

November 13, 2007

COMMISSIONER JANES IS ABSENT.

HE HAS A CONFLICT.

WE'LL START WITH THE INVOCATION FROM PASTOR BECKY ROBBINS-PENNIMAN FROM THE LAMB OF GOD CHURCH.

LET US PRAY.

LOVING GOD, EACH OF US IS MADE IN YOUR IMAGE AND YET SOMETIMES WE THINK WE ARE BETTER THAN OTHERS.

EACH OF US IS MADE PART OF THE HUMAN FAMILY AND YET WE FIND MANY REASONS TO DIVIDE AND SEPARATE FROM ONE ANOTHER.

ALL OF US MUST SHARE ONE PLACE TO LIVE AND YET TOO OFTEN WE WANT MORE THAN OUR SHARE.

AS THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS TURN TO THEIR WORK, LET THEM MAKE DECISIONS THAT UPHOLD THE VALUE OF EVERY HUMAN BEING, THAT CHERISH THE RESOURCES OF THIS AREA AND STRIVE FOR PEACE AND SAFETY FOR ALL WHO LIVE IN THIS PARADISE.

WE GIVE THANKS FOR EACH PERSON WHO SERVES IN COUNTY GOVERNMENT AND PRAY WE ALL MAY WORK TOGETHER FOR A SOCIETY UNITED IN A COMMITMENT TO TRUE JUSTICE, REAL EQUALITY AND DEEP COMPASSION.

LET THE COMMISSIONERS' HEARTS BE KIND AND THEIR MINDS BE WISE SO THEY MAY SPEAK WITH CONSIDERATION, ADVOCATE WITH COURAGE AND COOPERATE WITH HUMILITY.

AMEN.

MR. CHAIRMAN, IF YOU WOULDN'T MIND, I WOULD LIKE TO ACCEPTED OUR CONDOLENCES TO THE HALGRAM FAMILY.

THEIR GRANDSON PASSED AWAY.

OUR HEARTS AND PRAYERS ARE WITH THE FAMILY AS THEY GO THROUGH THIS HARD TIME OF SORROW.

THANK YOU.

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.

ON THE RECAP, WE ARE GOING TO BE DEFERRING, EVIDENTLY, ALL PUBLIC HEARING ITEMS TO DECEMBER 4TH AND PROBABLY AT THIS TIME, WE'LL TAKE A MOTION TO DO THAT.

SO MOVED. WE HAVE A MOTION BY COMMISSIONER HALL.

JUST A CLARIFICATION, SECOND BY COMMISSIONER BIGELOW.

NOT ALL BUT THIS EVENINGS? RIGHT.

WE DO HAVE A PUBLIC HEARING TODAY.

I APPRECIATE THAT.

NO OBJECTION, MOTION PASSES.

O.K.

WE HAVE A WALK-ON ITEM THAT WILL COME UP IN A LITTLE WHILE.

ON PUBLIC COMMENT ON THE ADMINISTRATIVE AGENDA, I DON'T HAVE ANY CARDS, BUT IF ANYONE WANTS TO COMMENT, THIS IS YOUR OPPORTUNITY.

SEEING NONE, BACK TO THE BOARD.

ON THE CONSENT AGENDA, COMMISSIONER HALL.

NONE. COMMISSIONER MANN.

NONE.

COMMISSIONER BIGELOW.

I HAVE SOME.

1-A, 4-A, 13-A AS IN APPLE.

MOTION BY COMMISSIONER BIGELOW TO MOVE THE BALANCE OF THE CONSENT AGENDA.

DISCUSSION, OBJECTION, NO OBJECTION.

MOTION PASSES.

COMMISSIONER BIGELOW, ITEM 1-A.

THANK YOU, MUCH.

THIS IS INFORMATIONAL ONLY.

SO I WILL MOVE IT.

SECOND BY COMMISSIONER MANN.

DISCUSSION? COMMISSIONER BIGELOW? THANK YOU, MUCH.

THIS IS A THREE-MONTH LOOK AT EXPENSES.

DO WE WANT TO TAKE -- THAT'S FINE.

THE THREE-MONTH LOOK BACK AT EXPENSES INCURRED FOR MISCELLANEOUS EVENTS, I GUESS.

THERE'S ONE ITEM ON HERE, PUBLIC RESOURCES, LEE GROWS FOR \$12,771.93.

WE DISCUSSED LAST WEEK A COST CONTAINMENT EFFORT BY THE COUNTY MANAGEMENT TO DRAW IN EXPENSES.

I'D LIKE TO ASK THE COUNTY MANAGER, IS THIS \$13,000 WHAT IT COSTS TO OPERATE LEE GROWS FOR THREE MONTHS? IS THAT -- IS EVERYTHING THAT BACKS IT UP ISN'T SPECIFIC TO, I GUESS, THE EVENT NECESSARILY.

COMMISSIONER, I DON'T HAVE THE BREAK-OUT.

THAT'S A COMBINATION OF LEE GROWS AS WELL AS ALL OF THE GROUND-BREAKINGS AND RIBBON-CUTTINGS THAT PUBLIC RESOURCES DOES.

O.K.

WE DON'T CHARGE FOR LEE GROWS, RIGHT, FOR RESIDENTS TO ATTEND? NO.

ALL RIGHT.

WELL, PETE, AS YOU RECORDED IN THE PAPERS AS SAY, NO COST IS TOO SMALL TO CONSIDER.

FELLOW COMMISSIONERS, I THINK THIS IS ONE AREA -- I'M NOT SUGGESTING WE CUT LEE GROWS, BUT THAT WE UNDERSTAND IF SAVING \$10,000 BY NOT RESERVING TABLES AT NON-PROFIT EVENTS IS APPROPRIATE AS WE DECIDED IT WAS LAST WEEK.

IT'S PROBABLY APPROPRIATE, GIVEN THE FINANCIAL SITUATION WE'RE FACING TODAY AND THE ANTICIPATED SITUATION NEXT YEAR, THAT WE PUT THESE KIND OF EXPENSES ON THE TABLE, IF YOU WILL.

SO THAT'S JUST UNDER AN FYI AND COMMENTS THERETO.

MR. CHAIRMAN? COMMISSIONER HALL.

LEE GROWS IS TOO VALUABLE OF A PROGRAM TO, IN MY OPINION, CONSIDER EVEN SCRAPPING.

I THINK THE COMMENT THAT PETE'S MAKING IS THAT BETWEEN JULY AND SEPTEMBER, WE HAD SOME VERY LARGE RIBBON-CUTTINGS.

SO RATHER THAN HAVE A DISCUSSION WITHOUT THE APPROPRIATE BREAK-OUT, PETE, MAYBE YOU COULD PROVIDE US WITH THE PUBLIC RESOURCES.

I KNOW THERE WAS ELECTRICAL EQUIPMENT THAT WAS LEASED AND THINGS LIKE THAT.

BECAUSE QUITE HONESTLY, LEE GROWS ISN'T FOR THE BUSINESS COMMUNITY.

IT'S FOR ANY AND ALL RESIDENTS TO PARTICIPATE IN.

IT'S AN EXTREMELY VALUABLE TOOL FOR THE PUBLIC TO UNDERSTAND WHAT LEE COUNTY GOVERNMENT DOES.

I THINK THE COSTS FAR OUTWEIGH THE VALUE.

BUT JUST FOR OUR EDIFICATION TO ADDRESS HOW WE GOT TO THAT NUMBER IN THAT SHORT PERIOD OF TIME, I'D LIKE TO MAYBE SEE THE BREAK-OUT OF RENTALS AND THINGS LIKE THAT. WE HAD THE BRIDGE.

WE HAD SOME VERY LARGE EVENTS THAT OCCURRED IN THOSE MONTHS.

MAYBE WE COULD SEE THE BREAK-OUT AND THEN MAYBE DISCUSS IT AT THE NEXT ROUND OF COST CONTAINMENT BUDGET DISCUSSIONS.

THAT WOULD SEEM TO GET TO WHERE YOU WOULD LIKE TO -- YEAH.

MR. CHAIRMAN, LET ME ADDRESS RIBBON-CUTTINGS AND GROUND-BREAKINGS.

THAT IS SOMETHING WE SHOULD CONSIDER BECAUSE NOT ONLY DOES IT APPARENTLY COST A LOT, IT COSTS A LOT OF TIME AS WELL OUT OF OUR SCHEDULES A LOT OF TIMES TO ATTEND THESE.

MAYBE WE NEED TO LOOK AT SOME PRIORITY AS TO WHICH ONES WE, YOU KNOW, FUND AND WHICH ONES WE DON'T.

AGAIN, IT'S NOT THAT I DON'T WANT TO PARTICIPATE IN THESE EVENTS OR THAT LEE

GROWS IS NOT -- LEE GROWS IS A PROGRAM THAT SHOULD BE CUT.

THAT'S NOT MY POSITION.

I'M JUST LOOKING AT WAYS TO CUT -- IT'S KIND OF A CHICKEN AND AN EGG PROCESS.

WHERE DO WE FIRST START TO CUT EXPENSES SO THAT WE CAN THEN CUT TAXES?
BECAUSE WE'VE GOT TO DO THAT.

WE ALL KNOW WE HAVE TO DO THAT IN THESE BUDGETARY TIMES.

AGAIN, JUST COMMENTS ON THIS INFORMATIONAL ITEM.

THANK YOU, MR. CHAIRMAN.

IN SARASOTA COUNTY THEY HAD A REFERENDUM FOR SALES TAX.

IT WAS REAFFIRMED TO CONTINUE THE FEE.

AND THE REASON BEING IS THAT THE PEOPLE IN THAT COUNTY SEE FIRSTHAND THE
CAPITAL PROJECTS BEING CONSTRUCTED ON BEHALF OF THE COMMUNITY.

THESE TYPES OF GROUND-BREAKINGS AND RIBBON-CUTTINGS ARE IMPORTANT SO WE
CONTINUE IN YOUR QUEST TO PROVIDE OPEN COMMUNICATION TO THE PUBLIC ON
WHAT'S BEING DONE WITH THEIR TAX DOLLARS.

I WOULD SUBMIT THAT WE NEED TO BE CAREFUL HERE.

THE GROUND-BREAKINGS AND RIBBON-CUTTINGS HAVE BEEN REDUCED COST-WISE
SUBSTANTIALLY FROM EARLIER YEARS.

IT'S BARE BONES BUT IMPORTANT TO GET THE INFORMATION TO THE PUBLIC AS TO
WHAT WE ARE DOING ON BEHALF OF THE COMMUNITY AS A BOARD.

LET'S GET A BREAK-DOWN ON THE PUBLIC FUNDING RESOURCES.

WE CAN TAKE IT INTO CONSIDERATION WHEN WE TALK ABOUT COST CONTAINMENT.

ANY FURTHER DISCUSSION? HEARING NO OBJECTION, MOTION PASSES.

ITEM 4-A? THIS IS A CONTINUING CONTRACT FOR CONSTRUCTION MANAGEMENT FOR
THE PROJECT KNOWN AS E.M.S. GARAGE AT HANCOCK PARK TO MADE IN RIO, INC. FOR
GUARANTEED MAXIMUM PRICE OF \$236,567.

INCLUDE A FEE OF \$13,330.

BY MY ESTIMATION, THAT'S A 10.3% CM FEE.

I GUESS I SHOULD HAVE STARTED WITH THAT I'M NOT GOING TO SUPPORT THIS ITEM.

IF YOU WANT TO MOVE IT, MOTION THEN TO MOVE? SO MOVED.

MOTION BY HALL, SECONDED BY COMMISSIONER MANN.

CAN WE GET A RESPONSE FROM JIM LAVENDER? LET ME GET THEM OUT AND THEN HE CAN ADDRESS THEM IF YOU DON'T MIND.

SIR, IT'S A 10.3% CM FEE.

I BELIEVE IT TO BE HIGH AND VERY GENEROUS.

THE SUPERINTENDENT -- THE BLUE SHEET SAYS THIS IS A 60-DAY SUBSTANTIAL COMPLETION TIME FRAME WITH A 90-DAY COUNT -- 90 CALENDAR DAYS FOR FINAL, YET THE SUPERINTENDENT ITEMIZED 16 WEEKS.

FOUR MONTHS.

THE SUPERINTENDENT COSTS \$3 SHS 500 A WEEK.

THAT'S \$700 A DAY, I GUESS, FOR A FIVE-DAY WEEK.

THAT, TOO, SEEMS EXTREME.

I WOULD LIKE TO SAY THOUGH THAT THE BONDING COST SEEMS TO BE COMING DOWN TO A REASONABLE LEVEL WHEREAS I HAVE SEEN SOME VERY HIGH PERCENTAGES.

THIS WAS AT ONE POINT 4%.

I DO BELIEVE THOUGH THAT THIS IS GETTING BETTER.

THIS IS MAKING MORE SENSE TO ME.

BUT STILL, I'M CONCERNED.

IF JIM WANTS TO RESPOND OR IF NOT, THAT'S FINE.

JIM, PETE? I DON'T HAVE ANY COMMENT.

IT'S A ROUTINE CONTRACT WE DO.

I WILL REMIND THE BOARD ONCE AGAIN, THE COST FOR THE SUPERINTENDENT -- THOSE ARE NOT TO EXCEED.

SO WE'LL PAY FOR EXACTLY WHAT WE USE THAT PERSON.

WE'RE NOT GOING TO PAY MORE.

IT'S AN ALLOWANCE BASICALLY.

THAT'S WHAT WE HAVE ESTIMATED.

I HAVE SHOWN THE BOARD WHERE WE TYPICALLY COME IN UNDER.

THIS IS JUST ANOTHER ONE.

THERE'S NOTHING UNIQUE ABOUT THIS.

FURTHER DISCUSSION? I HAVE A QUESTION I FORGOT TO ASK.

JIM, WHY IS IT THAT OVER THE PAST SEVERAL MONTHS WE HAVE STOPPED SHOWING THE CM FEE AS A PERCENTAGE? IT USED TO BE THE BLUE SHEET WOULD SHOW THE PERCENTAGE, BUT THAT'S NOT THE CASE.

WE'LL SHOW IT IF YOU WANT.

DOLLARS ARE THE DOLLARS.

WE CAN DO IT BOTH WAYS.

HOWEVER YOU WANT IT.

IT IS WHAT IT IS.

I'LL TELL YOU WHY IT'S IMPORTANT.

IT HELPS ME UNDERSTAND WHAT THE CM FEE IS ON TOP OF.

IF IT'S A PERCENTAGE I CAN DO THE MATH AND SEE WHAT THE FEE APPLIES TO.

AS I UNDERSTAND IT, IT'S ONLY TO APPLY TO SUCH ITEMS AS SUBCONTRACTED COSTS AND BONDING, INSURANCE, THOSE KINDS OF ITEMS.

BUT TO ADD IT TO ALLOTMENTS SEEMS TO BE A DOUBLE-DIPPING EFFORT.

NO, SIR, THERE'S NO DOUBLE-DIPPING GOING ON.

IT'S A FLAT ALLOWANCE AND THEY GET THE FEE ON THAT.

YOU CUT ME OFF.

LET ME FINISH.

I WAS JUST TRYING TO CLARIFY YOUR COMMENT.

I SAID IT WAS DOUBLE-DIPPING -- I DON'T LIKE WHEN YOU MAKE A CARELESS ASSERTION LIKE DOUBLE-DIPPING.

SO I AM GOING TO CUT YOU OFF.

O.K.

THAT'S GOING TO -- I'M NOT GOING TO LET THAT LAY OUT ON THE PUBLIC RECORD.

I'M SORRY.

JIM, IF I MIGHT GET TO THE END, YOU COULD RESPOND TO THE COMMENT OF DOUBLE-DIPPING.

HERE'S WHAT I WANTED TO SAY ABOUT HOW IT LOOKS LIKE DOUBLE-DIPPING TO ME.

IF IT'S AN ALLOTMENT TO THE CONTRACTOR.

SAY, \$10,000 FOR DEMOLITION.

I'M JUST PICKING SOMETHING.

THAT'S NOT THE CASE HERE.

\$10,000 FOR DEMOLITION.

IN THAT, IF THE CONTRACTOR -- THE GMP -- THE GM, I GUESS.

I'M SORRY.

THE CM, IS DOING THE WORK.

THEY HAVE BUILT IN THERE OVERHEAD AND PROFIT IN THE ALLOTMENT.

BUT IF YOU'RE ADDING ON TOP OF THAT THE CM FEE, IT'S WHAT I CONSIDER DOUBLE--
DIPPING.

THAT'S HOW I BACK UP MY COMMENT.

DO YOU WANT TO RESPOND TO THAT? YES, I DO.

FIRST OF ALL, IT'S AN ALLOWANCE, NOT AN ALLOTMENT.

WE MONITOR THE SUB-BIDS THAT COME IN.

THERE IS NO MARK-UP ON THE SUB-BID.

THAT'S WHY THE FEE IS THE FEE FOR THE CONTRACT.

WE DON'T ALLOW THEM TO MARK UP EACH SUBCONTRACTOR.

THAT'S WHAT YOU HAVE WITH A HARD BID SCENARIO.

WE DON'T ALLOW IT.

THE INDIVIDUAL SUBCONTRACTS AREN'T MARKED UP AND THEN THE FEE PUT ON TOP OF THAT.

THAT'S NOT ACCURATE.

WELL, YOU'RE TALKING ORANGES.

I'M TALKING APPLES.

SUBCONTRACTED PRICES -- YOU JUST TALKED ABOUT DEMOLITION.

DEMOLITION IS A SUBCONTRACTED ITEM, TYPICALLY.

THERE IS NO CM MARK-UP ON SUBCONTRACTS.

IT'S NOT ALWAYS A SUBCONTRACTED ITEM.

I HAVE SEEN IT BECOME AN ALLOTMENT IF THAT'S THE TERMINOLOGY YOU PREFER.

I HAVE SEEN IT BE AN ALLOTMENT TO THE CM.

IT'S \$10,000 -- IF IT INCLUDES, AS I UNDERSTAND IT WOULD, THE OVERHEAD AND THE PROFIT FOR THE CM WHO IS OVERSEEING THE SUBCONTRACTORS, IT'S A DOUBLE-DIPPING.

THAT'S HOW I'M REFERRING TO.

HE SAID ALLOWANCE, NOT ALLOTMENT.

FURTHER DISCUSSION? COMMISSIONER MANN? IT GOES TO SHOW IN THE PERCENTAGE AGAIN.

I WOULD APPRECIATE HAVING THAT.

FOR EXAMPLE, HERE, I HAVE HEAD REFERENCE TO THIS IN THE PAST.

IF WE HAVE BEEN PAYING AN AVERAGE OF THE FEES, SAY, 10%, AND SINCE WE'RE BUYING A BILLION DOLLARS WORTH OF JOBS THIS YEAR, WE'RE THE BIGGEST BUYER IN LEE COUNTY.

I THINK WE CAN BE MORE AGGRESSIVE IN NEGOTIATING THESE FEES AT WHATEVER LEVEL.

IF IT'S CONSTRUCTION MANAGEMENT OR OTHER FEES.

IF WE COULD BRING IT DOWN 1% FROM 10 TO 9 OR 9 TO 8, THEN WE'RE TALKING

ABOUT \$1 MILLION OR POSSIBLY \$2 MILLION IN SAVINGS A YEAR.

THAT'S A LOT MORE THAN THE \$12,000.

THEN YOU'RE TALKING ABOUT REAL MONEY.

THEN YOU CAN APPLY IT TO A MILLAGE ROLL-BACK AND DO SOMETHING FOR THE TAXPAYER.

IT'S IMPORTANT TO DISCUSS THE FEES PARTICULARLY IN TERMS OF WHERE WE STAND AS ONE OF THE BIGGEST BUYERS? SOUTHWEST FLORIDA.

I THINK THIS IS A VALUABLE CONVERSATION.

TO KEEP IT FORWARD, FURTHER DISCUSSION? NO.

HEARING NO OBJECTION, MOTION PASSES.

THANK YOU, COMMISSIONER MANN.

8-A.

THANK YOU, MR. CHAIRMAN.

I MOVE THE ITEM..

DISCUSSION? LET ME JUST EXPLAIN A COUPLE THINGS HERE.

THIS IS TO AUTHORIZE SUBMISSION OF THE LIBRARY DIVISION'S ANNUAL PLAN OF SERVICE TO THE FLORIDA DEPARTMENT OF STATE, DIVISION OF LIBRARY AND INFORMATION SERVICES FOR FISCAL YEAR 2007-2008.

GOOD STUFF.

BUT HERE'S THE PROBLEM.

IN THE PLAN -- ANNUAL PLAN OF SERVICE UNDER THE LEE COUNTY LIBRARY SYSTEM ON -- IT'S NOT PAGE-NUMBERED.

LOOKS LIKE THE SECOND PAGE BECAUSE IT'S BEHIND THE TITLE PAGE.

IT TALKS ABOUT TWO LIBRARIES THAT ARE IN OUR LONG-RANGE PLAN TO BE BUILT.

SIX REGIONAL LIBRARIES LOCATED NORTHWEST REGIONAL LIBRARY LOCATED IN CAPE CORAL.

AT THE PRESENT TIME SCHEDULED TO OPEN FISCAL YEAR 2008-2009.

THAT BEGAN IN 06-07 AND WILL CONTINUE TO 08.

DURING THE BUDGET CYCLE, WE DISCUSSED THE LIBRARY MILLAGE.

IT WAS CLEAR AS A RESULT OF THOSE CONVERSATIONS THAT WE HAVE SOME 66 MILLION BEFORE WE START TAKING IN CURRENT REVENUES OR EXPECTED REVENUES THIS MONTH.

SO WE'RE GOING TO HAVE ENOUGH FOR MORE THAN THREE LIBRARIES.

YET, I DON'T UNDERSTAND WHY IT IS THAT OUR LIBRARY -- ANNUAL PLAN OF SERVICE ONLY SPECIFIES TWO LIBRARIES THAT ARE PROJECTED TO BE BUILT AND THAT TELLS ME THAT THAT'S THE ONLY TWO THEY HAVE ON THE HORIZON.

SEEMS LIKE IT WOULD BE APPROPRIATE THAT IN ORDER TO JUSTIFY THE \$66 MILLION WE CURRENTLY HAVE TUCKED AWAY WHICH COULD BUILD THREE LIBRARIES, THAT WE GET THAT INFORMATION OUT THERE SO THAT WE SHOW THAT WE HAVE AT LEAST THREE LIBRARIES ANTICIPATED TO BE BUILT.

IF THAT'S NOT THE CASE, WE HAVE SOME TALKING TO DO -- EXPLAINING TO DO.

WELL, THAT -- MR. CHAIRMAN, THAT'S SHORT OF THE MONEY WE'RE GOING TO BE TAKING IN ON TOP OF THE \$66 MILLION.

I TELL YOU, I AM JUST GROWING DAY BY DAY MORE CONCERNED WITH THIS KNACK FOR OVERTACKING WITHOUT ADEQUATE JUSTIFICATION.

IF I MAY, WE DISCUSSED IT AT THE BUDGET HEARING.

IF YOU RECALL, COMMISSIONER BIGELOW, THERE WAS DISCUSSION ABOUT THE FUNDING FOR THE REGIONAL LIBRARY IN NORTHWEST CAPE.

THE RENOVATION, RESTORATION OR COMPLETE REBUILDING OF THE DOWNTOWN FORT MYERS LIBRARY AND THEN ALSO THE COMMITMENT WE MAID WITH BONITA SPRINGS TO PROVIDE FUNDING FOR A LIBRARY WITH THEIR COUNCIL.

THERE'S ALSO ADDITIONAL FINANCE NEEDED FOR CAPITAL PROJECTS AND IMPROVE -- PROJECTS AND IMPROVEMENTS WITHIN THE LIBRARY SYSTEM.

I WOULD LIKE TO TURN IT OVER TO EITHER PETE OR HAWLEY TO FURTHER ELABORATE ON THE MONEYS ALLOTTED IN THE BUDGET SYSTEM.

COMMISSIONER, PETE AND I DISCUSSED IT AND YOU SAID WHAT WE WERE GOING TO SAY.

WE HAVE TO CONSIDER THAT BONITA IS THERE AS WELL AND THAT THIS DOES COVER CAPITAL EXPENSES AS WELL AS OPERATIONAL.

SO THAT INCLUDES THE WHOLE THING.

FURTHER DISCUSSION? YES.

COMMISSIONER BIGELOW? I APPRECIATE THE DISCUSSION ON THE POSSIBLE BONITA SPRINGS EXPENDITURE, BUT THAT'S NOT SHOWN HERE.

IT'S PART OF THE PLAN, WE NEED TO GET IT OUT THERE.

I THINK WE NEED TO PUT IT OUT THERE IN A VERY CLEAR AND UNAMBIGUOUS WAY THAT HERE'S WHAT IT PROPOSES TO BE AND HERE'S WHAT IT POSSIBLY WILL COST.

THAT ONLY GETS US TO A POSSIBLE JUSTIFICATION OF THE \$66 MILLION THAT WE'VE GOT TUCKED AWAY.

WHAT ABOUT THE AMOUNTS THAT WE'RE ADDING ON TOP OF THAT? HOW IS IT THAT WE'RE GOING TO BE ABLE TO EXPLAIN THIS WITH A STRAIGHT FACE TO THE ELECTORATE WHEN WE HAVE ALREADY ENOUGH FOR THREE LIBRARIES AND YET ONE DOESN'T EVEN FALL INTO THE ANNUAL PLAN OF SERVICE WE'VE HERE TO ADOPT TODAY? MR. CHAIRMAN? PUT A POSITION PAPER ON THE ACTUAL PROPOSED FUNDING FOR ALL THREE LIBRARIES AND THE CAPITAL PROJECTS AND IMPROVEMENTS TO BE EXPECTED IN THE FUTURE.

COMMISSIONER HALL? COMMISSIONER BIGELOW, HAVE YOU MET WITH OUR DIRECTOR OF LIBRARIES? YEP.

HAVE YOU GONE OVER THE PLAN WITH HIM AND HAD AN OPPORTUNITY TO TOUR SOME OF THE OLDER LIBRARIES? YEP.

YOU HAVE BEEN TO THE NORTH FORT MYERS -- I'M FAMILIAR WITH THE ONE DOWNTOWN.

WE ALL ARE.

IT'S DOWNTOWN.

HAVE YOU BEEN TO THE ONES IN THE FURTHER REACHES THAT ARE OLDER, MORE ANTIQUATED? THEY HAVE PROBLEMS WITH SPACE.

IF THAT'S WHAT WE NEED TO DO TO BRING YOU UP TO SPEED BECAUSE OBVIOUSLY THE MEETING WITH SHELDON DIDN'T HELP YOU, I WILL SUPPORT A COMPREHENSIVE DISCUSSION BECAUSE THERE ARE OLDER LIBRARIES THAT NEED CAPITAL.

I GUESS, YOU KNOW, TO GET DOWN TO THE VERY NITTY GRITTY DETAILS WE CAN DO THAT RATHER THAN DOING IT AT THIS PARTICULAR MEETING SO WE CAN MAKE SURE ALL FIVE OF US UNDERSTAND AND COMPREHEND HOW IMPORTANT THE DOLLARS ARE IN THAT WE ARE NOT WILLY-NILLY WITH PEOPLE'S TAX DOLLARS.

CERTAINLY THIS BOARD HAS NEVER TAKEN THIS POSITION.

SINCE I HAVE BEEN THE BOARD BY REDUCING THE MILLAGE EVERY YEAR WE HAVE BEEN

EXTREMELY RESPONSIBLE WITH TAXPAYER MONEY.

INCLUDING MY OWN.

SELFISHLY, I WANT TO MAKE SURE THE MILLAGE IS APPROPRIATE TO HAVE A LEVEL OF SERVICE.

IF STAFF CAN DO IT AFTER THE FIRST OF THE YEAR, MAYBE MARCH OR APRIL.

I WOULD STILL PUT IN WRITING -- ABSOLUTELY.

THE MONEYS THAT ARE ALLOTTED IN THE BUDGET FOR THE THREE LIBRARIES AND THE CAPITAL IMPROVEMENTS EXPECTED IN THE FUTURE.

I WOULD SUPPORT THAT.

I THINK WE NEED TO HELP THE TAXPAYERS UNDERSTAND WHAT WE ARE DOING WITH THE 66 AND WHAT WE ARE GOING TO DO WITH THE OTHER AMOUNTS WE'RE THROWING ON TOP OF THAT AND HOW WE CAN JUSTIFY THESE EXPENSES.

FURTHER DISCUSSION? NO OBJECTIONS.

MOTION PASSES.

ITEM 13-A.

COMMISSIONER BIGELOW? I'M NOT MOVING THIS ITEM.

I'LL MOVE THE ITEM.

COMMISSIONER HALL MAKES A MOTION.

DO WE HAVE A SECOND? I'LL SECOND FOR DISCUSSION.

DO WE HAVE FURTHER DISCUSSION? YES.

THIS IS TO CONCUR WITH THE RANKING OF CONSULTANTS BY THE COMPETITIVE NEGOTIATIONS COMMITTEE FOR COUNTY-WIDE PROJECT.

I'M NOT OPPOSED TO THE PROJECT.

I CONTINUE TO HAVE TROUBLE WITH THE MAKE-UP OF THE SELECTION COMMITTEES WHEN IT'S THE BOSS AND DEPUTY DIRECTORS BEHOLDEN TO THE BOSS.

IT MAKES ME UNCOMFORTABLE THAT WE HAVE THAT KIND OF RELATIONSHIP THERE.

I THINK WE COULD GO A LONG WAY TO HELP THE COMMITTEES BECOME MORE TRANSPARENT, IF YOU WILL.

IF WE COULD INCLUDE RESIDENTS AND INTERESTS THAT WEREN'T ONE SO OBVIOUSLY SUBORDINATE TO THE OTHERS. THESE COMMITTEES ARE EXTREMELY TRANSPARENT.

THEY ARE OPEN TO THE PUBLIC.

WE HAVE HAD A VERY SMOOTH-GOING OPERATION, GETTING THINGS DONE.

FURTHER DISCUSSION? MR. CHAIRMAN, WHEN YOU GO AROUND THE STATE AND TALK TO DIFFERENT CONTRACTORS THROUGH THE COMPETITIVE NEGOTIATION PROCESS, THROUGH THE RANKING PROCESS, WE ARE RANKED AS ONE OF THE MOST PROFESSIONAL IN THE STATE.

SO I WANT TO COMPLIMENT OUR STAFF.

I CONTINUE TO SUPPORT THE METHODS WE'RE USING UNTIL I -- USING UNTIL I SEE IT'S BROKEN.

I'M HEARING GOOD THINGS FROM THE INDUSTRY.

THEY PARTAKE IN SEVERAL OF THESE THROUGH ALL DIFFERENT LEVELS -- FEDERAL, STATE, LOCAL, CITY, COUNTY.

I'M COMFORTABLE WITH OUR METHODOLOGY AT THIS POINT.

MR. MANN? I WAS CURIOUS.

I DIDN'T PULL THIS ITEM.

BUT SINCE YOU'RE HERE, HOW OFTEN DO WE HAVE TO DO THIS? IS IT LIKE RECALIBRATING THE ENTIRE COUNTY SYSTEM EVERY THREE OR FOUR YEARS OR WHAT? SCOTT GILBERTSON, DOT, FOR THE RECORD.

THIS IS FOR APPROXIMATELY 60 SIGNALS OUT OF THE 300 COUNTY-WIDE.

AS TO THE FREQUENCY, EVERY SEVERAL YEARS PLUS OR MINUS IS APPROPRIATE DEPENDING ON THE AMOUNT OF TRAFFIC CHANGES ALONG ANY GIVEN ARTERIAL OR SIGNAL SYSTEM.

IT'S BECAUSE MORE BUILDINGS COME ON, MORE CARS START PASSING THROUGH THESE INTERSECTIONS? MORE SIGNALS AT THE INTERSECTIONS.

THE SIGNALS WE DID THREE YEARS AGO NO LONGER FUNCTION EFFICIENTLY TODAY.

SO THIS IS SOMETHING WE CAN ANTICIPATE ON A REGULAR BASIS.

THAT'S CORRECT, COMMISSIONER.

THIS PARTICULAR ONE WILL BE A REIMBURSEMENT FROM FDOT.

SO IT'S STATE FUNDS INVOLVED IN THIS.

BLESS YOUR LITTLE HEART.

I'M HAPPY.

THANK YOU.

MOTION PASSES.

THANK YOU, SCOTT.

ADMINISTRATIVE AGENDA. I'LL MOVE THE ITEM.

WE JUST HAVE THE ONE.

WE HAVE A MOTION BY COMMISSIONER HALL.

SECOND BY COMMISSIONER BIGELOW.

HEARING NO OBJECTION.

MOTION PASSES.

LET'S SEE.

WE DO HAVE THE -- ONE PUBLIC HEARING.

GET ONTO THE PUBLIC HEARING.

WE'LL GO RIGHT TO IT.

WHO IS GOING TO BE FROM THE ATTORNEY'S OFFICE OR SOMEBODY FROM -- THE 9:30 PUBLIC HEARING? YEAH.

APPEALS, I BELIEVE.

[LAUGHTER] BEFORE YOU STEP UP, LET ME HAVE -- NOT THAT WE WERE IGNORING YOU.

DON? WOULD YOU LIKE TO STEP FORWARD? I GUESS WE'RE EXPECTING YOU TO SAY WHAT YOU FORMALLY HAVE TO SAY LIKE ADVERTISED AND EVERYTHING.

ASSISTANT COUNTY ATTORNEY.

THIS IS A PUBLIC HEARING ADVERTISED THROUGH THE AGENDA PROCESS.

THERE IS NOT A SEPARATE AD FOR THIS HEARING.

THE BOARD CAN EITHER HEAR ME FIRST OR MR. SCHROPP FIRST.

TYPICALLY THE APPLICANT GOES FIRST.

I JUST WANTED YOU TO START WITH THE ADVERTISEMENT.

WE'RE O.K. TO PROCEED.

YES, WE'LL NOW HEAR FROM MR. SCHROPP.

GOOD MORNING, RUSSELL.

GOOD MORNING.

FOR THE RECORD, I'M WITH THE HENDERSON FRANKLIN LAW FIRM REPRESENTING CUSTOM PLASTIC AND STUCCO INC.

I'M HERE WITH SARAH SPECK TOR OF MY OFFICE.

SHE PREPARED THE APPEAL BEFORE YOU TODAY.

IF I MAY, MR. CHAIRMAN, I HAVE MATERIALS TO HAND OUT.

THESE MATERIALS ARE INCLUDED IN THE RECORD THAT WAS PROVIDED TO YOU AS PART OF YOUR BLUE SHEET.

SINCE THE RECORD IS PROBABLY ABOUT A HUNDRED PAGES I THOUGHT I WOULD CALL OUT THE PERTINENT ONES I WILL USE AS PART OF MY PRESENTATION SO YOU DON'T HAVE TO FLIP THROUGH A HUNDRED PAGES.

YOU CAN JUST FLIP THROUGH SEVEN OR EIGHT.

CAN I PASS THOSE OUT? CERTAINLY.

CAN I ASK THAT HE POINT OUT ON THIS WHERE YOUR CLIENT'S LOT IS? IT'S AT THE VERY BEGINNING OF MY PRESENTATION THAT I WILL GET THERE.

OH, VERY GOOD.

THANK YOU.

OH, LOT 12.

I CAN FIGURE IT OUT NOW.

THANKS.

MR. CHAIRMAN, AS I INDICATED, ALL THESE MATERIALS I PASSED OUT ARE INCLUDED IN THE RECORD THAT'S BEEN SUBMITTED BEFORE YOU.

I HAVE PUT PAGE NUMBERS ON WHAT I HAVE PASSED OUT IN THE UPPER RIGHT-HAND CORNER IN MAGIC MARKER, PAGES ONE THROUGH EIGHT.

SO I WILL REFER TO PAGE NUMBERS.

CUSTOM PLASTERING IS THE OWNER OF A PARCEL OF LAND KNOWN GENERALLY AS LOT 12 OF DAUGHTRY CREEK ESTATES WHICH IS AN UNRECORDED PLAT IN FORT MYERS.

AS COMMISSIONER BIGELOW PULLED OUT THE LARGE VERSION OF THE PLAT, THE FIRST PAGE OF WHAT I PASSED OUT TO YOU IS A COPY OF THAT UNRECORDED PLAT.

IT WAS CREATED IN 1967, I BELIEVE.

I HAVE HIGHLIGHTED LOT 12 ON THAT PLAT.

I HAVE ALSO HIGHLIGHTED TO THE LEFT, THE LEGAL DESCRIPTION OF LOT 12 CREATED AS PART OF THIS UNRECORDED PLAT.

YOU CAN'T READ IT ON THE SMALLER VERSION OF THE PLAT I HANDED OUT, BUT I THINK YOU CAN READ IT ON THE LARGER VERSION INCLUDED WITHIN YOUR PACKAGE.

ALSO INCLUDED AS PAGES TWO AND THREE OF WHAT I PASSED OUT ARE A COUPLE OF LOCATION MAPS THAT SHOW GENERALLY WHERE THIS LOT IS.

YOU WILL SEE THAT ON PAGE TWO, THERE IS A LARGE VERSION OF THE MAP THAT SHOWS THE PROPERTY GENERALLY EAST OF I-75, WEST OF SLATER ROAD AND SOUTH OF NOW GRADE ROAD.

PAGE THREE ZEROS IN CLOSER ON THE LOT IN QUESTION WHICH IS HIGHLIGHTED.

YOU WILL NOTE IF YOU REFER BETWEEN PAGES ONE AND THREE -- YOU WILL NOTE THAT LOT 12 IS CURRENTLY SHOWN AS A FULL LOT AND REFLECTS THE CONFIGURATION AS IT WAS ORIGINALLY CREATED IN THE UNRECORDED PLAT.

TO THE WEST OF LOT 12 IS LOT 13 WHICH YOU WILL NOTE HAS BEEN DIVIDED INTO TWO LOTS.

TO THE SOUTHWEST OF LOT 12 IS LOT 14 WHICH YOU WILL NOTE HAS BEEN DIVIDED INTO TWO LOTS.

TO THE SOUTH OF LOT 12 IS LOT 11 WHICH YOU WILL NOTE HAS BEEN DIVIDED INTO TWO LOTS AS WELL.

ALSO TO THE NORTHWEST OF LOT 12 IS LOT 1 WHICH HAS ALSO BEEN DIVIDED INTO TWO HALF LOTS ALONG THE LINE.

THE LOT 12 IN ITS CONFIGURATION AS IT WAS ORIGINALLY PLATTED IS 1.96 ACRES OF LANDS AND ZONED AG-2 AND DESIGNATED AS OPEN LAND.

ON THE CONFERENCE PLAN MAP.

EARLIER THIS YEAR CUSTOM MEASURING FILED AN APPLICATION WITH YOUR STAFF SEEKING A DETERMINATION OF WHAT WE CALL A MINIMUM USE DETERMINATION OR A MUD.

ALSO REFERRED TO AS A SINGLE-FAMILY RESIDENCE DETERMINATION.

BUT BASICALLY THIS PROVISION IS INCLUDED IN YOUR ADMINISTRATIVE -- IN YOUR COMPREHENSIVE PLAN AS A PROVISION TO ALLOW THE CONSTRUCTION OF A MINIMUM USE OF ONE SINGLE-FAMILY HOUSE ON A LOT THAT WAS CREATED AND OF RECORD PRIOR TO ADOPTION OF THE COMPREHENSIVE PLAN IN 1984.

IN EFFECT, IT'S KIND OF A LOT OF RECORD PROVISION THAT BASICALLY IF YOU HAVE A LOT CREATED BEFORE 1984 AND IT DOESN'T COMPLY WITH THE CURRENT DENSITY REQUIREMENTS OF THE LEE PLAN AS THESE LOTS DO NOT, THEN YOU WOULD BE ENTITLED TO CONSTRUCT ONE SINGLE-FAMILY HOME ON EACH LOT THAT WAS DULY RECORDED PRIOR TO 1984.

THE APPLICATION FILED BY CUSTOM PLASTERING BASICALLY ASKS THE COUNTY TO FIND THAT LOT 12 IS ACTUALLY TWO SEPARATE LOTS FOR PURPOSES OF THE LEE PLAN.

EACH OF WHICH SHOULD BE ENTITLED TO CONSTRUCT ONE SINGLE-FAMILY RESIDENCE ON EACH LOT.

THOSE LOTS, I WILL REFER TO IN MY PRESENTATION AS THE NORTH HALF OF LOT 12 AND THE SOUTH HALF OF LOT 12 BECAUSE THIS IS, IN FACT, HOW THEY WERE DIVIDED.

IF YOU LOOK ON PAGE FOUR OF WHAT I PASSED OUT, THERE IS A SURVEY THAT BASICALLY SHOWS THE CONFIGURATION OF WHAT WE SUBMIT ACTUALLY EXISTS UNDER THE REGULATIONS THAT ARE IN EFFECT.

YOU WILL SEE THE ENTIRE LOT IS OUTLINED IN YELLOW -- LOT 12 -- THE NORTH HALF IS SHOWN WITH A FENCE LINE THAT RUNS PRETTY MUCH EAST-WEST THROUGH THE MIDDLE OF THE PROPERTY.

THERE IS A HOUSE CONSTRUCTED ALREADY ON THE NORTH HALF OF LOT 12, BUT THE SOUTH HALF OF LOT 12 IS PRESENTLY VACANT.

STAFF DETERMINED THAT THESE TWO LOTS DO NOT QUALIFY UNDER THE LEE PLAN FOR TWO SINGLE-FAMILY LOTS.

WE HAVE APPEALED THAT DETERMINATION PURSUANT TO CHAPTER 13 OF THE LEE PLAN.

IT'S OUR POSITION THAT THIS IS A RELATIVELY STRAIGHTFORWARD APPLICATION AND DETERMINATION THAT NEEDS TO BE MADE.

BASICALLY IT REQUIRES THAT YOU ONLY APPLY ESSENTIALLY THREE CRITERIA TO THE

LOTS THAT WE SAY EXISTED PRIOR TO 1984.

I'LL SHOW YOU WHAT THEY ARE.

ATTACHED IS PAGES FIVE AND SIX OF WHAT I PASSED OUT TO YOU.

I THINK THEY ARE STAPLED TOGETHER IF I DID IT CORRECTLY.

IT'S ESSENTIALLY A REPRODUCTION OF THE SINGLE-FAMILY RESIDENCE DETERMINATION PROVISIONS OF THE LEE PLAN.

THIS IS WHAT WE FILED UNDER AND THESE ARE THE APPLICABLE THINGS THAT APPLY TODAY.

THE CRITERIA -- AND I HAVE HIGHLIGHTED THEM -- BASICALLY I WILL GO THROUGH THEM AT THE BEGINNING HERE.

SUBSECTION 4 DEALS WITH THE SINGLE FAMILY RESIDENCE PROVISION.

THAT'S WHAT WE'RE UNDER.

YOU'LL SEE THAT UNDER A, APPLICABILITY IT SAYS THAT NOTWITHSTANDING ANY OTHER PROVISION OF THIS PLAN, ANY ENTITY OWNING PROPERTY OR ENTERING INTO A CONTRACT FOR THAT PROPERTY, WHICH PROPERTY IS NOT IN COMPLIANCE WITH THE STANDARD DENSITY REQUIREMENTS THAT THE LEE PLAN WILL BE ALLOWED TO CONSTRUCT ONE SINGLE-FAMILY RESIDENCE ON SAID PROPERTY PROVIDED THAT -- AND THEN THERE ARE FOUR CRITERIA LISTED AFTER THAT "PROVIDED THAT".

THE FIRST IS THAT IT HAS TO MEET A CREATION DATE.

IN OTHER WORDS, THE DATE CREATED MUST BE MET AS SPECIFIED.

THERE ARE THREE OPTIONS FOR MEETING THE DATE CREATED AND THEY ARE JOINED BY AN "OR".

THE SPECKED IS THE MINIMUM LOT REQUIREMENT.

AGAIN, A, B, C, D AND E.

SO THERE ARE FIVE OPTIONS ALL JOINED BY AN "OR" SO YOU ONLY HAVE TO MEET ONE.

THEN DRAINAGE AND THEN INDUSTRIAL DEVELOPMENT LANDS WHICH IS NOT APPLICABLE IN THIS CASE.

SO THERE ARE REALLY ONLY THREE CRITERIA YOU NEED TO EVALUATE IN DETERMINING WHETHER THESE LOTS MEET THE STANDARDS OF THE LEE PLAN FOR THIS DETERMINATION.

I'D LIKE TO GO THROUGH THE CRITERIA.

THE FIRST WILL TAKE A LITTLE BIT OF EFFORT.

THE LAST TWO WILL NOT.

THAT WILL BE A LITTLE BIT MORE QUICK.

IF YOU WILL BEAR WITH ME, THE FIRST CRITERIA IS THE DATE THE LOTS WERE CREATED.

YOU WILL NOTICE I HAVE HIGHLIGHTED SUBSECTION B OF THAT PROVISION.

SUBSECTION B SAYS THAT THE LOT MUST BE CREATED AS FOLLOWS -- A LEGAL DESCRIPTION OF THE LOT OR PARCEL WAS LAWFULLY RECORDED IN THE OFFICIAL RECORD BOOKS OF THE CLERK OF THE CIRCUIT COURT PRIOR TO DECEMBER 1, 1984.

THAT MEANS PRIOR TO DECEMBER 21, 1984, AN INSTRUMENT MUST HAVE BEEN RECORDED IN THE PUBLIC RECORDS OF LEE COUNTY THAT IDENTIFIES THE LOT.

WE WILL SUBMIT TO YOU THAT THERE WERE TWO INSTRUMENTS RECORDED, ONE OF WHICH IDENTIFIED THE NORTH HALF OF LOT 12 AND ONE THE SOUTH HALF OF LOT 12 AS A SEPARATE LOT.

I WILL GO THROUGH THOSE AT THIS POINT.

I WILL NOTE THAT THE PERTINENT DATE HERE IS DECEMBER 21, 1984 WHICH WAS THE EFFECTIVE DATE OF THE ORIGINAL LEE PLAN ADOPTED THAT YEAR.

AS I INDICATED WHEN I STARTED, LOT 12, THE ENTIRETY WAS CREATED BY THE UNRECORDED PLAT OF THE ESTATES.

THAT PLAT ESTABLISHED A LOT THAT WAS 255 BY 330 FEET WITH ROADWAY EASEMENTS ALONG THE NORTH AND EAST SIDES.

IT WAS CONVEYED OUT AS LOT 12 IN 1970.

I DID NOT INCLUDE A COPY OF THE DEED IN YOUR PACT OF MATERIALS I SUBMITTED.

I DO HAVE IT IN THE FILE IF YOU WOULD LIKE TO SEE IT. BASICALLY, THAT ENTIRE LOT 12 WAS CONVEYED IN 1970 BY THE CREATOR OF THE SUBDIVISION TO A MR. AND MRS. DOSHER.

THEY HELD TITLE TO ALL OF LOT 12 UNTIL 1974.

AT THAT POINT, THEY CONVEYED OUT THE SOUTH HALF OF LOT 12 TO MR. AND MRS. DUKE.

THAT DEED, I HAVE INCLUDED IN YOUR PACKAGE AS PAGE SEVEN OF WHAT WAS SUBMITTED TO YOU AT THE BEGINNING OF THIS PRESENTATION.

YOU WILL NOTE THAT IT'S A 1974 DEED RECORDED THAT YEAR CONVEYING FROM DOSHER TO DUKE LOT 12 OF DAUGHTRY CREEK ESTATES, AND IT DESCRIBES LOT 12, IT SAYS LESS THE NORTHERLY ONE-HALF OF LOT 12.

IN EFFECT, THIS DEED CONVEYED THE SOUTH HALF OF LOT 12 FROM THE DOSHERS TO THE DUKES IN 1974.

IT EFFECTIVELY CREATED A LOT LEGALLY DESCRIBED AS THE EQUIVALENT OF THE SOUTH HALF OF LOT 12 AT THAT TIME.

AS OF 1974, WE HAVE A DEED THAT CREATES THE SOUTH HALF OF LOT 12.

OBVIOUSLY BEFORE 1984 AND IT MEETS THE CRITERIA AS CONTAINED IN THE LEE PLAN.

THE OTHER LOT WHICH I WILL REFER TO AS THE NORTH HALF OF LOT 12, WAS THEN SEPARATELY CONVEYED OUT IN 1975 BY A DEED FROM THE DOSHERS TO MR. AND MRS. KELLY.

THAT'S INCLUDED AS PAGE EIGHT IN YOUR PACKAGE.

IT'S A 1975 DEED RECORDED IN 1975.

IT CONVEYS THE NORTH 165 FEET OF THE EAST 255 FEET OF THE WEST 1170.

IN OTHER WORDS IT WAS CONVEYING THE NORTH 165 FEET OF LOT 12.

IN EFFECT, CREATING A LEGAL SUBDIVISION OR A LOT CONSISTING OF THE NORTH HALF OF LOT 12.

NOW, AS OF THOSE TWO DATES -- 1974 AND 1975 -- WE HAVE A RECORDED INSTRUMENT LAWFULLY RECORD IN PUBLIC RECORDS OF LEE COUNTY PRIOR TO 1984 THAT DESCRIBES THE SOUTH HALF OF LOT 12 AND THE NORTH HALF AS SEPARATE LOTS.

WE SUBMIT THAT THAT MEETS THE FIRST CRITERIA.

IN OTHER WORDS, THERE HAS TO BE A LEGAL DESCRIPTION FOR THE LOT LAWFULLY RECORD IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA PRIOR TO DECEMBER 21ST, 1984.

THAT WAS DONE FOR BOTH LOTS.

THAT IS REALLY ALL THAT IS REQUIRED UNDER THE EXPRESS LANGUAGE OF THE COMPREHENSIVE PLAN PROVISION THAT I PASSED OUT.

YOU DON'T SEE ANYTHING ELSE IN THERE AND NO CAVEATS TO IT.

THE COUNTY ATTORNEY OFFICE POINTED OUT THAT THE TWO HALVES OF THE LOT -- NORTH AND SOUTH -- WERE LATER CONVEYED SO THEY CAME UNDER COMMON

OWNERSHIP.

THAT IS ACTUALLY CORRECT AND, IN FACT, MY CLIENT OWNS THE NORTH HALF AND THE SOUTH HALF AT THIS POINT AS A UNIFIED PARCEL.

HOWEVER, THAT DOES NOT NEGATE AND DOES NOT AFFECT THE DETERMINATION REQUIRED UNDER THE COMPREHENSIVE PLAN PROVISION WE'RE DEALING WITH.

THAT IS THAT THE LOTS WERE CREATED OF RECORD PRIOR TO 1984.

THE COMP PLAN DOES NOT SAY THAT LOTS CREATED PRIOR TO 1984 AND THEN LATER RECONVENED SO THEY COME UNDER COMMON OWNERSHIP LOSE THIS ENTITLEMENT.

IT DOESN'T SAY THAT.

SO WE WILL RESPECTFULLY SUBMIT THAT THE TWO LOTS MEET THE FIRST CRITERIA ESTABLISHED IN THE LEE PLAN.

THAT IS, THAT THE LOTS WERE CREATED OF RECORD PRIOR TO 1984.

THE SECOND AND THIRD CRITERIA ARE A LITTLE BIT EASIER TO GO THROUGH.

THE SECOND CRITERIA, IF YOU WILL GO BACK TO PAGES FIVE AND SIX OF WHAT I PASSED OUT WHICH IS THE LEE PLAN PROVISION, THE SECOND CRITERIA DEALS WITH MINIMUM LOT REQUIREMENTS.

AGAIN, I HAVE HIGHLIGHTED THE ONE THAT I THINK IS RELEVANT IN THIS CASE.

IT SAYS THAT IN ADDITION TO MEETING THE REQUIREMENTS SET FORTH ABOVE THE LOT OR PARCEL MUST HAVE A MINIMUM OF 7500 SQUARE FEET IN AREA IF IT WAS CREATED ON OR AFTER JUNE 27, 1962 AND PRIOR TO DECEMBER 21, 1984 IF NOT A PART OF A SUBDIVISION RECORD IN THE OFFICIALLY PLAT BOOKS OF LEE COUNTY.

THAT'S WHEN THE LOTS WERE CREATED.

IN 1974 AND 1975.

THEY WERE NOT PART OF A RECORDED PLAT.

THEY WERE PART OF AN UNRECORDED PLAT.

SO THAT'S THE PROVISION THAT APPLIES IN THIS PARTICULAR CIRCUMSTANCE.

AND THE REQUIREMENT IS THAT THOSE TWO LOTS, EACH MUST HAVE 7500 SQUARE FEET OF LAND AREA.

THESE LOTS ARE 165 FEET BY 330 FEET.

THAT'S APPROXIMATELY 42,000 SQUARE FEET OF LAND AREA -- WELL IN EXCESS OF THE

7,500 SQUARE FEET REQUIRED BY THE PROVISION OF THE COMP PLAN.

THE THIRD CRITERIA IS THAT THE LOTS -- IT DEALS WITH ACCESS AND DRAINAGE.

BASICALLY IT REQUIRE THAT IS THE LOTS MUST MEET CERTAIN STREET AND DRAINAGE REQUIREMENTS, MUST BE ACCESSED BY A SHELL ROAD AT A MINIMUM AND HAVE ADEQUATE DRAINAGE AND THE STAFF REPORT THAT WAS SUBMITTED INDICATES THIS IS NOT BEING CONTESTED, THAT THE LOTS DO, IN FACT, FRONT ON A SHELL ROAD OR PACKED ROAD, I BELIEVE THEY SAID AND OPEN SWALE DRAINAGE IS PROVIDED FOR THE LOTS.

SO MEETING CRITERIA THREE APPEARS TO BE SATISFIED FROM ALL PERSPECTIVES.

AS I INDICATED, THE FOURTH CRITERIA IN THE CODE -- COMP PLAN ISN'T APPLICABLE BECAUSE WE'RE NOT THE INTERCHANGE OR INDUSTRIAL DEVELOPMENT AREA.

I WOULD SUBMIT TO YOU THAT ALL THREE CRITERIA OF THE COMPREHENSIVE PLAN FOR THIS KIND OF DETERMINATION HAVE BEEN MET FOR THESE TWO LOTS.

AS I NOTED EARLIER, THE MAIN REASON I THINK PUT FORTH BY THE COUNTY ATTORNEY'S OFFICE WAS THAT THE TWO LOTS WERE LATER RECOMBINED INTO A SINGLE LOT AND CONVEYED JOINTLY OR TOGETHER IN SUBS CONSEQUENCE CONVEYANCES.

AS I INDICATED, I THINK THIS IS SIMPLY IRRELEVANT TO THE DETERMINATION THAT YOU HAVE TO MAKE.

THE COMP PLAN DID YOU WANT SAY YOU CAN WANT DO THAT.

IT DOESN'T SAY THAT LOTS AT ONE TIME DIVIDED CAN'T BE RECOMBINED AND THEN THEY LOSE THIS DETERMINATION.

THE OTHER REASON SUGGESTED BY THE COUNTY ATTORNEY FOR DENYING THE APPEAL, I THINK, ARE EQUALLY INAPPLICABLE.

THEY HAVE SUGGESTED THAT THE LOTS DIDN'T COMPLY WITH THE AGRICULTURAL ZONING AT THE TIME THEY WERE CREATED.

I WILL SUBMIT TO YOU THAT IT ISN'T REQUIRED UNDER THE PLAN PROVISION YOU'RE DEALING WITH.

I READ THE COMPREHENSIVE PLAN REQUIREMENT YOU'RE DEALING WITH IS THAT BECAUSE THE LOTS WERE CREATED BETWEEN 62 AND 84 MUST HAVE A MINIMUM OF 7,500 SQUARE FEET OF LAND AREA.

THESE LOTS DO.

FOR LOTS CREATED AFTER 84, THE REQUIREMENT OF THE COMP PLAN IS THAT THE LOTS MUST HAVE COMPLIED WITH THE ZONING REQUIREMENTS IN EFFECT AT THE TIME, BUT THAT IS NOT APPLICABLE TO LOTS THAT WERE CREATED BETWEEN 1962 AND 1984 BY

THE PLAIN TERMS OF THE COMPREHENSIVE PLAN WE'RE DEALING WITH.

THE COUNTY ATTORNEY ALSO INDICATED THAT LOT 12 EXISTED AS A UNIFIED LOT IN 1984 AT THE TIME THE LEE PLAN WAS ORIGINALLY ADOPTED AS SOME BASIS FOR DETERMINING THAT THE SINGLE FAMILY RESIDENCE PROVISION DOES NOT APPLY TO BOTH LOTS.

AGAIN, I DON'T SEE ANYTHING IN THE COMP PLAN THAT REQUIRES THAT OR THAT EVEN ADDRESSES IT.

I GO BY THE STRICT LETTER OF WHAT'S INCLUDED IN THE COMPREHENSIVE PLAN.

THE THREE CRITERIA THAT I HAVE SUBMITTED TO YOU THAT ARE STRAIGHT OUT OF THE COMPREHENSIVE PLAN AND ASK YOU SIMPLY TO APPLY CRITERIA AS WRITTEN.

THEY ARE BLACK AND WHITE.

FINALLY, I WOULD NOTE, I GUESS, AS I DID AT THE BEGINNING, TO THE EXTENT THERE IS CONCERN THAT WHAT I'M ASKING YOU TO DO TODAY -- WHICH IS TO RECOGNIZE THAT LOT 12 HAS BEEN DIVIDED INTO TWO LOTS, THE NORTH AND SOUTH HALF -- IF THERE IS CONCERN THAT THIS IS OUT OF CHARACTER WITH THE NEIGHBORHOOD OR INCOMPATIBLE WITH WHAT'S GOING ON OUT THERE, I WOULD SUBMIT TO YOU AS I INDICATED AT THE BEGINNING OF THE PRESENTATION THAT THE LOTS TO THE NORTHWEST, WEST, SOUTHWEST, AND SOUTH HAVE ALL BEEN DIVIDED INTO HALVES.

ALL BUT ONE OF THOSE HALF-LOTS ALREADY HAS A HOUSE ON IT.

WHAT WE'RE ASKING TO DO IS SIMPLY CONSISTENT WITH THE WAY THE NEIGHBORHOOD ACTUALLY DEVELOPED IN THE 1970s AND EARLY 1980s.

WITH THAT, I APPRECIATE YOUR TIME AND ATTENTION TO THIS REQUEST.

IF THERE IS ANY QUESTION, I WOULD BE HAPPY TO ADDRESS IT.

QUESTIONS AT THIS TIME? I DO.

COMMISSIONER BIGELOW? RUSSELL, IT SAYS -- WELL, LET ME START WITH THIS.

I THINK I'M AGREEING WITH YOU IN THAT THEY WERE SPLIT IN 1974.

BUT IT HASN'T BEEN TREATED AS SUCH SINCE THEN.

SO THERE'S ONLY ONE STRAP NUMBER FOR BOTH THESE PARCELS.

SO YOUR CLIENT'S NOT BEEN PAYING TAXES ON TWO PARCELS.

THEY HAVE BEEN PAYING ON ONE PROBABLY A HOMESTEADED PARCEL, I WOULD SUSPECT.

I DON'T KNOW THAT TO BE THE CASE.

BUT IT'S A POSSIBLE.

SO, I MEAN, IT'S TOUGH TO GRANT IT NOW WHEN IT'S NOT BEEN ACTING AS THIS FOR SO LONG.

HOW WOULD YOU ADDRESS THAT? VERY SIMPLY, THE SAME WAY I ADDRESSED THE OTHER CONCERNS RAISED BY THE COUNTY ATTORNEY'S OFFICE.

COMMISSIONER BIGELOW, IT'S NOT ANYWHERE IN THE COMP PLAN PROVISION THAT THE PROPERTIES CAN'T BE RECOMBINED UNDER ONE LEGAL DESCRIPTION AND ASSIGNED ONE STRAP NUMBER WHICH I BELIEVE WAS DONE IN THE 70s OR EARLY 80s AT A TIME WHEN THIS COMP PLAN DIDN'T EXIST.

HOW WOULD ANYONE HAVE KNOWN AT THAT POINT THAT WE NEED TO MAINTAIN TWO SEPARATE STRAP NUMBERS AND CONTINUE THOSE ON AD INFINITUM UNTIL THE POINT OF CONSTRUCTION.

BEYOND THAT IT SIMPLY ISN'T A CRITERIA OF THE PLAN YOU'RE REVIEWING.

O.K.

THANK YOU, RUSSELL.

THANK YOU.

DAWN HELLO, AGAIN.

ASSISTANT COUNTY ATTORNEY, DAWN LEONARD.

I THINK THAT RUSSELL'S GIVEN YOU A FAIR INDICATION OF THE RECORDED HISTORY WITH RESPECT TO THIS LOT.

LOT 12, AGAIN, IS IN DAUGHTRY CREEK.

IT IS AN UNRECORDED SUBDIVISION.

LOT 12, AS IT EXISTED IN THE UNRECORDED SUBDIVISION, IS THE LOT THAT THE COUNTY IS RECOGNIZING THOUGH IT IS UNRECORDED.

IT IS RECORDED INTO THE PUBLIC RECORD AS A METES AND BOUNDS LEGAL DESCRIPTION.

HE HAS GONE THROUGH THE CRITERIA.

HE GAVE YOU A COUPLE OF PAGES.

THE DATE CREATED IS THE KEY IN THIS INSTANCE.

WHAT YOU NEED TO RECOGNIZE IS WHAT THIS SAYS IS A LEGAL DESCRIPTION OF A LOT OR PARCEL WAS LAWFULLY RECORDED IN THE OFFICIAL RECORD BOOKS OF THE COUNTY.

IN THIS INSTANCE, THE LEGAL DESCRIPTION RECORDED IN 1974 WAS NOT -- DID NOT CREATE A LAWFUL LOT.

AT THE TIME THAT IT CREATED A LOT, IT CREATED A SUBSTANDARD LOT UNDER THE COUNTY'S REGULATIONS.

THEY NEEDED AN ACRE.

THEY HAD LESS THAN AN ACRE.

THE PROPERTY OWNER -- I WASN'T THERE IN 1974, BUT THE PROPERTY STAYED AS A SPLIT LOT FOR LESS THAN A YEAR OR ABOUT A YEAR.

THE PROPERTY OWNER, IN ORDER TO GET A BUILDING PERMIT WHICH THEY CONSTRUCTED THEIR HOUSE IN 1975, NEEDED BOTH LOTS BECAUSE THAT'S WHAT YOU NEEDED TO BE ABLE TO LEGALLY CREATE OR CONSTRUCT A LOT.

SO IT IS THE COUNTY'S POSITION THAT IN 1974, IT DID NOT CREATE A LAWFUL LOT. HOWEVER, IF YOU WANT TO ASSUME IN 1974 THAT THAT LOT WAS LAWFULLY CREATED AND THAT THERE WERE THEN TWO LOTS, THERE IS A PROVISION IN THE LEE PLAN WHICH IS ON A PAGE THAT MR.

SCHROPP DID NOT GIVE YOU WHICH PRECEDES THE TWO PAGES HE PROVIDED YOU.

IT IS IN THE PACKET AND IT'S THE FIRST PAGE OF ATTACHMENT 6.

IT'S THE LEAD-IN PARAGRAPH.

THAT PARAGRAPH INDICATES -- IT STATES -- PERSONS OR ENTITIES WHOSE INTERESTS ARE DIRECTLY AFFECTED BY THE LEE PLAN HAVE THE RIGHT TO ADMINISTRATIVE INTERPRETATION OF THE PLAN AS IT AFFECTS THEIR SPECIFIC INTEREST.

SUCH INTERPRETATION UNDER THE PROCEDURE AND STANDARDS SET FORTH BELOW WILL REMAIN IN EFFECT AND THEREAFTER BE BINDING UPON THE COUNTY ONLY AS TO LEGALLY-DESCRIBED PROPERTY IN ANY PLAN OF DEVELOPMENT UPON WHICH THE INTERPRETATION IS BASED IF THE PLAN OF DEVELOPMENT IS PROPOSED TO BE OR IS CHANGED THROUGH ANY ACTION OF ANY OWNER OR DEVELOPER OF THE PROPERTY THEN THE ADMINISTRATIVE INTERPRETATION IS NO LONGER BINDING ON THE COUNTY.

ACTIONS THAT WILL RENDER A PREVIOUS INTERPRETATION NO LONGER BINDING INCLUDE ANY OF THE FOLLOWING -- SIGNIFICANT CHANGES IN THE PARCEL OR PLATTED LOT CONFIGURATION, CHANGES TO THE LAND USE, DECREASES IN THE AMOUNT OF OPEN SPACE OR PRESERVED LAND, INCREASES IN DENSITY OR INTENSITY OF USE, INCREASES IN SIZE OR ACRE TO THE PARCEL OR ANY OTHER CHANGE THAT MAKES THE

PLAN OF DEVELOPMENT LESS CONSISTENT WITH THE CURRENT LEE PLAN.

WHAT MR. SCHROPP IS PROPOSING IS THAT WE LOOK BACK TO 1974 AND SAY THAT THE COUNTY, UNDER THEIR LEE PLAN, QUOTE/UNQUOTE, VESTED OR INTERPRETED THE PLAN TO ALLOW THEM TWO SINGLE-FAMILY RESIDENTIAL LOTS.

HOWEVER, HE DOESN'T RECOGNIZE THE FACT THAT IN 1975 THEY CHANGED THAT CONFIGURATION COMPLETELY.

AND THEN THEY CONSTRUCTED A HOUSE, HAVE PAID TAXES ON THAT PROPERTY AND TRANSFERRED IT AS A SINGLE LOT SINCE THAT TIME.

AND THEN IN 1984, WE ADOPTED THE LEE PLAN AND WE PROVIDED FOR LOTS THAT WERE OF RECORD AT THAT TIME THAT THEY WOULD BE ABLE TO CARRY FORWARD.

THE REASON WE DID THAT IS BECAUSE THERE WERE A NUMBER OF LOTS -- THIS ONE INCLUDED, LOT 12 AS CURRENTLY CONFIGURED -- THAT COULD NOT MEET THE DENSITY REQUIREMENTS.

DENSITY REQUIREMENTS APPLICABLE TO THE PROPERTY ARE ONE UNIT PER TEN ACRE.

WE HAVE LESS THAN TWO ACRES HERE.

SO IF YOU ARE TO GRANT THE APPEAL, YOU WOULD BE INCREASING THE INCONSISTENCY WITH THE LEE PLAN BY ALLOWING ADDITIONAL DENSITY AND THIS LOT 12 DOESN'T MEET THE DENSITY TODAY.

IT IS A VESTED LOT UNDER OUR LAND -- UNDER THE LEE PLAN.

THEY CAN TAKE THAT HOUSE DOWN, DEMOLISH IT AND REBUILD A NEW ONE IF THEY CHOOSE TO.

THEY WOULD NOT HAVE TO COME BACK FOR AN ADDITIONAL MINIMUM USE DETERMINATION.

THEY HAVE IT ALREADY BY THE VIRTUE THAT IT EXISTED AS A LOT WITH A SINGLE FAMILY HOME ON IT WHEN THE LEE PLAN WAS ADOPTED.

SO WHAT STAFF HAS DONE IN THIS INSTANCE IS THEY HAVE BEEN CONSISTENT WITH WHAT WE HAVE DONE WITH OTHER SIMILAR PROPERTIES THAT HAVE COME BACK AND BASICALLY ARE ASKING THE COUNTY TO RESTORE A PREVIOUS LOT SPLIT OR A PREVIOUS SPLIT OF THE PROPERTY THAT IS NOW A SINGLE-FAMILY LOT UNDER OUR REGULATIONS AND THOSE SPLITS MAKE IT INCONSISTENT WITH THE LEE PLAN BECAUSE IT DOESN'T MEET THE DENSITY.

IN THIS INSTANCE, IT WOULD MEET THE ZONING, SO THAT'S NOT AN ISSUE HERE.

IT IS JUST THE DENSITY THEY DO NOT MEET.

THERE ARE PROPERTIES ALL SURROUNDING IN THIS AREA THAT HAVE BEEN SPLIT.

THEY WERE SPLIT ABOUT THE SAME TIME THAT THIS PARCEL WAS SPLIT IN 1974.

THOSE REMAINED SPLIT.

THEY CONSTRUCTED HOMES ON EACH OF THE SPLIT LOTS IN MOST INSTANCES AND THEY EXISTED IN THAT CONFIGURATION IN 1984 AND THEY WERE VESTED FOR DENSITY THEN.

THAT'S WHY THERE ARE SOME LOTS THAT ARE SPLIT AND GOT TO -- AND ARE -- THEY ARE TRYING TO BE CONSISTENT WITH THE STUFF OUT THERE, BUT THEY DIDN'T TREAT THEIR PROPERTY CONSISTENTLY.

THEY PUT IT BACK TOGETHER AGAIN AND TRANSFERRED IT THAT WAY SINCE.

SO THE COUNTY IS REQUESTING THAT YOU DENY THIS APPEAL, THAT YOU UPHOLD COUNTY STAFF'S DETERMINATION FOR A DENIAL BECAUSE THIS LOT -- LOT 12 -- AS CONFIGURED CURRENTLY EXISTED IN 1984.

THE PROPERTY OWNER HAS REASONABLE USE OF THEIR PROPERTY WHEN THEY PURCHASED THE PROPERTY IN 2005, IT WAS CONFIGURED THIS WAY WITH THE SINGLE-FAMILY HOME.

AT THAT TIME THEY HAD NO INVESTMENT BACKED EXPECTATION OR ECONOMIC BENEFIT THAT COULD BE DERIVED FROM SPLITTING THE PROPERTY.

THEY HAD NO REASONABLE BELIEF THAT THAT WOULD BE APPROVED.

SO WE ASK THAT YOU FIND THAT THE APPEAL -- DENY THE APPEAL.

I'M SORRY.

THANK YOU, DAWN.

QUESTIONS AT THIS TIME? YES.

COMMISSIONER BIGELOW? DAWN, IN THAT READING, I GUESS IT'S THE FIRST LONG PARAGRAPH THAT YOU WERE READING FROM.

ACTIONS THAT RENDER A PREVIOUS INTERPRETATION NO LONGER BINDING INCLUDE ANY OF THE FOLLOWING -- YOU'RE SAYING THAT ONLY BECAUSE AN INCREASE IN DENSITY IS TO OCCUR THAT THEN IS WHAT YOU'RE HANGING YOUR HAT ON? NO.

ONE, THE PROPERTY WAS NOT LAWFULLY SPLIT IN 1974 BECAUSE IT DIDN'T MEET THE ZONING REGULATIONS.

TWO, THERE WASN'T AN OFFICIAL INTERPRETATION ISSUED.

BUT IF THERE WAS, IN 1984 IT WOULD HAVE SAID YOU ARE ENTITLED TO ONE SINGLE-FAMILY -- BECAUSE YOU HAVE A SINGLE-FAMILY RESIDENCE THERE, YOU WOULD BE ENTITLED TO A SINGLE-FAMILY RESIDENCE ON THE PROPERTY EVEN THOUGH YOU DON'T MEET THE DENSITY NOW IN PLACE OF ONE UNIT PER TEN ACRES.

THE OTHER THING YOU NEED TO UNDERSTAND IS IN ORDER TO ACHIEVE THE TWO LOTS THEY WANT TO ACHIEVE AT THIS POINT, THEY MUST GO THROUGH THE CHAPTER TEN LOT-SPLIT PROVISIONS.

CHAPTER 10, SECTION 10174 INDICATES THAT YOU MUST MEET ALL OF THE REQUIREMENTS THAT ARE IN PLACE INCLUDING LOT AREA, SET-BACKS, AND LEE PLAN DENSITY REQUIREMENTS.

THIS PROPERTY CAN'T MEET THOSE REQUIREMENTS.

SO YOU WOULD HAVE -- THE ONLY WAY FOR THEM TO GET THESE TWO LOTS IS FOR YOU TO APPROVE THEIR MINIMUM USE DETERMINATION EVEN THOUGH THE LOT WAS NOT LAWFULLY CREATED IN 1974 AND IT DID EXIST AS IT EXISTS NOW FROM 1975 AND 1974 WHEN THE LEE PLAN WAS ADOPTED UNTIL TODAY.

O.K.

ONE OTHER QUESTION, IF YOU DON'T MIND, MR. CHAIR.

ALL RIGHT.

SOUNDS AS IF THE HOUSE WERE NOT PERMITTED AND CONSTRUCTED IN 1975, THE CASE -- THE ARGUMENT THAT YOU WAGE AGAINST THE REQUEST FALLS APART BECAUSE WE WOULD THEN JUST HAVE A VACANT SINGLE LOT, BUT WE WOULD HAVE PUBLIC RECORD DOCUMENTS TO PROVE THAT TO THE LETTER OF THE LAW, IF YOU WILL, UNDER SINGLE FAMILY RESIDENCE PROVISIONS WOULD BE MET.

THAT'S NOT TRUE.

THAT DOESN'T REALLY MATTER IF THE HOUSE IS THERE OR NOT.

IT STILL WAS A SINGLE LOT THAT WAS TRANSFERRED FROM -- IT EXISTED AS A SINGLE LOT FROM 1975 UNTIL TODAY.

EVEN IF THEY DIDN'T HAVE A SINGLE FAMILY HOME THERE IT WOULDN'T CHANGE THE DETERMINATION.

WHAT I'M TELLING YOU IS IT'S ALREADY GOT MINIMUM USE OF THE PROPERTY.

IF THEY CAME IN 1984 AND SAID I NEED A BUILDING PERMIT IN 1984, THEY WOULD HAVE GOTTEN A MINIMUM USE DETERMINATION BECAUSE THE LOT EXISTED OF RECORD AS OF 1974. BECAUSE IT'S BEEN HELD BY THE SAME OWNER? RIGHT.

IT'S BEEN TRANSFERRED AS A SINGLE LOT 12.

NOT AS THE NORTH AND SOUTH HALF.

IT'S BEEN TRANSFERRED AS LOT 12.

DAWN, WHAT WE HAVE HERE THEN IS AN APPARENT INCONSISTENCY WITH THE PLAN, BUT A LEGALLY VESTED SINGLE-FAMILY RESIDENTIAL DEVELOPMENT AND EVIDENTLY, THERE HAS BEEN PRIOR DESIGNEE INTERPRETATIONS COMPARABLE INTERPRETATION TO THIS ONE.

SO THERE'S A RECORD ALREADY SET ON THIS.

CORRECT.

IS THERE A MOTION SM I MAKE A MOTION WE SUPPORT STAFF'S RECOMMENDATION OF DENIAL.

MOTION TO MOVE STAFF'S RECOMMENDATION OF DENIAL WITH REGARDS TO DESIGNEE'S INTERPRETATION.

DO WE HAVE A SECOND? COMMISSIONER MANN SECONDS.

I POLL JIESZ, RUSSELL, BUT WE HAVE FINISHED PUBLIC COMMENT AND INPUT FROM THE APPLICANT.

OBJECTION? UNDER DISCUSSION, FOR DAWN, WHAT IS THE -- WHAT HAPPENS AFTER THIS IF THEY SO CHOOSE TO APPEAL OUR DECISION? JUST OUT OF CURIOSITY? IT WOULD GO TO THE CIRCUIT COURT.

I SEE.

FURTHER DISCUSSION? OBJECTION? MOTION PASSES.

THANK YOU, DAWN.

THESE ARE NEVER EASY.

WE'LL GO TO THE WALK-ON ITEM.

I BELIEVE WE'RE GOING TO HEAR FIRST FROM LEANY AND THEN WE HAVE A REPRESENTATIVE OF THE WATER DISTRICT ALSO TO COMMENT.

ROWAN? I'M HERE FROM THE DEPARTMENT OF NATURAL RESOURCES FOR THE RECORD.

WE ARE LOOKING AT A MEMO OF AGREEMENT WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO CONTRIBUTE TO THE ACQUISITION COST OF LANDS TO BE USED IN GLADES COUNTY FOR THE ULTIMATE CONSTRUCTION OF A WATER QUALITY FILTER MARSH PROJECT.

FOR THE RECORD, I NEED TO MAKE ONE CHANGE, HOWEVER.

ON PAGE THREE, ITEM NUMBER NINE, WE NEED TO STRIKE THROUGH THE LAST STATEMENT "AND/OR ENHANCEMENT" NOW IT READS IN NO CASE SHALL THE LAND USE BE ANYTHING OTHER THAN A WATER QUALITY TREATMENT FOR THE BENEFIT OF THE CALOOSAHATCHEE RIVER AND ESTUARY.

ANY OTHER MODIFICATIONS? THAT'S IT.

THAT'S BEEN REVIEWED BY THE WATER MANAGEMENT DISTRICT STAFF AS WELL.

ALL PARTIES? YES.

O.K.

I BELIEVE IT'S DINA RIPPIN? GOOD MORNING.

NICE TO HAVE YOU HEAR THIS MORNING.

THANK YOU FOR HAVING ME.

I'M WITH THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT.

ON BEHALF OF THE DISTRICT I WOULD LIKE TO SUPPORT OUR SUPPORT FOR THE MEMORANDUM OF AGREEMENT BEFORE YOU BETWEEN LEE COUNTY AND THE SOUTH WATER MANAGEMENT DISTRICT.

THE WATER QUALITY TREATMENT AND TESTING FACILITY IN THE C-43 BASIN REPRESENTS AN IMPORTANT STEP FORWARD TOWARD THE ENVIRONMENTAL IMPROVEMENT OF THE CALOOSAHATCHEE RIVER.

WE ARE GRATEFUL FOR YOUR COMMITMENT AND SHARING OUR GOAL OF ENVIRONMENTAL RESTORATION AND IMPROVED WATER MANAGEMENT IN THE BASIN.

THANK YOU.

THANK YOU.

ANY QUESTIONS OF DINA AT THIS TIME? COMMISSIONER MANN? YOU GOING TO COMMENT ON THE SOUTHERN ACCENT? I WAS TAKEN BY HER REFERENCE TO THE SCHEDULE WE ARE TRYING TO MAINTAIN HERE.

WE WILL TRY TO MAINTAIN YOUR "SHEJULE" AND OUR SCHEDULE.

LAFSZ WE'RE BUYING 1700 ACRES, BUT ONLY ABLE TO USE 1335? WHAT'S HAPPENING WITH THE OTHER 350 OR SO? WELL, ABOUT 1300 WILL BE USED FOR THE TREATMENT WETLAND AND THEN OTHER ACREAGE IS USED FOR THE CONSTRUCTION OF CONVEYANCE EQUIPMENT.

PERHAPS MR. ODOLINI CAN IN.

I THINK WE TALKED ABOUT IT EARLIER AND I'M NOT CLEAR.

ROWAN ODOLINI.

1300 IS THE MINIMUM AMOUNT OF SPACE FOR THE MARSH.

DISTRICT WATER MANAGEMENT DISCUSSED WITH GLADES COUNTY ON THE POSSIBILITY OF RESERVING SOME PROPERTY THAT FRONTS STATE ROAD 80 AND ALSO RESERVING SOME RIVERFRONT FOR RECREATIONAL ACCESS.

I THINK YOU IT LOOKS LIKE ABOUT A THOUSAND FEET EITHER SIDE.

THERE IS NO FIRM COMMITMENT BUT AT LEAST AT THE MINIMUM THEY COULD COMMIT TO THAT AMOUNT FOR FILTER MARSH.

THERE IS EXISTING WETLANDS ADJACENT TO THE RIVER AND ONE PIECE ON ROUTE 80 WE WOULD NOT TOUCH OR PERHAPS DO RESTORATION WORK.

THAT MAY BE PART OF THE REDUCTION.

WE'RE STILL BUYING 1700 AND WE'LL BE USING 1335.

AND GLADES COUNTY WILL BE THE BENEFICIARY? WE'RE JUST IN ESSENCE, SETTING IT ASIDE FOR THEM TO BE ABLE TO USE THE WAY THEY WANT OR IT WOULD BE OWNERSHIPED BY THE WATER MANAGEMENT DISTRICT, I PRESUME.

YES.

THEY MAY WANT TO CHIME IN.

BUT MY DISCUSSIONS WITH THEIR LAND ACQUISITION AGENT WAS THAT THEY WILL RETAIN AT LEAST THE RIVERFRONT PORTION AND DISTRICT OWNERSHIP.

THE BALANCE ALONG 80 DEPENDING ON WHAT PORTION THEY RESERVE WOULD PROBABLY -- I GUESS THEY WOULD SELL THAT AND HOPEFULLY THE FUNDS WOULD GO TOWARD THE CAPITAL IMPROVEMENTS TO THE PROJECT.

THAT'S WHERE I'M HEADED.

I WANT TO KNOW WHO'S GOING TO BE THE BENEFICIARY.

WE'RE PAYING FOR IT.

ARE WE PAYING ABOUT A FOURTH OF THIS AND WE'RE GOING TO GIVE A GOOD CHUNK OF IT AWAY -- NEARLY A FOURTH OF IT AWAY.

I HATE FOR THE PART WE GIVE AWAY TO BE THE PART LEE COUNTY PAID FOR.

IT'S JUST A LITTLE AWKWARD WHAT'S GOING TO HAPPEN WITH THAT 365 ACRES, WHATEVER IS LEFT.

PERHAPS Y'ALL DON'T KNOW THE ANSWER, BUT THERE ARE SOME OPTIONS AVAILABLE TO THE DISTRICT THAT I'M NOT CLEAR ON.

WELL, COMMISSIONER, I THINK WE'RE SETTING ASIDE SOME FOR A WETLAND BUFFER AND THE PARCEL COMES AS ONE PARCEL.

WE HAVE AN OPTION TO BUY THE FULL 1700 ACRES AND SET ASIDE 300 OR SO FOR EXISTING WETLANDS ON THE PROPERTY.

BUYING THE ENTIRE 1700 ACRES IN THE NAME OF THE DISTRICT.

NOW WHAT TROUBLES ME A LITTLE BIT IS WHEN SOMEBODY SAID WE MAY THEN TURN AROUND AND SELL THIS 300 OR PART OF IT.

I DON'T BELIEVE IT'S TO SELL.

I BELIEVE IT'S TO SET ASIDE. THERE IS NO FIRM COMMITMENT WITH LEE COUNTY AT THIS TIME.

BUT THEY PROMISED TO US THAT AT LEAST 1330 ACRES WOULD BE USED FOR A WATER QUALITY ENHANCEMENT OR FILTER MARSH WHICH IS HOW WE HAVE REVIEWED THE PROJECT, COMMITTING TO 150 MILLION DOLLAR ADDITIONAL CAPITAL COST WE FELT WAS A GREAT DEAL.

WE DID THE TEN-MILE FILTER MARSH PROJECT AND SPENT OVER \$2 MILLION FOR TEN ACRES OF FILTER MARSH.

THAT REMOVES THOUSANDS OF KILOGRAMS.

WHEN WE'RE DONE HERE, WE'LL BE REMOVING TONS OF NITROGEN.

MR. CHAIRMAN, I'M NOT QUESTIONING THE NEED FOR THIS.

STORM WATER TREATMENT HAS BEEN SOMETHING WE HAVE BEEN SUPPORTIVE OF AND CONCERNED THAT IT WAS NOT A PART OF WHAT WE ARE DOING.

THIS IS A STEP IN THE RIGHT DIRECTION.

ONCE WE LEAVE HERE WITH OUR \$10 MILLION COMMITMENT, WE WON'T HAVE ANYTHING ELSE TO SAY ABOUT IT.

THERE IS A LOT OF FAITH BEING REQUIRED OF US HERE ON THE REMAINING 300-PLUS ACRES AS TO WHAT'S GOING TO HAPPEN.

SINCE LEE COUNTY'S MONEY IS PAYING FOR THAT 300-SOMETHING ACRES, THAT MAY BE

GIVEN AWAY.

I'M MORE THAN A LITTLE CURIOUS ABOUT WHAT THE PLANS ARE.

BUT APPARENTLY NOBODY HAS A CLEAR STATEMENT THEY CAN MAKE TO ME TODAY ON THAT.

IS IT GOING TO BE ONE OF THOSE SCOUT'S HONOR, LET'S TRUST ONE ANOTHER? I WOULD HOPE THAT THE DISTRICT COULD GIVE SOME ASSURANCE OF THEIR CONCERN AND THE STEWARDSHIP OF THE REMAINING ACRES WILL NOT JUST BE THROWN IN TO MAKE GLADES COUNTY HAPPY.

I MEAN, THERE'S GOT TO BE A PUBLIC INTEREST TEST HERE AS TO WHAT'S GOING TO HAPPEN.

WE'RE NOT JUST GOING TO PAY AND GIVE IT AWAY.

ONCE YOU LEAVE HERE, YOU HAVE OUR \$10 MILLION AND OUR CARTE BLANCHE APPROVAL.

PHIL, WOULD YOU LIKE TO RESPOND? AND THEN, MR. CHAIRMAN, I WANT TO COMMENT.

REAL BRIEFLY, COMMISSIONER MANN, AS YOU PROBABLY ARE AWARE, THIS IS A SINGLE PROPERTY OWNER.

SO WE HAD TO NEGOTIATE ON THE ENTIRE PIECE OF PROPERTY.

THE RIVER FRONTAGE HAS GOT WETLANDS ON IT AND WILL HAVE TO BE SET ASIDE IN CONSERVATION.

BASICALLY WE'RE LOOKING AT DEVELOPING WHAT'S CURRENTLY IN ORANGE GROVE.

GLADES COUNTY HAS ASKED WE PRESERVE A BUFFER ON HIGHWAY 80 AS WELL.

THERE IS AN ADJACENT RECREATIONAL FACILITY THERE.

THE RV CAMPGROUND THERE.

SO THE LANDS SET ASIDE IN PRESERVATION WILL BE AVAILABLE FOR GENERAL RECREATION AS WELL AS THE RV SIDE WHICH IS RIGHT THERE.

OWNED BY THE DISTRICT? YES, SIR.

YES, SIR.

AND CONTEMPLATED TO BE FOREVER OWNED BY THE DISTRICT? YES, SIR.

THERE ARE NO PLANS TO PART WITH THAT AT THIS POINT.

O.K.

IF WE HAVE WETLANDS OR RECREATIONAL USE.

AS LONG AS THE TAXPAYER DOLLARS WE'RE COMMITTING ARE GOING TO BE FOREVER -- YOU'RE FINALLY SAYING WHAT I THINK I WANT TO HEAR.

THESE ARE STILL BE OWNED BY THE WATER MANAGEMENT DISTRICT AND USED FOR PUBLIC PURPOSES INCLUDING SET-ASIDE AND SOME RECREATION.

THAT'S THE PURPOSE FOR WHICH WE ARE BUYING THEM FOR.

I HAVE TO CHECK TO SEE IF THEY WILL BE USED IN PERPETUITY.

KNOW AT LEAST ONE COMMISSIONER HAS THOSE THOUGHTS AND CONCERN.

I HOPE THAT WILL BE CONSIDERED BY THE DISTRICT BOARD WHEN FINALIZED.

THANK YOU.

I'M O.K., MR. CHAIRMAN.

WHAT I WOULD LIKE TO DO BECAUSE PETER IS HERE AND WANTS TO COMMENT AS A MEMBER OF THE PUBLIC.

I HOPE ALL MEMBERS OF THE PUBLIC WOULD HAVE COMMENTED PRIOR TO GETTING INTO THIS, BUT I WANT TO AFFORD YOU THE OPPORTUNITY.

COMMISSIONER HALL HAS A QUESTION.

WOULD YOU LIKE TO QUESTION OR COMMENT? I HAVE A COMMENT.

IT'S IMPORTANT FOR THE PUBLIC RECORD.

OUR \$10 MILLION IS GOING TOWARD THE 1300 ACRE WATER QUALITY COMPONENT.

THIS MAY BE A 1700 PARCEL PURCHASING BY THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT BUT OUR CONTRIBUTION -- AND THE REASON WE WANT THE MEMORANDUM OF UNDERSTANDING IS WHERE IS OUR CONTRIBUTION GOING.

THIS IS NOT BEING PURCHASED BY LEE COUNTY.

THIS IS A PARTNERSHIP WE HAVE CREATED.

IT WAS VERY IMPORTANT THAT FOR THE PUBLIC'S BENEFIT WE OUTLINE ON THE 40 PLUS MILLION DOLLAR ACQUISITION WHERE IS LEE COUNTY'S MONEY GOING.

WHAT HAPPENS TO THE REMAINING 365 ACRES WILL BE GOVERNED BY WETLAND

RECREATIONAL COMPONENTS BUT OUR \$10 MILLION ISN'T GOING IN THAT 365 ACRES.

IN THE MEMORANDUM OF UNDERSTANDING IT SAYS 1300 ACRES WILL BE SET ASIDE FOR WATER QUALITY AND THEN THERE IS A PROJECT TO CREATE THE WATER QUALITY WHICH IS IN EXCESS OF \$150 MILLION PROJECT IN TODAY'S DOLLAR.

I WANT TO MAKE IT CLEAR THAT WE HAVE OUTLINED WHERE THE \$10 MILLION IS GOING THROUGH THIS LETTER AND THIS MEMO OF UNDERSTANDING.

WE'RE CONCERNED WITH WHAT HAPPENS ON THE RIVER FRONT AND THE BASIN, WE MONITOR CLOSELY THE PERMIT IT IS DISTRICT ISSUES AND I'M SURE WE'LL CONTINUE TO WATCH HOW YOU USE THE BALANCE OF THE ACRE AND THE PERMITS YOU ISSUE ON THAT BEHALF.

I WILL AM COMFORTABLE AND I THINK THE PUBLIC SHOULD BE COMFORTABLE THAT WE HAVE OUTLINED EXACTLY WHERE YOUR \$10 MILLION IS GOING AND THAT'S THE 1300 ACRES.

GOOD POINT.

IF I COULD ASK PHIL OR DINA, THE BALANCE BETWEEN THE 1300 AND THE 1700 ACRES ON 80 AND THE RIVER, THAT WILL NEVER BE DEVELOPED.

THOSE ARE BUFFERS, AS I UNDERSTAND.

SOME OF THAT ALONG THE RIVER IS WETLAND WHICH I IMAGINE -- THAT'S MY UNDERSTANDING AS WELL.

I WOULD HAVE TO SEEK CLARIFICATION.

THERE WAS DISCUSSION ABOUT AN RV PARK.

THERE IS AN RV CAMPGROUND ADJACENT TO THIS PROPERTY HERE.

IT'S A PUBLIC CAMPGROUND.

BUT NOT PART OF THE BUFFER BETWEEN -- NO.

O.K.

BUT THERE IS AN UNDERSTANDING THAT THE BUFFERS ARE TO ACT AS BUFFERS, NOT TO BE DEVELOPED. WELL, NO.

WELL, THEY WOULD BE USED FOR RECREATIONAL PURPOSES AS APPROPRIATE.

TO ALLOW PUBLIC ACCESS TO THE WATER.

I CAN APPRECIATE THAT.

BUT NOT POTENTIALLY ANOTHER RV PARK WITHOUT SEWERS? WE HAVE NO PLANS -- [LAUGHTER] -- AT THIS POINT.

THAT WOULD BE THE WHOLE PURPOSE -- I DON'T BELIEVE THAT WOULD BE CONSISTENT WITH OUR PURPOSES.

O.K.

LET ME JUST, IF I COULD, ASK YOU ALL JUST TO STAND DOWN FOR A SECOND.

PETE, IF YOU WANT TO COMMENT.

I HAVE BEEN PRESENT AT ALL THE VARIOUS PUBLIC DISCUSSIONS.

I THINK COMMISSIONER HALL MADE EXACTLY THE RIGHT POINT.

WE ARE PURCHASING A PARCEL OF PROPERTY WHICH HAS MULTIPLE USES.

OUR INTEREST WAS PRIMARILY TO GET A WATER QUALITY COMPONENT AND THAT'S WHAT LEE COUNTY IS FINANCING.

THERE ARE OTHER PEOPLE INVOLVED.

THE GLADES COUNTY COMMISSIONERS EXPRESSED CONCERN THAT THIS PARCEL HAS OTHER POTENTIAL USES.

ONE OF WHICH WAS THE EXPANSION OF THE RECREATIONAL COMPONENT OF THE CAMPGROUND AND THE PROSPECT OF BEING ABLE TO USE THE WATER FRONT FOR RECREATION ISN'T INCONSISTENT WITH OUR INTEREST IN WATER QUALITY.

THEY ARE COMPATIBLE USES.

THERE IS CONCERN THAT THERE BE AN OPPORTUNITY TO HAVE A SET-BACK OFF OF ROUTE 80 SO IT DOESN'T END UP BEING A FILTER MARSH TIED TO THE ROAD SIMILAR TO DISCUSSIONS WE HAVE HAD WITH THE C 43 RESERVOIR.

I THINK THIS IS A WELL-CRAFTED AGREEMENT.

LEE COUNTY IS PAYING FOR WHAT THEY NEED WHICH IS A WATER QUALITY COMPONENT FOR THE C-43.

GLADES COUNTY GETS WHAT THEY NEED WHICH IS AN ECO-TOURISM BASE ACCESSIBLE TO ALL OF US.

I URGE THE BOARD TO MOVE FORWARD ON THIS WELL-CRAFTED AGREEMENT.

IT WILL BE ONE OF MANY I HOPE WE CAN BRING TO FRUITION IN THE YEARS TO.

CO.

WE NEED A LOT OF ACREAGE TO DEAL WITH THE WATER QUALITY AND QUANTITY ISSUES IN THE CALOOSAHATCHEE.

THIS IS A STEP IN THE RIGHT DIRECTION.

THANK YOU VERY MUCH.

BACK TO THE BOARD -- I APPRECIATE YOUR INDULGENCE.

IF YOU HAVE QUESTIONS OF ROWAN, PHIL OR DINA.

I DO.

ROWAN, FIRST OF ALL, THANKS FOR THE CLARIFICATION ON ITEM 9, PAGE THREE TO STRIKE AND/OR ENHANCEMENT.

AS I READ THE LANGUAGE, I HAD CONCERNS THAT THERE WOULD POTENTIALLY BE ANOTHER RESERVOIR BUILT AND NOT ANOTHER WATER TREATMENT COMPONENT.

THE DISTRICT HAS INDICATED THAT RESERVOIRS ACT AS WATER TREATMENT WITH THE SETTLING OF THE NUTRIENTS, BUT I THINK WE HAVE CONCERNED ABOUT C-43 POTENTIALLY BEING AN INCUBATOR FOR BLUE-GREEN ALGAE.

I BELIEVE THE LANGUAGE NOW STATES THAT WE'LL SEE A WATER QUALITY TREATMENT COMPONENT, NOT IN THE FORM OF A RESERVOIR, BUT A SHALLOW-WATER MARSH, ALGAE SCRUBBER.

ROWAN, YOU KNOW THAT THE NUTRIENT ON THE WEST COAST HERE IS NITROGEN.

ON ITEM SIX, ALL DECISIONS WITH RESPECT TO DESIGN, TESTING CONSTRUCTION, OPERATION IS ABSOLUTELY AT THE DISCRETION OF THE DISTRICT.

I APPRECIATE THE DISTRICT'S INVOLVEMENT IN MOVING FORWARD TO SECURE LAND FOR WATER QUALITY TREATMENT.

BUT I WOULD THINK AT SOME POINT IN TIME THE FACT THAT LEE COUNTY IS CONTRIBUTING \$10 MILLION TO THE PROJECT THAT WE SHOULD HAVE SOME INVOLVEMENT OVER THE ULTIMATE DESIGN SO THAT WHATEVER'S DESIGNED IS APPLICABLE TO ASSIMILATING OR PULLING OUT THE NITROGEN FROM THE SYSTEM.

WE HAVE HAD PRELIMINARY DISCUSSIONS WITH STAFF AND THEY HAVE ASKED WHAT PARAMETERS DO YOU WANT TO TREAT FOR.

WE DID NITROGEN AND TOTAL SUSPENDED SOLIDS, BUT WITH ANY TREATMENT, TECHNOLOGY IS DESIGNED FOR ONE, HOWEVER YOU WILL TREAT FOR MANY OTHER CONSTITUENTS IN THERE.

NITROGEN REDUCTION WILL RESULT IN PHOSPHOROUS REDUCTION AS WELL.

OUR FOCUS HERE IS NITROGEN AND THAT'S PART OF THE TESTING FACILITY PART OF IT.

I ANTICIPATE A PILOT PROGRAM LOOKING AT DIFFERENT TECHNOLOGIES ON THIS SITE TO SEE WHICH WILL GIVE U.S. BEST EFFICIENCY.

DO YOU THINK THE LAST "WHEREAS" WILL COVER? I BELIEVE SO.

IT'S A QUALITY -- ON PAGE ONE WHERE IT TALKS ABOUT NUTRIENTS AND SUSPENDED SOLIDS.

I BELIEVE IT COVERS OUR INTENT.

YOU'RE SAYING WE HAVE A CHANCE TO COMMENT ON THE ULTIMATE DESIGN.

WELL, WE ALL KNOW WHAT WE'RE TRYING TO ACHIEVE.

SO WE NEED TO MAKE SURE THIS PARTNERSHIP GETS DONE WHAT WE'RE TRYING TO ACCOMPLISH.

O.K.

MR. CHAIRMAN? YES, COMMISSIONER MANN.

YOU'RE TOUCHING ON THE POINT THAT I THINK BEARS REINFORCEMENT HERE.

AS I STATED EARLIER, THERE IS A LOT OF FAITH HERE.

THIS WHOLE DEAL CAME TOGETHER VERY QUICKLY.

I'M ALWAYS NERVOUS ABOUT ANYTHING THAT COMES TOGETHER THAT QUICKLY WHEN I'M TOLD THE SIZE OF PROPERTY WE NEED, WE'RE LUCKY THIS ONE'S AVAILABLE TO US AND ON THE MARKET, SO WE HAVE TO PUT A LOT OF FAITH INTO THAT.

ONCE IT LEAVES HERE AND YOU GET THE APPROVAL AND OUR \$10 MILLION CHECK, THE WATER DISTRICT WILL FINALIZE WHAT IT LOOKS LIKE AND DIRECT PEOPLE TO IT AND SPEND THE MONEY.

I JOIN COMMISSIONER JUDAH IN SAYING I HOPE PEOPLE WILL STILL BE RESPECTIVE OF THOSE OF US DOWN RIVER AS TO WHAT'S BEING BUILT TO PROTECT US.

I HOPE IT'S NOT JUST LIP SERVICE HERE -- WITH THE GREATEST RESPECT -- BUT A WILLINGNESS TO CONTINUE THE PARTNERSHIP WITH SOME OF THE FOLKS THAT KICKED IN ONE-FOURTH THE MONEY TO BUY THIS INITIAL PIECE.

I WANT SOMEBODY TO SAY, YES, SCOUT'S HONOR, THAT'S WHERE WE'RE COMING FROM TO THE EXTENT YOU CAN SPEAK TO THE BOARD.

THAT'S THE GUYS BEHIND YOU, ROWAN, NOT YOU.

THIS WON'T BE WORKED IN A VACUUM.

YOU HAVE THE CALOOSAHATCHEE WATERSHED PROTECTION PLAN AS WELL AS -- I WANT TO HEAR THE DISTRICT STAFF SAY IT.

I SAW THE BIG SMILE, PHIL, BUT I WANT THE HEAD GOING UP AND DOWN.

THIS IS THE VERY FIRST PROJECT TO BE DEVELOPED UNDER THE NORTHERN EVERGLADES PROGRAM.

AS WE KNOW, THAT'S A PROGRAM TO ADDRESS THE WATER QUALITY WITHIN THE CALOOSAHATCHEE RIVER BASIN.

IT WAS INITIATED IN LARGE PART DUE TO DISCUSSIONS WITH Y'ALL'S STAFF.

WE SAT DOWN AND SAID, WHAT WOULD YOU LIKE TO SEE IN TERMS OF WATER QUALITY.

SPECIFICALLY SAID WE WANT TO LOOK AT NITROGEN.

IN CONCERT WITH Y'ALL'S STAFF, WE TOOK A LOOK AT ALL THE NITROGEN-LOADING AREAS WITHIN THE CALOOSAHATCHEE RIVER BASIN AND TARGETED SPECIFIC LOCATIONS AND LOOKED AT 13 DIFFERENT PIECES OF PROPERTY AND FOCUSED ON THIS ONE RIGHT HERE BECAUSE OF THE TOPOGRAPHY, THE LOCATION.

AND WITH THE INPUT FROM Y'ALL'S STAFF, WE'RE MOVING FORWARD.

THIS IS A REALLY BIG COMMITMENT.

\$200 MILLION ULTIMATELY AND Y'ALL ARE CONTRIBUTING \$10 MILLION TOWARD THE 1300 SOME ODD ACRES USED AS THE WATER FACILITY HERE.

I WANT TO THANK HIM FOR WHAT HE SAID, MR. CHAIRMAN.

I WANT TO REMIND ALL OF US AND THE PUBLIC LISTENING HERE THAT 10 OR 11 MONTHS AGO THERE WAS NO TALK OF A STORM WATER TREATMENT AREA AND IT WAS LARGELY THROUGH COMMISSIONER JUDAH THAT THIS ALL CAME TOGETHER.

I THINK WE HAVE ESTABLISHED THAT ELEMENT OF FAITH AND TRUST IN WORKING TOGETHER ON THIS PARTNERSHIP.

AND THAT THIS IS EVIDENCE OF THE FACT THAT THE DISTRICT IS HEARING WHAT FOLKS DOWN RIVER ARE SAYING.

AND THAT'S WHAT HAS CREATED THE TRUST THAT'S GOING TO ALLOW ME TO SUPPORT THIS TODAY KNOWING THAT WE'RE GOING TO CONTINUE THE DIALOGUE AS WE MOVE FORWARD ON THIS VERY IMPORTANT ELEMENT OF IMPROVEMENT OF THE WATER SUPPLY OVER HERE.

ONE MORE POINT JUST TO MENTION.

THIS IS A PROJECT -- A PIECE OF PROPERTY IDENTIFIED UNDER THE SOUTHWEST FLORIDA FEASIBILITY STUDY FOR WATER PROJECTS. THAT'S A GOOD POINT.

I APPRECIATE THE COMMENTS COMMISSIONER MANN.

I WANT TO THANK COMMISSIONER HAL BECAUSE WE WOULDN'T BE IN THIS WITHOUT THE ACT TO PROVIDE FUNDING TO PARTNER WITH THE COUNTY.

I THINK AS YOU INDICATED COMMISSIONER MANN, WE REALIZE THERE IS A PARAMOUNT CONCERN TO ENSURE WE HAD A WATER QUALITY COMPONENT.

COLLECTIVELY WE HAVE BEEN ABLE TO DO WHAT WE NEED TO DO TO MOVE FORWARD.

AT THIS TIME, I WILL ENTERTAIN A MOTION TO MOVE FORWARD -- MOTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING.

AS ANDED ON ITEM 9, PAGE THREE? AS AMENDED. WE HAVE A MOTION BY HALL, SECOND BY MANN.

MORE DISCUSSION? IF I MAY, I THINK PHIL IS REPRESENTING THE BOARD OF THE SOUTH FLORIDA WATER DISTRICT VERY WELL.

I HAVE BEEN ATTENDING THE MEETINGS AND HAD AN OPPORTUNITY TO MEET WITH ALMOST ALL THE BOARD MEMBERS.

I TOOK THE INITIATIVE TO DO IT SO I WOULD UNDERSTAND THEIR POSITIONS ENSURING THAT, YOU KNOW, WE HAVE A PERSON FROM LEE COUNTY SERVING ON THE BOARD.

I DO BELIEVE THEY ARE HEARING US.

THERE IS AN ENORMOUS AMOUNT OF COOPERATION AND, PHIL, IN MY OPINION FROM WHAT I HAVE HEARD THE COMMENTS IN PUBLIC, YOU ARE REPRESENTING THE PARTNERSHIP THAT THE BOARD WANTS TO HAVE WITH EVERYONE IN THEIR DISTRICTS, ALL 16 COUNTIES.

IT'S DIFFICULT TRYING TO PRIORITIZE AND I'M VERY GRATEFUL THAT THE LEGISLATURE WORKED WITH MARTIN COUNTY AND LEE COUNTY TO IDENTIFY US AS RECEIVING ENDS OF THE OKEECHOBEE.

WE HAVE ELEVATED OURSELVES UP AND YOUR BOARD IS CONSCIOUS OF IT.

WE WELCOME THE OPPORTUNITY TO WORK WITH YOU.

I'M PROUD OF YOUR BOARD'S ACTIONS.

THEY HAVE BEEN VERY SUPPORTIVE.

IF YOU WILL SEND OUR THANKS TO THEM ALSO.

UNDER DISCUSSION, DINA, I WANT TO THANK YOU FOR COMING FROM WEST PALM.

I GUESS YOU AND PHIL WILL BE TAKING THE MESSAGE AND PROPOSED AGREEMENT BACK TO THE GOVERNING BOARD.

ANY MORE DISCUSSION? COMMISSIONER BIGELOW? THANK YOU, MR. CHAIRMAN.

I TOOK SOME NOTES AT A STAFF BRIEFING I HAD ON THIS ISSUE.

I'D LIKE TO LEAVE THESE ON THE RECORD BECAUSE THIS IS WHAT I WAS LED TO BELIEVE WOULD BE MEMORIALIZED BY THE MEMORANDUM OF UNDERSTANDING WHICH WOULD THEN BECOME A LEGAL DOCUMENT UPON WHICH WE COULD HANG OUR HATS SHOULD WE HAVE TO IN THE FUTURE.

THAT IS THAT 1335 ACRES SHALL REMAIN IN PUBLIC HANDS IN PERPETUITY AND THAT IT WOULD BE THERE FOREVER A WATER QUALITY PROJECT.

AND SO I'M A LITTLE UNCOMFORTABLE WITH THE DISCUSSION KIND OF LIKE THE BLIND FAITH THAT WE'RE BEING ASKED TO SIGN ONTO HERE THAT THAT MAY OR MAY NOT HAPPEN.

I'M REALLY -- I MEAN, I MET RECENTLY WITH PHIL AND I APPRECIATE A LOT OF THE NEW ENERGY AND INITIATIVES HE'S BRINGING TO THE DISTRICT.

BUT, YOU KNOW, I'M WALKING FORWARD WITH GREAT TREPIDATION.

I ALSO WAS TOLD THAT THE 237 ACRES WHICH IS THE FRONTAGE LAND -- FRONTAGE PROPERTY WAS FOR THE PURPOSES OF HELPING GLADES COUNTY BECOME COMFORTABLE BECAUSE THERE ARE 1700 ACRES BEING WITHDRAWN FROM THEIR TAX BASE.

I WAS ALSO TOLD THAT THE SURPLUS LAND SALES WOULD NET BACK TO THE PROJECT ITSELF.

SO THAT, TOO, I WAS GIVEN ASSURANCE THAT WAS ALSO IN THIS AGREEMENT.

SO THOSE ARE TWO CONCERNS THAT THIS REMAIN IN PUBLIC HANDS IN PERPETUITY FOR PURPOSES OF A WATER QUALITY FACILITY AND THAT ANY SURPLUS LANDS THAT ARE SOLD, THAT THOSE FUNDS WOULD NET BACK TO THE PROJECT.

O.K.

HOPING.

HOPING.

ALL RIGHT.

ANY FURTHER DISCUSSION? MY UNDERSTANDING IS FROM GENERAL FUND RESERVES, CORRECT? YES.

THAT WAS INTEND IN THE BUDGET HEARINGS.

THE GOVERNING BOARD WILL BE SEEING THIS THURSDAY AND WE'LL PRESENT ON THE COUNTY'S BEHALF UNLESS EITHER OF YOU CAN ATTEND THAT.

THANK YOU.

AGAIN, THANK YOU PHIL AND DEE THAT.

DISCUSSION? OBJECTION? HEARING NO OBJECTION, MOTION PASSES.

ALL RIGHT.

WE CAN GO ON TO COMMISSIONER ITEMS.

COMMISSIONER HALL? YES.

I WANT TO THANK THE CITY OF CAPE CORAL.

THEY HAD A PHENOMENAL VETERANS PARADE.

THEY DID AN OUTSTANDING JOB OF ORGANIZING AND SO MANY GROUPS CAME OUT TO HONOR THE VETERANS.

I WANT TO THANK THEM FOR THE CELEBRATION AFTER THE PARADE.

IT WAS WELL ATTENDED AND MY HONOR TO REPRESENT THE BOARD AND COMMENTS AND TO AWARD CHAPLAIN TIBADEAU HIS RECOMMENDATION.

HE'S RETIRING AFTER YEARS OF SERVICE, BUT I DON'T THINK HE'S GOING FAR.

HE CALLS ME REGULARLY.

IF YOU HAVE A CHANCE TO SERVE AS LIAISON, HE'S RETIRED IN TITLE ONLY.

WE HAD MR. GIBSON FROM THE COAST GUARD AS THE GRAND MARSHALL THIS YEAR.

THE COAST GUARD WAS WELL REPRESENTED AND MY NEPHEW ENJOYED PARTICIPATING AS A WEBELOW AND A SON.

THEY DID A PHENOMENAL JOB WITH THE BOAT SHOW.

IT WAS WELL ATTENDED.

IT WAS DISCOME BOB LATING FOR SOME OF THE EMPLOYEES DOWNTOWN, IT'S A GREAT EVENT TURNING OUT TO BE ONE OF THE LARGEST BOAT SHOWS IN THE AREA.

THEY DID A PHENOMENAL JOB AND WE'RE PROUD OF THEIR EVENTS.

I HOPE THEY MADE A LOT OF SALES.

THANK YOU.

THANK YOU, COMMISSIONER HALL.

COMMISSIONER MANN? MR. CHAIRMAN, WE ARE ALL AWARE OF THE DELIBERATIONS GOING ON IN TALLAHASSEE WITH THE LEGISLATURE AND THE PROPOSED CONSTITUTIONAL AMENDMENTS BEFORE THE VOTERS OF FLORIDA DEALING WITH CHANGES IN THE FUNDAMENTAL TAX STRUCTURE.

I HAVE READ RECENTLY THAT THE FLORIDA LEAGUE OF CITIES IS GOING TO CHALLENGE THAT.

I SUSPECT IN THE COURTS IN SOME FASHION.

IT WASN'T REAL CLEAR HOW THEY WERE APPROACHING THAT.

PERSONALLY, I THINK IT'S IMPORTANT FOR THE VOTERS OF FLORIDA TO BE ABLE TO VOTE ON THE ISSUES THAT THE LEGISLATURE HAS VOTED TO PUT ON THE BALLOT.

I'M NERVOUS BECAUSE I HAVE READ OUR ASSOCIATION OF COUNTIES IS LOOKING AT THIS RIGHT NOW TRYING TO DECIDE WHAT TO DECIDE WHAT TO DO.

I TOOK BY THAT THAT THEY ARE CONTEMPLATING A POSSIBLE MOVE INTO THE COURTS TO CHALLENGE WHETHER OR NOT THE PEOPLE SHOULD HAVE THE RIGHT TO PARTICIPATE ON THIS.

I FOR ONE INTEND TO WRITE TO OUR PEOPLE OR E-MAIL THEM TODAY THAT I DON'T THINK IT WOULD BE PROPER FOR THE FLORIDA ASSOCIATION OF COUNTIES TO CHALLENGE THIS.

I WANT THE PEOPLE TO BE ABLE TO VOTE ON IT AND SPEAK TO WHETHER OR NOT THEY LIKE THESE CHANGES THAT ARE PROPOSED IN THE FUND MENTAL TAX STRUCTURES.

IT AFFECTS BUSINESS OWNERS, HOMEOWNERS, FOLKS FROM ALL WALKS OF LIFE.

I HOPED WE COULD DISCUSS TODAY AS TO HOW YOU FOLKS FEEL ABOUT IT.

IS THIS A MAJORITY SENSE? AM I THE ONLY ONE THAT FEELS THIS WAY? ON THE OTHER HAND, I RISK BRINGING IT UP BECAUSE THERE MAY BE A MAJORITY MOVE HERE TO TAKE THIS OPPORTUNITY AWAY FROM THE TAXPAYERS.

I DON'T SEE THAT HAPPENING, BUT I WOULD LIKE, FRANKLY, TO HAVE A MAJORITY MOTION TO GO TO OUR ASSOCIATION OF COUNTIES SAYING THAT WE SHOULD STAY OUT OF IT AND LET THE PEOPLE SPEAK TO IT IN JANUARY.

COMMISSIONER HALL? I SERVE ON THE FLORIDA ASSOCIATION OF COUNTIES TAX BUDGET REFORM COMMITTEE.

I WAS IN ORLANDO FRIDAY HAVING THIS EXACT CONVERSATION WITH OUR EXECUTIVE COMMITTEE WHICH IS THE TBRC.

ON THURSDAY THE LEAGUE OF CITIES WILL TAKE A VOTE.

SO ANYONE PRESENT WILL OBVIOUSLY HAVE A VOTE. OUR STAFF IS RECOMMENDING THAT WE DO NOT COMMENT ON THE REFERENDUM.

WE LOBBIED HARD TO HAVE WHAT WE FELT WAS EXTREMELY -- LANGUAGE THAT CHALLENGED OUR HOME RULE.

I WANT TO THANK CHRIS HOLLY AND JOHN SMITH WHO WORKED TO HAVE THE LANGUAGE REMOVED FROM THE REFERENDUM.

THERE WAS DISCUSSION OF CAPS AT 3%.

THE ASSOCIATION OF COUNTIES DID SUPPORT TEN AND THE LEGISLATURE SUPPORTED THAT.

THERE WERE MANY ITEMS IN THE LANGUAGE WHEN IT FIRST CAME OUT THAT WE FELT NOT ONLY CHALLENGED THE HOME RULE BUT CHALLENGED OUR ABILITY TO PROVIDE A DECISION-MAKING PROCESS ON A LOCAL LEVEL FOR QUALITY OF LIFE.

COMMISSIONER MANN, I DON'T SUPPORT IT.

I WOULD BE HAPPY TO TAKE IT AS A COMMENT FROM HERE AND I AGREE WITH YOU 100 PERCENT.

I HAVE BEEN GOING ALONG THAT ROUTE AND SPEAKING MY MIND AND SAYING THAT THE LEGISLATURE HEARD THE COUNTIES AND OUR STAFF HAD THE ABILITY TO DO THAT.

THERE ARE SOME REPRESENTATIVES ON THIS BOARD WHO FEEL DIFFERENTLY.

I WILL SHARE WITH YOU THAT I THINK THE OFFICERS OF THE FOUR CITIES OR COUNTIES SHARE YOUR COMMENTS EXACTLY.

AGAIN, WHEN IT GOES TO A VOTE IT'S A VOTE OF THE COUNTY COMMISSIONERS WHO ARE PRESENT.

I'M ALSO CHAIRING TRANSPORTATION AND BUDGET COMMITTEE AND THAT'S THE UMBRELLA THAT THE TBRC IS COMING UNDER.

I CAN CERTAINLY SPEAK ON BEHALF OF THIS BOARD, BUT I DON'T KNOW WHERE THE VOTE WILL GO.

IT WILL BE OUR JOB OVER THE NEXT THREE DAYS TO CONVINCING AS MANY COMMISSIONERS AS POSSIBLE THAT WE NEED TO CONTINUE TO PARTNER AND THEY HEARD US.

LET THE VOTE, AS YOU SAID, LIE WHERE IT LIES AND MOVE ONTO THE NEXT SESSION WHERE HOPEFULLY WE WON'T BE DEALING WITH TAX REFORM AND WILL BE DEALING WITH OTHER THINGS CRITICAL TO THE STATE.

DO YOU WANT TO MAKE THE MOTION, MR. MANN? YES.

I'LL SECOND THAT.

I WOULD MOVE THAT WE ENCOURAGE OUR STATE ASSOCIATION TO NOT TAKE A POSITION THAT WOULD INTERFERE WITH THE VOTE SCHEDULE FOR JANUARY 29TH ON THE TAX ISSUES.

I WILL SHARE THAT WITH COMMISSIONER JANES.

HE WILL BE THERE BECAUSE WE'LL WORK THE FLOOR.

MOTION TO SECOND, DISCUSSION? OBJECTION? MOTION PASSES.

THANK YOU VERY MUCH.

THANK YOU, COMMISSIONER MANN.

THANK YOU, COMMISSIONER HALL, FOR YOUR UNDERSTANDING AND SUPPORT HERE.

ANY OTHER ITEMS? COMMISSIONER BIGELOW? YES.

TWO ITEMS.

JUST MOSTLY WHAT COMMISSIONER MANN KNOWS ABOUT DISCUSSION WE HAD LAST THURSDAY IN YOUR ABSENCE ABOUT THE FERTILIZER ORDINANCE COMING BEFORE US IN DECEMBER.

CURRENTLY AS WRITTEN, DRAFTED, IT EXEMPTS HOMEOWNERS.

I SAID AT THE MEETING I'M GOING TO HAVE A HARD TIME SUPPORTING IT AS IT IS BECAUSE IT EXEMPTS HOMEOWNERS BECAUSE OF THE LOOPHOLE THAT CREATES.

JUST SAYING THIS FOR YOUR EDIFICATION.

THAT IS THAT I DON'T THINK -- I THINK WE DO OURSELVES A TREMENDOUS DISSERVICE BY TRYING TO ADOPT SOMETHING THAT WOULD EXEMPT HOMEOWNERS AND APPLY ONLY TO THE INDUSTRY.

THAT'S THAT ISSUE.

ONE OTHER ITEM.

ALTHOUGH I COULD PAUSE IF COMMISSIONER HALL -- SHE HAD A LOT TO SAY LAST TIME.

O.K.

THE SECOND ITEM IS THAT THE WELL FIELD PROTECTION ORDINANCE HAS GOT ME A LITTLE TROUBLED.

AS PROPOSED, IT LOOKS TO BE ONE MODELING EFFORT THAT MIGHT NOT BE REPRESENTATIVE OF OTHER MODELING EFFORTS THAT MIGHT BE MORE PROTECTIVE.

I'M ALSO BEING BROUGHT TO UNDERSTAND THAT THERE'S BEEN SOME REPRESENTATIONS MADE, I THINK, BEFORE THE LPA BY MEMBERS OF THE STAFF AND OTHERS THAT MIGHT CREATE A LITTLE BIT OF EYEBROW RAISES AS TO HOW THIS IS BEING ADVOCATED AS CURRENTLY PROPOSED.

SO I'M PUTTING THAT OUT THERE JUST BECAUSE I THINK IN THIS PERIOD OF TIME SINCE WE WON'T SEE IT AGAIN UNTIL DECEMBER OR SO, KAY MANAGEMENT MAY WANT TO CONSIDER TALKING TO COMMISSIONERS INDIVIDUALLY AND SEE IF WE DON'T WANT TO MAYBE PUT OFF BOTH OF THESE ITEMS UNTIL WE CAN PERHAPS REDRAFT THEM.

THE POINT, COMMISSIONER MANN, IS THAT AS WRITTEN, WE CAN'T AT PUBLIC HEARING PUT HOMEOWNERS IN BECAUSE THEY ARE CURRENTLY EXEMPT.

AT PUBLIC HEARING WE CAN'T P THEM IN.

ABSENT THAT -- OR WITH THE EXEMPTIONS, WE'RE KIND OF HOG-TIED AT THE PUBLIC HEARING AS TO WHAT WE CAN DO.

WE'LL HAVE TO GO TO DECEMBER 4 AND THEN RAISE THOSE ISSUES AGAIN AND IF NEED BE, DEFER ACTION ON THE SPECIFIC ORDINANCES UNTIL WE GET IT RIGHT.

ANYTHING ELSE? I JUST HAVE A COUPLE ITEMS.

I DID AT THE APPROVAL OF THE BOARD CONTACT THE CHAIRMAN OF THE SARASOTA COMMISSION NORA PATTERSON AND ANOTHER WITH RESPECT TO THE PHOSPATE AGREEMENT.

COMMISSIONER PATTERSON WAS RECEPTIVE TO THE EFFORT WE'RE PURSUING TO HAVE ALL THREE COUNTIES MEET BEFORE ANY AGREEMENT IS MADE ON THE COMPACT.

UNFORTUNATELY, CHAIRMAN DICK LOFTUS WASN'T OF THE SAME POSITION.

HE MADE IT KNOWN THAT HE'S PLANNING TO TRY TO EXPEDITE THIS PROPOSED

COMPACT SETTLEMENT AS SOON AS NEXT TUESDAY.

WHAT I WANT TO ASK THIS BOARD IS IF I COULD, I WAS PLANNING ON WRITING A LETTER TO CHAIRMAN LOFTUS ON A COUPLE ISSUES.

ONE WAS SOME BULLET POINTS THAT DAVID OWEN AND SUSAN HAD BEEN WORKING ON.

BASICALLY REFLECTING OUR CONCERNS THAT THE MEETING WE HAD ABOUT NO STAND-DOWN PROVISION TO FILE INJUNCTION WITHIN A TIMELY MANNER, RECORDING OF THE AGREEMENT TO HOLD THEM ACCOUNTABLE ON OBLIGATIONS AND THE ENVIRONMENTAL IMPACT AND THE GAG REQUIREMENTS.

SO THERE ARE SEVERAL ISSUES I WANT TO AT LEAST POINT OUT IN A LETTER TO CHAIRMAN LOFTUS.

IF THAT'S ACCEPTABLE TO THIS BOARD.

ALSO, THERE HASN'T BEEN THE COMMUNICATION WITH CHAIRMAN JANES'S OFFICE THAT MR. LOFTUS LED ME TO BELIEVE AS TO WHY THEY ULTIMATELY EXCLUDED US FROM DISCUSSIONS.

I WOULD LIKE TO PUT IT OUT IN A LETTER, RUN IT BY DAVID OWEN FOR FINAL APPROVAL ON DON'T IF IT'S ACCEPTABLE.

DISCUSSION? OBJECTION? HEARING NO OBJECTION, MOTION PASSES.

I APPRECIATE THAT.

COUPLE OTHER QUICK ISSUES.

THERE IS GOING TO BE AN ITEM AND WE'LL NOT HAVE A FULL BOARD REGARDING THE ESTERO BOULEVARD PROJECT.

IT'S GOING FORWARD WITH DESIGN CONTRACT RECOMMENDATION.

IF THERE IS ANY DIFFICULTY OR CONCERN BY MEMBERS OF THIS BOARD, COULD I PLEASE ASK THAT YOU DEFER THE ITEM TO WHEN I GET BACK TO MAKE IT A FULL BOARD SO THAT WE DON'T LOSE MOMENTUM ON THIS MEANINGFUL PROJECT THAT NEEDS TO GO FORWARD? YOU SAY IF THERE ISN'T A CONSENSUS TO MOVE FORWARD, COULD WE DEFER IT? COULD YOU PLEASE? YES.

AS A COURTESY.

ONE OTHER FINAL ITEM BECAUSE I KNOW IT WILL COME BACK TO THE BOARD, OUR COUNTY IS WORKING DILIGENTLY WITH THE WIDENING AND EXTENSION OF WHAT IS KNOWN AS THREE OAKS PARKWAY, BASICALLY COCONUT DOWN TO OLD 40 -- TO BONITA BEACH ROAD IN BONITA SPRINGS.

THAT WONDERFUL REGION OF THE COMMUNITY IS KNOWN AS INFERO PARKWAY.

THE AREA UNDER CONSTRUCTION SOON TO BE COMPLETED BY JANUARY OF NEXT YEAR IS KNOWN AS THREE OAKS PARKWAY.

I KNOW THERE IS A STRONG FEELING ABOUT NAMING IT IMPERIAL PARKWAY WHICH I SUPPORT, BUT IT'S GOING TO NEED TO BE BROUGHT BACK TO THE BOARD ON ANY POTENTIAL REPERCUSSIONS, RAMIFICATIONS IF WE WERE TO CALL IT ONE CONTINUOUS -- CALL IT A PARTICULAR NAME FOR THE ENTIRE CORRIDOR AND THAT'S IMPERIAL PARKWAY.

IMPERIAL PARKWAY SEEMS TO HAVE MORE MEANING.

IT GOES OVER THE IMPERIAL RIVER.

ARE YOU ASKING FOR THAT TO BE ON THE DECEMBER 4 AGENDA AND RENAME IT? COULD WE DO THAT, YES.

I'LL MOVE THAT WE HAVE THE NAME DISCUSSION ON THE AGENDA FOR DECEMBER 4 FOR DISCUSSION.

I APPRECIATE THAT.

THANK YOU.

I COULD SECOND THAT.

I HAVE NEVER FRANKLY HEARD THE ISSUE BEFORE.

I KNOW WHAT YOU'RE DESCRIBING.

I'M WONDERING IF BETWEEN NOW AND DECEMBER 4 WE CAN GET SOME LOCAL INPUT? I'M SURE WE WILL.

WE WILL NOW THAT IT'S ON THE AGENDA FOR DECEMBER 4.

YEAH.

I ASSURE YOU.

NOT EVERYBODY LISTENS TO THIS.

I KNOW WE TALK LIKE EVERYBODY -- [LAUGHTER] THAT WOULD BE WONDERFUL IF WE COULD BRING IT FORWARD ON DECEMBER 4 FOR THE RENAMING TO IMPERIAL PARKWAY.

EVEN THROUGH THREE OAKS? JUST OF COCONUT? CORRECT, YEAH.

THAT'S A GOOD FIRST STEP IF WE COULD.

O.K.

THAT'S IT FOR -- QUESTIONS? FURTHER DISCUSSIONS? MOTION PASSES.

I APPRECIATE THE DIRECTION TO ADMINISTRATION. WE WILL GO ON TO COMMITTEE APPOINTMENTS. NONE.

I HAVE NONE.

COUNTY MANAGER ITEMS.

NONE, THANK YOU.

COUNTY ATTORNEY ITEMS? NONE, THANK YOU.

DAVID, I WANT TO THANK YOU FOR SPENDING THE HOURS ALONG WITH SUSAN ON THE COMPACT PROPOSAL AGREEMENT OVER THE WEEKEND.

IT JUST SEEMS TO BE ON A FORECAST TRACK WHICH IS UNFORTUNATE, BUT YOU HAVE RESPONDED VERY RESPONSIBLY IN TRYING TO KEEP US ABREAST AND APPRISED OF WHAT'S GOING ON.

WE'RE CERTAINLY GOING TO SEE AND GET INVOLVED TO EVEN A GREATER EXTENT.

THANK YOU FOR YOUR DUE DILIGENCE AND CONTINUED INVOLVEMENT AND KEEPING US UP TO SPEED. IS THAT WHAT YOU WERE WORKING ON YESTERDAY? ON VETERANS DAY, WORKING.

WHAT A TROOPER. I THANK YOU VERY MUCH.

O.K.

WE ARE ADJOURNED.