We Just Need To So It's Going To Be A Long Time And Application Is Not Sufficient.

We Just Can't Let Them Go Off And Gee I'm Sorry, Come Back When Your Application Is Sufficient.

We'll Continue From There.

We Need To Take Some Corrective Action. And We Will. Good. Can You E-Mail Us And Keep Us In The Loop. Please, Do. To All Five Commissioners, Please. Yes, Commissioner. I Would Like To Ask Counsel A Question.

David, Or Tim Could We Give Direction To Staff To Not Move That Special Exception Request To The Hearing Examiner Until This Board Is Satisfied That We've Resolved This Particular Issue?

. Commissioner I Think If You're Going To Do That, You Need To Adopt Some Moratorium.

I Don't Think That Would Be Appropriate In Short.

I Think They Already Know What The Situation Is, And They Will Review It Accordingly. Well, Here's My Thinking And Let You Know Where I Would Like To Go And See If You Can Maybe Put Your Minds Together And Figure Out How We Get There, But They're In For You Know A Request, And If What Is Alleged To Have Occurred Has In Fact

Occurred, We Don't Want To Be Rewarding Them For What I Think We Would All Agree Is Clearly Inappropriate Behavior.

So, If We Can Be Sure That We Have A Stranglehold On That Application, To Their Greatest Extent Possible, I Would Like To Know If We Can.

Okay.

Thank You.And.Go Ahead Mr. Chairman.I Think We Need To Be Sure We're Given A Clear And Strong United Members Of The Jury If This Is Taking Place, And I'm Stressing It Because Innocent Until Proven Guilty, Right?

I Think We Need To Be Sure The Staff Understands, That This Board Is Not Going To Tolerate This, And We'll Work To The End To See This As Restored.

I Would Just Like To Be Sure That If That's The Message We Agreed To That We Send It Loudly And Clearly So They Can Move Forward.I Agree With That Statement.I Have Nothing But Fur More Commissioner I'm Going To Add That I Think It's Important That The Other Agencies Understand That We Are Very Much Interested In This Project And To Le Them Know.And I Guess The Question For The Board Then Is It Would Then Our Collective Will That We Stand In The Way For The Request For The Special Exception, Or The Limited Development Order For That Matter.

If We Can Find A Way To Stop That Train From Going.Whatever Legal Resource We Have Available, We'll Hear From Counsel.And Commissioners.Keep Us Informed As We Come Down And Move Towards That Direction, You Will Keep Us Informed.Yes, And I Haven't Had A Chance To Talk To The Attorneys Yet Because It Came Up So Fast.

But We'll Keep You Apprise.Thank You, Mary.The Other Thing I Wanted To Mention Is Just To Remind The Board That On November At The Management Planning Meeting We Will Be Hearing From The City Of Cape Coral.

While I Have Met With The Commissioner Or The Councilman From The District About The Traffic Light, And They Want To Make Come In And Make A Presentation.

So I've Agreed Give Them 30 Minutes On The M.M.P. Agenda And Let The Staff Come In And I've Invited The Mayor And People.I Have To Tell You That I Didn't Fully Realize That If You're Not Running For Re-Election On The Council You're Probably Running For Mayor.

So There's A Whole Bunch Of People Probably Will Want To Come An Wave The Flag And Speak.

I Was Hoping It Could Be Limited To The Mayor, Alex, Tim Day And Dolores Bertolini, So We'll Have To See How That Goes.

But.Could You Explain Everybody?
Is It A Public Hearing?No.

It Is Not It's An M.M.P. Hearing In Which They Want To Come In And Make Their Presentation For The Traffic Light.Who Is Everybody?The Council And The Staff.

Cape Coral Staff. But Have You Gone Beyond The Security Council And The Staff. No, They Can Attend The Meeting But No It's Not A Public Meeting. That's What I Wanted To Clarify.

So We Have No Public Participation In The Meeting.

I Just Don't Want To Send The Wrong Message To Those Listening That The Public Will Be Allowed To Speak At This Meeting. No, They Will Not. Council, Staff, Mayor. This Is An M.M.P. Meeting In Which Usually We Don't Have People But As A Court City To The City Of Cape Coral We're Willing To Let Them Make Their Presentation Because They Showed Up At The Meeting Last Week, Wanted To Speak And Weren't Allowed Because It Wasn't Appropriate To Speak At The Public Meeting Because That Was Not On The Agenda.

Did You Want To Say Something. Yeah, I Just Wanted To Ask If He Can Be Sure That At That Meeting That The Leading Argument Or Their Leading Argument Is That This Is No Different Than Other Intersections That Are Signalized Right Now.

It Seems To Me That And I've Driven It.

I've Ridden Both Directions And Probably Haven't Hit It At The Peak Hour, But Anyway, If We Could See What The Numbers Are At The Other Intersections, There Passing In Both North Southeast And West Direction Take A Look So We Can See If Their Argument Is Holding Water.

But Also To Factor In If You Would Jim What's There Already Developed.

I Mean, Approved For Development So We Get To See A Look Ahead Of What It Will Be.

Thanks. Very Good.

Just Bring To It The Board's Attention, An Exciting Thing That's Going To Be Happening In November.

That Concludes My Commission Items.

I Think I've Concluded It.

Let's Proceed With Committee Appointments. A Reappointment Of William Marin.

A Reappointment To Clifford. A Reappoint Of Richard Kattera And Mitch Harcraft To Decision Stewardship. Second By Commissioner Mann.

All Those In Favor Signify By Saying Aye. Aye. The Ayes Have It, So Ordered.

Commissioner Mann. Reappointment Derr Wood Hussy To The Plumbing Board Of Adjustment And Appeals Committee.

That's All. Second. Seconded By Commissioner Hall, Discussion, All Those In Favor Signify By Saying Aye.

Aye. The Ayes Have It, Commissioner Judah. I've Been Pleased I Have Still Two Of The Remaining Charter Members Of The Conservation 20-20 Committee That Are Have Been Serving On The Committee.

One Left Last Year, Having Been A Charter Member And Serving Almost A Decade In Most Of Those Years As The Chairperson That Was Rick Barber And I Have Since Reappointed Or Have Since Appointed An Individual To Replace Rick Barber.

Last Thursday At The Conservation 20-20 Committee, Another One Of My Appointments After Also Serving As A Charter Member Due To Personal Reasons Indicated That He Was Not Going To Accept Reappointment.

And I Certainly Applaud And Appreciate All Of What Ray Has Done Over The Years.

Just A Tremendous Resource On That Committee.

But As I Said On Thursday, He Announced That He Was Not Going To Be Accepting Reappointment.

He's Already Submitted In Writing.

He Would Never Be Accepting Reappointment.

What I Would Like To Do Is Appoint Doctor Bill Hammond To Replace Ray On The Conservation Stewardship Committee And Also Derrick Burr Reappointment David Kosh To The Northeast Hurricane.

To The Northeast Hurricane Bay Mstu Robert Buntings To The Citizens Advisory Committee. Second. All Those In Favor Signify By Saying Aye. Aye. The Ayes Have It.

So Ordered.

Commissioner Bigelow. I Have None. That's It.

I Have A Couple First Is Carl Ton To The Lpa.

It's A Reappointment.

Tracey Bean To The Historic Preservation Committee.

For The Coastal Advisory Counsel.

Pete Sholey Island Representative, And Representing District One, And Amy Cook To The Mechanical Board Of Adjustments And Appeal. So Moved. Second, Discussions? Mr. Chairman. I Don't Think It Will Matter, But I Think I Appointed Carleton Rival To The L.P.A. Myself Here A Month Or Six Weeks Back, But, I'm Still In Favor Of It. That's Good.

I Had No Idea. We Can Make An Adjustment. We Just Double His Pay.

[Laughter]Generally What We Do In Those Cases.

We'll Check That Out Commissioner.

All Those In Favor Signify By Saying Aye.Aye.The Ayes Have It.

The Motion Is Adopted.

County Manager Items.

Okay.

Attorney Items?No, Sir.Okay, And I Believe We Have Concluded Our Business For Today.

We Stand Adjourned.

Thank You.