



June 5, 2007

Good Morning.

The Meeting Of The County Board Of Commissioners, June 5th Meeting Will Come To Order, First Item Will Be Invocation Followed By The Pledge Of Allegiance.

We Will Have Pastor Don Hamilton Will Be Conducting The Invocation.

Pastor?

Thank You And God Bless You All.

Accept The Lord, Build The House, They Labor In Vain That Build It, Accept The Lord Keep The City, The Watch Men Waketh But In Vain, Lord Keep This City, Give Us Courage, Wisdom And Strength To Build This House And A Dwelling Place For Many Peoples And We Will Give You The Praise For It In Jesus Name, Amen.

Amen.

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

Thank You, Pastor.

We Will Proceed With The Recap Sheet.

The Recap Sheet Is Pretty Doggone Clear Except Item 12 B.

We Need To Convene As County Commissioners.

But Other Than That We Can Welcome The Public Comment Period.

Anyone Here Want To Make A Public Comment On Either Item On The Administrative Or Consent Agenda?

Going, Going, Gone.

We Will Proceed With The Consent Agenda.

Commissioner Bigelow, Item To Be Pulled By The Board?

Yes, Thank You Mr. Chairman.

I'm Only Pulling 28% Of The Agenda Items Today.

Six Items, 1a, 6b, 6c, 9a, 9c, 11a.

Okay.

Commissioner Judah?

None.

Commissioner Mann?

None Mr. Chairman.

Commissioner Hall.

6a, 6c, 9a, And 11a Also.

Is There Anything Left?

Move The Balance Of The Agenda.

Second By Commissioner Hall That The Balance Be Approved.

Discussion?

All In Favor Signify By Saying Aye?

Opposed?

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

Mr. Chairman, Before We Move On, It's A Pleasure To Have Six Commissioners Here This Morning, Perhaps Commissioner Mann Would Like To Introduce The 6th Commissioner.

I Was Going To Save It For Commissioner Items But I'm Proud To Present By Legislative Aid In Training But Assured My Present Legislative Aid.

Campbell Ferguson Mann, He Is A 9-Year-Old 4th Grade Student, Just Graduated 3rd Grade With Honors, Because He Takes After His Grandmother, But He Is In Training Here Today.

And He Has Also Been Asked To Keep Any Fighting From Occurring Between The Commissioners On This End Of The Table, Because Sometimes Commissioner Hall Jumps Me, So You Help Me And Fight Her Back.

Thank You.

Campbell Ferguson Mann.

Thank You Very Much.

[Applause]

Would You Like To Say A Few Words Or Not?

He's Just Funny, He Does That.

I Appreciate You Projected Me As A Woman Who Beats Up Boys.

I Did Have All Brothers Though So I Guess It's Appropriate.

Commissioner, Item 1a?
Thank You.

I Guess I'm Kind Of Perplexed As To Why This Is Even On Our Agenda.

Don, This Follows Well Under The Thresholds That Board Policy Turned Policy Dictates Because This Is Only A \$14,000 Item, Well Within The Purview Of The Director.

To Authorize Without Us Having To See It.

Could You Please Provide For Me An Explanation.

Good Morning, I'm Dina Lewis From Administrative Service.

This Is A Contract With Our Employee Assistance Program.

This Is An Increase To The Contract Because We Have Additional People On The Program Over And Above What We Estimated On The Date Of The Contract.

The Reason It's Coming Before You Is The Total Now Exceeds \$50,000 So It Would Come Back To The Board For That Reason.

Well It Doesn't Say That.

It Says \$14,000, It's Two \$7,000 Increments.

Even So Under \$100,000, It's Well Within Your Purview.

I'll Move The Item.

Second.

Motion By Commissioner Bigelow To Approve Item 1a.

Second By Commissioner Judah.

Discussion?

Mr. Chairman?

Commissioner Hall?

I Would Like To Thank You The Staff For Letting Us Have An Understanding What The Changes Are So The Board Can Be Knowledgeable.

I Certainly Support When You Feel It's Appropriate You Want Publicly And For The Public To Know.

I Think That's A Good Thing, We Try To Be As Clear As Possible.

We Often, All Our Salaries And Benefits Are Open To The Public.

But It's Good To Share What They Are Receiving, So Thank You For Giving Us An Opportunity To Vote On It.

Discussion?

All In Favor Signify By Saying Aye?

Opposed?

The Aye's Have It.

The Motion Is Adopted.

6b, Commissioner Bigelow?

Thank You.

I Met Yesterday With Robert Clemens About This Parcel And Reviewed The Appraisal Which Is Not Included In The Back Up.

But It's A November '06 Appraisal, So It's Somewhat Dated.

That In It Self Concerns Me.

But What Concerns Me More Than The Dated Appraisal Is That In The Very Back Of Our Back Up Under Market Value Before The Taking, Which I Think Is Your Second To Last Page, I Would Like To Draw Your Attention To A Statement By The Appraiser, Because Of The 100-Foot Easement On The Westerly Portion Of The Site It Would Be Difficult For The Subject Property To Be Developed.

We Are Purchasing Right Of Way For Plantation Road Extension.

This Is At The Intersection Of Plantation And What's That Cross Street?
Anyway, It's At The Intersection There.

But The Majority Of The Property Is Encumbered By Fp & L Easement.

Spending More Than \$60,000 To Buy Property That The Appraiser Himself Admits Is Unlikely To Be Developed.

A Portion Of The Property That Could Actually Be Developed, If You Look At The Sketch By Banks Engineering, Exhibit A, You Will See It Only Has 50-Foot Frontage On Idyllwild.

Seems We Are Paying A Lot Of Money For Something That Couldn't Otherwise Be Sold For Any Marketable Purpose.

I Believe It Would Be Prudent For Us To Send This Back To Staff To Request Another Appraisal Be Given And Also Our Community Development Department Could Review It Looking For Mary Gibbs, I Don't See Here.

And Give An Opinion As To Whether The Developability Of This Property Is Such That There Would Be No Way To Sell This As A Marketable Property, We Could Then Pursue It Through Condemnation At A Much Reduced Price, Is What I Would Like To Do.

For The Record, Karen Forsythe.

Commissioners We Recognized As The Appraiser Did That 100 Feet Of The Acquisition Area Is Encumbered With An Fp And L Easement.

They Recognized The Square Foot When Sales Were Ranging Between About \$8 To \$10 A Square Foot.

That Area Was Appraised At \$2 Per Square Feet Due To The Encumbrance, The Unencumbered Was Appraised At \$8 A Square Foot.

While He Recognizes The Property Would Be Difficult To Be Developed In Its Status, He Is Not Concluding It Would Be Impossible.

This Does Have Frontage Value That Has To Be Recognized.

The Encumbrance Issue If There Was Some Pursuit Of Development Of The Property Or Assemblage To Another Parcel Would Have To Be Worked Out With Fp & L And Resolved To The Satisfaction Of A Potential Buyer.

But The Appraisal Is Indicative Of What The Market Value Would Be Recognizing That We Could Do Have Some Problems With It Being Put To A Development Use Right Now, If It Didn't Have That Encumbrance We Would Be Looking At About \$10 A Square Foot Overall.

This Is A Condemnation Parcel.

This Blue Sheet Is Requesting That We Have The Board Make A Binding Offer In Preparation Before Going To Condemnation On This Particular Site.

As Far As Getting Another Appraisal I Think You Would Find The Same Type Of Methodology And Supported And Utilized By Another Appraiser As Well.

Well I Think It Was Perhaps Also Fair To Indicate That Going Condemnation Is The Least Attractive Way For Us To Go Because It Is Generally More Expensive Than If We Can Buy It Openly On The Market.

And I'm Trying To Think Of A Classic Condemnation Case, I Can't Recall But Property Worth About \$5,000 And Went Through Condemnation And Costs About \$300,000 Because Of Attorney Fees, That's The Problem With The Condemnation Process.

That's Why We Always Try To Buy Things On The Open Market With Willing Sellers And Without Going Through The Condemnation Proceedings.

But I Just Mention That, Any Other Comments?

Yes, Thank You.

I Would Like To Say To My Fellow Board Members, It's Not Until We Find Ways To Spend Less We Will Be Able To Charge Less.

We Are About To Face A Daunting Experience And It's My Opinion That Unless We Figure Out How To Hold The Reigns On This Exorbitant Spending Habit Of Ours We Aren't Going To Be Able To Reduce The Amount Of Money We Ask Our Tax Payers To Provide Us.

Mr. Chairman?

Yes, Commissioner Judah?

Perhaps With A Little Bit Of Time All The Commissioners Will Be Better Informed In Terms Of What It Costs The Communities Because Of State Legislative Action Over The Years In The Imminent Domain Laws, They Provide Windfalls To Lawyers Where Cities Have To Spend In Excess Of 34% Of Value To Stay Out Of Court.

If We Could I Would Like To Ask John Renner To Comment Briefly On The County's End To Be More Effective Of Addressing Concerns Commissioner Bigelow Raised With The Excessive Right Of Way Needed For The Widening.

Good Morning.

I Do Know And Our Practice Has Always Been To Get Appraisals And Make Very Reasonable Offers Up Front Because The First Written Offer Which We Are Talking About Is The Baseline For Which Attorney Fees Are Determined.

It's Determined Based Upon A Percentage Of The Benefit Over Our Offer.

This Case Our Offer Is 360.

If The Juror Settlement Comes Back At \$400,000, Attorney Fees Are Based Upon A Third Of The Difference Of \$40,000.

That's What We Look At When We Make Our First Written Offers.

I Can't Address The Specifics Of This Particular One But That's Our Policy.

Mr. Chairman?

Yes.

The County Is Currently Involved In Some Litigation Right Now Regarding The 10-Mile Linear Park Acquisitions.

While I Believe The County Will Prevail, We Have These Challenges That Have Taken Place And In Those Situations It Would Be My Professional Opinion That This Acquisition And The Way That The Appraiser Has Gone About Identifying Value Would Be That Much More Defendable Than Even What We Are Having To Deal With Right Now.

The Action That's Been Brought Against The County Or Through The Condemnation Case, I

Think It's Even Easier For The County To Defend And We Are Still Being Challenged In Having To Pay The Expenses Of That Condemnation On That Project.

Mr. Chairman?

Yes, Commissioner Hall?

Commissioner Bigelow, Are You Suggesting We Not Purchase This Right Of Way For Extension Of Plantation Road?

Would You Like Me To Restate What I Would Like To Do?

Please, Because Obviously I Didn't Hear It.

I Would Like This Sent Back To Staff To Have It Reappraised To Get A More Current Appraisal.

So It's The Appraisal Issue You Have, Not The Purchase?

Do You Want To Let Me Finish?

Absolutely.

Thank You Very Much.

Send It Back To Staff To Have A More Current Appraisal And During That Period Of Time Have Our Community Development Department Look At It, Because It's Been My Experience That These Parcels That Are Sometimes Seen As Undevelopable Are Not Sent Through Our Professional Community Development Planning Staff For Their Opinion.

And That's What I've Said Several Times Before.

We Stovepipe Our Departments.

We Don't Encourage Communication Between Them And I Would Like To See This As An Example Of Where We Do Break That Habit.

Communications Are Healthy Between The Departments And We Confer Quite Often With D.C.D.

Thank You.

Make Sure He Is Finished First.

We Don't Have Them Review Every Single Thing, Our Office Is The Professional Office Regarding Real Estate Issues.

Our Background Also Does Entail Development Type Of Understandings And Disciplines But We Do Communicate With D.C.D. On Certain Situations Where We Need Additional Assistance.

I Think We Are Educated And Wise Enough To Know When We Need To Go And Get Further Support From Other Divisions Of The County And The Communication Is Very Healthy Among The Departments.

I Would Like To Have That Done As Well.

Mr. Chairman?

Yes, Commissioner Hall?

We Have A Huge Challenge In Working For Our Road Network And Purchasing A Right Of Way, This Isn't A Parcel For Development, It's For Extension Of A Road.

I Guess I Will Look To My Senior Colleagues.

This Appraisal Is Six Months Old, Basically.

I've Not Found That We Are Going To Get A Big Difference In That Window, For The Time It Takes To Have A New Appraisal We Are Delaying Acquisition Of This.

It's An Acquisition That Will Go Into Condemnation.

So We Will Try To Purchase It, But The Likelihood And I Think The Professionalism Of Our Staff Is Giving Us Their Best Professional Advice.

I Appreciate The Concerns That You Share, Commissioner Bigelow.

What I Don't Appreciate Is Your Endless Digs On Your Perceived Us Frivolous Spending.

It's Sort Of Like In The Newspaper, I Was An Axe Murderer And Every Time I Get Written About Is An Axe Murderer.

Every Time You Want To Bring Up A Subject To Encourage Communication, I Want To Help You With That, You Continue To Communicate You Would Like To Have, It's Difficult When You Put Us On The Defensive.

I'm Trying To Understand How We Can Move Forward So You Can Have A Comfort Level.

Why Not Give Us An Opportunity To Go Through Budget Process With You And Have Difference Of Opinion There.

But On This Particular Subject Using Road Impact Fees For Purchase I Would Like To Keep It To Subject Where We Can Have A More Amenable Dialogue, Rather Than Defense.

I Think It Would Encourage More Cooperation.

That Would Be My Request To You.

Commissioner Mann?

Little Sidebar.

I'm Prepared To Vote.

Second.

Discussion?
All In Favor Signify By Saying Aye?
Opposed?
Aye.

Motion Is Adopted 4-1 With Commissioner Bigelow In The Negative.

Thank You Karen, Thank You John.

I Don't Think She Wants To Go Too Far.

Karen, You Might Be Back On 6c.

Looks Like We Have Someone Else.

There's An Appraisal Done On This Land Acquisition Handled By County Lands, This Is From Division Of County Lands.

Signed By Karen Forsythe.

6c.

Robert, Good Morning.

The Appraisal Is Dated March Of '06.

For \$3,060,000.

We Are Looking To Purchase For \$3,200,000.

Add To That The \$75,000 To Close It.

So I'm Struck By The Fact That The Appraisal Is So Dated.

Again I Would Like To Suggest That We Send This Back To Staff To Have It Appraised To More Current Value.

Also Like, Another Point I Had To Make, Sorry I Didn't Take A Note On That.

Do You Want To Address That?

Robert Clement, Division Of County Lands, This Appraisal Was Done In '06, We Met With The Property Owners.

It's A Key Parcel At The Intersection Of The Connection For 951 At The Intersection Of Bonita Beach Road And Southerly Extension Of The Proposed Road, So It's A Critical Parcel, The Property Owner Originally Solicited Us To Purchase At Over \$7 Million, At That Time We Ordered The Appraisal.

Our Initial Thoughts Were That Number Was Much Too High.

We Got The Appraisal, It Assured Us It Was Too High.

We Ceased Negotiations At That Time Because The Property Owner Was Unwilling To Drop Their Asking Price To What We Felt Was Reasonable.

About Three Months Ago, I Think The Whole Board Was Solicited By The Representative Of The Property Owner Wanting To Sell It At \$5 Million.

They Indicated They Were Willing To Drop From \$7 To \$5.

We Told Them That Was Unreasonable, We Couldn't Justify, We Negotiated It And Came To \$3.2 Million.

At That Time I Went Back, Re-Evaluated The Market To See If There Had Been Any Changes Since Then.

I Hadn't Seen Any Changes, You And I Discussed A Parcel Yesterday Off Kent Road That Sold.

I Mentioned It Was 42 Acres, It Was Actually 44 Acres.

When I Was Initially Looking It Has About A Two Acre Pond, That's Where I Came Up With 42 Acres.

Anyhow, Going Back Re-Evaluating The Market, The Numbers And Appraisal Are Still Supported.

And We Do That With All The Appraisal.

Quite Often They May Be 6-8 Months Old, We Go Back To Staff, Re-Evaluate If We See There Have Been Changes In The Marketplace We Will Update The Appraisals.

Two Years Ago When We Were Going Through An Accelerated Price Increase In The Market From 2-3% A Month, Quite Often We Had A Couple Appraisals Done Because The Market Was Just Moving So Fast.

That Is Not The Case Now.

Certain Areas, The Numbers May Have Come Down In Price But In This Area, It's Stayed Pretty Stable.

So I Think This Number Is A Good Number And If You Are Wishing To Purchase This Parcel I Think It's Indicative Of The Marketplace.

Commissioner Bigelow?

Just Like To Point Out For The Board's Edification, If You Look At The Five-Year Sales History On The Back, You Will See That In October '04, The Current Owner Bought It For

About \$1.6 Million.

A Year And A Half Later It Was Appraised Through Our Appraiser At \$3.06 Million.

More Than Doubling The Price.

I Think That's Probably Reasonable Given What We Were Seeing In That Bubble.

But In The Year And Three Months Since This Appraisal Was Done, Setting At \$3.06 Million, Much Has Happened That Would Reduce That Number, I Believe.

I Think We Might Be Able To Save Some Money Here.

I Would, Again, Just To Repeat What I Asked For Earlier Send It Back To Staff To Have Another Appraisal Done.

Maybe Also Involve Community Development.

Okay.

Robert Let Me Ask You A Question, What Is The Cost Of Doing These Reappraisals? \$2500 To \$4,000.

Okay, Just Want To Make Sure We Are In The Ballpark.

I Will Say 951, Very Expensive Project And We Need To Begin To Make Progress On This, I Think Any Further Delays Do Not Auger Well In Terms Of Being Able To Save Money.

I Will Say Too To Put This Through The Condemnation Proceedings We Are Liable To Be Paying Quite A Bit More In Ways Of Attorney Fees.

So I'm Inclined To Go Along With This Purchase Today On This Item.

Mr. Chairman, Just A Thought.

Yes, Sir?

The Whole Question Of Values In The County, I Understand Where You Are Coming From Commissioner Bigelow And Some Of These Make Me Nervous Too, Particularly The \$3 Million Level But We Received Something From Ken Wilkinson's Office Telling Us The Overall Assessments In The Entire County, This Surprised Me Because I Thought We Might Be Hitting A Flat Line But They Are Actually Still Up 5-6% Across-The-Board With Exception Of Some Portions Of Lehigh.

Ironically That's The Area We Need Dollars Because Sheriff Needs Additional Services But Overall Numbers Are Still Up Even During A Recession.

We Are Talking About Probably The Most Expensive Area And Fastest Increasing In Value Area In Lee County, I Would Frankly Rather Not Risk Another Appraisal At This Time Based On Those Facts I Know.

So I'm Comfortable Moving Ahead.

Second.

Motion By Commissioner Mann To Approve 6c On The Consent Agenda.

Second By Commissioner Judah.

Discussion?

Yes.

I Believe Ken Wilkinson Is Back There.

No He Is Not.

I Thought I Saw Him Earlier.

Charlie Green, They Look-A-Like.

I Didn't Say That.

All Those In Favor?

Opposed? The Vote Is Adopted By A Vote Of 4-1 With Commissioner Bigelow In The Negative.

That Takes Care Of 6c.

9a Commissioner Bigelow?

If I Could, Could I Take 11a First?

No Problem.

Thank You.

This Might Actually Be A Question For The County Attorney's Office.

There's Barbara.

Good Morning Commissioners.

Good Morning, Barbara.

Let Me First Explain To You, I Think It's Probably County Attorney Issue.

This Is An Interlocal Agreement In The Amount Of \$500,000 On A "Reimbursable Basis".

I've Looked Through This.

I Didn't Catch It When I First Looked At This Last Week.

I Saw It Last Night And Tried To Look Through The Interlocal Agreement To See What The Conditions Are In Which The City Of Fort Myers Is Reimbursing Us.

Can Anybody Tell Me -- Let Me Just Give My Interpretation, Maybe Correct Me If I'm Wrong.

It Seems We Are Spending Up To \$500,000 And It's Not Necessary By The Terms Of The Interlocal Agreement.

I Don't Know Who I'm Looking At.

Good Morning Commissioner.

Melody Bowers, County Attorney's Office.

Right We Have Talked On The Phone, Just Haven't Seen You In Person.

My Interpretation, Not A Lawyer, We Aren't Actually Requiring The City To Reimburse Us But If The Terms Of The Interlocal Agreement Were Somehow Breached Then We Might Require It To Be Reimbursed?
Actually We Are Reimbursing The City.

They Aren't Reimbursing Us.

We Are Reimbursing Them.

They Are Paying And We Are Reimbursing Them Up To \$500,000?
Not To Exceed \$500,000.

It May Not Actually End Up Being That Much.

Okay, I Appreciate That.

They Are Expending And We Are Paying Back, Because This Is Part Of Our County 10 Mile Linear Park Project?
Correct.

Great, Thank You.

I'll Move The Item.

Second.

Motion To Approve Item 11a By Commissioner Bigelow, Second By Commissioner Judah, Discussion?
Ayes Have It, So Ordered.

The Reason I Wanted To Move 11a First, I Thought It Might Be Something We Could

Consider On This Agenda Item.

This Is Another Interlocal Agreement Between The County And City Of Fort Myers.

Okay We Are Talking About 9a.

For Landscape Funding Of Palm Beach Boulevard, State Road 80 In And Out Of The City Of Fort Myers Between Seaboard And I-75.

But It's I Guess, Concentrated On The Seaboard To Prospect Portion In City Of Fort Myers.

If I Could Turn Your Attention To Installation Phase On Page 205.

This Is For The Installation Of Landscaping.

The Design Is Also Addressed In This Interlocal Agreement And The City Is On The Hook For That, What I Would Like The Board To Consider Is Allowing The County To Fully Fund The Landscaping On This Portion Of The Road.

City Of Fort Myers Is In Financial Dire Straits, If You Will.

I Think It's Not Any Big Secret To A Lot Of Us, They Have Been Carrying Debt For Many Years.

This Is A Road That's A Gateway Into Downtown Fort Myers.

Many Of Our County Employees Travel This Road, I Think Commissioner Mann Himself Travels This Road.

He Has Opined The Beautification Of Our Road Ways Is An Important Issue For Him.

I'm Thinking We Could Probably Do Well To Help Our Constituents Who Live Within The City Of Fort Myers, As Well As Those Officials That Are Sitting In The City Of Fort Myers Council And Perhaps Fund This Fully In Their Behalf Since These Are Constituents Of Ours.

Commissioner Mann, Is It Okay For Me To Comment?

Mr. Chairman, Is It All Right?

The Palm Beach Boulevard Landscape Project Started Five Years Ago When City And County Entered Into A Community Planning Process That Took From Seaboard All The Way To I-75.

I Was A City Councilman At The Time, We Received A Grant From The City And County.

Both County And City Residents Worked Very Hard Preparing This Plan And We Came To The County As A Partner To Finally Get The Median Installed On State Road 80 To Create An Opportunity For People To Survive Crossing State Road 80, With That Median Would Come Landscaping And Initial Designs.

This Is A Partnership.

And Again, Just To Remind Folks That County Is Fiscally Responsible And We Take Our Partnerships Very Seriously.

City Of Fort Myers Has Not Come To The County And Said Listen We Can't Be Your Partner In This Effort.

I Want To Respect The Fact The Citizens Have Initiated This Project.

It Wasn't Initiated By The County And City.

It Was Initiated By The Tax Payers Of The City And County.

And At This Point I'm Very Comfortable Moving Forward With It, The Reason I Pulled It Myself Was To Compliment The Fact We Are Finally Getting Down The Road If You Will.

It Took Almost A Year And A Half To Negotiate With Every Single Business Owner The Median, And Where The Median Cuts Would Be, I Personally Walked State Road 80 And There's Thousands Of Hours Invested In This Beautification.

At This Point I Don't Think The Process Of Where We Are Going Is Unfair, I Think We Work Very Well With The City Of Fort Myers In Numerous Projects Where We Partner And Do Lots Of Things And We Integrate.

The Stadium Is A Perfect Example Where We Worked With The City In A Positive Not Only To Benefit Our Residents But The City Residents.

I'm Not Comfortable At This Point Saying The County Should Take Responsibility 100% For This Project.

I Think There's Been A Long Understanding By The Citizens Who Live Along State Road 80 How This Will Play Out.

I Appreciate The City Remaining A Partner Because When I Was On The Council We Were Much More A Depressive Than The County.

And It's Good To See They Are Coming Around And Working Well As A Partner.

I Would Like To Point Out For The Board's Edification, City Of Fort Myers Working Diligently, I Think Involved In A Moratorium, If You Will In This Area Of The City.

They Are Looking, It's Considered Blight In Large Regard.

And They Are Trying To Get A Handle On The Multi-Cultural Faceted Issues In This Area Of The City.

I'm Thinking If We Could Help Alleviate Some Of The Financial Burden That This Particular Project Would Bear On Them That Would Allow Them To Use Some Of That Money In The Efforts They Are Putting Forward In Their Redevelopment Planning, So If I Could I Would Like To Just Amend The Installation Phase Number Three To Have 100% Say 0% And

Strike Number 4, Which Speaks About The Invoicing Of The City.

Is That A Motion?

Yes, Only For Clarification For The Landscaping.

This Is The Plants For The Medians Of The City Of Fort Myers.

I Think It's A Chance To Partner With The City Of Fort Myers And Recognize Some Of The Problems They Are Having.

The Area Commissioner Hall Used To Represent As A City Councilwoman.

I Want To Point Out The City Of Fort Myers Has It's Own Nursery And A Lot Of These Plants Are Brought In From The Nursery At Their Cost What It Cost To Plant Them.

But Commissioner Bigelow, If You Don't Mind, Mr. Chairman.

Did City Manager Contact You Or Councilmember Contact You And Ask You For This To Come Back?

No.

There's Been A Motion, Is There A Second?

I Want To Respond To The Point But I Would Like To See Where The Motion Goes.

Is There A Second?

The Motion Dies For Lack Of A Second.

To The Point Commissioner Hall Was Making.

I Would Think Then This Cost Would Be Much Lower Than If We Had To Just Purchase These Plants From The Nursery, A Private Nursery, So Your Point Is Well Taken Probably Wouldn't Be An Exorbitant Cost.

I Will Make A Motion We Approve Item 9a As Written.

Second.

Motion By Commissioner Hall, Second By Commissioner Judah.

Discussion?

All In Favor?

Opposed?

I'm Going To Support It Because I Want To See It Happen.

It's Adopted Unanimously.

I Just Have To Make A Comment, Partnerships To Me Imply Both Sides Working Together.

100%-0% Isn't A Partnership.

Maybe One In Spirit.

If You Take The Point After The Vote, I Will Make This Comment.

The Partnership With Them And Their Effort To Redevelopment That Area Of The County.

It Is In The County Even Though Within Fort Myers City Limits.

9c.

Thank You.

If I Could Turn Your Attention, Commissioners To A Spreadsheet That's About Three-Pages After Your Blue Sheet, I Would Like To Point Out That \$329,574.63 Of What We Are Being Asked To Approve Today Is Simply A Rubber Stamp.

It's Already Been Approved By Staff, The Work Has Already Been Done.

What Page Are You On?
Spreadsheet, 9c, About Three-Pages Past The Blue Sheet.

It Looks Like This.

Says Change Order Number 4.

Okay, Further Back Than That.

Thank You.

If You Look At Line Number 32, For \$120,000, That's The Only Item On Here That We Really Are Considering Of This \$632,478 Price Tag For Change Order For Summerland Road.

Phoenix Construction.

For Those Listening This Is The Dual Fly Overs At Summerlin And Gladiola.

And Single Fly Over At Summerlin And San Carlos Boulevard.

Staff Is Asking Us Basically To Approve \$329,579.

There's Another Item, Number 34, \$182,823.

That's For Eight Months Of Asphalt Adjustments, We Are Contractually Obligate Today Pay That.

I Think It's Appropriate To Be On Here But Really We Have No Choice In That Matter.

We Do Have A Choice In Line Number 32, That Is The Wall Painting And Anti Graffiti As Randy And Scott Gilbertson Explained To Me In A Meeting Last Week Has Not Been A Hard Bid Price.

And It's Unfortunate It Wasn't In The Original Contract.

The Designer Didn't Put Painting Of These Fly Overs In Their Bids Originally.

It Wasn't Caught By Staff That It Wasn't In The Initial Design And Therefore Part Of The Hard Bid Process.

The \$120,000 That We Might Do Better To Hard Bid It.

It Would Be My Suggestion That We Should Try To See If We Should Save Some Money, Trying To Find Anyway We Can To Save Some Money, That Would Be My Recommendation To The Board.

Scott Do You Want To Address That?

I Just Find Irony In The Previous Project You Want To Subsidize And Spend Money, And Now You Want To Save Money.

I Don't Understand, To Me It's Mind Boggling.

Move The Item.

Second For Discussion.

Thank You Mr. Chairman.

Scott, We Do A Lot Of Painting.

We Just Finished Painting Our Bridges, Veterans Parkway And Cape Coral And Thank You For That Because The Citizens Of Cape Coral Certainly Appreciate The Beautification, Especially On The Cape Coral Bridge, Can You Give Us An Idea On The Estimate.

Scott Gilbertson, D.O.T. For The Record.

This Is For Painting Of The M.S.E. Walls, Vertical Concrete Walls.

Includes The Texture Coat, The Coloring And An Anti Graffiti Type Coating.

They Came In At 45 Cents And 25 Cents Per Square Foot.

From 65 Cents To \$1.10 For The Anti Graffiti, We Feel Those Prices Are Very Competitive.

Thank You, For The Record I Want To Get That So People Know We Are Looking At Comparisons.

Any Other Discussion?

Yes.

The Price Is More Competitively Sought, Right?
Is That An Estimate?
Those Aren't Competitively Bid Prices?
The Latter Prices I Quoted Yes They Were Bid Prices.

That Was The Range Of Unit Price Bids.

It's Those Prices You Just Quoted That's The Basis For The \$120,000?
I Thought You Told Me In The Private Meeting The T.Y. Land Came Up, You Didn't Provide Anything At That Meeting.

Commissioner, I Said The Bid Price In The Change Order, Not The Bid Price But The Quoted Price In The Change Order Was Reviewed By The Consultant.

We Get The Bid Prices For A Different Project.

It Was A Painting Of Cape And Midpoint Bridges, Those Prices I Quoted Were In The Bid From Those Bidders From The Project.

Okay.

This Is Different Than Our Private Meetings But Clearly It's Going To Pass.

I'll Dispense With Further Discussion.

I'll Make A Comment In Reaction To Commissioner Judah's Question, Number One I'm Inconsistent, On The One Hand I Want To Save Money And The Other I Want To Spend It, For Me It's A Matter Of Priorities, We Can Spend \$14 ,000 On An Island In North Fort Myers When There Are Alternatives.

We Can Spend A Million More Than I Think The Property Is Probably Worth, Adjacent To Gateway Sewer Treatment Plant When Clearly By Staff's Own Admission Don't Need It Currently, We Can Spend Money, Seem To Me Through County Lands Hands Like Water Through A Sieve.

When I'm Suggesting We Might Do Well To Look At Some Saving Efforts Set Aside, So When I Suggest We Could Partner With The City Of Fort Myers And Fund For Them The Installation Of The Landscaping Along Palm Beach Boulevard, Gateway To City Of Fort Myers Which Many Of Our Own Constituents Travel, I Think It Would Be Prudent To Do That To Improve That Area Of The County, A Blighted Area, If You Will.

So It's Simply A Matter Of Priorities.

If I Could, First Of All Because We Keep Hearing From Commissioner Bigelow About These Other Alternatives With Regard To Extension Of Gateway And Waterway Estates Facility With Regards To The \$13 Plus Million.

This Is Under Discussion.

Commissioner, You Have Gaveled Me Down.

Commissioner, You Raised The Subject, If You Raise The Subject I'm Certainly Going To Give Somebody An Opportunity To Respond.

Then I Hope You Will Remember That For The Entire Community To Understand The Reasoning Of The Decisions By The Board For Waterway Estates, I Would Like Staff To Put In Writing The Alternatives, The Various Choices This Board Had In Front Of Us And To Demonstrate That What Decision Was Made By The Board Was More Cost Effective And Less Injurious Because We Would Have Had To Dig Up All The Road To Put In New Lines.

But The Other Alternatives On The Table In Terms Of Cost, Also With Gateway, Why We Decided Not To Expand Because City Of Fort Myers, Because They Didn't Want To Fund.

Traveling There At Summerlin, Gladiolus.

Or San Carlos, You Want To Make Sure That Type Of Capital Asset Is Protected From The Elements And Graffiti.

We Need To Protect The Project.

In Terms Of Priorities I Wouldn't Underestimate Or Minimize Those.

But Please Get That In Writing So We Can Get That Before This Board And Entire Community So They Can Know The Responsible Decisions Being Made By This Board.

Commissioner Hall?

I Just Want To Share With The Board Since We Are Talking About The Inlet Purchase, That Doug Muir, Our Director And I Had An Opportunity To Meet With About 40 Residents In The Neighborhood That Will Be Affected By The Expansion Of The Plant, It Was A Meeting That Went For About Two And A Half Hours.

Doug Took Time For The Neighborhoods Adjacent, Doug Took The Time To Walk The Site With Her.

We Are Responding To The Neighbors In The City That Will Be Directly Impacted.

I Thought The Meeting Went Very Well, There Were A Lot Of Good Questions, We Did Share That Information, So I Think Staff Will Be Ready To Respond To Us.

I Have To Say That's The End Of The Discussion Because It Has Nothing To Do With Item 9c.

But You Wanted The Floor, The Floor Is Yours.

I Appreciate That.

My Point Would Be --
I Don't Think You Do.

Commissioner Can I Finish?
Make A Bold Statement, I'm Going To Comment On It If I Consider It To Be Outlandish,
And I Consider That To Be Outlandish.

Execute Me, I'm Sorry.

Which Is It You Think Is Outlandish.

Just Continue, Please.

Okay, Well You Apparently Think Something Is Outlandish.

I'm Not Clear.

The Whole Meeting Is Outlandish.

Go Ahead.

It Seems To Me Mr. Chairman You Will Give Particular Latitude To The Other Members And
Not To Myself.

I Obviously Represent A Dissenting Opinion On This Board More Times Than Not.

When You Give Latitude To Your Colleagues That Support Your View Of The Way We
Manage This Government Without Giving Me Equal Latitude It's Incumbent Upon Myself To
Speak Up That I Think It's Only Fair That You Provide Me The Opportunity.

I'm Not Going To Spar, It Gets Us Nowhere.

It Has Nothing To Do With The Agenda, Item 9c, Any Discussion?

All In Favor?

Opposed?

It's Approved On A Vote Of 4-1 With Commissioner Bigelow In The Minority.

Okay We Will Now Proceed.

Commissioner Hall, 6a?

Thank You, Mr. Chairman.

I Just Have A Couple Questions On This Particular Library.

I Have Not Been Out To This Particular Library.

This Is Actually A Lease Of A Library, We Own The Building But Lease The Land, Can You
Explain That To Me?

Thank You, Sheldon Kay, Lee County Library System.

We Are Currently In A Lease Situation And Proposing To Move To Another Location Which We Will Lease As Well.

Why Is It We Are In A Leasing Mode Versus Actually Building The Library And Lee County Owning The Asset?

The Benefit Of The Move That We Are Proposing Is That It Will Give Us A Chance To See How That Part Of The County Develops.

It Will Give Us A Chance To Be More Deliberate About How We Want To Grow The System And So We Wouldn't Be Committed To A Location While This Is Developing.

So This Gives Us Some Continued Flexibility.

I'm Afraid I Didn't Answer Your Question.

It Just Surprises Me, Don, That We Are Looking At A Long-Term Lease But Building A Structure.

The Property Owner Is Building The Structure.

But That We're Not Aggressively Looking While There Is Property Out There For Permanent Location For The Library.

The Idea We Can Keep Moving The Library Around Is Inconsistent Also.

It's Just One Of Those Things That Red Flagged Me.

I Think We Need To Be More Diligent On Behalf Of The Folks In This Part Of The County That We Have A Library That Will Stay In One Location And Not Continue To Be Moved Around.

I Think The Area Is Developing Quite Readily And I Think We Need To Be Proactive In Saying Are We Going To Have A Permanent Site For This Library Or Just Be In A Perpetual Lease?

It's Not A Very Big Library.

So I Would Like Us To Look At Where We Will Keep This Library.

Absolutely.

I Share With You A Commitment To That Growing Area And The Need To Have Something That The People Who Live There Can Rely On But This Just Buys Us A Little Bit Of Time.

As You May Know We Are In The Process Of Developing A Revised Strategic Plan For The System And That Will Give Us Some Methodology Thinking About How We Want To Fairly Deploy Library Services Throughout The County.

I Couldn't Agree More With You Though.

I'll Move The Item.

Motion To Approve By Commissioner Hall, Second By Commissioner Judah.

Discussion?

Commissioner Bigelow?

Thank You.

I Would Like To Point Out Last Sentence Reads, The Lease Could Be Terminated So The Long Term Point Could Be Remediated With That Option.

Further Discussion?

All Those In Favor Signify By Saying Aye?

Opposed?

The Aye's Have It.

That Concludes That.

We Will Proceed With The Administrative Agenda.

Item 12 A.

Quick Question.

Commissioner Judah?

David, I Just Want To Make Sure, Realizing This Needs To Be Dealt With In State Court, The C.R. Club Will Not At This Time Be Doing Any Further Research In Advance Of Eventual Federal Action?

Good Morning Mr. Chairman, Members Of The Board, David Owen, We Have Conferred With Both Of The Sierra Club, We Come To The Collective Strategic Decision It's Not Necessary For The Board To Continue Funding The Sierra Club At This Point In Time.

I Think Mr. Fletcher Was Very Helpful Yesterday In Going Through What The Possible Scenario With Response To The State Action, We Could Be Going Back To The Administrative Process With An Administrative Law Judge If The D.E.P. Makes A Decision That It Should Be Considered By The Administrative Law Judge We Could Be In An Abatement Of Proceedings For Probably A Year To Year And A Half.

It's A Time And Money Thing.

Thank You, Move The Item.

Second.

Motion To Approve Item 12 A On The Administrative Agenda.

By Commissioner Judah.

Second By Commissioner Hall.

Discussion?
Commissioner Mann.

We Are Committed, I Think In Spirit Here To The Additional \$100,000 But Would Take Those In Steps.

You Are Saying We Can Sit Comfortably Now.

But It Continues Until The Time We Know There's Specific Action Required Of Our Attorney? Correct.

All Right, I'm Comfortable.

Commissioner Bigelow?
Thank You.

David, Yesterday The Honorable Adam Cummings Apparently Was Setting Us Up For A Hefty Request To The Tune Of \$3 Plus Million.

No?
What Would You Guestimate His Request Will Be?
The Request He Made Yesterday And I Didn't Bring My Notes, \$274,000 And Some Change.

It Was \$600,000.

\$200 Was For One Thing \$300 For Something Else.

We Invested \$3 Million To Date.

We Have Put In \$3 Million.

We Are Looking At Another \$600,000 On Top Of The \$3 Million Put In.

Where Is The End In Your Mind To This.

The Money Invested Has Gotten Us To The Point Where There's Been Not Only Some Very Affirmative Rulings From The Second D.C.A.

District Court Of Appeal That Is On The Debate That We Have Between The Issuance Of The Permit With Certain Items Missing That The Administrative Law Judge Had Put In And The Change In Administration Of The State.

Right Now The Dollar Issue With Respect To The Case Itself Is Somewhere In The \$60,000-\$70,000 Range.

I Came To You Last August When Both Charlotte And Lee County Decided To Split The

Appeal.

That's The Only Money On The Table In Connection With That \$3 Million.

The Other Funds Being Sought By Charlotte County Are What I Call Soft Dollars For Public Outreach Programs, Lobbying, On Behalf Of Protecting The Environment As A Result Of The Activities Of The Phosphate Companies.

They Are Two Different Things And You Really Don't Want To Confuse Those.

One Has Been Funded By My Predecessor And Myself Coming Forward Asking For Funds The Other Goes Through Our Budget Process.

What The Honorable Mr. Cummings Was Doing Yesterday Was Coming To The Board Saying We Are Looking For These Funds, Please Put Them In Your Budget Process And Consider That Between Now And October To Provide Them With What I Call The Soft Funds In Order To Do Those Things, Ancillary To The Case But Part Of The Overall Phosphate Strategy.

Right.

Okay.

So, If I Could Try To Interpret What You Just Told Me, \$600,000 Looks Like Possibly The End?

\$600,000 More?

I Can't Answer That.

Because The Question Comes Down To What Does Charlotte County Want To Seek From Us, They May Reach A Point Where They Don't Want To Proceed Any Further, They Wouldn't Come To Us And Ask Anything.

The Question Is What Are They Seeking In Way Of A Partnership.

Time And Materials, Commissioner.

Mr. Chair?

Let Me Submit Commissioner Bigelow The End Will Be Either When Our Environment Has Experienced A Total Collapse And We Have Exhausted All Readily Available Potable Water Supplies Or That We Are Able To Protect Our Coastal Estuaries And Protect Our Regional Water Supplies.

It's One Or The Other.

That's When You Will See The End.

Should We Move The Item?

Yes, There's A Motion To Approve, It's Been Seconded.

I'm Looking For More Discussion.

Further Discussion?
On This Item.

On This Particular Item?
Yes Ma'am.

All Those In Favor Will Signify By Saying Aye.

Opposed.

The Motion Is Adopted.

Now We Have 12 B.

I Move The -- Go Ahead.

Let Me Ask A Procedural Question.

Do You Want Us To Convene As The Board Of Port Authority First?
Or Want Us To Make The Decision First?
No Sir I Would Like You To Continue As The Board Of County Commissioners, Take
Whatever Action As The Board Then Convene As The Port And Take Action.

Very Good, Item 12 B.

I Would Like To Move It.

Second.

Motion By Commissioner Mann To Approve.

Second By Commissioner Hall.

Discussion?
Under Discussion, Let Me Thank David Owen And Staff, Port Authority And Their Staff For
Coming Together With The Party And Work Out A Negotiated Settlement That Finally
Reconciles The Long Standing Disagreement.

Thank You.

Further Discussion?
I Would Like To Point Out For The Benefit Of Those Listening, This Is A Settlement On A
Issue That Is How Old, David?
Ten Years.

Ten Years.

And We Have Finally Come To The End, Fort Myers Interways Versus Lee County Board Of

Commissioners And Lee County Port Authority.

We Are Going To Split How Much?

\$336,310.78, Sir.

The Equal Split Is \$168,158 Per Party.

My Only Question Mr. Chairman, How Soon Can We Get This Check To Mr. Wilson?
Because It's His Money In The Bank And We Will Give Half Back.

Probably Looking At 30 Days.

He Is In His Late 70's.

It Will Probably Take About 30 Days.

There Are Other Documents That Must Be Designed And Signed Off By The Parties.

Nothing Else Required By The Commission?

No, Sir, You Are Approving Everything We Need To Do From Here On In.

Further Discussion?

Yes.

I Want To Be Sure, There's Three Parties, Is This A Three-Way Split?

No, This Is Two-Way.

The Money For The County's Half Will Go To The County Port Authority.

They Were The Ones Owed The Money As A Result Of Holdover Tenancy By Mr. Wilson.

Okay.

So Half Is Mr. Wilson And Half To The Port Authority.

But We're A Party In It.

Yes, Sir, We Own The Real Estate So County Will Give It's Approval And Port Authority.

The County And Port Authority Addressed The Environmental Clean Up Costs.

And As You Mentioned David, There Was An Impact Financially.

So This Has Been A Long Drawn Out Issue For A Variety Of Reasons Including Maintaining
And Protecting The Public Interest.

Further Discussion?

Aye '?

Opposed?

The Aye's Have It.

We Will Recess The County Board And Reconvene As The Board Of Port Commissioners.

We Are Now In Session And We Have Item On The Agenda, Commissioner?
Move The Item.

Motion By Commissioner Hall To Approve A 12 B.

Is There A Second?
Commissioner Mann?
Yes.

Thank You.

Appreciate That.

Second By Commissioner Mann?
Discussion?
All In Favor?
Opposed?
The Motion Is Adopted.

We Will Now Adjourn As The Board Of Port Commissioners And Reconvene As The County Board Of Commissioners.

And We Are Now Down To The Point Where We Have Walk-Ons.

We Have No Walk-Ons Or Carry Overs, So We Will Go With Commissioner Items,
Commissioner Bigelow?
Thank You, Mr. Chairman.

On The Heels Of Yesterday's Discussion At Mmp On Diversity I Would Like To Ask The Board To Let Me Make A Request.

That Is That We Have Two Evening Public Hearing Possibilities In August.

I Don't Yet Know If We Have Any Public Hearing Scheduled On Those Dates, August 14th Or The 28th But I Would Like To Be Able To Go To The Minority Affairs Boards And Let Them Know We Will Convene In The Evening Because It Would Be More Beneficial As It Was For Lehigh Residents To Come To Speak To Us About The Request For More Offices.

I Would Like To Ask That We Hold The August 14th And August 28th Dates Open For Their Benefit So That We Will Agree To Be Here Whether Or Not We Have Public Hearings Scheduled.

Commissioner, Were They Going To Attempt To Meet With Us Individually, Do You Know?

I Have No Idea.

Yes, Commissioner Hall?

I Guess My Request, You Are Asking For This To Be A Public Hearing Which Means, Are You Engaging That You Want The Public Then To, If We Want To Have A Workshop With These Two Chair People, They Didn't Want To Set The Time For That Workshop?

I Don't Understand Why It Has To Be A Public Hearing, Why Don't We Accommodate Them On The Schedule To Meet With Them, Whether In The Evening Or Not Is Really Moot To Me But You Are Saying You Want A Public Hearing, That's Different Than A Workshop With The Board To Go Over The Direction Their Advisory Boards Are Going To Advise This Board.

I'm Confused As To Why This Has To Be A Public Hearing.

Let Me Give You A Scenario.

On August 14th We Have A Public Hearing Scheduled, Okay?
Right.

That's When We Would Take Comments On Any Item That's Not On The Agenda.

Are You With Me There?

Yes, I Understand That Process, Thank You.

If However On August 14th We Don't Have Public Hearings Scheduled, I'm Asking The Board If We Would Please Hold Open That Date And 28th As Well And Let The Minority Affairs Boards, Pick A Date.

Either The 14th Or 28th In Which They Could Then Come And Present To Us Their Positions On The Diversity Issue That We Discussed Yesterday.

Mr. Chairman, My Concern Is Public Hearing Is 3 Minutes To Talk About Anything You Want, I Don't Think That Affords These Chair People To Have A Workshop.

I Don't Want To Confuse The Two, It's Not A Public Hearing.

We Are Getting A Report From The Minorities Affairs Board.

It's Not A Public Hearing, I Don't Want People To Be Limited To Three Minutes.

When Lehigh Residents Came In They Spoke For Three Minutes.

You Asked Us To Afford Them A Reporting Opportunity On The Work Of Their Boards And Their Thoughts, I Don't Want To Put This In A Public Hearing Format, Three Minutes Is Not Enough Time I Believe For The Chair People To Talk.

And Maybe Mr. Chairman, If They Need To Meet With Us After 5:00, Let's Have A Workshop After The 5:00 Public Hearings Because I Don't Think They Should Only Have Three Minutes.

If We Have It As A Public Hearing You Have Three Minute Intervals.

I Don't Think That's The Methodology I Would Like To Hear What They Have To Say, I Would Like It To Be A Workshop As We Have Afforded Other People From Other Advisory Board To Have A Conversation With This Board, Not A Three Minute Statement.

Commissioner Hall Suggested Rather Than Public Hearing That We Have A Workshop.

Is That Agreeable With You?
I'm Just Concerned Three Minute Isn't Really Fair.

The Time Limit Is Something We Can Discuss.

I'll Be Glad To Discuss That.

I've Got To Coordinate As A Liaison, I Thought I Could Provide For Them Some Options In August From Which They Could Choose To Coordinate Their Schedules To Use The Summer Months To Discuss This In Their Meetings And The Communities.

Commissioner Bigelow, Public Hearings Are For The Agenda Items For The Public.

There's A Protocol And Policy Under The Title Of Public Hearing.

I Respect That Protocol And Policy That We've Had, If You Don't Mind.

To Say We Will Have A Public Hearing Is A Lot Different Than Affording These Boards An Opportunity To Report To This Board.

That May Sound Anal And Commissioner Mann, I Understand Your Frustration.

Commissioner Mann, Out Of All Due Respect And I Appreciate The Frustration You Have.

Believe Me You Afford Me --
I Have The Greatest Respect For You, But I Hear It For The First Time.

But Commissioner Bigelow Is Frowning And Saying He Doesn't Understand The Difference.

My Concern Is We Waive The Time Limit, You Don't Understand Because You Aren't Affording Me The Respect I Am Due.

I Think It's Important That We Recognize A Public Hearing Is A Lot Different Than A Workshop.

If We Are Going To Start Taking Public Hearings And Creating Opportunities For People To Have Workshops Under Public Hearing We Will Waive Three Minutes Be Prepared For Many Groups To Come In Under Public Hearings To Have A Half Hour, Who Do We Stop And Say No, You Can't Do That, I'm Concerned We Are Setting A Precedent.

It's Not A Public Hearing, It's An Opportunity For These Chair People To Come And Speak

To Us, It's The Only Time They Can Come, Commissioner Bigelow.

The Afternoon Is Not Appropriate, It Has To Be 5:00.

I Don't Have A Problem With That, But I Have A Concern With Calling It A Public Hearing.

If There's No Objection We Will Call It A Workshop And Commissioner Bigelow You Can Try To Use Either Of Those Two Dates That Would Be Convenient For Them To Come In.

If There's No Discussion That's What We Will Proceed With.

Is That It, Commissioner Bigelow?

Yes.

Commissioner Judah?

I Want To Bring The Attention Of Our Board, Because We Will Need To Coordinate With Collier County Commission.

There's Inconsistencies That Need To Be Resolved Between Respective Boards.

Collier County Has It's Own Regulations With Regard To Ground Transportation Service And Ironic Enough We Have Our Own.

It's Not As Extensive But We Require And We Really Beefed Up The Conditions In Which Ground Transportation Services Provided Southwest Florida.

But One Has To Do With Logos On The Car So We Know They Are The Service Provider And Also Security Check.

In Our Instance We Have Required N.B.A. To Have Logos On Their Cars And Require They Have Security Checks But Do It Through Their Own Private Investigative Process As Opposed To Airport Police But There's Inconsistencies With Collier County Legislation, And It's Preventing, While They Can Drop A Passenger Off From Collier County They Are Unable To Pick Up That Same Customer Who Would Like To Come Back Via Their Vehicles Because Of The Conditions Of The Collier County Ordinance.

I Would Ask If Our Staff And Counsel Could Coordinate With The Appropriate Representatives Before It Gets To The Board Level To See If We Can Have A Seamless Process To Provide Service For The Customer Base.

We Have That Same Challenge In The City Of Fort Myers, If You Are Not In The City You Can't Come In And Pick Them Up.

You Can Drop Them Off.

If We Can Get With Collier County We Can Get Within Our Own County And Do The Same.

There's A Difference Whether Or Not They Can Use Meters Or Zone.

That Comes Into Play Also.

I Have No Problem, If There's No Objection Have Staff Look At It And See What Some Of The Differences Are And Where We Can Go.

I Personally Told Them When I Met With Them I Would Try Meeting With Collier County Commissioners To See What They Felt About Changing Ordinances To Accommodate Our Airport Authority.

We Will See How That Goes.

I Might Not Be The One To Do It.

I Think Also With Don.

I Think That's The Way To Do It, I Agree.

Last Item, Mr. Chairman, I Think The Board Needs To Be Informed, We Were Ranked Number One On That Grant Request Through The D.E.P. Energy Office For The Bio Diesel Facility We Plan To Build At The Gulf Coast Landfill.

To Extract Methane Gas And Convert Grease To Bio Diesel.

What I Want To Ask Jim Maybe Get Back To This Board And Fully Inform This Board Where We Stand, Hopefully We Are Still Ranked Number One And We Will Be In The Money To Receive The Grant Fund.

We Are Still Ranked Number One And We Have An R.F.P. For Solicitation For The Engineering And Work To Be Done To Do The Conversion, We Are Confirmed On Both As Soon As We Get Proposals We Will Make A Selection.

And I Want To Make Sure This Board Is Up To Speed And Comfortable.

But Is There Perhaps An Opportunity You Can Brief Each Individual Board Member Or Speak To Us At Next Mmp?

I Will Have Lindsay Send Something Out Or Follow-Up At Mmp.

Would Be Happy To Talk About All Those In August If You Would Like.

You Know What I'm Talking About.

The Future Waste Energy.

Happy To Do That As Well.

Got Some Heavy Lifting There.

Only Addition, Are We Doing Anything About Sludge?

Yes, The Sludge Report Is Complete, Lindsay And Doug Muir Are Working Collaboratively On Where That Solution Might Occur.

Just So Long As We Don't Spray It On The Corn Fields Around Here.

We Have Corn Fields Around Here?
I Don't Know.

We Did Before They Put The Sludge On Them.

Commissioner Mann?
None.

Commissioner Hall?
I Had An Opportunity To Meet The Newly Confirmed General Of The Army Corps Of Engineers.

I Think, I'm Very Pleased He Decided To Come To Florida And See What We Are Doing Around Lake Okeechobee.

He Went To New Orleans And Came Here, These Are His Two Stops Overall.

Florida And Louisiana.

I Think It's Important To Know That Commissioner Judah, I Specifically Asked Him About The Southern Flow Way, They Are Committed To A Southern Flow Way, What They Aren't Committed To, He Will Be Making A Presentation To The 10 County Coalition.

What They Are Not Committed To, There Was Some Engineering Thoughts Where We Would Take Two Miles Out Of The Dike And Open Two Miles Up For A Slipage, If You Will.

That Discussion Ended Up Going Nowhere, They Decided To Take That Off The Table.

In Addition To Trying To, With The Cost Of What It's Costing To Repair The Dike, There Were Thoughts Maybe We Open Some Of The Dike Up And Not Have To Repair That Section, But They Are Committed To A Southern Flow Way, Not Committed To A Slipage, They Are Also Looking At Trying To Advance Three Phases Of The Dike Repair, Rather Than Looking At 15 Years, Getting Than Done In 5 Years.

They Have Been Allocated \$15 Million A Year.

They Feel There Could Be Substantial Repair And Then Remedying Of Some Of Our Lake Regulation Issues If They Can Advance \$125 Million A Year And Get It Done In Five Years.

That's Somewhat Along The Time Frame And What They Are Advocating For Congress To Advance Those Dollars To Have Substantial Repairs Done Sooner Rather Than Later.

Next Week You Meet?

Next Thursday.

They Will Make A Full Presentation To You On Though Thoughts On The Excavating And Why They Are Not Doing That.

If I Could, I Appreciate The Update, Commissioner Hall.

What Concerns Me Is Someone Must Have Muddied The Waters.

In No Way Was There An Indication They Were Requesting A Two Mile Breech Of The Dike As A Spill Way.

What Had Been Discussed Was To Provide A Spillway Which Is Obviously Critical Importance With Having A Dam, Dike Impoundment And Provide A Broad Flowway Through A Portion Of The E.A.A.

But Pleased To Hear The Corps Is Interested In Looking At A Flow Way.

We Have Not Abandoned The Southern Flow Way, We Have Abandoned The Spillage, It's Not Working But I Think He Will Give A Full Presentation And Make Next Week You Can Give Us An Update.

I Specifically Asked Him.

Board Asked To Draft A Letter To Send To The Corps Requesting A Written Copy Of Their Cost Benefit Analysis With Regards To Considering The Southern Flow Way, Has That Letter Been Sent Yet?

I Don't Know.

Then It Needs To.

Thank You.

Dennis May Have Those Numbers For You.

Is That It?

That's It.

Under That Item, I Feel Compelled To Share Some Thoughts.

I Don't Believe We Will See A Southern Flow Way Until The East-West Holes Are Plugged Up Or Made Smaller.

In Other Words If We Don't Find A Way To Put Resistance On Those Who Have The Authority To Make The Southern Flow Way Happen Which Would Be Our Federal And State Elected Officials We Aren't Likely To See A Southern Flow Way, Anything Close To What We Need In Order To Protect Our Estuaries.

That Is The Basis Of My Argument For Pursuing This.

Thank You.

We Will Proceed Now With Committee Appointments.

Commissioner Bigelow?

Thank You, I Have Two, Cindy Bear To The Eagle Technical Advisory Commitment, New Appointment Of Gilbert To Alabama Grove Streetlighting, Replacing Dorothy Quorker.

Ayes Have It, So Ordered.

Commissioner Judah?

Russell Smith To Special Improvement Unit, Bob Maston, John Stall To Garden Lighting, And Steve To Human Council.

Ayes Have It, So Ordered.

Commissioner Mann?

None.

And None.

I Have A Couple, One Is Reappointment Of Ms. Dayle Adler To Human Services Council And Fitzgerald To The Historic Preservation Board.

So Moved.

All In Favor?

Opposed?

Ayes Have It, So Ordered.

County Manager?

Nothing Mr. Chairman.

And County Attorney?

Mr. Chairman, Andrea Would Like To Introduce Our Summer Intern.

Behind Me Is Justin Stockman.

He Is A First Year Law Student At Cumberland Law School, A Local Person Here, His Father Is A Local Attorney, Bill Stockman.

Birmingham Alabama.

Cumberland Was Originally In The State Of Tennessee, At One Time There Were More Congressman Elected From Cumberland Law School Than Any Other Law School In America.

And Where Frank Mann Graduated.

Thank You, Hope You Enjoy Your Experience.

Any Other Business?

Yes, I Would Like To Wish Campbell Well, It Was A Pleasure Having You Here This Morning.

As You Can See Democracy Involves A Lot Of Spirited Discussion.

We Are Pleased To Have Somebody Who Knows When To Talk.

Good To Have You Here.

No Further Business, We Stand Adjourned.

Thank You.