

August 11, 2009

Chairman Judah: Hello, Everyone.

Nice To Have You Here In Attendance And Get Started With The August 11 Board Meeting.

For Those Listening In, We'll Welcome Them In.

We'll Start Off With The Invocation, Pastor Jorge Azevedo With The Grace United Methodist Church.

Good Morning.

Let's Pray.

Loving God, We Would Declare On This Beautiful Morning The Psalm That The Psalmist Taught Us To Shout For The Lord All The Earth And Worship With Gladness.

Come Before Him With Joyful Songs And Know That The Lord Is God.

He Made Us And We Are His, We Are His People, The Sheep Of His Pasture.

Enter His Gates With Thanksgiving And Courts With Praise And Praise His Name For His Love Is Good.

His Faithfulness Continues In All Generations.

We Acknowledge We Are Dependent On You.

Our Wisdom Is Limited In Light Of The Needs Of The People We Lead And Serve And Acknowledge That Our Capacities Are Inadequate For The Challenges That We Face.

Ours Is A Community Where Unemployment Looms And Rages, Hope Scatters And Your People Are Restless.

And Yet You Alone Hold The Answers To Our Ills.

For In You Alone Do We Find Our Hope And Our Help.

Mindful Of Those Words Given Us That It Takes A Steady Hand To Hold A Full Cup.

You, God, Have Given To Us As Community Leaders A Very Full Cup.

Help Us To Do Our Work Well Mindful We Serve All Those In Lee County, Not Just The Wealthy And Powerful But Also The Poor And Addictive And Broken And Elderly And Mentally Ill.

We Acknowledge We Need Your Divine Guidance.

Help Us To Make Decisions Today That Help Your People And That Honor You.

And Grant The Illumination From Your Spirit As We Discuss And Debate The Work Before Us On This Day.

And When The Day Is Over, May We Be Able To Find Comfort In Doing That We Did Your Bidding As Best We Know How.

We Do This In Christ Name.

Amen.

Chairman Judah: If You Could Please Remain Standing.

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

Chairman Judah: Thank You, Pastor.

Okay.

A Couple Of Ceremonial Presentations.

The First One To Be Read By Commissioner Bigelow Presenting The National Community Health Centers Week.

Comm. Bigelow: The Unsung Hero.

Yes, Please.

Bring One And All.

Good Morning.

Chairman Judah: A Great Team Here.

When You're Through I'll Tell You Who They All Are.

Comm. Bigelow: Good To Have You Back.

Mr. Chairman, Once Again We Are Blessed To Recognize During National Health Center Week, Family Health Centers Work Here In Lee County And Hopefully See More Of That A The Need, As The Reverend Outlined For Us Very Much Still Present And Out There To Be Addressed.

Health Centers Of Southwest Florida, Inc.

Is A Not For Profit Organization That Provided Quality Comprehensive Primary Healthcare To The Medically Underserved Of Lee County For More Than 45 Years.

And 12 Family Health Centers 14 Medical And Dental Offices Are Located In Lee County And Whereas Family Health Centers Made Affordable Healthcare Services Available To 60,136 Residents Of Southwest Florida During 2008 With More Than 27,000 Of Those Individuals Lacking Insurance Coverage.

And Whereas Family Health Centers Continues To Expand Services To The Medically Needed People And Continues To Target Patients With Diabetes, Breast And Cervical Cancer And Cardiovascular Problems And Providing Almost 204,000 Total Patient Visits In 2008.

204,000 Total Patients.

Wow.

To Individuals Regardless Of Their Insurance Status Or Ability To Pay And Contributing To The Overall Economic Vitality To The Community By Employing Approximately 250 Staff.

Be It Resolved By The Board County Commissioners We Proclaim August 9 As Community Health Centers Week And Recognize The Importance Of Community Health Services In Safe Guarding Health And Approve The Quality Of Life.

This Dually Executed This August 112009 Signed By The Board Of Commissioners.

Thank You.

[Applause] .

If Everyone Would Come Forward, We'll Do A Photo Op.

Good Morning.

Thank You For Being Here.

Thank You.

Good Morning.

You're About To Retire.

Six More Weeks.

Glad To Have You Back Again.

How Are You.

Good To Have You.

Thank You.

I Would Love To Speak To You All And Thank You For Addressing Community Health Center Week.

And I Do Want To Let You Know Who All Of These People Are.

You Know Most Of Them, Sharon Thompson Who Is Our Immediate Pastor Of The Board.

Her Brother Ken Thompson Who Is Now The Current Chairman.

And Let's See, Roger Ward Who Is Senior Vice President And Does Operations And Just About Anything We Can Get Him To Do.

And Terry, Assistant Vice President Of Administrative Services.

She Helps Take Care Of Me And We Have Dr. Jorge Who Is The Chief Medical Officer.

Is This Everybody? .

Dr. Frank Mazio Who Is President And C.E.O. To Be In A Few Weeks.

And Frank Has Been With Us, Dr. Mazio Has Been With Us 10 Years So He Has A Lot Of Experience Where We Need To Be Right Now And Things Are Changing.

I Didn't Think They Would Change So Rapidly, But In The Last Couple Of Months And I Am Told Today I'll Be Sending Miss Holly A Record Of Our Stimulus Money.

We Opened A Little Place But Able To Put Dental And Move To Larger Places For Our Adult And Pediatric Medicine.

The Building, Right When You Come In.

Can't Think Of The Name Of It.

Sunshine Plaza.

We'll Be Right On The Road Coming In.

We Do Plan To Renovate Our Downtown Place.

We've Been In There Since Many Of You Thought Was Brand New In '92.

A Lot Of Traffic Goes Through That Place Every Day.

Some Pipes Exploded Recently And We Had To Do One Building All Over.

We Hope Some Day To Be In Another Place.

So Anyway, I'll Be Leaving And Probably Physically Out Of There In Six Weeks So Most Say I Might Have Been Out Of There For A While.

It's A Busy, Busy Place.

Our Company Is And As I Listen To What The Preacher Prayed And We Are All Here Together Doing The Things That Need To Be Done And Ask That You Continue To Support Us Because We Know We're Needed And You Know We're Needed And Think Of Ourselves As A Complement To The Medical And Dental Community.

I Want To Brag A Bit We Have Been In Electronic Medical Records For Six Years Including Dental.

So We Are Way Ahead Of A Lot Of Things.

People Would Not Know That But We Are.

We're Into Disease Management Which You Can't Do Unless You Can Pull Up 8 Or 9,000 Diabetics And You Can't Do That Unless You Have Electronic Capabilities.

We Never Lose A Record.

So There Are Some Wonderful Things To Be Said About That.

If Someone Goes To Our Place Like I Do And Most Of Us Do, It's Difficult To Go Somewhere Else Because You Never Have To Take A Prescription With You.

It's There By The Time You Get There Ready To Be Picked Up.

So It's A Wonderful Day And We're Planning Several Different Things With Our Money That's Coming In To Help Us.

You Know We Haven't Had Any In Years.

Now It's Like -- And Why Dr. Mazio Will Be So Good, Not Only Done Dentistry But Venture To Say We Have More Dental Chairs Than Any Community Health Center In The Country.

The Chief Medical Officer Is Also A Pediatrician.

We Now Have Lots Of Pediatricians And Transferred, Changed Some Of Our Pediatric Sites And Reasons For That I Don't Have To Tell You Today.

Anyhow Thank You So Much And I Appreciate You All.

[Applause] .

I Was Born Here.

They'll Carry Me Out.

Chairman Judah: Thank You For Coming This Morning.

Appreciate It.

Thank You, Commissioner Bigelow.

Commissioner Hall, You'll Be Reading The Next? .

Comm. Hall: Thank You.

Is Jim Here? .

Jim, Our Director Of Economic Development.

You Know, I Remember Years And Years Ago When It Started.

Maybe 10 People Show Up For A Appreciation Dinner When The Association Was Running It And The Next Year We Had 15.

And Now Today Harborside And Standing Room Only Event And Goes To Show How Important Economic Development Has Come And Understanding That The Diversity And The Effort We've Put In Every Day Makes A Tremendous Difference.

Before I Read This Resolution I Want To Thank You And Your Team For The Work You've Been Doing Over The Last Year And A Difficult Time.

A Yoeman's Job And Blessed To Have The Character And Quality Of Employees And Yourself On Our Team To Make Sure Lee County Can Diversify And Offer Different Opportunities.

It's My Honor To Read This Resolution Whereas Industry In Lee County Is Vital To The Community's Health And Lee County's Existing Industries Are Key To A Prosperous Future And Whereas Expansion Of Industries Account For The Majority Of New Jobs And Lee County's Industry Helps Sustain A Quality Of Life.

And Public Knowledge By Contributions Made By Industry Is Essential To Maintenance Of Good Industry Relationships.

Now Therefore Be It Resolved That The Board Of County Commissioners Of Lee County Florida Proclaim The Week Of September 14 Through 18 As Industry Precious Week In Lee County Dually Executed This August 11, 2009.

[Applause] .

Thank You.

One, Two, Three.

I'd Like To Say While It's Been A Tough Year, It's Been A Joy.

We Have Had Support In What We Do And That Has Made A Big Difference For The Business Community In These Difficult Times And For The Businesses Trying To Swim Against The Tide.

To Each Of You Thank You For Your Support.

We'll Try To Justify Your Confidence And We Look Forward To Better Times As I Know You Do, Too.

Thank You Very Much.

[Applause] .

Thank You, Commissioner Hall? .

An Informal Presentation From Dr. Ai Ning.

I Don't Know If You Have Backup Support That Will Make Presentation In Addition To Yours Or Be Available To What The Board May Have.

I Will Make The Presentation And We Have Several Scientists And During The Question And Answer We'll Answer Questions You Have.

Chairman Judah: Very Good.

Sound Good? .

Okay.

All Right.

Good Morning, Everyone.

My Name Is Dr. Ai Ning Loh.

Lead Investigator For This Project.

This Project Is Started In May 2008 And A Corroboration Of 12 Students From Fugu, University Of Miami, Oceanography Institution And University Of New Hampshire.

Today I Would Like To Update You On This Two-Year Project Looking At The Nutrients And

Linkages To Nuisance Drift Algae Occurrence.

So Events Like The Ones That Occurred In Sanibel In 2003 And 2008.

The One Shown Here On The Screen From Fort Myers Beach Last July Before This Study.

Southern Florida Has Been One Of The Fastest Growing Areas In The United States Where The Population Has Grown 20 To 30-Fold In 50 Years.

Due To The Development Of This Area And Central Florida, The Watershed Has Increased From The Blue Area Shown Up Here To Include All Of The Kissimmee Watershed And Lake Okeechobee In The Red Area.

To Accommodate This Development, The Watershed Is Highly Managed.

Water Management Practices Include The Interruption Of Flows To The South Over Lake Okeechobee By Water Releases Through The Caloosahatchee River And St.

Lucie River So A Result, Fertilization With Nutrients From Urban And Agricultural Sources Has Become A Problem.

Now Exhibiting Impaired He Can -- Ecological Health.

A Red Tide Bloom Developing At The Leading Edge Of The Plume Following That Discharge.

What Are Some Of The Possible Sources Of Nutrients To The Coast Waters Of Lee County? .

We Know The River Is A Source.

A Hi Potting Sis -- Hypothesis The Gulf Of Mexico Is A Source.

Another Source Is Nutrients Regenerated From Sediments.

These Are Transported To Coastal Waters During The Wet Summer Months From The River And Deposited Off The Coast.

And During The Dry Season When Low Inputs From The River.

The Stored Nutrients And Sediment Become Available For Algae Growth.

The Current Study Takes A Multifaceted Approach To Address The Problem Of Problems Of Nuisance Algae Blooms In Our Coastal Waters.

This Emphasizes Surveys, Analyses And Modeling.

Uses Observations, Predictions And Mapping To Hopefully Allow Us To Detect Early Bloom Conditions If And When They Are Favorable For An Algae Bloom.

To Achieve They Objections, Samples Are Collected At S-77, S-78 And S-79 And Four Sites

Along The Caloosahatchee River And Sites In The Gulf Of Mexico.

Samples Are Collected At Three Artificial Reefs.

If You Want To Turn Around I'll Point On The Map.

Water Management Is Typified By Large Fresh Water Releases During Wet Rainy Months.

They Fresh Water Releases Typically Occur During The Summer And Followed By Storm Water Run Off Resulting In Depressed Salinity.

For The Rest Of This Presentation, I Will Briefly Present Preliminary Findings From Each Of Our Objectives.

Objective One, What Samples Are Collected Monthly.

Samples Are Analyzed For Nut Residents And Phytoplankton.

Used To Determine Which Nutrient Is Limiting Growth, We Want To Know Which It Is.

Concentrations In The Gulf Of Mexico Similar Between Stations And No Differences Near Or Offshore.

However Ammonium Were Highest During The Off Season.

Phytoplankton Concentrations Were Higher During The Wet Season.

We See Similar Patterns In Chlorophyll.

It Doesn't Reset Itself Back, If You Will, To The Offshore Values.

It's High.

It's Higher Than It Normally Would Be Offshore.

Monthly Experiment To Determine The Amount Of Nutrients Are Conducted Using These Microcosm Cores You Can See Here.

If The Commissioners Like To Turn It Around, You Can See It Again.

Collective Sediment In These Tubes And Then We Look At The Nutrients Coming Out Of Sediment.

We Take The Water Out Of These Cores Over A Period Of Four Hours And We Look At The Change In Nutrient Changes And That Is Our Flux.

We Contemplate A Daily Flux Using The Core Tubes.

For Data, For Results From Some Of These Experiments With The Expectation Of

Ammonium, Similar Between Stations And Seasons.

Ammonium Fluxes Were Highest During June And September Of 2008.

Objective Three Is Looking At Groundwater Fluxes Using A Radon Tracer And Found Groundwater Fluxes To The Estuary Was Important During The Dry Season.

We Are Currently Using Three Methods For Surveying And Sampling Macro Algae.

These Are Underwater Video And Diver Surveys.

Depending On The Method, The Sample Area Detail Is Enhanced.

Currently Using The Hydro Acoustic And Underwater Video, We Are Able To Classify Habitats Based On Depth And Distance From Shore.

These Determine Algae Growth Potential.

Sampling Of Macro Algae Done At All The Gulf Of Mexico Sites Bimonthly.

Today We Have Identified 50 Species Of Algae Of Which The Branching Red Algae I'm Showing Here.

In June 2008 The Greatest Found Offshore.

By January 2009, The Greatest Biomass And Diversity Found In Show.

This, However, Did Not Correspond With The Wet Season.

However, Peak Productivity Measured Did Not Occur During Maximum Life Availability Which Is What You Would Expect During The Dry Season.

Monthly Beach Surveys And Event Response Are Conducted.

The Amount Of Algae Present Is Estimated And Specimens Collected For Identification.

During A Period, This One-Year Period So Far We Had Three Events.

One In Fort Myers Beach July 2008.

One An Event In March 2009 And A Fairly Recent One In July 2009 On Sanibel Island.

We're Conducting Experiments In The Field To See How Long It Takes This Stuff To Grade Away And The Lab To Look At What Nutrients Are Released During The Degradation.

We Are Developing A Hydrodynamic Transport Model For The Area And This Shows The Grid That Has Been Developed For The Study Area.

In Summary, We Found That Ammonium Inputs To The Estuary And Surrounding Waters

May Be Important Specifically During Wet Season.

Sediment Input And Groundwater Inputs During The Ground Season.

High Phytoplankton Found Near Shower With Microalgae More Persistent.

High Micro Algae Mass Activity Inshore During The Dry Season And Species Different From Those Found In The Gulf Of Mexico.

Okay.

This Is A Little Busy But Shows A Timeline Of Each Of Our Objectives And Where We Are With Respect To The Study And What Is Left To Do.

The Red Color Refers To Field Work We Are Doing, Green To Lab Or Fuel Experiments And Blue Is Lab Analysis And Reporting.

So We're On Track To Finishing Our Field And Lab Work And Giving The Final Report Next August.

So A Year From This Month We Will Be Back Hopefully With Some Ideas As To Where This Steady Has Taken Us.

We Would Like To Thank The Funding Partners, This Lee County Board Of Commissioners, City Of Sanibel, West Coast Navigational District And Council, Especially The Staff Of Department And Divisions Of Natural Resources In The County And The City.

We Are Grateful For The Hard Work Of Scientific Staff And Also This Project Has Provided Several Opportunities For Internships And Research Projects To Fgcu Marine Science And Environmental Studies And Chemistry Students.

Right Now I'd Like To Introduce You To The Scientists Here With Me.

Dr. Larry Brand From The University Of Miami.

Dr. Michael Parsons From Florida Gulf Coast University.

Dr. Everett From Sanibel Captiva Conservation Foundation.

And Dave From Fgcu.

Anybody Else Here? .

I Think That's It.

If You Have Questions, Happy To Take It Now.

Chairman Judah: Questions Of Dr. Loh? .

Comm. Mann: You're Not Willing To Risk Any Conclusions At This Point, Preferring To Let This Whole Thing Play Out.

Anything We Could Be Doing Differently A County In Terms Of Policy Relating To Our Water Usage? .

You're Ready To Say Now? .

No.

Comm. Mann: Thought I Would Give You A Chance.

The Reason I Say That Is Because We've Had A Dry Year This Year So Accept For -- If You Look At That Flow Chart That I Showed In The Beginning Of The Talk, We've Only Had The One Mainly Release And That Was Because Of Tropical Storm Fay.

We've Been Dry.

I Wouldn't Say This Is A Typical Year So I'd Like To See What The Next Year Brings.

We Would All Like To See What The Next Year Brings Before We Come To Any Conclusion.

Comm. Mann: I Understand.

Just Hoping To Maybe Get A Little Early Release Here.

Chairman Judah: Another Question? .

Comm. Hall: I Want To Say Your Analysis Of The Nutrients Coming Into The River Are Indicative, The Ordinance Does Try To Regulate A Little Bit Of People Doing Better Recognizing When They Are Near Water Bodies, The Impact It Will Have And Maybe Help It Even Though We're In A Dry Year To See What The Wet Years Come.

How Much That Will Be Impacting Now People Have Two Or Three Years Under Their Belt Of Trying To Monitor And The Awareness Of What It Does And How It Impacts Our Water Bodies.

That Will Be Interesting To See Things Like That.

It Will Be Interesting Now That Lee County Has This Fertilizer Ordinance To See If There Is First Year Versus The Second Year.

Great If We Can See That Difference.

Chairman Judah: Can You Go Back To The Photograph There When You Had The Algae On The Beaches.

Right There More Of A Beneficial Productive -- Allowing For The Ecology In The Area.

The One On The Far Left Is Drift Algae.

Sounds Like Two Algae.

I Don't See Too Alarmed.

Maybe You Can Elaborate.

Looks Trying To Depict A Comparison.

Jump In Here Because This Is, These Were His Pictures And Also The Event Response But Wasn't Willing To Show A Comparison, Just To Say We Had They Events.

Right? .

Commissioner Judah, I Wanted To Include All Of These.

Sometimes The People Are Not Prepared To Make These Distinctions.

The People We Ran Into While We Were Collecting Samples Had Questions, Is It A Problem.

How Long Will It Last.

A Problem To Go In The Water.

Chairman Judah: One Is Much More Beneficial Than The Other And Much More Natural.

You're Absolutely Right.

I Hope That Report Does A Clearer Job Of Making Distinctions Between The Kinds Of Algae On The Beach And What The Implications May Be.

Chairman Judah: Appreciate That.

I Want To Add We Do Try To Identify The Species Stranded On A Beach.

At Each Event We Look At That.

Chairman Judah: Abnormal Situation, Natural Algae Actually Beneficial Occurs.

Absolutely.

We Just Didn't -- The Way I Think About My Part Of The Scope Of Had Work Is When Material Comes Up On The Beach, It's My Responsibility To Find Out What's There, How Long It Lasts And Where It Goes As It Decomposes.

We Are Not Prepared To Say The One On The Left Is A Problem And The One On The Right Is Not So We'll Ignore It.

Chairman Judah: It's Been Instrumental Bringing To Our Attention, The Action On The Gulf Of Mexico That They Do On The Atlantic And Because Of That, Developed Sediment.

You Did Do The Analysis On The Sediment That Indicates Sometimes We'll Have, Because Of The Net Nutrients Trapped During The Dry Season Have Problems With Algae Build-Up.

Maybe You Can Comment On That To Some Extent? .

The Atlantic Ocean And Gulf Of Mexico And How We Are More Vulnerable During The Wet Season? .

Well, I'm Not An Expert On Ocean Circulation But If You Look At, Let Me Go Back To The Side.

The Site Is If You Go Back To The -- Let Me Go Back To The Map So You Can Have An Idea Where These Sites Are.

We Run They Experiments Every Two Months So We Have A Nice Long-Term, Two Years Worth Of Data.

So The Site Is Here And This Is The San Carlos Base Site Inside.

If You Look At The Data Look At The Ammonia Coming Out.

This Has 100 Times More Coming Out Of It.

And San Carlos Bay, The Negative Fluxes If It's Negative It Means That The Sediment Is Taking Up The Nutrients.

How Is It Doing That? .

That's How The Negative Flux Happens.

On The Site There Is Quite A Bit Of Coming Out.

Whether It Gets Trained Or Trapped In There, Our Transfer Model Will Be Able To Tell Us Better About Where That Water Is Going Taking The Nutrients With It.

Chairman Judah: Okay.

Anything? .

Comm. Bigelow: I Appreciate This Midterm Report.

I Think That In A Year, We're Going To Know What A Snapshot In Time Looks Like, Correct? .

Correct.

Comm. Bigelow: We're Not Going To Have Background Information To Compare It To, Right? .

We'll Only Know What We Have Got.

Here's Where The System Functions Optimally, Right? .

We'll For What We've Got.

We'll Know What A Drought Year Looks Like And If We Get Lots Of Rain, We'll Know What A Wet Year Looks Like.

I'm Hoping For Rain And A Good Comparison Of A Dry And A Wet Year And Give Us A Ballpark.

Had We Have A Wet Year With High Flows And This Amount Of Sediment, This Amount Of Nutrients These Are The Conditions We'll See.

Where We Know? .

Not Exactly But We Can Postulate And Some Historical Data With Respect To Nutrient Imputes.

I've Been Studying The River Five Years And, In Addition To This One Year's Worth Of Data And Before That.

There Is Data Out There, Different People Working In The Area.

Comm. Bigelow: For Us And The County At Large, People Most Concerned With This, Tourist Industry Just To Name One, We Want To Know How To Make This Right.

How Will We Measure Where We Are To Where We Should Be.

The \$60,000 Question And How Might We Figure Out What A Viable Function Is To What The System Should Look Like.

Will We Have A Shot At Knowing That? .

Is Greg Going To Tell Us.

For The Record, My Answer To The Question Will Be Yes.

Comm. Bigelow: You Will.

That's What You're Paying Us For.

We Can Say If You Want The Conditions, Low Chlorophyll, Healthy Beaches, Then Don't Do This, This, This.

If You Want These Other Things To Happen, Then They Conditions Had Cause These Things To Happen.

Should Be Able To Tell You That.

Comm. Bigelow: Good.

We'll Have A Before System.

I Wouldn't Say A Before But A Good Versus Possibly Bad.

Comm. Bigelow: Excellent.

And You're In A Position Where You're Trying Not To Describe That Algae On The Beach As Bad Algae.

Right.

I Think If You Did Not Grow Up On The Beach And Know That Some Algae Is Better Than Others You'll Think It's All Bad.

And People That Do Come To Visit Us, They Are Looking For A Unique Environment, An Environment They Are Not Used To Having.

Why They Came Here For Vacation.

So They Don't Know And Our Job Is To Educate In Addition To Finding Correlations.

Comm. Bigelow: Look Forward To That.

I Look Forward To It, Too.

Comm. Hall: I Wanted To Comment That I Think The Education Part Is Critical.

We Saw That When We Were Advocating For The Releases, The Environmental Releases And Got A Lot Of Very Emotional E-Mails From Folks Saying Why Are You Advocating For Releases.

This Is Terrible And Even People That We Count On To Help Make The Decisions Were Working Against Us.

It Desperately Needed That Fresh Water.

Understanding The Environment And The Rationale Of What Is Good And Bad And Letting People Know That Difference Is Critical.

People Thought All Releases Are Bad.

That Balance Is So Critical.

Educating On What Is Algae That Is A Natural Phenomenon That Is Healthy For The Environment And What Mother Nature Is Doing And What Is Really Effective, As You Said, If You Do These Things, These Are The Things That Happen Within Your Control And Manmade Not Nature Phenomenon So That Process Is Extremely Important That We Get That Out.

Chairman Judah: Very True.

I Want To Follow Up, If You Don't Mind.

Saying The Release From Lake Okeechobee Are Organic.

You Have Organisms In The Sediment Taking The Nutrients And Assimilating Them And Releasing As Inorganic, Can You Tie That Together? .

You Have Organic And Inorganic Out Of Lake Okeechobee.

That's A Complex Question And Doing Bioassays.

This Material Comes Down, A Lot Of The Organic Material Does End Up In The Sediments And Organisms Can Convert Some Of That Organic Nutrients Making More Of It Available To The Algae.

So As Recycling Of The Nutrients, Much Of It Does End Up Available To The Algae.

Comm. Bigelow: Less In Circulation You Get That Build-Up, Releasing More Inorganics.

Two Things.

East Coast Versus West Coast Comparison There.

The Issue There Is East Coast You Have A Narrow Shelf.

The Gulf Stream Flushes, A Lot Of Nutrients But They Get Flushed Away Quickly.

On The West Coast A Continental Shelf Over 100 Miles Wide.

Research We Have Done Recently Holding This Water In.

It Doesn't Get Flushed Out Easily.

All The Nutrients Off The Land Tend To Be Held There By What We Call Transport Barrier.

You Hang On The Nutrients And Builds Up In The Sediments And Released Again.

Chairman Judah: I'd Like To See More On The Findings.

I Think That's An Important Point.

Thank You.

I Think The Sediment And Hydrologic Transport Model Will Tell Us Where The Sediment Is Settling And Where It's Going.

Chairman Judah: Very Good.

You Did Wonderful.

Thank You To You And Your Team.

Any Other Questions? .

Appreciate It.

Thank You All Very Much.

Thank You.

I Do Not Have A Recap Sheet.

Nothing To Recap? .

Wow.

That's A First.

Okay.

We'll Go To Public -- Hey.

You Can Bring It.

Thank You Very Much.

We'll Go Ahead And Get Started With Public Comments.

First Is Carl.

Carl Here? .

Hi, Carl.

A New Look.

Let Me See.

It Should Be.

Thank You.

Carl Good Morning.

For The Record My Name Is Carl.

I'm Here To Address You On The Settlement With Lee County.

I Feel That This At This Time Has Not Been Adequately Discussed With The People In East Lee County Particularly In Alva.

I Think There Should Be A Public Hearing Or A Meeting With The People And Look Forward To The Settle Occurs.

The Settlement Does Not Adjust Jim English's Objections Or He Would Not Have This Lawsuit.

Logically.

The East-West Highway Has Not Been Put In Place And Hear It Might Bisect Some 20-20 Parcel Land And That Might Necessitate A Lawsuit.

This Wasn't Publicized In The Media To My Knowledge.

I Haven't Seen Much In The News.

I Wish I Had Gotten A Better Handle Of It And Think It Needs To Be Addressed Before This Lawsuit Can Be Covered.

I Think They Did A Poor Job There.

The Panthers Issue.

I Don't Know If This Is Covered But I Have A Hearing.

Jim English Has It About His Concerns And Several Others With Concerns, They'll Have A Hear On It And Like To See That Hearing.

The Corps Of Engineers Has Not Approved This Project And We Don't Know What's Going To Happen There.

We Need To Go Slow There.

I See My Yellow Light Is On.

Those Are Some Of My Concerns.

I Think We Need To Go Slow.

I Don't Think This Should Be Done At This Time Because Of The Many Questions Like Light Rail.

What's Going To Happen With Light Rain.

Condemnation And Things Of This Nature Not Accord -- Covered.

I Feel Again Go Slow.

Not Approve It Now Until A Lot More Questions Are Answered.

Saying That, I'd Like To Tell You Why I Cut My Hair.

I Am In American Legion Post 90.

Excuse Me, American Post 38 And Celebrating Our 90th Birthday And Wanted Us In Uniform So I Had To Get The Hair Off The Ear And Why I Cut My Hair.

The Troops At The American Legion Post Will Be On September 5 From 12:00 To 5:00 P.M.

All Veterans Are Encouraged To Come And You People, Too.

There Will Be Numerous Vendors Showing Benefits For Veterans.

And To Meet Our New Commander I Think You Know Is Black.

Come Out And See Us Especially Colonel Janes.

Chairman Judah: Thank You, Carl.

Good Morning, Jim.

Good Morning.

My Name Is Jim Here On Behalf Of Babcock Property Holdings, One Of The Parties To The Settlement Item.

On Babcock, The President Is Here Along With Several Other People Here Primarily To Respond To Questions That Might Come Up Where You Need Our Response.

You Can Imagine After 15 Months Of Negotiating, I Do Have A Few General Conclusions And Maybe I'll Just Offer Those Now And If You Have Questions Later When The Item Comes Up We Are Here To Try To Answer Them.

Bev Been At This 15 Months.

It's A Long Time.

I Think The Negotiations Have Been Conducted On Good Faith On Everything's Side.

Very Intense.

Every Word Has Been Looked At And Relooked At A Number Of Times.

In The Best We All Can Do With Regard To A Settlement Agreement.

No Agreement Can Contemplate Every Nuance And Situation That Might Arise In The Future Somewhere.

We've Done As Well As We Can Do All Of Us Together Here.

I Think It Is Important To Remember That This Is The Settlement Of A Lawsuit That Was Filed Under A Particular Statute That Simply Challenged The Consistency Of The Deal Development Order With The Charlotte County Comprehensive Plan.

This Is Not About Consistency With The Lee Comprehensive Plan.

It's Not About All Of Many Issues That May Come Up Through The Development Of This Project.

A Number Of Other Forums Where The Issues Will Come Up And Parties Have An Opportunity To Raise Those Issues Such As, For Example, In The Incremental Order Process Itself And Particularly In The Water Management District Process.

Mr. English, For Example Is Participating In That A Well As Others Are.

So We Think This Is A Good Resolution.

I Believe The County Gets Far More Out Of This Settlement In This Lawsuit Than They Would Even If You Won Everything In The Lawsuit.

So I Would Hope You Would Take That Into Account.

This Project Has A Long Way To Go.

Many More Opportunities To Discuss A Lot Of The Rules Detailed Substance Of Issues And Hope You Will Support The Settlement.

And Again, If You Need Information From Us Later, We Are Here To Do That.

Chairman Judah: Mel Followed By Tommy.

Good Morning, Mel.

Good Morning, Sir.

Jim English Turned In A Card If It Turns Out He Is, If I Go Over He Is Agreeable.

Chairman Judah: Thank You.

Appreciate It.

Good Morning, Commissioners.

Am I Able To Proceed, Sir? .

Appreciate It.

Chairman Judah: Okay, Sir.

Thank You.

Good Morning, Commissioners.

Nice To Be Here Today.

I Represent Jim English Over Water Issues In The Northeast Part Of The County And Had The Occasion To Work With Mr. Owen.

Respectively I'm Here Disagreeing With Him In That I Do Not Believe This Is Good For The County To Enter Into.

I Write Settlement Agreements And Review Settlement Great R Agreements.

One Of The Primary Objectives Is It Binds Both Sides To Whatever Agreements It Is Made And Written So You Can't Have Different Interpretations That Can Lead To Further Litigation And This Agreement Has Issues In All Of Those Areas.

First It Says That There's Going To Be Studies Done Including A Study Of Natural Conditions.

This Is A Good Thing And Something That County Wants.

It Doesn't Clear When The Studies Have To Be Completed.

It Doesn't Clear What Happens If The Studies Aren't Done And Isn't Clear They Have To Be Used For Any Purpose.

A Statement Of Possible Uses But No Requirements.

I Was Before The Regional Planning Council In November Of '07 Where The Developer Made Commitments To The Council To Do A Natural Commission Suicide There.

To My Knowledge That Has Not Been Done And The Developer Has Gone Ahead With The Project So We Would Like To See The Agreement Specify This Must Be Done.

There Is Language Particularly On Page 7 And 8 Of The Agreement Which Seem To Provide For Some Sort Of Cost Benefit Analysis Relative To Corrections Or Changes, But It Is Not Clear To Me In The Agreement Who Gets To Decide Whether Or Not We Do A Cost Benefit Analysis, Whose Costs Are Consider And Whose Benefits Are Considered.

The Developer Has A Plan Here.

The Cost Of Making No Changes To The Plan Is Zero.

If The Developer Gets To Decide Whether Or Not Cost Benefits Indicate No Changes To The Plan Despite What The Study Says, I Think You Essentially Have A Complete Out For The Developer In Terms Of Making Changes That Would Be Beneficial To Downstream Property Owners In Lee County.

I Would Like To See That Removed Or Clarified, At Least.

Third Concern, You're Going To Have They Studies Done.

One Is Natural Conditions.

But The Agreement Does Not Say What Period Of Time Constitutes Natural Conditions.

And That Would Be A Fertile Area For Dispute Down The Road.

If You're Going To Have A Natural Condition Study It Should Be What We Are Talking About.

In The Agreement They Refer To Old Manmade Structures Which Affected Water In The Area.

Perhaps The Agreement Could Be The Natural Conditions Are Before The Structures Are In Place But You Are Leaving Yourself Into Further Dispute.

Chairman Judah: If You Could Wrap Up, Please.

Yes, Sir.

This Is Something Lee County Wants.

Something Lee County Needs.

I Think Lee County Ought To Be The Entity Selecting Who Does The Study Directing That Study And The Criteria And Who They Should Report To.

The Study Should Be Fair, Should Be Impartial And Done By Someone That Doesn't Have A Connection To Developer Or Vested Stake In The Outcome.

The Developer Can Fund It, They Are Doing So Anyway, But If They Are Selected By The Developer And Reporting To The Developer, There Has To Be Concern By The Other People

In The Area As To Whether The Results Are Fair And Impartial So Ask The Agreement Be Rewritten To Lee County Picks Who Does It And Gives Their Marching Orders.

Chairman Judah: Thank You, Mel.

Tommy Perry Followed By James English, Jr.

Third.

My Name Is Tommy Perry, Professional Engineer Employed By Mr. English Representing Several Years With Matters Of Water In His Area Of The County.

The Proposed Settlement With The County Shows Several Basins Included In The Water Management Study.

The Basins At The Lee County Line Well Documented By Several Studies Conducted By The Water District And Others A Great Amount Of Water That Flows Into The Branch In The Current Condition.

That Is Outside The Study Parameters And Strongly Feel If You Don't Include The Waters Flowing Into The County, You'll Miss A Great Cause Of Flooding Had The County And Greatly Compacts The Outcome.

We Believe The Branch Should Be Included In The Study Boundary Of The Basins.

The Natural Conditions Opinion, It's My Opinion It Should Be In An Undisturbed And Native State.

That's Terminology Used And Feel If You Study The Basins As They Are Today, A Direction From Water From One Basin To Another.

Diversion Of Water.

Acceleration Due Canals And Have To Get Back To That Undisturbed Native State So We Can See What The Impacts Have Been In The Past Development And The Impact On The Future Is.

Last Thing I Would Say And Trying To Keep My Comments Brief, The Cost Benefit Analysis Is Difficult For Me To Define As An Engineer Looking At The Settlement.

I Can Tell You The Costs Impacting My Client Today And No Benefit To Seeing Those Impacts Continue Into The Future Worsen For My Client.

We Are Greatly Concerned That Could Occur.

Thank You.

Chairman Judah: Thank You, Tommy.

Mr. English Followed By Emmy Boyd.

Thank You.

Thank You Very Much.

I'm Jim English And It's Troubling To Me And To Some Of The Other People I Represent In The Family That We're Down Here Having To Oppose The County In This Matter.

We Indicated In The Past We'd Like To Work With The County On This Because The County Is Dealing With The Same Problem.

To This Point I Don't Feel Like We've Been Allowed To Do That.

We Have One Legal Action Filed Against The County And If This Proceeds On The Basis Of This Settlement Agreement There Will Be At Least One More Legal Action Against The County.

And We Think It's Regrettable That We As Taxpayers And Voters And Citizens And Landowners Here In The County Have To Disagree Legally With The County When You Ought To Be On Our Side Instead On The Side Of They Out Of Town Land Developers.

We Would Appreciate If You Would Consider This Thing Further Before You Settle It.

In My Opinion As A Citizen And A Lehman, I Think The County Would Be Better Off, The Suit Dismissed Without Prejudice So You Have Your Options Open Later And Tie Yourself Up In The Matter You're Going To Get Tied Up With This Settlement Agreement.

Thank You Very Much.

Chairman Judah: Thank You, Jim.

Ellie Boyd Followed By Karen.

Good Morning, Ellie.

Great To See Nu The Commission Chambers This Morning.

I Have Trouble Hearing In The Back Of The Room.

I'm Here Responding The Responsible Coalition.

Dave Uric Our Transportation Coordinator Was Supposed To Be Representing Us This Morning But His Wife Just Had Hip Replacement Surgery And He Needs To Be With Her.

So Here I Am And I'm No Expert On Transportation.

In Addition My Computer Has Been Down For A Month.

Good Old Satellite System And I Haven't Heard From Them So I Sat All Day Yesterday When I Got My D.S.L.

Trying To Get Caught Up With This.

You Should Each Have Received Yesterday A Letter From Dave Uric Stating Our Position Regarding To The Settlement Agreement, Concerned The Real Cost To Lee County Of Proceeding Are Not Yet Known.

We Don't Know Where The Exit Will Be For A New East-West Corridor For A Connection To Link Up With Interstate 275.

And Without The Cost It's Impossible To Know The Cost.

Surely Lee County Will Get The Greatest Benefit From This Procedure Going Forward Because They Will Be Getting An Increase In Real Estate Property Taxes And Lee County Has The Brunt Of This Action In All The Problems With Providing The Infrastructure, The Roads.

I Have Not Much More To Say Accept We Hope You Will Proceed Slowly On This As I Think Mr. English Has Said And We Hope That You Will Not Proceed Until The Real Tax Dollars To The Taxpayers Are Known And We Ask You To Defer Any Action On This.

And I Thank You For Your Time.

Chairman Judah: Thank You, Ellie.

Karen Followed By Steven.

Good Morning.

Thank You.

Hi, My Name Is Karen From Bay Shore For The Record.

Two Weeks Ago I Saw The Map You Have In Front Of You, The Suitable Panther Habitat Which Represents The Area Where Babcock, Bay Shore, Alba And Southern Charlotte County Is.

It's Wetlands Rural Panther Habitat And One Of The Reasons Why This Lawsuit Has Occurred Is Because Putting This City In The Middle Of These Areas Zoned Wetland And Rural For Specific Reasons, Water Storage, Aquafer Recharge, Production, The Need Is Not There.

And As Far As Dealing With This Entity, I Have Not Found Them To Be Forthright With A Lot Of Things.

I Was The One Who Instigated A Meeting Between Partners And Bay Shore.

Still Lots Of Questions I Have That No One Will Answer.

What I Found Day Before Yesterday, I've Had Two Hours Of Sleep In The Past 48 So I Don't Know When I Found It.

It's On The Top Of The E-Mail.

I Found This Letter I Had Gotten Last Year From Dina And Steven Webb Had Written It With My Concerns About The East-West Corridor.

We Have Been Told Multiple Meetings, The County Council, That There Is No Decision Yet On This Road.

But Yet I Found Under The Water Management Application For The Ranch Under -- The Word Is Escaping Me Now.

But The Roads Around The Development -- I Don't Know I Can't Remember The Word.

Anyway, It Includes 7431 State Road 78 To The East And The West.

If You Look At The Aerial, It's The Study Includes Grade Park And Pop Ash Creek Preserve And No One Said A Word.

Everyone Keeps Denying That They Know Where This Corridor Is Going To Be And Granted In The Part Of The Study But Does Have Johnson Engineering's Logo At The Bottom.

It Is Engineering Work.

I Wish People Would Be More Fortright And Open With This Process And Let's Know What Our Future Holds.

If This Is Kind Of Behavior Coming Out Of This, I Recommend You Wait To Settle Until We Have All The Facts On The Table.

Thank You.

Chairman Judah: Thanks, Karen.

Steven Bellkin Followed By Steven.

Good Morning, My Name Is Steven Bradkin.

I've Lived In The Community For Over 30 Years And Currently President Of Concerned Citizens Bay Shore Community.

I Want To Thank Everyone In Lee County Government Involved In Preparing The Lawsuit But I Don't Believe It Gets Us Where We Need To Be.

Nothing Prevents Bay Shore From Being Paved Over.

We Need An Agreement Can With The Bay Shore Community Plan.

The Staff Report Proposes Lee County View A Priority The East-West Connector Roadway And Road Improvements That Will Minimize Road Impact For Lee County.

I Don't Think This Is Sufficient Because T Not Part Of The Settlement.

Also It Does Not State That East-West Connector Will Be In Charlotte County.

In The Settlement Agreement Under Miscellaneous Number 12 It States This Agreement Contains The Entire Agreement Between The Parties And No Written Insurance Or Province.

And Not Binding Unless Included In The Document.

Nothing In The Document About East-West Connector.

The Settlement Agreement Should Set As A Goal That Charlotte County Will Handle The Bulk Of The Traffic Generated By The Babcock Development And This Can Be Achieved By An East-West Connector Road In Charlotte County To U.S. 41 And I-75.

It Can Be Designed To Allow For Future Light Rail.

This Will Lessen The Burden On State Road 31 And Prevent Bay Shore From Being Paved Over.

I Believe This Should Be A Top Priority.

I Feel That Representatives Of The Babcock Development Have Been Disingenuous In Their Representation Of Plans.

They Said They Would Not Pave Over Bay Shore.

But In The Plan Submitted To The L.P.A., They Show State Road 31 Up To 10 Lanes And State Road 78 Up To Eight Lanes.

Show An East-West Connector Of Four Lanes In Phase Four Of The Development Which Is The Last Phase.

It's My Understanding That The Application From Babcock Currently Before Water Management District Shows The East-West Corridor Road Along Or About A Quarter Mile From Lee County And No Plans For A East-West Connector Road.

Statements About Not Paving Over Bay Shore Disingenuous.

And Submitted A Plan To Water Management District That Hasn't Been Approved By Lee County.

We Need A Better Settlement Agreement.

Charlotte County Approved The Babcock Development And Need To Handle The Police Car Of The Traffic.

Please Do Not Approve This Settlement Agreement.

It Needs More Work.

We Don't Get It Fixed Now, It Will Not Be Fixed.

Chairman Judah: Thank You.

Good Morning.

Good Morning.

For The Record My Name Is B.J. And I Feel This Settlement Is Premature.

Babcock Service Management Plan Does Not Address The Lee Citizens Property Rights.

The Communities Of North Fort Myers And Alba Could Be Severely Affected By Flooding If This Water Flow Is Not Carefully Studied To The Satisfaction Of The Residents And Landowners.

If Babcock Plan Amendment Comes To Fruition, This Will Be In Essence Paving Over A Portion Of North Fort Myers And Alba.

Widen These Roads Will Severely Negatively Impact They Communities And This Leads To Something Near And Dear To My Heart -- The Effect Of The Wildlife.

If The Roads In Lee County Are Widened, The Wildlife Forced Off Babcock City 17,000-Acres Will For Sure Migrate To Undeveloped Properties And The Road Kill Will Be Remarkable On This Super Highway.

Traffic Should Be Routed To U.S. 41 Through Charlotte County Not Lee County.

Let Go Back To The Drawing Board And Involve The Communities That Will Be Impacted By The Possibilities Of This Settlement.

Thank You.

Chairman Judah: Thank You, B.J. Matt Smith Followed By Jim Green.

Good Morning, Matt.

Good Morning.

For The Record My Name Is Matt Smith.

I Want To Thank The Commission For Initiating This Lawsuit And The Staff Who Worked Hard Obviously On The Settlement.

I Think There Are Several Extra Parts To The Settlement That Will Help Lee County Prepare For The Babcock Area But A Few Things We Need Tie Up Before We Have An Agreement That Is Workable And Useful.

Specifically In Section Six On Water, Language That Is Very Vague And Basically Creates A Loophole That Will Allow The Developer Today Whatever They Want.

Term Is Ambiguous.

What's The Definition Of Practical.

That Paragraph Remains A Clause That Whatever Is To Be Done Will Have A Cost Benefit Analysis.

Whose Cost, Whose Benefit.

It Doesn't Specify.

It's Completely Left Open.

If The Babcock Ranch Does A Cost Benefit Analysis And Will Cost Money To Prevent Flooding But No Benefit To Them On The Basis Of The Words In The Agreement, They Are Off The Hook.

They Don't Have To Do Anything.

I Think The Best Solution, Of Course, Would Be To Remove The Cost Benefit Analysis But If That's Not Possible, At Least Have More Specific Language That Says Who Spares The Costs And Who Gets The Benefits.

Another Improvement Would Be In The Specification On The Modeling And Surface Water Management.

I Think It Should Be Done By A Neutral Third Party.

If A Party To The Agreement Is Doing The Analysis And Developing The Models, An Insert Conflict-Of-Interest.

The Settlement Should Specify That The Work Is To Be Done By An Uncentered Non-Involved Third Party That Can Take A Fresh Unbiased Look At This And Lee County Should Reserve The Right To Supervise That Work.

And A Third Improvement Would Be The Insertion Of Teeth Into Had Agreement Right Now No Statement Of What Happens.

If The Levels Are Not Completed, No Big Deal.

Obviously The Models Are Not Useful Unless Used To Develop The Permit.

We Have To Have A Time Line A Time Line And Needs To Be In Writing, Obviously.

This Is The Whole Agreement As Stated In There.

Put It In Writing.

To Sum Up The Settlement Has A Great Start.

We Mead To Ask The Attorneys To Go Back To The Table And Ask You To Vote Know And Say Please Tune This Up A Bit So We Have Something Sensible To Lee County.

Thank You.

Chairman Judah: Thank You.

Jim Green? .

Anyone Else That Wishes To Comment On The Settlement Agreement? .

Please Step Forward.

Good Morning, Commissioners.

My Name Is Jim Green And I'm From Alba.

I'd Like To Thank The Staff For Their Hard And Difficult Work On This Settlement Agreement.

I'm Sure From A Legal Standpoint And A Road Building Standpoint It's A Wonderful Thing I Think Is Needs More Work.

The Babcock Issues Have Flown Under The Radar Screen Of Public Awareness And We Need To Elevate Them All.

This Is The One We'll Talk About But Other Ones Laying Out There.

Documents On Road Planning That Have Concrete Trucks All Over East Lee County And My Belief Is This Document Perpetuates The Path We're On In That Regard.

When Challenged, I've Been Told That Road Plan Is Not A Road Plan, It's Something Different.

It's A Process.

I Call It Not A Road Plan.

I Don't Know Much About Roads But I Know About Ducks.

If It Walks Like A Road Plan And Talks Like A Road Plan And Walks Like A Road Plan It's Probably A Road Plan.

I Believe This Settlement Goes Forward To Describe The Meat Grinder Without Defining The Meat.

They Talk About The Model And Sure It's A Wonderful Model, Traffic Model The Settlement Talks About We're Using.

But It Is Silent On What You Put Into The Model And Accepts There's Current Roads There And By Gosh, That's It.

I Think It's Time To Back Up.

We're Just Going Down The Bad Road.

Any Settlement In My Opinion Should First Of All Have A Vision Statement.

What Are We Trying To Accomplish Here? .

I Would Suggest Something Like Maintenance Of Quality Of Life And Royal Ambiance Would Be Appropriate Vision Statement To Be Part Of The Settlement.

I Like The Plan Process Where It Has Visions, Goals And Policy And I Would Suggest That Some Of The Goals Could Be Consistency With The Plan Which I Would Argue This Settlement Is Not Consistent With It.

And To Minimize The Impact And To Establish An East Expressway That's Not An After Thought After Bay Shore Paved Over But Designed In A Way To Preclude The Paving Over Of Bay Shore.

I Believe We Are Headed To A Visionless Goalless Destruction Of East Lee County And To Quote An Ancient Chinese Proverb, If We Did Not Change Our Direction, We Are Likely To End Up Where We Are Headed.

Thank You.

Chairman Judah: One In The Back.

Hi.

Good Morning.

Followed By Steve Maxwell.

Thank You.

Good Morning.

My Name Is Debbie Jacko.

I've Been A Resident Of Bay Shore 30 Years And Protecting Her For Over 30 Years.

Under The Legislative Finding 570.70 A Definition Of A Thriving Rural Economy And Community And Says A Thriving Rural Economy With A Strong Agricultural Base, Healthy Natural Environment And Viable Rural Community Is An Essential Part Of Florida.

Rural Areas Also Include The Largest Remaining Intact Ecosystems And The Best Examples Of Remaining Wildlife Habitat As Well As Majority Of Privately Owned Land Targeted By Agencies For Natural Resource Protection.

Bay Shore And Alba Are Thriving Rural Communities With Strong Agricultural Bases, Intact Ecosystems And Wildlife Habitats.

These Areas Need To Be Preserved.

With The Babcock Development Traffic Plan Of Roads To Be Expanded, The Bay Shore Community Will Be Boxed In On Three Sides With Four To Eight-Lane Highways To Accommodate A Development That Isn't In Our Economy And Goes Against The Bay Shore Community Plan.

We Receive No Property Tax Ruff Revenue From This Development, Only The Traffic And Noise And Rural Lifestyle.

First Should Be An East-West Corridor And Should Be In Charlotte County.

It Is The Job Of Charlotte County To Develop An Environmental Responsible Road System To Accommodate This Huge Development That Does Not Impact Lee County And Its Rural Communities.

This Road System Will Not Degrade Or Destroy The Northern Everglades, River Basin And Flood Plains.

Will Not Destroy The Wildlife Preserves Or Endangered Species.

Or Impact Our Flooding Problems We Have Endured For Decades Without Relief And Built In Charlotte County.

Smacks Of Urban Small And Goes Against More Growth.

Take The Time To Do This Project Right Because In The End No One Will Take The Responsibility For The Mistakes Made That Impact Our Community, The Impacts Bay Shore, Alba, East Lee County And Citizen Also Be Stuck Again Holding The Bag With No One Held Accountable.

Help The Citizens Of Bay Shore, Alba And East Lee County Retain Their Rural Character And

Peaceful Way Of Life And Please Postpone The Decision On This Settlement.

Chairman Judah: Thank You.

Steve Maxwell? .

Anyone Else As Mr. Maxwell Approaches The Board To Speak On The Settlement? .

Comm. Bigelow: Or Any Agenda Item.

My Name Is Steve Maxwell For The Record And Speaking As A Property Owner As Well In East Lee County In Having Had Property In Alba And The First Planning District That Was Put Together In The Early 1990 You, Whole Idea Of Rural Designated Communities And Unique Character And Identity For Lee County.

I Strongly Suggest That We Paws On This Settlement Agreement.

You Had A Number Of Articulate Speakers Who Have Pronounced Far Better Than I Could In Terms Why You Should Paws And Look For Some Planning Certain Issues Relative To That Particular Grid And Configuration That Currently Exists.

And What Diverse Impact Will It Have If Impact You Enter This Agreement Far Better Again Articulated Than I Could From Not Only An Engineering Standpoint But Traffic, Continuity, Impact I Knows And Those Things And Having Served And A Component Of Sound Planning Management, By No Means Controlled, The Person Is Putting Forth The Settlement Agreement Needs To Look At The Planned Management Element More Than Anything Else.

I Think Again When You Look At It, The Elements Of That Settlement Agreement That Relates To Transportation, It Doesn't Provide What We Were Taught In Planning, And Brian, Is Circuitry Impact And The Way It Is Configured Doesn't Impact That.

And The Other Thing I Want To Make Sure Is In Terms Of Water, Quality And Quantity.

Again A Lot Of Issues Have Only Been In Surface.

Haven't Really Been Flushed Out And Put Into Focus.

I Think That's What The Proposed Settlement Agreement Lacks For The Health Safety And Welfare Element Of Our Planning Act That Started From 1974 To Current.

Again It's Not Going To Be Any Cost Whether Or Not We Stop With This Particular Settlement Agreement Now.

We Just Need To Dot All The I You, Cross The Ts For The Bests Of Lee County And Be Able To Retain The Character And Identity Of The Rural Communities That Samples East Lee County Whether Olga, Because It Would Be Interesting, East-West Corridor, That's The Key With The Least Amount Of Impact For Lee County As It Relates.

This Babcock Initiative Is Somewhat Stilted In A Sense Because We Don't Know What The

Market Is Going To Proceed And That's Another Thing The Settlement Have Even Yet To Address In Terms Of Impact Address.

I Ask Respectively To This Commission To Make Sure The Legal Staff Does Due Diligence But Our Planning Staff Does Due Diligence As It Relates To Those Issues Remaining Themes Enduring Enigmas Is How We Retain Health And Welfare For That Area.

Thank You For Listening.

Chairman Judah: And Anyone Who Wishes To Speak Who Hasn't Spoken On Any Items On The Consent Or Agenda.

Seeing None, I'll Go Back To The Board.

Items To Be Pulled On The Consent Agenda.

And It Is Unanimous.

Move By Commissioner Hall To Move The Consent Agenda.

Seconded By Commissioner Janes.

Motion Passes.

Item 8-5 On The Administrative Agenda.

Comm. Hall: Move The Item To Purchase A Zero Emission Hybrid Bus.

Chairman Judah: Quickly Elaborate For The Benefit Of The Audience, A Bold Step Forward.

Steve Meyers Trans Director For The Record.

A Study Of A New Technology That Hasn't Been Used In Florida At This Time.

We Are Coupling Hybrid Drive Technology With Gasoline Engine In A Full-Sized Bus And The Interesting Thing Is We'll Be Able To Test That Side By Side With The Other Technology Which Is A Diesel Engine Bus With A Hybrid Technology Delivered Next Year.

Two Different Types Of Hybrid Technology Side By Side And A Clean Diesel Engine That's A Moo Technology So We Can Compare All Three Of Those Vehicles Side By Side.

The State Is Interested In This Project.

We Working With Them Diligently To Bring This To The Point We've Got It Now.

We Urge You To Move Forward.

Going To Be An Interesting Project For Us.

Chairman Judah: To Be Commended.

Comm. Bigelow: Steve, Going Purchase Zero Emission Electric Hybrid Bus.

Can You Tell Me What This Is, Zero Emission In.

And A Misstatement.

Not Exactly Zero Emission.

Low Emission, Zero Particulate Bus.

The Problem With Vehicles Is Diesel Engines Still Produce Particulate And Gasoline Engines Do Not.

Zero Particulate Technology And I Apologize For That.

The Second Line Does Clarify.

Comm. Bigelow: Secondly, Do You Know Where, What Route Or Area Of The County Will Be Using This Particular Bus Had.

This Vehicle Will Be A 40' Vehicle So It Does Limit Us But We Will Move It Around As We Do Our Other Hybrid Vehicles On Different Routes To See How Well, It Operates.

I Guess This Will Spend A Lot Of Time On The U.S. 41 Corridors And Lehigh Acres Where We Are Able To Use The Larger Vehicles.

Palm Beach Boulevard And Larger Routes More Straight Out And Straight In.

Comm. Bigelow: Not Only The Advantage Of Low Emission, Zero Particulate But Other Benefit Matters, Noise Is Less On The Start-Up End Of The Operation In Areas.

Thank You.

Chairman Judah: Commissioner Mann? .

Comm. Mann: Break Down For Me, Please, The Funding Components.

We Have A Grant From Fdot, Florida Department Of Transportation.

Comm. Mann: I'm Reading That.

We Are Required To Match That \$150,000 With Capital Transit Fund, Local Funds We Are Put Into The Project.

The Balance Of That Project Will Be Covered With Federal Funds.

Comm. Mann: T.F.A.

Correct.

Comm. Mann: 147,000.

That's Correct.

Comm. Mann: Mr. Chairman, The Direction We All Want To Be Going.

Just Seems Something Out Of Sync To Spend Half A Million Dollars On A New Big Bus To Save \$10,000 A Year In Fuel.

Our Country Needs To Be Thinking In That Direction But It Take Us A While To Get There.

I'm Supportive.

Chairman Judah: Okay.

Commissioner Hall? .

Comm. Hall: Buying A Regular Bus, Not A Hybrid.

What's The Cost? .

Without The Hybrid Technology Is \$375,000.

Comm. Hall: \$125,000 More For The Hybrid.

Yes.

Because This Is Installed In A Existing Bus, A 1997 Bus, A Bus Bought For Integration A Couple Years Ago, Playing Slightly Less Than At Market.

We Bought The Last Group Of Electric Diesel In The Range Of \$550,000 Each.

Comm. Hall: It May Be Lower.

Thank You.

Chairman Judah: Okay.

Any Further Discussion? .

Any Objections? .

Motion Passes.

Chairman Judah: Item 15-5.

Item Passes.

15-B? .

Commissioner Mann? .

Comm. Mann: Somebody Just Needs To Help Explain Why Property We're Buying In The Relatively Inexpensive Area Of Lee County Where We Spend Half Million Dollars For One And A Half Acres.

Chairman Judah: This Is 15-B.

Comm. Mann: I'm Sorry.

15-C.

Chairman Judah: 15-B, Motion Passes.

15-C.

Comm. Mann: I Have A Question.

I Just Stated It.

Here's The Man To Answer It.

Good Morning.

The Appraisal Came In At \$6.97 A Square Foot Because It's Commercial.

\$97,000 In Damages Because It Was Approved Commercial Development And Acre And A Half Came Off The Front And We Took The Building And Shrunk It.

Comm. Mann: When Were The Appraisals Made? .

The Appraisals Made Earlier This Year.

We Have Two Appraisals.

The First Was \$497,000.

The Second Appraisal Which Analyzed Our Impact On The Approved Development Was For \$557,000.

Our Settlement Is \$7,000 Less.

Comm. Mann: Anybody Pulled Permits To Build This Store Front In.

No, Two Pulled And Neither Is Breaking Ground.

Comm. Mann: My Hunch They're Not About To Any Time Soon.

Correct.

Comm. Mann: I Don't Know What We Can Do About It.

We Are Well In, We Have So Many Projects To Prepare For This Road Project Out There.
Can't Stop.

I Certainly Don't Mead To Feel Good About It And Don't Feel Good About It But I Don't See We Have A Choice In This Matter.

Chairman Judah: Thank You.

You Settle? .

Seconded By Commissioner Hall.

Objection? .

Motion Passes.

15-D And Hear From David.

Good Morning, David.

Good Morning, David Owen County Attorney.

I'd Like To Begin, Mr. Chairman, By Making A Few Comments And We Can Get Into More Of The Details.

It's Very Apparent From The Discussions That Have Proceeded The Item That There's Not A Whole Understanding About This Settlement Is, What It Does And What It's About.

I'd Like To Walk You Through That First.

The Issues Raised By Many.

Of The Members Of The Community Are Certainly -- I Think They Are Premature With Respect To Certain Items And Others Are Going To Be Addressed As This Process Of The Babcock Development Unfolds.

I'd Like To Look At This Process As Like A 500 Piece Jigsaw Puzzle.

A Few Pieces Have Fallen Into Place Thus Far Between 2006 And Now.

Others One Of Which Is In Front Of You Today And Many, Many More To Come Over The

Ensuing Years As That Development Begins To Come On-Line.

In January Of 2008 A The Result Of Charlotte County Issuing Master D.R.I. Development Order For The Babcock Ranch Which Is A Huge Umbrella Type Development Order, Lee County With Your Permission Filed A Lawsuit Against Charlotte County Alleging That A Number Of Parts Of That Master D.R.I. Development Order Were Inconsistent With The Comprehensive Plan Of Charlotte County.

Most Of These Inconsistencies Lay In Infrastructure Development, Natural Resources Which Is The Water Part And Traffic.

The Issues That We Had Related Predominantly To The Traffic Component And Water Component.

The Water Component Being Mostly The Sheet Water Flow Management And Water And Quantity And Quality.

These Are The Issues We Addressed.

Chairman Judah: Excuse Me, I'm Sorry.

The Cell Phone, Could You Please Step Outside? .

Working On It.

The Issues We Addressed When Approaching The Settlement.

When The Lawsuit Was Filed Because Had Lawsuit Is Between Two Governments, Chapter 164 Florida Statutes Automatically Applies.

And Lee County Also In Conjunction With The Lawsuit When It Was Filed, Filed This Motion Florida Statutes Which Is The Intergovernmental Dispute Resolution Statute Which Provides When Two Entities Have A Lawsuit Between Them Whether The Suit Is Filed Or Prior To The Suit Being Filed, A Number Of Steps That Normally Are Taken Before The Suit Goes To Court.

When This Was Heard By The Court In Charlotte County In January, The Parties To The Suit All Requested And Agreed To Proceed To See If We Could Resolve The Lawsuit Prior To Going To Chapter 164 Proceeding.

Chapter 164 Briefly, Commissioners.

Some Are Familiar With It And Have Gone Through It In The Past And Some Of You Haven't.

There Are Three Steps Before You Proceed With Your Litigation.

First Is Staff, The Two Disputing Governments Get Together In An Advertised Meeting Or Meetings And Try To Settle A Lawsuit.

If That Is Not Successful, Then The Two Governmental Entities, The Two Board Of Commissioners, The Two Cities Get Together In A Public Meeting Or Series Of Meetings To See If The Dispute Or Issues Can Be Resolved.

If There Is No Success Both Parties Goes To A Dispute Mediation Process Which Has The Opportunity To Utilize The Dispute Mediation Center At Florida State University In Tallahassee.

If All Of Those Three Processes Are Not Met With Satisfactory Results You May Go Back To Court And Go Back To The Proceedings.

I Only Mention That Because That's Part Of The Dynamics With Respect To The Settlement.

The Court Granted The Right To Proceed Without Going Through The 164 Proceedings First And What We've Been Doing For 15 Or 16 Months Devising This Document Trying To Reach A Settlement And Principle Issues Between Us.

Have Been A Number Of Discussions Of Topics With Respect To The East-West Corridor, Other Matters Are Not The Subject Of This Settlement.

Those Matters Have Been Raised Earlier.

They Were Raised Two Weeks Ago As Mentioned At The Land Planning Meeting With Respect To The Comprehensive Plan Amendment.

The Settlement Agreement Does Not Tie Into That.

The Two Principle Issues And Two Main Things With Respect To This Settlement We Have Are First With Respect To The Traffic.

Our Greatest Concern And That Also Of The D.C.A. Who Filed Suit Against Charlotte County Of January 2008 Relates To How The Computations Will Be Made With Respect To Traffic Counts As The Project Proceeds.

That Is, We Were Seeking And D.C.A. Both Seeking A Accumulative Method By Which To Count Traffic For The Project.

This Project Is Going To Be Develop Probably For 30 Possibly 40 Years.

It's Not Going To Happen Overnight.

There Are Projections We Have Looked For That Call For Widening Certain Roads.

It Does Not Mean It Will Happen And One Of The Reasons Why The Importance Is So Great With Respect To The Traffic Component In This Settlement Is That We Have Agreed In A Process To Ensure And Guarantee That The Count Of Traffic Will Be Done Accumulatively And If We Need To Get Into That With A Little More Detail We Can Do It Later.

We'll Walk You Through Ha.

Unfortunately, Mr. Loveland Who Worked With Us On This Is Not Here Today.

I'm Going To Do The Best I Can To Represent What He Has Done With Us In Getting The Verbiage In Place.

The Traffic Increments So Important Is That We Have A Good Structured Methodology For Counting Traffic Accumulatively.

Secondly The Surface Water Management Probably The Marijuana Component Of Water Piece That We Had The Most Issue With.

Also A Component About Water Quality In There.

We Had That Resolved.

That Has All Been Fully Flushed Out.

That Wasn't Mentioned Today.

Everybody Has To Do With The Surface Water Management.

The Greatest Gain We Have Made With Respect To That That's Before You Today In The Agreement Is That The Development Of The Babcock Folks Have Agreed To Do All Three Modelings Necessary In Order To Get A Good Hard Number For The Surface Water Flow That Can Be Used Not Only By Them But Importantly By The South Florida Water Management District Who Is The Other Player In This Scenario.

They Had No Input With Respect To The Settlement Agreement But Will Have An Impact As We Go Forward.

The Babcock Folks Currently Have A Conceptual, The Correct Word I'm Looking For, Pending Before The Water Board District At This Time.

They Will Also Have Sequential Construction Or Development Environmental Resource Permits That They Will Apply For As Each Of The Increments Come In.

Numbers One Through Whatever As We Go Forward.

The Important Part Of Getting These Studies Done, These Three Modelings Done, One Which Is Called The Predevelopment Which Is Prior To Babcock Development.

The Impacts Of The Development Which Is The Second One And The Third One, The Natural Conditions Modeling Which Will Go Back And Remove From The Model Those Agricultural And Other Commercial Structures Put In Place Back To A Point In Time That We're Both Comfortable With From The Standpoint Of Trying To Determine When That Prenatural Conditions Date Should Be.

The Importance Of That Is These Three Models Are Something We Probably Would Not Get From The Courts If We Went Through The Chapter 164 Process With You Assuming We Could Not Resolve It At That Point And Go Back To The Court And Try The Case.

Unlikely You Would Get That From The Court.

Something You -- Nobody Else To This Point Has Had The Opportunity To Have In Hand.

I'll Get Into The Other Comments Made About How That Works In Paragraph 6.

A Little Bit More Detail To That.

I Want To Give You An Overview And Give You Something With Respect To What This Settlement Is About And Why It's Important You Consider This Seriously Today.

The Issues That Have Been Brought Up Are Many And Varied.

I Have Many Of Them Down Here.

I Can Suggest To You, Commissioners, The Vast Majority Of Them And Particularly Those Relating To The Comprehensive Plan Amendment Are Not Germaine In This Particular Settlement.

This Is On A Small Playing Field Limited To Settling Only The Issues Raised With The Court Related To The Comprehensive Plan Not Those That Relate To Our Comprehensive Plan.

That Would Be Coming To You Later, Later Next Month, Later A The Process Develops With Respect To That.

I'm Not Going To Spend A Lot Of Time With Respect To Those Issues.

They Are Legitimate Issues.

I'm Not Ignoring Them, Just Not Appropriate For The Board To Take Into Consideration Today With Respect To The Settlement And Conditions.

I Want To Touch On The Surface Water Management Because That One Seems To Have Issues With Respect To It And I'll Begin By Saying I Respect Everyone Who Has Commented On This.

Each Of Us Has A Place To Be In All Of This Process.

My Place To Be In This Process Is To Protect Your Rights And Interest In This Matter.

When You Have The Opportunity To Look At 15 Or 16 Months Worth Of Negotiations On An Instrument And Involved With The Dynamic Of Those Sitting Across The Table From You And Critique What's In And Out Of A Document After A Good Faith Bargains For That Amount Of Time Is Easy To Do.

Because When You Look At A Document From The Standpoint Of Being Perfect Or Having Everything That You Would Want In It Or Not Want In It, Is An Easy Thing To Do When You're Not Participating, You're Involved In The Process.

Many Of The Folks Who Spoke Here Today Had Not Been Involved In That Process.

The Process In Dealing With The Babcock Ranch Representatives Has Been Spirited, Deliberate, I Think Fruitful, Not Without Dissension And Not Without Disagreement.

There Are Things In This Agreement That Were Hard Fought And Won.

Things That Are Not In This Agreement That Were Equally Hard Fought And Won.

I Can Tell You From My Perspective The Agreement Is Balanced For The Purposes For Which It's Intended.

I Believe It Is Binding On The Parties And That We Will Have A Fruitful Use Of The Information That Will Be Developed From It.

I Draw Your Attention To Paragraph 6.

Babcock, The Party That Will Be Doing The Development Of All Of The Models And Say That's Unclear.

It Is Clear.

Chairman Judah: What Page? .

Page 9 At The Top.

Paragraph 6.

And I'm Looking At -- I'm Going Through The Three Models.

Small Letter 2 Part One.

Starts Paragraph C On The Top.

Page 9.

In An Effort To Advance To The Agree Reasonably Practical The Objective Set Forth Babcock Charlotte County Agrees A Follows -- A Question Who Is Going To Be Doing The Models.

It's The Developer.

This Is Consistent With What We Normally Do, Commissioners.

Any Time We Have A Developer Come In Who Has To Do Reports, Evaluations Or What Not

To Apply For Board Zoning Or Permitting Or Any Other Kind Of Permitting, The Developer Does That.

It's At Their Expense And With Their Engineers.

It's Been Argued That's An Inherent Conflict.

I Respectfully Disagree Because The Other Part Of That Is This Is All Developed Under The Eye Of The County.

We Have The Opportunity To Review, Work With The Developer With Respect To The Developing In The Models And Also With Respect To Its Timeline.

Babcock Will Develop A Calibrated Simulation Groundwater Model.

This Is Model Number One.

The Stream Flow And Stage Data For The Analysis Looking At The Middle Of The Page Will Be Obtained From The Cyprus Water Management District Records From 1987 To 2005 And Other Political Data Sets.

This Is What's Going To Get The Background.

Chairman Judah: Excuse Me.

Right There I Need Clarification.

On The Cyprus Water Management District, Is That The Same District That Used To Be All Of How Much And The One The English Contention They Didn't Want Us Splitting That Apart Had Clarify That District For Me.

It Is, Commissioner.

And We Took That Into Consideration And Why The Records Used Are From 1975 To 2005.

Not Until The Latter Part Of 2006 The District Was Reduced To Area Six A Developable Area In Charlotte County.

All Of That Information Is Free Reduction Of The District.

Comm. Mann: And Describe For Me The Boundaries Of The District To The Telegraph Water Management District.

All The Babcock Ranch As It Existed Prior To The Sale In 2006.

Comm. Mann: Part Of Which Is Today Owned By Lee County.

Yes.

Comm. Mann: And The Division Question That The English Family Challenged But Now Has Held Back Their Challenge Until We Resolve Some Other Issues.

Yes, Sir.

This Model Will Be Calibrated To The Precommunity Conditions.

Had The First One, The One Prior To The Babcock Development.

Second Continues On Babcock Will Develop A Second Model To Reflect Proposed Condition Shown On The Conceptual Environmental Resource Permit.

Page 10 Down In The Middle Of The Page, It's The Small Ii, The Third Model, The Natural Conditions Model Mr. Botulini Was Interested In.

Includes Lee County Going Down To The Next Full Sentence.

Natural Model Will Assimilate Natural Man Made Ditches, Farm Fields And Pastures Shown On Exhibit Five.

A Man On The Back.

And Include Natural Habitat Instead Of Farm Fields And Pastures.

Comm. Hall: One Statement Brought Up So You're Looking At Documentation.

Rather Than Put A Date In There A To When You Wanted The Model, You'll Go Back To The Map To See If That Date Is 1956 And These Conditions Were Not There, That's When It Would Be.

If It Was There In 1957, My Question Is Why We Didn't Go Back And Pick The Date.

I Don't Believe To Date We've Had Opportunity To Go Back Far Enough Make That Decision And That Research Is Still Conducted And Why We Didn't Pin Down To One Particular Date.

That's The Best I Can Explain It To You.

Comm. Hall: Okay.

On The Top Of Page 11, Finishes Up That Sentence Concerning The Precommunity And Post Community Hydro Period Conditions.

Includes The Results Of All Three Models Considered By Babcock In Preparation Of Construction Piece For Site Development Design And Activities In An Effort To Affectionate Progress To Flow Rates And Hydro Periods.

Important Piece Is The Last Sentence, The Parties Acknowledge That Intent May Require Permission Approved By Water Management District And Permit And/OR Master Plan In The Master Development Order.

What This Does Is Ties Those Three Plans Into Where They Need To Be And Where They Need To Go.

And That Is In Conceptual Plan And Permit.

An Acknowledgement There That Is Going To Be Placed Into Those Things When The Time Comes For That To Happen And When Those Particular Each Of The Three Models Are Completed And Presented To Us For Use.

Comm. Hall: Mr. Chairman.

Just To Clarify The Legal Use Of A Document We Have To Depend On All Three Will Be Considered By Babcock.

What Happens If Babcock Says We Don't Want Consider Any Of That Data, We'll Go Back Because We're Not Saying We'll Be Required By Babcock To Use In The Presentation, It Says Will Be Considered.

When We Get Down The Road And All The Models Are Done And They Say We Considered It But Not Going To Use It, Does That Trigger Another Lawsuit For Us To Go After Them That Would Then Be -- Because That Word "Considered" Is Very Willy-Nilly.

As An Negotiated Term, Commissioner And What I Suggest To You Is If That Scenario Were To Take Place, Then We Would Have The Opportunity To Go Through The Dispute Process With The Babcock Folks Which Would Lead Us Back To The Courtroom If Necessary.

As To Whether Or Not That Consideration Was Valid, Whether It Was Real, Whether It Was In Good Faith And All Those Type Of Things That Would Come Out Of That.

And, Yes, Commissioner, I Agree With You.

That's An Negotiated Term.

That's Where We Ended Up With The Negotiations On That Particular Element Of The Water Park.

The Other Part Of That Is That Nowhere In Here Does It Require Them To Use This Data In The Permit.

It's Under Consideration And May Be Considered And Identifies That If They Did Use It And Had To Make Adjustments, They Would Do So And Modify.

So We're Going Through, A Settlement Agreement That's Going To Put Us Through A Lot Of Hoops To Get Data That May Or May Not Be Used To Get The Result That We Spent 15 Months Negotiating.

The Other Piece Of That, Though, Is The Water Management District.

What's Important About This Information And Whether Babcock Uses It Or Not, It Becomes The Best Available Information That Is Used By Rural By The South Florida Water Management District And That's An Important Thing.

Comm. Hall: Doing Work, David? .

If It's Done Privately, Why Does The Developer Have To Release They Have It For Their Water Management Permit.

This Isn't Done Publicly.

This Agreement Says This Will Be Done Privately By The Developer.

How Does It Get Used, How Does The Water Management District Require Them? .

That Information Becomes The Best Available Information To Be Used By The Water Management District By Rural.

Comm. Hall: Did You State That In Here Somewhere? .

It Does Not State That.

The Water Management District Is Not A Party To The Agreement.

Comm. Hall: I Know Not A Party, Because This Information -- It Would Be Our Anticipation Water Management District Would Require This To Be Used.

A Statement Recognizing That New Data Becomes The Data Of Record To Be Used And What I Was Referencing.

I Didn't See Any Comment To That Effect But What You're Saying Is, No.

No, It's Not In There, Commissioner.

Correct.

Chairman Judah: What's The Likelihood Without The Agreement That Data Would Ever Be Available? .

Possibly None.

Chairman Judah: That's A Key Point.

And I Appreciate What You're Saying, Absolutely.

Comm. Hall: We Are Setting Ourselves Up In Good Faith.

This Agreement Has A Lot Of Good Faith In It And I Recognize What The Residents Are Saying And Comments Out The Scope Of The Agreement Saying We'll Have To Work On

Our End.

Many Of The Comment Made Today Had Nothing To Do With This Particular Settlement Agreement.

Not That Any Of The Issues Are Not Predicament In Our Minds, But To This, There's A Lot Of Good Faith In This.

It Sets Us Up For Another Set Of Lawsuits.

A We Get More Data, Obviously Better Position In Court Because We Have More Facts And Those Facts Are Not Produced On Our Dollar But On The Developer's Dollar.

In That Regard, After 15 Months The Fact We Have To Go Back And Challenge The Use Of The Data Is Troubling To Me.

And That May Be, Commissioner.

I'll Be The First To Tell This Board That Settlement Agreement Will Require A Lot Of Work And Diligence On Our Part To Insure And Assure The Developer Meets The Requirements.

Comm. Hall: And If We're Going In, We're Going In The Next Few Months, Budget And Staff, We Have Natural Resources Down To Bare Bones Now.

We Have Really Tight Tough Stuff That They Need To Be On A Daily Basis Observing.

I Hope During Budget If This Goes Through, We Recognize.

We Have Bare Bones Staff.

If We Expect Them To Be On Top Of This And Interacting On A Day-To-Day Basis, I Need To Relieve People Of Their Lesser Duties To Be On Top Of These Issues.

Only So Many Hours In The Day That People Can Interact And Attend Meeting.

While I'm Supportive Of The 0.35%, These Cannot Fall Between Cracks.

At The End Of The Day When They Get Missed, Sit Here And About It, We Need To Be Conscious About That.

Chairman Judah: And Appreciate Your Line Of Questioning And The Comments You Made With Regards To The Fact The Developer Could Ignore The Findings Of The Watershed Study, But To His Peril.

And I Think Certainly In The Developer's Best Interest The Not Have To End Up In Court Again And Very, Very Difficult To Have To Refute Data As They Attempt To Work Through The Florida Management Permit With The Florida Management District.

The Fact It's Gotten This Far With An Agreement By The Developer And To Acquiesce To

Support The Watershed Evaluation Analysis, To Me That Puts Us In A Solid Position Which We Otherwise Would Not Be Able To Potentially Achieve If We Were To End Up In Court.

Comm. Hall: Mr. Chairman.

I've Received E-Mails And Phone Calls And Lines Drawn Owl Over The Map -- All Over The Map.

That's What We're Most Concerned About Is They Be Looked At In Blocks.

I Don't Disagree With What Anyone Is Saying.

I Want All Of That Pushed Out So We Stay Hole.

That's Not Part Of The Settlement Agreement.

That's Part Of Our Comp Plan Process And I Don't Doubt That We'll Have To Go Back To The Well And Challenge Some Of This Stuff Without Doubt.

Continue To Challenge Until We Feel Comfortable Lee County Is Not Getting The Negative Affects Of A Deal.

And Rightfully So.

A Lot Of Reservation Out Of The Deal The State Put Together And Now Left With What Is Left Of That Conservation Development Agreement.

Just Because You Get A Lot Doesn't Mean You Get A Lot Of End.

The Other Part Of Concern That I Had On This Was The Timing Of The Study.

We Could Delay These To The Point Where What Happens If They Are Permanent.

Advance It Delay Of The Studies Completed, Say Time Is Of Essence.

These Begin Immediately In Advance Of There's No Language In Higher To Put That Into Perspective.

Again I'm Saying Going On Good Faith We Initiate These Right-Of-Ways.

The Last Party To Sign This.

Does That Mean Next Week They Start The Models They Start The Process With Our Natural Resource Department And Consultants And I Sure You And Want To Say For The Record If Our Natural Resources Don't Feel It Is Adequate They'll Talk To Us About That.

I Want The Public To Recognize We May Not Be Hiring Or Overseeing That Work.

We Are Involved In That Work And Will Be Conscious Of Who Is Doing The Work.

We Always Have Been.

All Of Our Cases We Refute Different Professionals As To Not Being Up To The Standard This Board And Staff Expects.

Rarely But That Happened.

My Concern Is Where Is The Time Frame? .

We've Now Lingered For 15 Months Getting The Point.

Tremendous Pressure From State Agencies And Charlotte County To Get This Done.

Now We Got It.

When Do We Start? .

I Expect Immediately, Commissioner.

Comm. Hall: What Happens If It Comes Back? .

We Don't Feel They Have Used Appropriate Timing To Kick Off Issues We've Addressed That We Want To See Happen? .

The Process We Have A Hand.

Yes, Ma'am.

Comm. Hall: Any Time We Can Come Back And Dispute That Settlement Agreement Has Not Been Held In Good Faith.

That Would Be My Opinion, Yes, Ma'am.

Comm. Hall: I Want To Make Sure We Have That Available To Us.

Again, That Is Something Staff Will Have To Stay On Top Of And Communicate To Us So We Can In A Timely Fashion Trigger Things We Need To Do.

Chairman Judah: Thank You For Your Patience.

I Think I've Gone Through What I Wanted To Go Through.

Could I Ask A Question.

Comm. Mann: Mr. Owen, You Heard A Number Of Commenters This Morning Make Reference To The Term Practicable And Followed By Concerns About The Definition Of Cost Benefit.

Would You Care To Respond To Though Concerns Raised? .

I'll Take Them Both In Turn.

Practicable Is A Word Used In The Legal Community.

We Defined It Which Is Done In Agreement Sometimes Much The Same Way A State Will Define A Statute And Rule And I'll Read It To You.

For The Purposes Of Provision Six The Term Practicable Means Capable Of Being Done And Circumstances Taking Into Account Legal Cost Benefit And The Physical Impact On Persons And Property Being Within And Outside Of The Community.

As A Defined Term, That's On Page 8 At The Top.

I Got It.

Thank You.

It's 6-B The Second Full Sentence And Begins For The Purposes Of This Provision 6.

Comm. Mann: I Wanted To Get Back To It.

And Would Agree That Often Times In A Settlement Agreement You'll Define Certain Terms Used In A Particular Agreement And Chose To Define It And Use It A Term.

The Cost Benefits Of Developer And What This Is Addressing.

Certain Things He Could Do From A Cost Benefit Standpoint Or Straight Cost Standpoint And Some Things Impossible To Do From A Cost Standpoint.

There's A Certain Amount Of Reasonableness That's Built Into Agreement And The Best Way I Can Address That For You, Commissioner.

An Example Of What That Would Be, David.

As Well We Stated On Front Side In Paragraph 6 On Page 7.

Structures Such A The Big Island Dike, Canal And State Road 31 May Not Be Reasonable Or Practice Practicable.

May Not Be Cost-Effective.

Not Reasonable Things To Do.

However, Other Things We Recognize They Could Do.

I Don't Think It's Unreasonable To Allow Someone Constructing A Development To Do A Cost Benefit Analysis With Respect To Things That Could Be Done Or Not Be Done.

That's Part Of My Deciding To How He's Going To Proceed With The Development.

We Have The Opportunity To Interject Our Opinion On The Matter Whether Or Not Bearing On Public Interest.

We Do.

I Was Going To Say That We Have A Right Challenge Their Deduction Of Reasonableness.

We Do.

Chairman Judah: Commissioner Mann? .

You Conclude? .

I'm Going To Stop At This Point, Commissioners.

Chairman Judah: Obviously, We're Not Dismissing Any Of The Input.

The Meaningful Comments You Did Receive Earlier This Morning.

At The Appropriate Time That Input Can Be Fully Utilized In The Process.

At This Point In Time Dealing With The Inconsistency Of The Development Order On The Conference Of Plan.

Correct.

Many Of The Comments Brought Forward, All Good, All Understandable Don't Relate To What We Are Doing Here Today With This One Small Piece, This Brick In The Processes We Are Trying To Work With The Developer And Mitigating The Impacts To The County.

The Whole Purpose Of This Is To Try And Do That And Going To Take Many The Steps.

This Is A Small Exercise.

Chairman Judah: And Your Professional Legal Opinion, Obviously Recommending The Agreement.

We Always Have To Talk Choices If We Choose Not To, The Ramifications Will Be Going To Court And The Likelihood Of Trying To Achieve What We're Trying To Achieve.

I'd Like To Hear From You On That.

I Stated It And I Stated It When We First Started Out In The Exercise.

I Believe It Is Very Unlikely That Several Of The Things We Have Gained In This Particular Agreement Would Be Awarded Us To By A Court As A Result Of The Nature Of The Suit

Brought.

If You Don't Go Forward With The Settlement Agreement That's Your Prerogative.

From A Professional Standpoint As Your County Attorney I'm Recognizing It, I'm Comfortable With It, Could It Be Better? .

Probably Could.

This Is One Of They Things Where You Look At From A Number Of Perspectives.

It Will Work, More Importantly It's Important That We Get Something In Hand With Respect To The Things That I Mentioned That I Think Are So Important For The Board.

And The First Is Absolute Clarification Of Accumulative Measurement Of Traffic Impacts And Charlotte County Is Beginning To Understand The Importance Of That And Secondly Getting The Studies Done.

Those Are So Important, There Are Things When You Negotiate There's A Give And A Take And You Have To Take A Look At What The Most Important Things Are That Are In Front Of You That You're Going To Get Back Or Take Back From The Settlement.

I Would Like To Do A Settlement Where Everything Was Out Of The Way.

They Don't Work That Way.

This One Was Particularly Difficult With Respect To Certain Matters.

You Have Identified Them.

The Public Has Identified Them.

I Think We Can Live With Them.

It Gives You An Opportunity To Go Forward With More In Hand Than You Had When We Started The Lawsuit And More Effective If We Had The Opportunity To Get These In Place With The Water Management District On The Water Side And Anybody Else With Respect To The Transportation Aspects.

That's Just My Opinion.

As To What It's Worth, It's Worth While.

Enough Motivation On The Developer's Part At This Point In Time.

We Understand Where This Board Stands And Where This Staff Stands With Respect To His Development.

Many Representations Made.

We're Going Hold Them To Him.

That's What We're Here For.

That's What We Do For You.

What We Do For The Community And Continue To Do That.

Commissioner Hall, I Understand That We Have Fewer Members Of Natural Resources.

I Have Fewer Members In My Office.

It Doesn't Mean Any Of This Will Slip Through The Cracks.

I Will Give You My Personal Attention On This.

This Is Worth It.

In The Important.

Members Of My Office Will Work With This And The Babcock Folks To Make Sure It Does Work.

Comm. Hall: Just Because And I Appreciate The Concern, It's Difficult Sometimes For The Public When They Get Involved In A Project, We Are So Used To The Process It Goes Through And The Time It Takes.

The Public Looks At Things As Imminent And There Is A Process.

I Wanted To Clarify.

Before Any Alignment Is Approved, There's A Public Process That Reviews In That Community Alignment.

Usually Especially With State Roads Two Alternatives And A No Build Minimally.

And So While There May Be Lines On Maps And Lines In Lee County And Charlotte County, That's What They Are.

I Want Someone To Assure Me That We Do Not Know At This Point Definitely Where The East-West Corridor Is Going And Before Any Of Though Issues Definitely Get Made, There Will Be Public Input And Public Meetings To Discuss That.

There Will Be And I'll Let Scott Come Up As Well.

The Other Piece To This That's Important For The Board To Understand, Much Of The Traffic Impacts Are Going To Be On State Road.

We Don't Have Much Control Over That.

We Have Input Like Anybody Else But A Lot Of The Major Impacts Are Going To Be On State Roads.

There Are Some County Roads Impacts.

That Comes To Us With Respect To The Comprehensive Plan.

They Have To Keep An Eye On State Roads.

Comm. Hall: And The Process With The State Road And We Have More Pull In That Mechanism And That Process That Mr. Smith Sitting On Bay Shore Sitting On 78.

I Don't Want Had Group Leave Think Our Hands Have Tied And Nothing We Can Do.

We've Taken The Opinion Of Other Counties, Other Agents And Not Opposed To Challenging The State Department Of Transportation If It's Not The Right Thing.

I Don't Want Anyone To Think We Are Begging Off To A Process Oh, It's A State Road, It's Not County.

That This Board Will Not Be Aggressive In Challenging Anything That Is Not Appropriate In The Process.

And I Didn't Mean -- .

Comm. Hall: I Know You Didn't.

I Want People To Recognize That There Is A Process That's Going To Happen.

There Is No -- While May Be Conspiracies Going On And Documents That Haven't Been Released.

At The End Of The Day All Of This Has To Come Out Because Nothing Can Get Permitted Through A State Process Without Though Public Meetings.

And That Is Correct.

Let Me Clarify, Don't Take From My Meaning We Didn't Have Ability To Work With The State, Participate With The State.

The Only Purpose Of That Comment Was We Have A Jurisdictional Right.

That's All.

That Doesn't Mean We Don't Have Opportunities With The M.P.O., The State Representatives Themselves To Be Involved With That.

We Do.

Comm. Hall: County Road 951 Is An Example.

Seven Years, 10, 12 Year Ago Started Draw Lines On A Map.

Seven Years Ago, Or Six Years Ago Got Down To Two Alignments.

It's Gone Up And We Still Don't Have Back Six Years Later Where We Are Going With County Road 951.

These Roads, Expansion Of New Take A Long Time And Going To Be Lots Of Public Input Into That.

Chairman Judah: Other Questions Of David? .

Commissioner Janes, A Settlement? .

I'll Second For Purposes Of Discussion.

I Know And I Want To Applaud David And Who Is Not Here Tonight And The Entire Staff Team And Council And Natural Resources, You Guys Have Taken On A Huge Task.

I Think You've Brought It In To A Smooth Landing.

I Mean Sincerely.

We Are Doing A Whole Lot More With Traffic And Water-Related Issues So We Don't Have To Continue To Go To Court.

Also Trigger Points Not Available To Lee County If We Don't Feel Developer Is Holding Himself Accountable.

Two Major Issues Traffic And Water.

We Have To Ensure We Protect Public Interest.

I'm Definitely Comfortable With The Settlement Agreement And Look Forward To Further Benchmarks.

Any Discussion? .

Commissioner Mann? .

Comm. Mann: I'm Deeply Grateful To Our Attorneys And Our Staff Whether It's Natural Resources Folks, Everybody For Bringing This Concern About The Potential Violations Of Charlotte County Of Their Own Comprehensive Plan.

We Wouldn't Without These Folks Collective Advice.

I Will Quickly Say That I Think This Proposed Settlement Agreement Is Certainly Far Preferable A Situation Where We Were When We First Brought The Challenge.

And So My Gratitude To Everybody Involved In That 15 Month Effort.

Is That What We're Measuring It By.

It's Still Not At The Comfort Level I Need In Order To Support It.

I'm Sympathetic With The Public That Spoke Here This Morning And Directly Affected Landowners.

And In That It Is Very Difficult To Focus Directly On The Litigation Between Lee And Charlotte County And The Proposed Settlement Agreement Without Thinking Of Further Implications That We Are Dealing With Here.

I Cannot Separate My Own Thinking On This From A 40-Year Vision That I Have The Advantage Of Utilizing Here Because I've Been Here For That Long And Watched The Development Here And Seen Such Pathetic Examples Of Uncontrolled Development.

When I Look Today At The Largest Development Proposed In Southwest Florida And Probably For The Foreseeable Future, Is This One, The Development In The Old Babcock Property, I've Got To Say I'm Watching This More Closely Than Anything On The Commission In The Eastern Part Of The Counties Represented From District Five Where Most Of The Impact Is Water And Transportation.

So I Am Being As Careful As I Possibly Can As We Move Forward Here.

More Than Just Crossing The Ts You And Dotting The I You.

Our Very Definition Of Urban Sprawl And One I Would Want To Put In A Webster's Dictionary.

I Would Put This.

Urban Sprawl Will Cause A Lot Of Transportation.

That's A Component Of It.

We'll Take An Area That Is Now Cattle Ranches, Farming And Wildlife Habitat And Put Tens Of Thousands Of People, Tens Of Thousands Of Automobiles And The Only Way The People Will Get Services Notwithstanding What Was Said, We'll Build This Community Self Contained So They Don't Have To Drive Out.

While This Is Built, All The Traffic, 95% Of It, Arguably, Will Be Coming In And Out Of Lee County.

Transportation Is A Critical Component Of What We Are Talking About Here And Some Of

The Things Mr. Owen Has Certainly And Property Addressed.

Not Just Transportation But Transportation All Goes South, Surface Water Goes South.

One Of The Things Pages Seven And Eight Are The Ones That Have Gotten My Attention Over This Discussion.

For Instance When We Talk About Reasonable Or Practicable, Removable By Babcock Such As Big Island Dike, Big Island Canal May Not Be Reasonable Or Practical.

We Are Assuming Doing Something To Those Are Not Reasonable Or Practical So We've Given Them A Bye On Any Discussion On Those Major Surface Water Impediments.

And Everything Else Is Going To Be Measured As To Whether Or Not It Is Practical.

And Additionally Going To Put A Definition And Practicable As To Whether There Is A Cost Benefit Ratio That Benefits The Developer, Not Lee County.

And Those Are The Kind Of Things That Make Me So Negatives And Look Like The Proverbial Hole You Could Drive An 18-Wheeler Through.

The Components Of This Agreement That Deal With Accumulative Impact, Wonderful.

And Had To Be A Part Of This And You Did A Splendid Job Of Getting There.

But So Much Agree Left In Both The Water Impact Surface Water Flow, I Cannot Believe That We Are Holding The Developer's Feet To The Fire To The Strongest Requirements Of The Charlotte County Comprehensive Plan.

I Think More Can Be Done.

Again Since This Is The Largest Development In The Foreseeable Future Of Lee County And Such Huge And Measurable Impacts To The Eastern Part Of Our County, This Is In The A Strong As I Would Like It To Be.

I Commend And Thank The Staff For Really Great Work We've Done Up To This Point.

I Think There's More To Be Done.

I Can't Support This At This Time.

Chairman Judah: Thank You, Commissioner Mann.

Comm. Janes: A Comment I Think The Staff Is To Be Commended For The Tremendous Effort And Work Bringing This Agreement Together.

Yes, A Negotiation.

Yes, We've Won Some And Lost Some But Hopefully We've Gained More Than We Have

Lost.

The Problem Comes Back.

One Is Lee County Will Continue To Grow.

A Million.

A Million.

That's A Lot Of People And A Lot More Coming Down And We Have To Figure Out How To Handle.

We Can't Send Them To Montgomery.

We Can Try But Ain't Going To Work Well.

This Problem Which Offer The Opportunity With The Process Of Being Able To Get Back And Do An Administrative Process Rather Than Going Back To The Court.

The Last Thing I Want To Do Is To Take This Issue Back In Before A Judge.

We Don't Do Too Well In Front Of Judges.

Some Think We Do But I Happen To Disagree With That.

I Would Just As Soon Keep It Through The Hearing Process Through The Study Process We Have Now And Controls We Have Not.

Yes, End All? .

No.

One Piece Described A 1,000 Piece Puzzle.

One Piece.

May Take 30 Or 40 Years To Get The Other Pieces Together And Make Sense.

No Matter How Much We Hold This Back, No Matter How Much We Fight It And Try To Prevent It, The Fact Of The Matter Is We Have To Do Something.

Fact Of The Matter Is No Matter How Much We Try To Hold Back, It Ain't Going To Happen.

I Think The Opportunity To Keep It Within The Administrative Confines Make Every Bit Good Sense.

Every Bit.

And Try To Keep It Back Out Of The Court.

It's In The Courts We Have Our Worst Times.

For This Effort I Support This.

For A Good Beginning.

Yes, A Lot Of Work.

David Has Indicated That This Is A Tremendous Burden On His Staff And Everybody Within The County.

Something That Has To Be Done And Hopefully Up To Doing It.

I Would Hope That Any Time There's A Problem, They Let Us Know So We Can Get On This In A Hurry.

Very, Very Important We Keep Up With It And Keep It Right On Top.

Very Important.

Again Survival Of Lee County Depends On This.

Thank You Very Much.

Any Additional Comments? .

Comm. Bigelow: Mr. Burdenel Suggested That Every Word Was Looked At And Relooked At And I Don't Disagree With That With Respect Who It Party To The Formation Of The Settlement.

Clearly, I Mean, Given The Comments We've Taken From The Public Today, The Public Has Not Been Represented.

Or Their Voices Have Not Been Part Of This And Their Eyes Have Not Been Looking At This And Relooking At This Negotiation Process.

I Think This Is Premature To Bring It To Us For A Stamp Of Approval At This Point Until We Can Know More Of Public's Input Is Taken Here.

I Think What We Are Finding Out To Be True About Sin City And How It's Approved, It Seems To Be Winning In Political Forums That Seem To Be More Akin To Closed Door Talks Than Open Door Analysis.

And I Think This Is Just In Keeping With What We've Been Seeing Before.

So I Can't For That Reason Also, This Is More Of What We've Been Seeing From This Developer And Said The Costs To Lee County Are Too Tremendous For Us Not To Paws Here

And Take A Look More Carefully At This.

It's Interesting.

Charlotte Is Not Objecting To This.

Told Us In An E-Mail Without Word, Without Comment, Period.

The First Word Was Uttered By Charlotte County On This And Developers In Agreement With It.

At This Point, They, Those Two, Charlotte County And The Developer Are Netting All The Benefits.

And Costs To This Are Great And All We Can Say About It.

It's Tremendous.

We Haven't Quantified It And Find Ways To Avoid Having To Quantify It.

That East-West Corridor, That's Mountain Something We Should Be Looking At Right Now In This Settlement Agreement.

Seems Like It's There, We Could Be Looking At It And Quoting It Here.

And I Could Go On And On.

I Could Echo The Settlements Commissioner Hall Echoed Here But A Tremendous Burden On Our Staff To Have To Watch This Like A Hawk, And We've Got Too Much On The Plate With A Skeleton Crew That A We Are Looking Into The Future Certainly 20 Or 30 Years.

Chairman Judah: If You Don't Mind Stepping Forward.

I See This A Tremendous Opportunity That Benefits The Staff In Which Would Have The Type Data That Is Required.

Right, I'm Speaking For The Second Time On A Motion.

Comm. Mann: Do Bring Staff.

Chairman Judah: I Have The Opportunity To Bring Staff Back, Commissioner Mann.

I Do.

I Have An Opportunity To Bring Staff Forward.

What I Need You To Do Is Write The Fact, The Developer, Not Agreeing To Do The Entire Watershed Analysis And We Always Realize Water Knows No Political Boundaries.

To Me Gives Staff A Greater Opportunity To Protect Water Resources By Incorporating The Watershed Above And Beyond What Was Discussed By The Developer And You Need To Elaborate How That Produces You.

For The Record, This Provides Us Modeling And Information With Information And Data Well Beyond What The Water Management District Requires.

Typically They Look At The Development Foot Print But This Expands The Areas To County Line.

Pretty Comprehensive To An Area Not Updated For A Long Time.

Had Will Provide Us Valuable Information Not Only Babcock But Any Other That Occurs In The Future For That Area.

This Will Look At The System And How It Runs Not Only During Storms But Day-To-Day, Wet Season, Dry Season Fluctuations And Provide Valuable Information For Us.

Chairman Judah: This Is What I Believe Is Important, Relying On Good Sound Science.

Muslim Requirements To Where Our Staff Have The Opportunity To Say The Impact Of Water.

Similarly The Fact We Have An Opportunity To Take Into Account, Count Traffic.

Again, Above And Beyond What We've Had In The Past.

If You Don't Mind Elaborating On Previous States.

They Wanted To Take Into Account That 5% Background Count That Couldn't Be Applied To Assessing Impacts.

Now That Has To Be Taken Into The Equation.

That's Correct.

The Way The Language Was Worded In Master Development Approval It Lent Itself To An Interpretation That Each Increment Would Be Nude And Isolation Such That Traffic From A Peres Increment Would Be Treated As Background.

Even Though The Law Requires That You Look At A Multiphase Project Incrementally Each Accumulatively.

The Way It Was Worded It Was Ambiguous And That Was A Big Concern For Lee County Because The First Impact Would Impact Smooth Rates And No Obligation To Mitigate The Impacts.

When The Next Increment Of The Project Came In And Impacted The Same Roadways By Less Than 5%.

That Would Not Have To Mitigate Those Roads.

But Together That Project Is Impacting Over 5%.

What We Wanted Was Specific Language That As Each Increment Comes In, We'll Look At Traffic From The Previous Increment To Make Sure Any Roads Will Be Addressed.

We Apply For Credit But The Idea Is We Have Been Clear We'll Measure The Impacts So Those Impacts Can Be Addressed When It Comes Time For Each Increment To Be Approved.

So During The Process Cleaned From Analysis Is Going To Result In Mitigation.

Chairman Judah: Commissioner Hall.

Comm. Hall: I Piece That's Frustrating, This Affects Us Greatly.

Affects The Things We Are Trying To Do Not Only In North Fort Myers From A Privation Disappoint From Keeping.

We Just Opened Perry Pines Preserve And Went The Comments Is Get To Now Walk Our Llamas And Continue To Ride Our Horses On A 26--Mile Trail And I Still See People Along The Road Riding Their Horses And Don't Want To Lose That.

And Don't Want Anyone To Think Of All Five Of Us Here, Whether Commissioners Or Not.

I'm Just As Passionate About What Impacts Babcock Will Have.

This Is The County I Live In, Where I Pay My Taxes And Where My Family Is And I'm Here Representing You So I Believe The Public Has A Voice.

This Process, This Settlement Agreement Is Not A Local Agreement Where We Have Workshops And Town Hall Meetings On.

This Is A Lawsuit That We Don't Go Out And Have Public Meetings On.

This Lawsuit Or Any Lawsuit.

This Is A Very Difficult Process Not Only Forest Commissioner But Also For The Public.

Because You Haven't Been Able To Be Involved In Each Segment Of How We Negotiated And The Stepping Stones We Got To Certain Points In The Negotiations.

We've All Had To Wait Until The End And Have It Brought To Us.

15 Months Have Gone By.

From My Own Standpoint, I Want To Get Down The Road.

I Want Certainty.

I Want To Ask Questions.

I Want Karen Not To Have To Stay Up Two Days And Research And Still Believe It's Done.

It's Not.

No Reason To Put Our Residents Through This Kind Of Stress.

I Don't Like The Settlement Agreement.

I Appreciate The Comments And Brought Them Back And Had To Question Them.

I Am Prepared To Move Forward In The Sense I Want To Move Forward To Start Locking Down The Answers To Your Questions.

If We Don't Move Forward And Go Through A Chapter 164 Process And End Up In Court, I Know From Past Experience We Will Not Get 60% Of What We Have In This Agreement.

We Don't Have Everything We Need But For The Record Anything We Don't Find We With Pull Up And Move Faster Than A 164 Process To Come Back And Maybe Have, I Don't Know How We Get To A Perfect Settlement Agreement With Everything In That You Want In.

This Is Not A Legal Agreement.

It's Very Defined.

I Cannot Address Half Of The Things You Brought Forward.

The Law Had Not Allowed Me To Do That.

That Doesn't Mean We Can't Start Addressing Concerns Now That We Have This Part Done.

We Don't Start Moving Some Of The Other Issues Forward Now Because This Is Out Of The Way.

Everything We Are Talking About Stands Still Until This Gets Resolved.

I Assure You State Road 31 Is Not Rural And 75 Is Not Rural And Hasn't Even Had A Discussion On Any Of This Yet.

You All Are Making Assumptions That Things Are Decided When They Haven't Been Decided Yet.

They Are Not There Yet.

Minimum Things Are Put There.

That Has To Go Through A Specific Process.

The Developer I'm Sure Is Drawing Lines All Over Maps Now Trying To Figure Out What Is The Best Way.

Trying To Run These Models.

They Are Very Concerned About All Of This.

We Have People In Our Own Offices Who Live In These Neighborhoods.

Nobody Wants To See A Negative Impact But Want Us Moving Down The Road.

Start Coming Out As The Process Unfolds.

We Can Start Coming Out And Having Conversations With The Community As To Really What's Happening.

When The Public Hearings Are.

Having Your Information Ready For The Public Hearing, Whether The Charlotte County Public Hearing, Lee County, D.O.T.

Workshops, Whatever They Are And We Will Work Hard Put That Out On Our Web Page So People Know What's Happening.

But To Delay Us Being Able To Get Answers Another Year Or Two Years Is Not The Answer.

I Hope The Questions I Raised Here Today Resonate With All Of You That We'll Watch This Closely.

No Permits, No One Is Breaking Ground Nobody Has The Ability To Start Building Or Change Anything Yet.

We Are Still In The Comprehensive Process Trying To Isolate What We'll Have There, What Is Going To Be The Vision.

I Want To Know What The Vision Is For Lee County And I Want That Vision To Remain Whole.

The Negative Impact Of What's Going On In Charlotte County Should Not Impact Lee County And All Five Of Us Have Been Clear On That And Continue To Use The Ability, The Financial Wherewithal And Our Own Staff Expertise To Challenge Any Time That Goes Forward And Hurt Our Integrity Quality Of Life, Just East-North Portion Of This County.

Chairman Judah: Any Further Discussion.

Any Objection? .

Motion Passes 3-2.

Item 15-E Approve.

Chairman Judah: Seconded By Commissioner Hall.

Discussion.

No Objection.

Motion Passes.

A Public Hearing This Evening But We Have Commissioner Items. Commissioner Mann.

Commissioner Hall? .

Commissioner Bigelow? .

I Have A Couple Of Quick Ones.

Apparently If The Legislative Has To Go Into Special Session In October And One Of The Items That May Well Come Up To Push For Drilling Off The Coast.

I Can't Think Of A More Ill Advised Approach To Take.

Revenue Potentially From Oil Revenues And Jeopardize 65 To \$75 Billion Tourism Industry.

A Lot Of Renewable Resource Alternatives Right Here In The County As A Classic And I Think Example With Bio-Diesel And Recent Discussions With Converting Algae To Ethanol.

The Reason I Bring All This Up So Board Members And I Want To Offer Commissioner Hall An Opportunity, We Recognize The Potential Impact Of Tourism Industry.

Let Us Know -- If They Haven't, We Need To Get Some Recommendation From The C.D.C. As To Which Direction To Proceed.

Comm. Hall: Next Week I'll Be Attending In Charlotte County Port Association Of County's Policy In What's Coming Up There, I'll Try And Lock Down What's On The Agenda And That Will Tie Into The Next Meeting That If We Need To Take Time To Have A Presentation Done Onto Vote And Make Recommendations We'll Do So.

That Would Be Great.

Thank You, Commissioner Hall.

Chairman Judah: Anyone Continual Board, Okay To Bring Back Discussion About Setting Up A Greenbank.

Basically Setting Up Carbon Credits.

There's Already A Volunteer Credit System In Chicago And Also Mountain Northeast And All I Ask Of This Board Out Of Interest Is An Opportunity To Make A Presentation.

Just To Keep Us In The Loop.

Okay.

Committee Appointments? .

And I Have None.

Any Comments? .

David? .

Okay.

I Think -- Let Me Ask The Board.

Budget Workshops.

That's Going To Take A Little Time.

You Want A Five Minute Break Or A 45 Minute Break And Come Back At 1:00.

If We're Doing 45, We Might As Well Do An Hour For Lunch.

Trying To Round It Out To 1:00.

Doesn't Matter Whether We Come Back At 1:00 Or 1:15.

Chairman Judah: Take An Hour? .

We're Adjourned.

Recess To 1:15.

Chairman Judah: Okay.

We'll Reconvene For The Capital Improvement Workshop.

Evidently Commissioner Janes May Not Make It.

I'm Not Sure About Commissioner Mann.

You'll Start It Off? .

Very Good.

Good Afternoon, Commissioners.

Pete Whiten County Administration.

We Wanted To Get Into The Specific Issues For The '09-'10 Construction Budget.

Before That An Overview Where We Stand And Where We Are Right Now With The Construction Budget.

The Capital Improvement Budget Or Program Is Something We Can All Be Very Proud Of And Feel Good About.

You've Done A The Lot Of Projects For The Community That Benefitted Us As We Speak Today And For The Long-Term Not The Least Of Which Is Conservation 2020 Program Which Not Only Purchasing The Preserves But The Improvements We Made To Allow Public Access On To The Preserves.

We've Done A Lot Of Good Projects Over The Years.

We've Weathered The Recession Of The Downturn In The Local Economy.

The C.I.P. Is Balanced We've Gotten Into Some Debt But Not A Lot Of Debt So Balanced The Cash With The Credit, So To Speak.

Made Appropriate Adjustments To The C.I.P. Which I'll Show In A Bit And Then Accelerated With This Downturn.

This Slide Just Shows Kind Of A 10-Year Overview Of The Capital Project Budget And What I Wanted To Show Here Is When You Get The Budget Book, The Capital Projects Line And A Combination Of New Projects For The Year We're Going Into And A Certain Amount Of Carryovers.

Increased A Growth Increased During The Midpart Of This Decade And Various Reasons For That, We Have Multi-Year Projects And One Of The Reasons Also And Primarily Just With The -- We Only Have A Certain Internal Capacity To Manage A Certain Amount Of Projects Each Year.

And That's Anywhere From About \$150 Million To \$200 Million So We Can Have New Projects In Excess Of That Each Year But Not Going To Get That Much Done.

Our Capacity Is 150 To \$200 Million A Year.

You Are Going To See Carryovers Begin To Accumulate.

You'll See As This Shows As We Start To Reduce The New Projects Based On The Fact That Growth Is Slowed And Also We Just Don't Have The Revenues We Had Before, You'll See Carryovers Start To Decrease.

What I Highlighted Here Was The Rates For The General Fund And Capital Improvement Fund.

I Wanted To Show This To Show The Scope Of The Millages We Used For The Projects And The General Fund.

In Fact, A Couple Of Years Ago We Combined The Two Millages.

Primarily Because We Knew The Tax Base Was Decreasing And We Would Be In A Mode Where We Were Judicious And More In A Mode Of Maintenance And Operations Than Building New Projects.

One Of The Things I Want To Show If You Look At The Combined Millage For Capital And General 99 And 98 Was 4.8 Mills And Increased To 4.9.

You Can See Today The Combined Millage Is 3.65 Mills.

The Millage Has Decreased Quite A Bit.

Of Course, The Tax Base Has Increased And Decreased In That Time, Also.

We Are In A Valley With The Tax Base Now And The Combined Millage Is Low.

We Have To Be Careful What We Bring On Board And Make Sure We Are Maintaining The Projects That We Do Bring On Board.

This Just Tells The Story In The Last Few Years Of The Revenues That Support Our Capital Budget And As You Can See That Tells The Story.

It's All Down And We Don't Expect To Stay This Way But Don't Expect It To Spike Like It Did In The Last Few Years.

This Is The New Projects For '09/'10.

A Certain Amount Of Carryover, Projects In Progress And I'll Show You Some Of Those.

We Are Going To Be Doing A Number Of Projects Over The Next Two Years That Have Been Approved In Prior Capital Budgets And That You'll See Coming Out Of The Ground.

Our Capital Budget Is More Than That But Coming On Board, A Bare Bones So To Speak.

North Lee County Plant And Then Conservation 2020.

When I Talked About Trying To Balance The Amount Of Debt We Got Into With The Cash We Used.

I Did Want To Show The Larger Bond Issues And We Did Those Because Of The Cost Of The Project And The Funding Source, Whether Not A Dedicated Funding Source Or Not Enough.

This Shows We Have Not Done A Lot Of Debt In The Last Years.

Last Big Bonds We Did Were In 2006 With The Jail Expansion And The Evidence Facility For The Sheriff's Office.

The Waste Energy Plant.

In 2004 And 2005 We Had The Sanibel Causeway Bonds That Just Opened In The Last Six Months And In 2003 The G.E.S.

Acquisition.

Just Some Pictures Of The Projects.

And Then In An Earlier Slide Where We Had That, I Believe, 240 Or So Million Of Carryover Projects, These Are The Projects We Have Under Construction Now That Do Not Show Up In Your '09/'10 Budget.

U.S. 41 Landscaping, Summerlin Widening.

Gladiolus Widening.

Estero Parkway Flyover.

As Far As Parks, Projects We Have Under Construction, Conservation 2020 Is An Ongoing Program.

An Aerial Of Our Latest Preserve.

Park Expansion That We Started A Couple Months Ago.

All Approved That A Couple Months Ago.

Northwest Regional Library After About Four Years Finally Coming To Fruition.

Should Be Open Soon.

A Picture Of It With No Books Yet But Assuming There's Books In There Now And The Downtown Library, We've Just Attained That Site.

Other Projects Not In The '09/'10 Budget Just Approved.

The Parking Garage That's Going On Downtown Right Now.

And The Public Works Which Is Combination E.M.S.

And Fire.

One Of The Reasons We Combined General Fund Capital Millage Rates A Couple Of Years Ago Is Because Of This.

Over The Last Eight Or Nine Years We've Consistently Added Space Because Of Projects We've Done And We Have To Maintain That Space.

A Couple Million Square Feet And Averaged About 300 To 500 Square Feet Over The Year.

One Of The Things That The General Fund, The General Revenue Funds Is The Major Maintenance Budget And That's One Of The Reasons That We Did That Combination.

Be More Flexible And Go Into A Operations And Maintenance Mode.

That Doesn't Mean We Can't Continue To Do Capital Projects.

It Means We Have Flexibility To Move Back And Forth Between The Two.

Some Of The Cash We Used Over The Years So We Didn't Have To Go Into Debt, Suntrust Building, East Of Wachovia Building Doing Improvements Now So People Can Move In And We Issued Initial \$50 Million Bond For The Justice Center.

When Costs Increased, Instead Of Issuing A Supplemental Bond, We Used \$30 Million Of Cash To Complete That Project.

And Then The Revolving Loan Program Which Was \$60 Million, \$10 Million Grant And \$50 Million In Resolving Loan From The General Fund, The Major Projects We Have Out Right Now That Helped Expedite The Estero Flyover, Improvements And Purchasing Land For The 951 Extension.

Finally One Of The Things We're Trying To Do Is As You Can See With The Contraction Of The County Government It Is, We Deleted 200 Positions This Past Year And We Ran A Report Last Week, Our Vacancies Right Now About 195 Positions That Are Vacant.

From A Couple Years Ago At This Time Down About 400 Employees.

We Have Contracted In Line With Economic Conditions.

If You Go Through Some Of The Downtown Office Buildings, You'll See A Lot Of Empty Desks, Empty Computers.

But With That, There's An Opportunity To Get Out Of The Lease Base That We Had To Get Into During The Growth Years And Try To Combine That Into Space To Get The Leases Which Are Annual And Ongoing Expenses.

So Here's Some Of The Things, Some Of The Department Scenarios We've Gotten Out Of Lease Space To Go Into Owned Space.

About Half A Million Dollars A Year.

And Here's What We Anticipate To Transition To Over The Next Couple Years Which Is Another 700,000.

More Than \$1 Million Of Annual Payments By Going Into Owned Space Instead Of Lease.

It Didn't Provide That Opportunity.

And With That I'm Here To Answer Services.

Any Specific Questions You May Have About This, The Overall Or Specific Projects And C.I.P. Chairman Judah: If The Board Would Be So Inclined, Questions You Have Now But Ultimately When We Start To Discuss This, We May Go Down The List The Way You Have It Indicated In The Back Starting With The Downtown Library, I Suspect.

If That Sounds Appropriate? .

The Board Discussion One By One? .

Before We Get Into That, Any Questions Of Pete Continual Time? .

Okay.

Do You Want To Bring The Director Of The Department To Discuss The Specific Projects? .

May As Well Do That If You've Got Him Here.

Taking Their Time To Be Here.

Sheldon Kay, The Downtown Library And Including Jim Lavender To Talk About The Agreement With The City.

We Don't Have To Go Each Of These.

Chairman Judah: I Think It Would Be Helpful.

Okay.

Chairman Judah: The Board May Have Specific Questions.

If Not, We Can Move Right On.

Sheldon, If You'd Like To Start Off.

Sheldon Kay, For The Record, County Library System.

Here's Recently Here's What I Have To Say.

Making Great Progress.

As You Know As I Hope You Know, This Is Going To Be A Partnership In One Respect At Least With The City Of Fort Myers And That Respect Is That They Have Agreed To Acquire A Site That We Love.

It Borders Or Fronts On Front Seat And Bordered By Palm, Lee And Second Street And A Site Upon Which The Bank Of America Has Occupied.

We're Going To Be Part Of That Same Large Block.

One Parcel Right Next Door To The Bank Of America Building Right On First Street And Kitty Corner South Of That Another Actually Quite A Large Site For Surface Parking.

The City Has Identified With Our Input, Identified That Site As Being To Everybody's Liking.

And They Have The City Council Has Agreed To Purchase That Site And Just Their Recent City Council Meeting They Adopted Their Version Of The Interlocal Agreement That Will Be Coming To You Where Both Parties Commit Themselves To The Project And Going Forward With It.

This Is A Project That Has \$20 Million Has Been Set Aside For It As Part Of The Library Reserve So It Wouldn't Acquire Additional Bonding Indebtedness.

Envisioning This To Be On First Street, No Less Than 40,000 Square Feet And Assured By Public Works That Would Fit Within The Budget.

And The City Of Fort Myers And Library Have Agreed To A Very Aggressive Because Everybody Is So Enthusiastic About This, Agreed To A Very Enthusiastic Schedule Which Should Have The Project Completed Within Three And A Half Years.

So That's Where We Stand.

Chairman Judah: Commissioner Hall.

Comm. Hall: Just A General Question, Are We Going Into A Lease Or Deeded The Property?

It Will Be -- Retain Ownership, I Believe.

Comm. Hall: A Long-Term Lease.

At A Very Tiny Cost.

Comm. Hall: That's What We Have With Them Now, Just Curious.

Similar To The Arrangement.

Chairman Judah: And Everything Is In Sync With Regards To The Buyers Or Fire Department Going Into The Old Or Existing Library And Take Over The Fire District Office.

Yep.

Exactly.

That's What Made This Whole Project Work.

Chairman Judah: Questions Of Sheldon? .

Commissioner Mann? .

Comm. Mann: How Was The 20 Million Arrived At? .

The Total C.I.P.? .

Well, It's In Scale.

It's A Little Bit Greater Than The Amounts That -- The Highest Amount We've Recently Spent For Regional Library.

Pete Showed You The Northwest Regional Library.

That's Just Completing Now.

We'll Be Opening In Early December.

And The Total Cost For That Was From Beginning To End Was \$20 Million.

Because This Is An Urban Setting And Because Of The Size Of The Lot, It Will Need To Be At Least A Two Story Building.

We Needed To Factor In Extra.

That's Essentially -- We Used The Scale Of Expenditures We Already Had.

Comm. Mann: So It's More Than 20? .

No, About \$20 Million Is What Is Designated.

Chairman Judah: Jim, Did You Want To Elaborate.

Comm. Mann: I Don't Know How We Arrived At The 20 Yet Other Than It Was Available.

We Had It.

Chairman Judah: Actually It Was Downscaled.

The 20 Million Is All Inclusive Of The Old Existing Library, Things Like Public Art.

All Those Are In The \$20 Million.

It's An Order Of Magnitude Estimate As It Stands Now.

Comm. Hall: Is That Based On Past Costs? .

About \$14 Million, \$15 Million.

Sheldon References It's Going To Be A Multiple Story Structure And Increases Your Cost And Diminishes Your Square Footage.

Comm. Mann: And A Unique Design Because We Don't Have One Like This.

That's True.

The Way The Two Parcels Lay Out, There's Going To Be Unique To A Library That We've Done.

We Haven't Done Any Of These Types.

Comm. Mann: But The Demo Of The Old Library Is Included? .

That Could Be A Million.

Yes.

Comm. Mann: And How Much? .

We Had A Negotiation With The City.

Is It Going To Come Out Of The Library's Scope.

I Was Encouraging Them To Handle That Cost But They Can't Handle It And It Will Fall On Us.

Comm. Mann: What Do We Have Left In The Library Reserves? .

I Can Give You A Rough Number.

The Library Reserves Factor In This \$20 Million.

I Think After That, We Have, I'll Let Diana Give You The Figure, \$30 Million.

We Reduced The Millage Rate Last Year For The Libraries, We Are Supplementing Even With The Reserves.

At Some Point In The Future We'll Go Negative And Have Make An Adjustment To The Millage Rate.

At Least Two To Three Years From Now.

Good Afternoon.

Dinah Rose, Budget Services.

The Reserves Would Be \$65 Million.

At The End Of 9/10, They Would Be 44.

That Would Include The Operations.

At The End Of 10/11, At About \$20 Million.

After Construction Of The Downtown Library.

Comm. Mann: So Using The Accumulative Dollars We Talked About From The Reserves To Handle Part Of Our Operational Expense.

That's Correct.

The Library Fund Operations And Capital Projects For The Library System.

Comm. Mann: Maintain The Millage The At A Reduced Rate What It Used To Be.

That's Correct.

Chairman Judah: Thank You.

Commissioner Bigelow? .

Comm. Bigelow: You Estimated The Currently Constructed Library Northwest Regional Library, Right? .

At 20 Million.

But This Contradicts This Saying \$15.3 Million.

The Northwest Was 15.

Comm. Bigelow: So Back Commissioner Mann's Point.

Two Points.

Sticking Points For Me.

I Thought The City Wanted To Not Demo That Building.

I Thought That Was Part Of The Interlocal Agreement Changes Adopted.

That's One Cost Factor There We Might Want To Look At.

Secondly, I Don't Understand Why The Most Recently Constructed Library Even In An Urban Setting Is Going To Cost Us \$5 Million More.

To Respond To Your First Question Which Was, Well, In The Interlocal Agreement, Responsibilities Of The County And The City, In The Responsibilities Of The County, There's The Element Of It Started Out A Decommissioning But Evolved To The Demolition.

Comm. Bigelow: Just The Reverse.

What We Offered The City Was If You Have The Funds And Want To Maintain The \$20 Million Budget For The Library, You Can Demolish The Building On Your Dime.

They Wanted To Interlocal To Reflect We Would Do It.

However They Can Step Forward And Say We Would Rather Do A Demolition Ourselves And Save That Money.

The Door Is Always Open But Right Now The Burden Is On Us To Do A Demolition.

And Incidentally, Somewhat Interested In Seeing What They Might Be Able To Salvage From The Current Building In Their Need To Converting To A Fire Department.

And Your Second Question Is About The Cost? .

Why Is It 30% More? .

Comm. Bigelow: \$5 Million More Than The One You Almost Completed.

An Opening Day Collection, Factored Some In But Factored \$2 Million Into The Opening Day Collections For The Northwest Library And We Will Need Far Less Than That.

This Is An Exercise, Dan Cruz Looked At The Lot And Looked At The Size Of The Building Anticipating And Made Some Educated Guesses As To What The Per Square Foot Cost Would Be.

\$20 Million To Come Up With A \$40,000 -- Getting My Zeros Mixed Up.

The \$20 Million To Construct A Building 40,000 Square Feet In Scale With Other Regional Libraries.

Those Seem To Him To Be Reasonable Figures.

Okay.

Comm. Bigelow: Maybe Between Now And Budget Adoption, We Tighten Up On This.

We Got To Find Money.

Two Budget Schedules, The Library Fund Has Gotten Out Of Wack.

It's A Golden Nest Egg.

A Fact We Can Build These Without Going Into Debt, We've Been Taxing On This And We Have Another.

We Probably Have This Little Snapshot Of A Discussion We Are Having Have A Joke.

I Hope You Don't Take This Personally.

That Is Probably The Sentiment Of How We'll Be Addressing Moneys.

You Can See That Nest Egg Is Shrinking Quickly.

Chairman Judah: I Want To Make Sure The Board Consensus To Move On The Downtown Library As Part Of The Budget.

Thank You.

The Emergency Operation Center, John? .

This Is Noncontroversial.

Hey, John.

Comm. Hall: While John Is Coming Up, I Don't Remember Where The Site Is.

Now Adjacent To Where The Existing One Is.

Comm. Hall: I Didn't Know If We Determined That And Now Back To The Ortiz Site.

Worked Out The Standard Lease With The City.

Comm. Hall: It's A City Owned Site.

It's All Part Of The Campus.

A 99 Year.

Chairman Judah: Paying A Million Plus In A Control District.

Right.

Chairman Judah: Hi, John.

Good Afternoon, Commissioners.

In The Continuing Saga Of Trying To Find A Piece Of Land We Found One Ironically Next

Door.

Six To Eight Acres Looking At Using To Construct What We Think Will Be A Facility That Will Serve This Community Based On Population And Hazards That Pose A Threat To The Community.

In The Memo Presented To You, Losing A Number Of Variety Of Funding Sources To Fund A Center Should It Be Approved By You All, We Have Grant Funds Totalling Close To \$4 Million As Well As General And All Hazards, Kind Of A Mixture Together.

We Also Have Presented To You Two Options To Consider.

One Proposal Is To Fund The E.O.C.

Without A County Disaster Recovery Site.

And An Option, A \$15.5 Million Proposal And Then There Is A Proposal To Fund It Without It But With A I.T.

Server Located In The Facility For 13.8.

We Feel We Thought We Would Bring This To You For Your Review And Consideration Because Of The Value We Believe There Would Be In Having One Disaster Recovery Site For All The Various Agencies Of Government Both City, County, Tax Collector, Property Appraiser, Clerk Of The Courts Having That Site In A Facility Structured Like An E.O.C.

With 24 Hour, 7 Day A Week Security Power Having That In County Close To Home Versus The Cost Of Having A Site Somewhere Else And Right Now Using The Facility In Miami.

So Not A Lot Of Difference Between Here And Miami When It Comes To A Hurricane.

That Is An Option In The Mixture For Your Consideration.

And Any Other Questions Concerning The Proposal, I'd Be More Than Happy To Address Them.

Chairman Judah: Just Quickly Go Into The Cost Savings.

I Know That Right Now At The Existing Officially You Can't Keep Official Records There.

Not A Desirable Location.

I Believe We Are Actually Leasing Space To Locate The Records.

The Other Is With Regards To The Use Of The Facility All Year Round, If You Can Elaborate On That.

We Can Verify We Do Lease Other Sites For Disaster Recovery For Our I.T.

And Data Collections Servers.

I'm Not Understanding The Second Question, Commissioner.

Chairman Judah: I've Had Questions Posed To Me During The Hurricane Season, All The Public Safety Agencies And Gathering To Keep People In Our Community Safe.

We Touched On Collaborative Mutual Use Of The Facility, Public Safety.

That Certainly Isn't The Case And Thank You For Clearing That Up, Commissioner.

Certainly That Isn't The Case With The Current Facility We Have Today.

During The Brush Fire Season, During The Winter Time It's Used To Coordinate Fire Response Especially When We Have More Than One Fire Going On.

Say One Going On In Lehigh Acres And One In The Cape And One North Fort Myers.

The Facility Is Used By The Fire Service To Coordinate The Resources Responding To Multiple Fires.

We've Used It During Tornado Events Off Summer Times And Certainly Used Through The Year For Training Education Purposes.

As It Relates To Emergency Management.

In Addition To Housing Staff And Emergency Management It Is A Year-Round Facility.

It Just Isn't Open For Business During The Hurricane Season.

Chairman Judah: Open Up Questions From Board Members.

Comm. Hall: It Is Where Your Officers Are Housed.

Your Staff Works There Every Day.

Emergency Management And Dispatch Staff Currently Work At The Facility.

We Have Some Of Our Offices Collocate With The Sheriff At This Time.

Yes, We Do Have People Out There.

I Want To Clarify We Are Not Proposing Adding This.

This Is In The Balanced C.I.P. Just Raised As An Issue If You Wanted To Discuss It.

Comm. Bigelow: What's Taking Place In Miami? .

I Missed That.

Currently Have A Facility That We Lease Space In Miami To Service As Our Current Disaster Recovery Site.

Jim, Is That Correct? .

And That Is If We Did Go With The Second Option, We Would Eliminate That Cost, Have That Site Here In Town And We Could Also, Others That Would Be Interested In Collocating With That Site.

We Could Offset Some Of The Operating Costs By Requiring Them To Pick Up The Costs For That Facility Which Is Part Of That, Certainly Less Of A Cost Should You Have To Lease It In An Off Site Facility.

Step Forward, If You Wouldn't Mind.

Chairman Judah: You Threw Me.

I Had No Idea.

Jim, For The Record.

Our Disaster Rate Site, An Extremely Hardened Building, Tight Security, Five Generator, The Whole Works.

It's Where Everything In 50 Companies Have Space In There For Disaster Recovery Or Something Of That Nature.

We Feel Very Comfortable With It, However It Costs Money Both Transport And Leasing Space And What Have You.

If We Could Get Into Deal With E.O.C., We Would Save Somewhere In The Neighborhood Of \$120,000 A Year.

That Answer Your Question? .

Chairman Judah: Yes.

And, Jim, Are You -- I'm Sorry.

I'm John.

Comm. Mann: Before He Leaves.

I Don't Understand What Disaster Recovery Is That We Have Stored.

Data.

Comm. Mann: I Don't Know What You're Talking About.

Disaster Recovery, If We Got Hit By A Hurricane, Two Centers, One Is Here Close To The River.

The Other Is Near University Park.

If We Lose Even One Of Those Buildings To A Hurricane Or Disaster, Tornado Or What Have You, We Have Automatic Equipment That Would Keep Our Name And Doing Our Business, If You Will.

Every Night We Back Up All Our Data Over To Miami.

Got To Have It.

Comm. Mann: Backed Up Electronically.

Correct.

You Mentioned Transfer.

Transport.

Fiber-Optic Across.

I'm Sorry, This Is New To Me.

Blame Me For The Dumb.

I Didn't Know What We Were Talking.

How Much Are You Leasing? .

120.

That's About The Surface Of This Table.

That Includes Everything.

I Would Hope So.

Includes The Racks, Air-Conditioning, Special Air-Conditioning, It's Running 24 Hours A Day And It's Expensive Power.

And Includes Going From Leasing Transport Or The Fiber-Optic Across The Alley.

Comm. Hall: It's An I.T.

Center That Backs Up Everything.

A Big Rack Data Server In There.

If A Tsunami Came And Wiped Off Lee County From The Face Of The Earth We Could Still Get Stuff Done.

It's A Data Center.

Everyone Gets 200 Square Feet And Pay In The Sharing Of The Secured Building.

That's Correct.

Comm. Bigelow: I Have Another Point.

John, Will You Be Housing 100% Of Your Staff With The Expectation Of E.M.S.

Personnel At Substations.

Will All Your Administration Be In This Building? .

We Would Still Have Some Of Our Staff Down At 6-Mile.

We Would Move Our 9-1-1 Folks Up There To Be Closer To The Dispatch Center.

This Would Essentially Serve As The Expanded Space We Need To Operate An E.O.C.

And Population That We Currently Have At Risk.

Also House The Current Emergency Management Staff.

Chairman Judah: Thanks.

Commissioner Mann? .

Comm. Mann: Let Me State One Thing Why I Have Been Concerned About This.

This Is A Communication Center Essentially.

Isn't That The Main Purpose Of It? .

The At Hurricane Time We Get All Six Tv Stations, Bring The Cameras In And Report To The World What's Going On.

You've Got Your 9-1-1 Folks In There And You Communicate To All Of The Other People Involved In A Disaster.

It's A Coordinate Communications Command Center When We Set It Up And Activate It For An Emergency, Major Catastrophic Emergency Like A Hurricane Or Something Else.

It Basically Becomes Or That Duration, The Emergency Seat Of Government.

Not Only Provides Communication But A Collection Of New Information, It Disseminates Information, Provides A Location For People To Make Decisions To Convey Those Decisions To Folks In The Field That Are Responsible For Carrying Out Whatever Tasks They've Been Assigned To.

Plus The Other Two That I Mentioned.

Comm. Mann: The Problem Is You Do Such A Superb Job Out There, That's What I'm Hung Up On.

I Refer To '40 And '05, Wilma And Six Others Were Criss-Crossing Florida And All Kinds Of Activity In Terms Of Hurricanes, Far More Than We Experienced In Our Life And Your Crack Staff Passed With Flying Colors As Did The Building And All The Communication Equipment Inside It.

And I'm Told That Place Was Built To Withstand Bombs.

I'm Struggling Particularly In This Depressed Economy Why This Becomes A Top-Notch Priority When Functions So Well.

And Now That You All Tell Me They're Going To Use The Land Next To It, I'm Wondering Whatever Inadequacies That We Perceive There Would Seem To Strike Me A Minimal.

Can We Not Simply Take Care Of That Right There? .

Rent Our 200 Square Feet Of Space And The Other Things Mentioned On A Greatly Scaled Down Expense Version And Get The Job Done Without The Big Expenditures.

We've Made The E.O.C.

Work In 2004 And 2005.

Because, Commissioners, You Have One Of The Best County Staffs Around When It Comes To Dealing With Emergencies And Egos At The Front Door And Getting Things Done.

As We've Discussed In Previous Conversations About The Building, Commissioner, The Building It Is For The People To Do Their Job.

But Throughout The Experiences We Had In 2004 And 2005, We Found The Building Lacked The Space To Handle All The Various Space.

That Come In To Assist Us.

The Building Is Not Well Suited For Improvements And Technology.

Basically A Bunker Above Ground.

We Can't Put It Below Because Of The Water Table Situation In Florida.

It Was Built To Be A Bunker To Withstand A Protection Factor For Fallout And That Factor Is 200p.F.

That's Both A Blast Protection As Well As Fallout Protection.

It Was Not Designed To Deal With A Hurricane.

It Was Built Prior To Us Knowing What The Elevations We Needed For A Category Five Hurricane.

It Was Built In The Late 70s.

We Didn't Get An Understanding Of The Storm Risk Until The Early 80s.

If We Used The Proposed Site, It's Going To Be About 8 To 10' Higher Than The Facility Is Now To Be Built Withstand The Elevation And Wind Requirements That Are Part Of Our Risk Today So Combination Of Space, Technology.

It Wasn't Really Built, The Hurricane Design In The First Place.

Although, Did Do Well During The 2004/2005 Hurricane Seasons.

We Did Have Four Hurricanes Visit Our Community During Those Two Years But The Wind Speeds That Were In That Area Were Not Hurricane Force Conditions.

At Best Tropical Storm Gusting To Hurricane Force.

The Facility Itself Never Experienced The Hurricane-Force Winds That Upper Captiva Did During Hurricane Charlie Or Hurricane Wilma Because They Were Close To The Eye.

So They Reasons, In Combination Of The Reason Why We Think This Is A Project That Needs To Be Forward Not Only To Support The Population We Have Now, The Facility Was Built For A Population Half Of What We Have Today.

It Was Built For 320,000 Folks.

So The Facility Has Been Brought Out Of A Couple Of Reports.

Court As Well A Report By The State Assessing What Sort Of Money We Can Get To Fund A Moo Facility And Ranked Number One On That State Report.

A Clerk Of The Courts Audit Back In -- Oh, Gosh, 2004? .

Also Pointed Out The Need For Additional Space And The Concerns The Facility May Have In Terms Of The Storm Surge Capacity To A Category Five Hurricane.

We Believe That We Need To Go Forward With This Even Though The Economy Is Not The Best In The World.

Back In 1975, The Commission Much Like You Going Through The Same Deliberations When They Decided To Construct The Facility Of The Day.

A Poor Paint Job Inside That Building.

That Facility Has Served Us Well And Asking At This Point In Time To Consider The Same Thing Now.

Chairman Judah: Thank You, John.

Any Other Questions To John? .

Move Forward? .

It Is Funded.

Jim? .

A Consensus? .

Where We Are Is A Bit Of A Dilemma.

In The Improved C.I.P. We'll Be Bringing A Design Contract Forward And You Can Have A Formal Vote At That Time.

Chairman Judah: Yeah, Need Bring Forward.

We'll Do That.

Comm. Hall: We'll Have Consensus Then? .

Chairman Judah: Yes.

Comm. Mann: Going To End, Mr. Chairman, Like The Library And Demo This Existing Building That Was Built To Withstand Bomb Blasts But Now It's Not Capable Of Serving Any Purpose? .

I Can't Believe We Can't Use It For Something And Build A Smaller Brand New Version.

It Was Built To The High Standards -- Okay, 25 Years Ago.

We Could Certainly Use That Facility For Other Purposes.

I Mentioned Earlier 9-1-1, Put Them Out There.

Still Have The Emergency Dispatch Section In The Newer Portion Of The Building That Was Structured, Completed Back In The Early Part Of This Century In 2000, 2001.

They're Not Going To Be Living.

If The Sheriff Needs Additional Space Down At 6-Mile, Moving E.M.S.

Administration Back Down Into The Facility.

Look At Moving Public Safety Back There As Well.

Comm. Hall: We're Looking At Utilizing The Building.

Yes, Ma'am.

Yes, Sir.

Comm. Mann: So We Might Be Able To Reduce The Size Of The New One Is The Point I'm Trying To Make.

The Initial Space Allocation Was Close To 50,000 Square Feet And Including A Site To Consolidate Public Safety Administration, E.M.S.

And Basically Public Safety All-In-One And Protecting Some Of The Emergency Equipment That We Have Outside.

Those Have Been Dropped Because We Understand The Economy, The Situation.

So We're Down To If You Go To Two Which Includes The I.T.

Disaster Coverage About 225,000 Square Feet, 17,000 For Emergency Management In The E.O.C.

Where The Situation Room Is.

The Silver Farm About 2250 Square Feet.

And Additional Square Feet Along With A Coordinating Center.

We Have Pared It Down From What We Wanted To Do With This Facility.

Chairman Judah: Okay.

Comm. Mann: We'll Continue To Think About How We Can Continue With A New One.

Chairman Judah: We're In The Coordination Business.

Item 3, Transit Facility.

Wonderful Discussion On This Not Too Long Ago.

I Just Want To Open It Up, Steve.

You'll Be Getting Back With Additional Information.

Steve Meyers, We Did Just Update You Last Week On Our Facility Project And We Planned To Bring Additional Information Back Specific To Land Acquisition Issues There.

We Met With The County Manager And Discussed What Things We Need To Make That Discussion Complete For You.

In This Project As You Know We Have Accumulated And Made You Aware Of It Last Week.

\$30 Million In Grants And Set Aside Funds For The Project.

It Also Is A Project That Will Consolidate Operations.

Currently Renting Space Off Site Of Our Main Facility For Our A.D.A. Administration.

We Envision Bringing All Of Our Operations Under One Roof.

30,000 Square Feet Of Administration Operations Space And About 40 To 45,000 Square Feet Of Maintenance Space In This Facility.

It Is A Phased Approach As We Told You Last Week.

We Certainly Were Looking At A 3 To 5-Year Time Frame For This Project And Continuing To Complete The Funding And Just As John Has Done With The Public Safety Building As We Get Funeral Into The Final Design And We Start To Refine Down The Space Requirements And Get A More Accurate Estimate Of The Cost Of The Facility.

Chairman Judah: More Discussion In September.

Comm. Bigelow: As Well As Bus Shelters.

Chairman Judah: Absolutely.

Thank You.

Any Questions? .

Thank You, Steve.

Item Number 4, The Recreation Center.

Barbara Coming Forward.

Barbara, As You're Stepping Forward, I Was Thinking How Helpful The Estero Center Was This Summer As A Shelter For A Number Of Residents In The Bonita Area.

An Opportunity With This Project Potentially Going Forward, Used A Evacuation Shelter? .

That's Right.

Barbara Mansfield Parks And Recreation Center.

We've Had This Conversation.

We Would Be Working With Them.

Chairman Judah: A Dual Purpose Here.

You Want To Lead Into It? .

I'm Sorry.

The Project Is The Design Of The Rec Center.

Funds Were Allocated In This Year.

I Would Have To Defer To Jim.

I Don't Remember Why We Did Not Go Forward.

Jim, Can You Help Me Out Here? .

Wanted To Decide If We Were Going To Build It Or Not.

The Funds Are There And We Have A Design Contract And Waiting To See What The Status Would Be.

The Site, Community Park Purchased Back Mountain 90s Big Enough To Accommodate The Rec Center.

So The Land Is There And The Interior Roads Are Aligned To Be Connected To A Parking Lot Where The Rec Center Would Sit.

Just The Board's Will.

I'll Go Ahead And Put The Plug In For It.

North Fort Myers Doesn't Have A Facility.

A Regional Recreational Facility, Nothing On The North Side Of The River At All.

And We Advance Estero In The Same Mechanism As North Fort Meyer.

You Certainly Have A Larger Population North Fort Meyer Has The Need.

If I Need To I Will But The Need Is Easily Justifiable And The Importance Of Having A

Facility Like This.

We Have Band-Aided The Facility On Orange Grove.

I Don't Think There's Another Piece Of Duct Tape We Can Use To Maintain That Facility Any Longer.

We Are Right At Our Bare Bones With It.

Just A Huge Need And Looking At Our Funds, I Don't See Where We Would Treat North Fort Myers Differently Than Estero.

Filed A Need And Not There, We Advanced That Project.

Recognizing That San Carlos Had A Population That Was At Risk That Needed Larger Facilities To Be Able To Program And Work With Our Partner, That's The Thing They Facilities, They're Not Just By Us.

Bring In Boys And Girls Caliber, We Bring In The Community To Help Run These Programs. I Know There's A Concern And Appreciate You Putting Together When We Bring They On Can We Operate Them.

Honestly I Don't See How We Can Say Know When We Have Nothing.

And The Time Is Now To Get It Done.

The C.I.P. Should Reflect 11 Or 12.

My Opinion Put Us Into The Top 13.

A Tremendous Amount Of Interest From The Community To Talk About The Programs There.

We Really Have A Nice 18 Month Window To Do Justice To A Facility That Would Truly Be Representative Or What This Portion Of The Community Wants.

This Community Will Basically Serve Alva, Nothing North Of The River Now.

The Closest Facility Is Lehigh.

Chairman Judah: So The Suggestion? .

Comm. Hall: Move Forward And Give The Contract And The Coming Budget Takeover And As Of October 1 Release The Design Budget And Take 18 Months To Get The Design Done.

Involve The Community.

They Want To Be Involved.

And Advance The Funds In The 12/13 Capital.

That Gives Us A Year To Look At The Capital.

At Least We Can Begin That Process Because I Heard From So Many Organizations That Would Like To Just Talk About What's There And Affords Us A Nice Opportunity To Not Rush And Program Out And Talk About The Other Facilities We Have And What They Offer.

A Wonderful Opportunity To Engage With The Ymca, Boys And Girls Clubs To Facilitate.

We Want To Do Programming In That Facility.

Take Some Of The Programs On.

We Want To Expand Into The Area.

We See The Need A Lot Of That With Children.

Your Team Has Done A Great Job With The Force.

We Have Nowhere To Congregate.

Chairman Judah: I Appreciate What You're Suggesting.

Putting Out For Construction Which Gives The County More Time, The Economy Recovering That Makes Sense.

Comm. Hall: Right.

Because It Will Take 18 Months To Build It.

We Won't Start An Operation Until Almost 15, Budget Year 15 So A Five-Year Project To Get The Rec Center Up And I Can't See Waiting Longer To Get It Started.

Chairman Judah: The Last Piece Of The Puzzle With Strategically Placed Rec Centers? .

Yes, It Would Be.

And Recommend You Advance Us Funds With The General Fund.

That's What We Did With Estero.

Chairman Judah: Let Me Open It Up.

Questions To Barbara.

Comm. Mann: Alva Was Mentioned.

We Have A Community Out There, 3,000 Square Feet.

Close.

Comm. Mann: I Wonder How It Would Compare With That Compared To Population Needs They're Serving.

I Think We Built That Building In Alva For The Amount We Are Asking Here For Design Funds.

There Is Going To Be An Operational Cost And You Continue To Come To Us Building Things That Require For Staff.

They Have Waited And 15 Years Ago I Was A Commissioner And They Needed It Then.

I'm Supportive Of This But Sensitive To The Constraints We Are Working Under Today And I Want To Make Certain We Are Doing Something Reasonable Under The Circumstances, Practicable, It That The Word We Were Using This Morning, Or Struggling With.

Well, Commissioner, We Discussed That At Minimum Looking At A 25,000 To 35,000 Square Feet Building.

Running In The Neighborhood Of About 3/4 Of A Million To Operate Annually.

I Would Hope We Would Look At More Of A Green Energy Efficient Need In These Buildings Of The New One We Would Be Building.

Looking At Revenues And Program Revenues And Things We Get In.

We're Coming Out To 400,000 Annual Operating Cost On A Building That Size.

That Does Not Take Into Account Other Organizations But Basic Electric Costs And Those Kinds Of Things That Make Up Staff.

Comm. Mann: What Is The Impact Fee.

I Thought We Built Most Of These With Impact Fees.

They Were All Built With Impact Fees, Correct.

Comm. Mann: There Hasn't Been Growth In North Fort Myers.

That Is Correct, Commissioner Mann.

We'll Take General Funds And Use This To Build This And General Funds To Pay That 4 Or \$500,000 A Year Operational Cost.

Paying That Back On An Annual Basis.

With The Impact Fees As They Come In, Still Paying Back A Small Loan In Fort Myers And

Other Loans With Other Facilities Which We Have Done In The Past.

Comm. Mann: The Plan Is To Have The Same Size? .

That Is Correct.

Comm. Mann: Those Are Huge Facilities.

The Same To Justify? .

Yes.

North Fort Myers Actually Is -- We Have A Large Participation In Our Programs In North Fort Myers Spread Out Among Several Various Small Buildings And Most Program Are Split Out Through The Area Into Small Areas.

Comm. Mann: Well, Do I Know.

I Tried To Get A Baseball Field Built Out There.

I Had Planning Pull Out The Operation And Regional Facilities.

Other Than Lehigh, North Fort Myers Will Be The Next Largest.

Currently The Pop Population Is Around 45,000 Close To 50 So When Planning Looked At The Tables They Used On Calculating Things They Provided Us Because Again We Don't Do Community Facilities Any More.

Justifiable To Put A Regional Facility Or On The South Side.

Obviously A Need In This Area And What I Use For Me To Understand.

When I Went Out To Say Obviously A Regional Facility Is What's Needed.

Chairman Judah: Okay.

Any Other Questions? .

Thank You.

Move That Forward To The Final Budget Hearing? .

Comm. Mann: Frugally.

Chairman Judah: Hi, Scott.

Lee County D.O.T.

The Revenues Which We Collect To A Large Part Go Into Our Major Habits, Programs And

Improvement Programs, Bicycle Facilities Signal Upgrades, Those Types Of Routine Improvements And Some Fraction Of It Does Go Towards Capacity Improvements.

But That's Handled Primarily By Impact Fees.

In This Case If You Recall Back When We Started The Sanibel Financing, Numerous Sources Of Loans On That.

One Of Them Is A Commercial Paper Loan For \$20.5 Million Due In December Of This Year.

At The Time We Put The Financing Together, We Were Aware That Program Was Going To Expire But At That Time Before All The Banking Problems Developed, We Figured We Would Refinance It Through A New Commercial Paper Program, The Primary Pledged Revenue Used Tolls But That Won't Happen Until 2016 Based On Projected Revenues.

So We Have A Potential Shortfall Of \$25.5 Million This December That Will Have To Be Met By Something Other Than Surplus Tolls.

Guest Tax Is An Obviously Choice.

We Are Pursuing Options To Renew The Commercial Paper Loan And Continue With The Original Financing Plan To Pay It Off By 2016.

But At This Point In Time That's Not A For Certain Thing.

Several Options Pursued.

Chairman Judah: Questions To Scott? .

Sounds Like You Said Exploring All Options.

Yes, We Are We Built A C.I.P. On The Presumption We'll Be Able To Refinance Money.

We Want To Hold These Until That \$20.4 Million Can Be Firmed Up.

Comm. Mann: I'd Like To Thank Him While He's Here For All The Miracles He Pulled Out.

You're Working With No Money Compared To What Impact Fees Used To Be.

I Don't Know How You Do It As You Do But You're Stretching It As Far As You Can.

My Hat Off To You.

A Number Of Projects In The Pipeline.

A Lot Of Impact Fees So Now About Spent Those Moneys.

Comm. Mann: So The Miracles Are About To Disappear Soon.

You're Warning Me.

Colonial Yesterday, That Was Our Last Big Project On The Books But Exploring Other Options.

Chairman Judah: Keep You Updated.

Thank You, Scott.

On To Number 6, Administrative Lease Renovation.

Karen? .

A Recent Change That Participated This And That Is That The Clerk Charlie Green's Traffic Group Has Agreed To They Have Space For Us Over There.

We Are Recommending Once We Have Traffic Out We Can Go In There And Knock The Whole Building Out And Not Have To Work Around Them.

You May Recall That Building That A Large Hole In The Atrium Thing That We Have To Do.

That Does Couple Things That Lets Us Relocate The Economic Development Perhaps A Little Sooner Which Saves \$530,000 A Year In Leases.

Pulled \$3 Million From The Justice Center Required To Get The Traffic Group There Which Is Our Long-Term Ultimate Home And Allows Us To Focus On Admin East And Get Back To The Justice Center And Get The Traffic Group Ultimately In There Why We're Recommending Number Six.

Comm. Hall: I Like The Way You're Moving Around And Nothing Sitting Which Is Good.

And We Can Still Accommodate What The Court Administration Wants To Do On Third Floor With All The Spacing On Third Floor, We Have Enough To Accomplish That Next Year.

They're Okay, The Clerk Is Okay And We're Okay.

So That's Basically Why We Are Recommending This Now.

We'll Knock All That Out And Not Have To Wait And Work Around And The Clerk Ace Life Will Be Easier And Not As Noisy.

Good For All Of Us.

Chairman Judah: Head On To Item 7.

Oh, Excuse Me.

Commissioner Bigelow.

Comm. Bigelow: One That Peaks, Karen, Was The Amount Of Square Footage We've Been Building Or Adding Into Our Inventory From 2000 To Present And Went From 1 Million Square Feet To 4 Million.

That's A 400% Increase.

Especially When You Compare That With What Our Population Has Been Doing.

So The Number Of Customers We're Serving Didn't Blow Up Like That.

But What Did Happen In This Last Decade Or So Was That We Were Taking In Unprecedented Amounts Of Tax Revenues.

And Spending It As Evidenced By The Slide That Pete Showed Us That We Have All The Space And Yet Our Staffing Hasn't Blown Up 400%.

We Haven't Realized The Population Or Customer Base That's Blown Up That Largely.

It Underlines For Me The Concern I Have And Continued When I Looked At The Budget Here Is That We've Gotten Too Big.

Relative To Those Serving And Those Paying For The Service.

I'm Talking To The Interim County Manager.

You're In The Driver's Seat During This Budget Process.

I Think We Need To Be Looking Carefully At How Big We Are And Then There's The Whole Other Question Which Commissioner Mann Has Pointed Out Is What Does It Cost To Carry This And Makes It That Much More Difficult To Swallow In Future Years.

We've Got To Do What We Can With Less And Prepare For Taking In Less These Next Years, Talking A Five-Year Horizon So That We Don't Have To Add To The Pain That Folks Are Feeling.

We're Going To Try To Maintain The Same Stuff, Innovative Ideas As Far As Not Have To Add To The Unemployment Out There.

There Are Markers Here In This Budget In The Analysis Your Staff Is Presenting For Us That Show Us That We've Gotten Too Big, I Think.

You Can Disagree Correctly, That's Fine.

We've Had Discussions Here, I've Been Talking About It Day One.

This Administration, Is It Critical? .

Is There A Need, Ask That Question? .

Is It Really A Need? .

If We Are Able To Accommodate Ourselves Because As Pete Said We Have Empty Desks.

Computers Turned Off And Sit Idle.

He's Talking About Doing That And The Money To Do That Is Significant.

And There Have Been Issues Picked Up During The Normal Course Of Business Here During Tuesday's Meetings, We've Paid A Project Manager To Oversee A Roofer.

We Paid Somebody To Oversee A Roofer, Perfectly Competent, One Of The Most Respected Roofers But We Tacked On A Chunk Of Change So A Project Manager Could Oversee It.

Quibble With The Big Picture Or Quibble With It Small.

Being Consistent Here.

Looking For Cost Saving.

I'm Suggesting We Need To Get This Government Right Sized And This Building Next Door Is One That Can Wait, At Least The Renovation Of It The Expansion.

Really The Board Reacted To.

Two 800 Jail Expansions In There.

You Had Deferred Expansion Of Extremely Space Needy Justice System.

You Had Evidence Overflowing Down At The 6-Mile Building That Had To Be Dealt With.

Prudent Purchases Were Made With Suntrust And Wachovia To Accommodate That Growth.

When We Decided To Buy The Suntrust, I Did A Study And \$5 Million In Savings Versus Building Another Building Space That The Board Had Discretion Over, Minor Changes In That Amount Of Space.

The Space You Don't Have Discussion Over Was Growing Wildly And A Bulge With Inmate Population And The Increase In Number Of Judges That Had To Be Accommodated.

Former Court Administrator Doug Wilkinson Used To Tell Me If The County Didn't Do Something, He Would Have Judges Sit Where You Sit Now.

I Don't Need That To Happen On My Watch Because Won't Sit Well.

We Began A Long-Term Plan And It's Been Funded And Well Thought Out And Moving Still Moving Progressively Into The Future.

The Problems That We're Not Having Are Huge.

And If You Don't Expand Your Jail, The State Comes In And Does It For You And Sends You The Bill And You Have No Control How Much You're Paying Anyone.

Our Inmate Population Is Stable.

I Hope Expansions Don't Continue To Rock Forward Because They Are Expensive But, Again Little Control Over It.

You'll Either Have An Inmate Sue Because Of Sleeping On A Floor And The State Will Do It For You Or We Can Do It As We've Done And Build Out The Master Plan.

I Don't Think Any Of The Expenditures Have Been Frivolous And Look At The Board Side, The Expansion Has Been Minimal.

Comm. Hall: Commissioners, Also To Add To What Jim Is Saying, Looking At The Long-Term Costs Getting People Out Of The Leases And Just In Future Transitions From The Lease Space Or Economic Development, Human Resources, Management, That's A 761,000 Annual That We Will Not Be Paying A Lease Expense.

We'll Have Those People In Our Property.

Chairman Judah: Reoccurring.

Right.

Already? .

Move On To Item 8.

7, I Apologize.

Didn't Want To Skip Over Doug Will.

Good Morning, Doug.

Lee County Utilities.

The Utility Capital Program Is The Expansion Of The North Lee County Water Treatment Plants And Accounts For 70% Of The Capital Program.

The Remaining Part Of The Program Are Replacements, Rehabilitations Of Aging Infrastructure, Replacement Of Aging Electrical Upgrades And Upgrades At The Plants.

As I Said, The Majority Is The North Lee County Water Treatment Plant Expansion.

Chairman Judah: Questions? .

Commissioner Bigelow? .

Comm. Bigelow: Thank You.

Doug, Generally, What's The Percentage Of The Amount Of Money Your Department Spends? .

Fee-Based? .

It Approaches 100%, Doesn't It? .

All Of Our Revenue Is Fee-Based.

Either The Rates We Charge For Water Or Connection Fees.

Right Now Connection Fees Have Dropped To Virtually Minimal Between 1 To \$2 Million A Year.

All Of Our Current Income Is Coming In Off Of Rates.

Our Operations Budget Is About I'm Going To Say Maybe 70 To 75% Of Our Revenue And The Remaining Portions Of That Revenue Are Utilized For Debt Service For The Borrowings And/Or To Be Put Into Renewal And Replacement Fund Mandated I Our Bonds.

Comm. Bigelow: Let Me Restate Our Question.

You Spend 100% Of The Money You Spend In A Budget Year, Whatever It Is, How Much Of That Is Fee Generated.

In Other Words, Are You Spending Tax Dollars.

No.

Comm. Bigelow: At All.

None Of Your Staff.

100% User Revenue-Based.

Yes.

Comm. Bigelow: Okay.

I Just Want To Be Sure That's Clear That I Understood That Correctly.

That Was My Understanding And If There's Any Infusion Of Property Tax Dollars Or Other Sources Other Than Your Own.

Strictly What We Take In, In Revenue.

Comm. Bigelow: All The Lights You Turn On.

Yes.

Mr. Chairman, It's Important For Him To Clarify There Is No Surplus Generated Out Of The User Fees Funneled Into The Council's General Funds.

As Some Government Agencies Do.

They Run Part Of Their Operations On The Fee-Based Revenues.

But We Don't Do That Here, Do We.

No.

Thank You For Clarifying That.

An At-A-Boy Saying You Are A Budget And Balancing On The Backs Of Taxpayers.

Sorry, Was That Funny? .

Comm. Hall: That Is A Funny Way To Say It Rather Than Saying Lee County Is Conservative On Our Rates.

I Don't Think It's On The Backs Of The Rate Payers.

To Be A Lee County Utility Person Is Appreciated Because We Are Fiscally Conservative And Find It Funny.

Chairman Judah: And We Move On To Number 8, Mr. Chair.

We Shall.

Traffic Replacements.

Commissioners, This Was Originally Proposed To Building New Traffic Building For Operations.

Outground The Facility And Some Of The Personnel Moved Into A Different Building Out There And Leased It.

This Was A Plan To Expand The Building That Was There, Tear Down The Building And Build A New One.

An Old Facility.

The Probably Next To Them On The North Side Has Become Available At A Very Good Price Includes A Lot Of Land That We Wouldn't Have Had Under The Original Facility Plus An Existing Building Which Can Be Renovated Fairly Cheaply.

We've Amended The C.I.P. To Reflect That Strategy.

It Will Allow Us Into The Same Site Again.

As Long As It Doesn't Have Chinese Dry Wall.

Haven't Heard About That One.

Did Have Mold Problems.

Chairman Judah: Encouraging News.

All Right.

Any Questions? .

Yes, Commissioner Mann? .

Comm. Mann: I Brought This Up Several Weeks Back.

A Little Project On Highway 80 Where We've Got A Storage Facility With Chain-Link Fence Around It They Had To Set It Back And Buffer It With Trees And Bushes And Make It Look Nice.

We Found Out We Were Able To Get Around The Requirements And Estimated Costs Around \$12,000.

A Massive \$12,000 To Move That Fence Back And Make It Compliant With That We Require Anybody Else To Do And Put The Buffer Along There.

I Was Just Looking At All The Millions Of Dollars You Are Saving Here And Millions.

Asking Is It Possible Maybe You Can Consider Recognizing 12,000 To Let Us Do What We Would Make The Private Sector Do.

Comm. Hall: I Don't Think That's An Unreasonable Request.

Before We Adopt The Final Budget.

Comm. Hall: You've Been Trying All Year.

We Should Be Proud Of Our Site As We Want Private Property And What They Contribute And Should Be Part Of That Contribution.

I Don't See -- As We Look At All Our Facilities Built Back And Look And See Are We Meeting Our Current Codes And Start A Process Bringing Them Up To Code To Be Good Neighbors.

I Would Support That Process Going On And We Can Start With That One.

Chairman Judah: Karen? .

Take A Note.

Commissioner Bigelow? .

Comm. Bigelow: Traffic Building Replacement? .

Yes.

Comm. Bigelow: Your Analysis Here Says Originally Cost Estimated Building \$9.5 Million.

Yes.

Original Plan Was To Have A Three Story Building.

Comm. Bigelow: Instead You're Going To Build One For 1.5 And Renovate It For Half A Million.

Acquire.

Comm. Bigelow: Buy And Then Renovate For Two Million.

Correct.

Your C.I.B. Line Item Says 3.2 Projected Cost.

The Revised One Shows -- .

Comm. Bigelow: Revised? .

It's Been Revised? .

Dated August 5, 2009.

Distributed Last Week.

Comm. Bigelow: Am I Reading The Right Line Item? .

Traffic Building Replacement? .

That Included Previous Moneys Expended On The Contract For The Design Of The New Building.

1.5 For Next Year To Show The Purchase.

Chairman Judah: Frank, I Have Bad News For You.

Gave You \$12,000.

Comm. Mann: Didn't Last Long.

Chairman Judah: The Record Should Reflect \$4 Million Not \$2 Million.

Those Dollars In The Budget This Year Were Programmed In There Originally For Design Purposes.

Only Spent \$18,000 Of That Current Year's Allocation And Dollars Would Not Be Needed For Traffic Building Replacement.

Chairman Judah: I Found You \$2 Million.

Thank You.

Chairman Judah: On To Major Maintenance Projects.

Water Quality Projects.

I Want To Thank You For The Process We've Gone Through.

And Thank Andrea Fraser For Working With Us.

It's Been Difficult Trying To Get Back On Track Which Is Appropriate To Be Funding For The County Under These Categories That The State Statute Recognizes.

We Were Funding Walkie-Talkie, Uniforms For Beach Folks And Not What This Was Meant To Be.

It Was Meant To Be The Bricks And Mortar Of Keeping A Beach, Algae Removal.

Board Walk.

The Municipalities Were Supposed To Do Their Park In The Upkeep In The Facility We Gave Them A Grant For And Staffing Responsibility Really In The Under Our Staff Here.

We Have To Have A Legal Finding To Do It And The Board Is Asking The County To Say These Are Projects For Lee County To Be Handling.

There's Compromise There That Can Be Worked Into It But Eventually Want To Get Away From Funding These Programs. Natural Resource And Fund Projects.

Chairman Judah: Appreciate The Lead-In.

Good Afternoon.

Thank You, Commissioner Hall.

Just So Everyone Understands, This Year During The Process We Received 23 Requests That Totaled Over \$26.5 Million In Projects And Maintenance.

Based On The Estimated Amount Of Revenue That We'll Have This Next Year, We Had About \$4.4 Million Available For Allocation For The '09/'10 Year.

Had We Talk About What The T.D.C. Was Done And A Lot Of That Based With The Special Workshop, We Went Back, T.D.C. Gave Direction To Staff To Look At The Funding Programs. Really Look At The Criteria Of Each One.

Not Only Attractions Marketing, Our Events Marketing Program And One Of The Things That Did Come Out Of The Shoreline Program Is We Felt The Criterias In Place Were Great Criterias But A Lot Of It Is We Would Look At Projects.

Very Important In The Greater Community And Based On The Information That We Would Get From Our County Attorney's Office, Look At Some Of The Projects And Do Legislative Findings To Go Ahead And Fund Them.

This Year We Had \$2 Million Worth Of Projects That Would All Require Legislative Funding And Based On The Amount We Are Looking On To Spend, Really They Stuck To The Criteria Of The Bacon Shoreline Program And Only Approved The Projects That Were Presented To Us.

As Commissioner Hall Said, These Three Projects Have Been, They're On The Bubble There. They've Been Important Projects.

Recognizes That Water Quality Is An Important Part Of Our Community Here.

And They Have Taken A Lead And Water Quality Initiatives At This Time.

They'd Like To See These Are Funded Through Other Avenues As They Move Forward.

Chairman Judah: I've Seen An E-Mail Go On Back And Forth With Marine Science Division.

Regards To The Water Quality Observatory, The \$67,000? .

Has That Been Deemed Eligible To Be Funded? .

I Thought It Had.

I'm Going To Bring Roland Up To Speak To That, Please.

Chairman Judah: Thank You.

Hi, Roland.

Commissioner, Their Initial Request Is For Help Funding Salaries And Manpower.

I Can't Fund Those Types Of Activities.

However Some Of The Equipment Needs To Be Replaced.

The Recon System.

What We Are Working On Is Perhaps He Could Fund That, A Piece Of The Equipment That You Could Swap Dollars.

In Effect Still Contributing To The Program, Just Now Off Setting That Amount.

Chairman Judah: A Viable Alternative For That One, The Way You Deliver The Funding.

Water Quality Today, Something That Perhaps The City Would Then Consider Taking Over, Sanibel In.

That Was Our Recommendation.

We Have Divvied Up Basically Our Water Bodies Water Management District, Lee County, City Of Sanibel And Cape Coral And We All Have Our Regions We Take And Test Water Quality Based On Releases And What Have You.

That Was Their Part Of The Monitoring Network.

Lee County Does The Work.

We Have The Manpower But Lose 30,000 In Revenues.

Chairman Judah: And Resources.

Our Laboratory.

They Reimburse The County To Do The Work So Like We Are Recycling Our Money.

Chairman Judah: And The Suggestion Is We Would Build It With Natural Resources? .

They Can't Absorb It.

In The Budget They Have, We Would Need To Increase Their Budget By \$30,000.

None Of These Can Be Absorbed In The Current Budget And I Wanted To Make That Clear That This Board Would Have To Initiate An Increase In The Budget To Absorb They.

He's Going To Have To Lose Some People.

I Want To Make That Clear.

Not Recognizing That.

I Think The T.T.C. Is Prepared To Ease Off Of This To Some Degree If The Board Can't Do It.

Again Those Are Criteria In Place And They Grant Requests, Trying To Let The Emotions Of The Issues Not Drive The Decision But The Facts Of The Grants.

We Always Have More Requests Than Funds And Fair And Equitable To What Is Appropriate.

We've Gone Through Five Work Shots, All Of Our Attractions Money, Special Event Money, Beach And Shoreline Money, Getting Ready To Talk About The Sports And What's Appropriate To Be Funding, The County To Be Funding.

All Of This Because Everyone Recognizes It's Easy Will You Take Care Of That And I'll Worry About That Later.

The Protocol Of The Funds Are Specific To The State Statute And We Want To Be True To The Protocol.

Chairman Judah: Captiva Monitoring Is A Two-Year Project.

One Of The Things, And We Count Money In The Budget In Case The Board Did Not.

The Beach Emergency Cleanup.

Comm. Hall: We Haven't Used That.

We Have Money To Use.

Chairman Judah: Carryover From Beach Emergency Cleanup? .

Yes.

Comm. Hall: What We Were Hoping, Our Worst Case Scenario, The Board Would Split This With The T.T.C.

Right Now 186,197.

If The Board Would Not Take That On As An Increase To Their Own Budget.

If The 67 Falls Out, Great.

If The Board Would Not Increase Roland's Budget You Consider That 50%.

Then Next Year Do None Of This.

This Would No Longer Be An Eligible Request Under Our Beach And Shoreline And Takes Care Of Captiva Water Quality Because They Are Done.

This Would Not Be Eligible To Be Considered.

Chairman Judah: Let Me See If I Understand.

Go 50/50 On That? .

My Feeling Is With All Due Respect, I Appreciate What You're Trying To Accomplish With The Eligible Ones Without Legal Findings, From Here On Out With The Captiva Water Quality, I Don't See Finish Up The Second Of The Two-Year Project.

Comm. Hall: This Takes Monitoring.

This Is Not Water Quality Or Natural Occurrences.

This Is Directly Related To Solid Waste And A Bone Of Contention With Our Board This Particular One Especially That Crams And Left On Their Plate.

I Don't Mind Funding A Year, I Want To Get Through This Process.

I Want To Make Clear That None Of These Are Going To Be Zero.

The County Needs To Step Up To The Plate.

If We Are Concerned About Tanks And Not Having Concerns, That's A County Issue Not A T.D.C. Issue.

And This Is Directly Related To Septic Tank Monitoring.

And If Captiva Wants To Go To A Septic Tank System And This Out Of All Of Them Is The Biggest Bone Of Contention Because Of The Criteria What This Is For.

Again To Make Life Easy And Happy For Everyone, You Have To Remember, Every Year I Take Away Is A Year I Leave For Tourism Issues.

Even If It's \$40,000, We Have Other Projects We Can Look At Again And Re-Establish.

I Hope We Consider Working With This Board Very, Very Cooperative And Supported Our Position.

Chairman Judah: Phasing In That Corporation I Can Agree To.

I Can Counter The Discussion On The Water Quality Monitoring That Is A Beach Quality Issue.

The Very Waters That Attract Our Tourists.

I Understand Your Position, Commissioner Hall.

If The T.D.C. Would Carry The Second Year Of The Project And Go Away After That.

Comm. Hall: Like I Said, Hoping As A Worst Case Scenario As We Sit Here Today, \$197,000 Of Projects That Do Not Have Secured Funding.

What I Would Ask Is The T.D.C. Would Split That.

\$99,000 Would Come From The T.D.C. And If You Want Us To Put Our \$99,000 Toward Captiva Water Quality, That's Fine With Me.

Chairman Judah: 67,000 Will Come From -- .

Comm. Hall: Not For Sure Yet.

It's Not Signed, Sealed And Delivered.

All I'm Saying Is If You Want Us To Take Two And The Commission Take The Other Two, I Think The Board Will Be Okay With That.

If You Get Reimbursed There's Only \$30,000 Left Outstanding.

And Doesn't Matter How We Get To 50%.

I'll Take That.

Chairman Judah: Captiva Will Assume The Other Funding.

Comm. Hall: That's The Direct We Can Go.

Great.

Done.

Did You Guys Get That? .

Comm. Bigelow: You're Going To Pay For 99,000.

Comm. Hall: The Balance Of Requests Will Come Through The Board Of Commissioners But Funded One Way Or The Other.

Comm. Bigelow: We'll Take It From The Red Sox Stadium.

What's \$100,000.

We Were Getting Along So Good.

Chairman Judah: I Still Cheer The Ccimd.

Roland, Work With Me.

Okay.

Thank You.

Landscape Maintenance.

Can I Interject Here At The Outset, I Appreciate Staff Recommendation Because Maintenance Is Expensive Whether For A Rec Center Or Landscaping Or Roads Or Drainage Or Whatever, But I'll Be Honest With You And We May Have Had This Discussion To Some Extent Not Long Ago, We've Lost Our Way With The Wonderful Landscaping We've Done But Over The Top As Far As I'm Concerned.

I Look At Sarasota And They Concentrate On Canopies.

Trees.

Don't Get Into The Ground Cover And Shrubs And Frankly That Gets Expensive To Maintain.

I Throw This Out, I Don't Want To See Us Go On A Two-Year Moratorium On Landscaping New Roads.

We Need To Focus On Planting Trees And Not The Shrubs And Bougainvillea, Just Native Trees.

I Had This Conversation Last Month With Scott And Everyone.

I Think We Have A Lot Of Advisory Committees And Sometimes Their Advice Becomes Policy And Filters Up To Us And, Whoa, What Happened.

An Objective Of That Committee.

That's Correct.

That's What Our Budget Is Built On Is Native Trees.

That's How We Came To This Recommendation.

But There's Other Roads, Where We Have I Believe, Other Than Just Trees, Shrubs.

Flowers, Other Than 41? .

Very, Very Few Locations.

How Many Roads Are Coming Out Of The County? .

What Are We Abating? .

You're Recommending That Landscaping Be Revised To A Two-Year Moratorium On New Landscaping.

How Many Roads Would We Have Had Landscaping In The Last Fiscal Year? .

Four Under The Advisory Funding And Eight Or Nine That Fall Under The Capital Improvement Roadway Funding.

Within The Next Two Years We Are Proposing To Push Back, That's Correct, Commissioner.

I'm Looking At What We Would Get To See What That Is.

It Is Under Construction Or To Be Completed By The Next Fiscal Year.

Comm. Hall: I Hate To Go Two Years.

Everything Is In A Quandary.

I Would Rather Go Year-To-Year.

I Guess Between Now And Budget, What Is -- What Would We Be Planting -- What Are The Roads Ready For Landscaping Before September 30, 2010? .

What Roads Would Get That Money Next Year? .

Comm. Judah: Commissioners, The September 14th Management And Planning Maybe That Would Be A Time To Bring That Message Back.

If That's Like Three Roads.

Then We Want To Look At Next Year To See What It Is.

Let's Take It Year By Year And Make That Decision As We Go In.

I'm Fine With That And A More Detailed Discussion In September? .

Right, You Can Give Us Some Direction.

I'm Understanding What Paul Was Saying.

41 Is Very Different From Some Of The Other Roads.

We Can Provide The Maintenance Costs Along With That Discussion.

I Know Commissioner Mann Would Like To Weigh In On It.

Comm. Mann: My Thinking Is You Guys In The D.O.T.

Are The Greatest Engineers.

You Are So Good At What You Do.

That's What I Was Telling The Bossman Back There.

We Have Made Great Strides In Beautification.

We Have Made It A Priority Where It Has Never Been Before.

There's No Possible Way And God Had You Created That Way.

You Cannot Think Green.

You Can Only Think Gray Or Black, Asphalt And Concrete.

I Am Not At All Supportive Of A Two-Year Moratorium To Get Out Of The Landscaping Business.

That Will Turn Into A Four-Year Moratorium.

We'll Be Back To Asphalt And Concrete.

I Can't Abide That, But I'm Not Mad At Ya'.

I Just Want You To Think About It.

We Can Bring Back Some Pictures, As To What Exactly What We're Talking About.

I Don't Want To Go Back And Retrofit Roads.

We Didn't Do This And In Years Three And Four.

I'm Catching Up With What I Didn't Do In One And Two And I'm Still Left With Years Three And Four? .

That Scares Me.

You Have To Take It In Context Of What Else Is Being Cut Out Of The D.O.T..

Their Trades? .

Yeah.

In September We Will Bring Back The Things That Have To Be Cut, In Order To Make The Landscape Work.

We Have To Decide-- .

Yeah, I Know.

Comm. Mann: You'll Cut The Most Important Project Of The County.

We'll Give You A Men And You Can Pick.

Comm. Judah: Can You Give Us A September Date? .

Guys We Have To Scale Down.

How Can We Achieve That? .

But Not Abandon It.

Comm. Mann: Buy Shorter Trees.

Spread Them Out.

We're Not Suggesting You Abandon It.

Through A Moratorium.

That's Not Abandonment.

It Is A Set-Aside.

You Decide Whether Or Not We Abandon It Or Not.

Seriously It Is The Tough Spot The D.O.T.

Is In.

I Have Canals To Maintain.

Let Me Give You Some Options Of What -- For Instance, This Year Was \$750,000 In Order To Get To Our 5% Reduction.

And There Were Other Things.

It Is Not The Washington Monument Scenario, But There Are Other Things.

Believe Me, Everything Has A Consistency.

That Would Be Great.

Any Other Items That Board Members Need To Bring Forward? .

I Have Two, But I Want To Leave It To Other Board Members.

I Want To See How Big Your Turkey Is.

Comm. Hall: I Think In All Of This, Karen I Want To Thank All Of The Staff.

My Biggest Concerns We're Crunching Down To The Biggest Budget Hearing.

I Don't Want Deferred Maintenance To Be Further Maintenance You Have Done.

What Can We Put Off For Another Year Or Two Years? .

I Want To Make Sure Rich And His Team Are Looking At That.

One Of The Things That Has Saved Us Millions Of Dollars Is The Fact That We Are Very Conscientious On Our System, Our A.C. Systems And Everything.

I Don't Want To Seeing It This Things We Have To Defer Become Major Budget Issues In Two Years.

I Know, Jim, Through Your Leadership, You Have Been Looking At That.

I Really Want To Stress How Important It Is To Me.

Secondly, I Want To Make Sure In The Departments That Have A High -- Like We Talked About This Morning Natural Resources.

I Don't Mind Going Into Their Year, Where They Are.

But I Want To Really Monitor And I Hope That The County Manager And These Department Heads Will Really Talk About The Hours, As These Projects That The Board Comes Up With For That -- Aren't Really Budget Items But Required Staff Time That We Have The Staff To Do.

It There's Nothing Worse Than Having People -- Then We Get Very Upset When Things Are Not Happening The Way We Have The Expectation To Have.

We Struggle With The Budget.

We Have Given You No Tools To Do It.

I Hope There's Candid Conversation From Managers To County Manager And Managers To This Board.

We Want To Be Realistic.

While We Have Is A Recession These Things Cannot Fall Through The Cracks.

I Know Everyone Is Pulling Together, But I Want Us To Be Realistic.

I Don't Want To See People Burning Out, Because We Haven't Been Realistic.

That's All I Have.

Comm. Judah: Did You Want To Proceed? .

We Will Proceed From Left To Right.

Let Me Give No Action Today.

Refer For Consideration.

There's Been At Least A Discussion That Has Been Brought Before And At Some Point In Time We Really Need To Address -- What I Believe Is The Public Safety Issue On A Park That Could Gain Greater Use By Re-Aligning South Road At Page Field.

That's Something We Have A Wonderful Partnership With Our Port Authority.

I Think We Could Share Costs To Provide For A Safety Factor For The Children That Use Jerry Brooks Park And Expand On The Use Of That Existing Facility.

Having Said That, I Hope -- We Don't Need To Take Action.

Staff Could Support To Give You Direction To See If It Is Workable And Perhaps The Partnership To Provide Additional Funding.

Commissioner, I Have Had Some Discussion With Bob Ball Regarding That Re-Alignment.

He Will Be Getting With Our D.O.T..

Comm. Judah: That Would Be Terrific.

Or In The Interim Commissioner Bigelow Had A Meeting Not Too Long Ago, And We Were Looking In The Short-Term And Long-Term.

That Realignment Is A Long-Term Plan.

But In The Short-Term Was The Issue Of The Safety Of The Children.

And We Have Talked -- Jim Lavider And I Have Talked.

For The Immediate Short-Term Safety Issue Just As The City Has On Mcgregor Boulevard, Where You Push The Button And The Red Light Goes On And The Cars Stop And You Can Get The Pedestrian Traffic Across The Street.

We Were Doing The Same Thing There On South Road And -- Re-Aligning Some Fence Work There.

Is That Correct, Jim? .

Um, They're Working Together On A Fence Installation.

I'm Not 100% Certain On The Light Situation.

I Know Harry And Barbara Are Working To Try To Funnel The Kids.

Barbara Manson For The Record.

As A Matter Of Fact I Met With Harry Kimmible At Brooks.

He Has Painted Some Crosswalks And Put Up Some Signs, Traffic Control Signs.

We Just Got An Estimate On Fencing Along The South Side Of The North Piece Of Property So, We Can Funnel Everyone To The Crosswalk Hopefully And Take That As The Safety Measures.

We Just Met Yesterday And Have Come Up With A Few Solutions Hopefully To Help The Current Situation.

Comm. Judah: Appreciate That.

Commissioner Bigelow Has Taken The Lead.

I Want To Turn It Over To Commissioner Bigelow.

Ultimately The Long-Term Solution Is To Realign That Road.

If We Can Get To The Point Depending On The Funding.

Let Me Turn It Over To Commissioner Bigelow.

Bigelow: I'm Caught Off Guard On This Issue.

Just To, I Guess Describe What Barb Has Suggested We Would Fence The North Side Of South Street So, That Folks Would Have To Go To A Logical Crossing Spot.

One Place, As Opposed To The Current Situation.

The Status Quo You Get Out Of Your Car And Run When Kids Running Towards The Park And Run Across The Road.

So We Have A Safety Issue.

They Will Address That In Short Run.

Re-Aligning South Road.

I Agree In Principle, Not Specifically With That Alignment, Because It Forecloses The Opportunity We Would Have, Both As County Commissioners And Port Authority Commissioners To, Perhaps Use That Land That Try Angulated Area North Of South Road For Park Use.

Soccer Fields Or Maybe Bring It Into Our Parks And Rec Inventory For Parks.

But Building That Forecloses And Forever Makes It Go Away.

I Think We Can Look At Some Other Options.

I Don't Know We Want To Go Into Details.

North Airport Over To Daniels Or Metro Is A -- Is Part Of The Mix As Is The Lee Transit.

I Think As Long As We Take A Approach.

If You Could Just Get Back To The Board.

Bigelow: The Short Run, I Think We Will Make It A Safer Situation For Children Crossing South Road.

Then We Will Keep Alive Options Down The Road, Recognizing That There's No Extra Money Here To Be Funneling Into This Community Project Right Now.

But Maybe We'll Position It Later, Because There's Another Factors.

All Right.

One Last Item.

Barbara While You're There -- I Saw Barbara.

Barbara Was The One Who A Number Of Years Ago To Her Credit Recommended To This Board To Purchase Additional Land Around The Lee County Sports Complex.

We Only Have 80 Acres There.

I Say That, Of Course That's Where The Minnesota Twins Have Their Spring Training.

What I'm Just As Interested In Terms Of Future Expansion For The Lee Cowan Sports Complex And The Twins Is The Opportunity For More Fields, Whether It Is Soccer Or Softball, Baseball, For The Community.

But The Fact It Is Barbara That Recommended We Buy That Land, At Least Bank It And Have It Available, So If At Some Point In Time If We Wanted To Expand We Could Do So.

The Board Was Reluctant To Move Forward.

We Let That Opportunity Go.

Now, Because Of The Decline In Real Estate Values I'm Thinking You Know We Have Perhaps The Second Shot At The Apple.

It May Be The Last Time We Have An Opportunity.

The Reason I Were It Up, There's No Immediate Need -- Well There's A Need, But No Funding To Implement Or Incorporate Or Build New Fields, But In The Future When We Truly Have An Opportunity With The Funding, We'll Have The Land To Expand On The Campus.

Right Now We Don't Have That Opportunity, Because We Don't Have The Additional Land.
We're Constrained.

All Of The Parking Goes On At The Softball Field.

It Is A Combination Of In The Future Being Able To Provide For Expansion For The Community Facilities And Also Quite Possibly The Lee County Sports Complex.

But I Just Think That We Need To Address There's 20 Acres There, If We At Least Gave Direction To Staff To Look Into Assessing What, We Perhaps Could Purchase That Land For With No Immediate Commitment To Have To Spend Any No One Construct Anything, But At Least To Have That Land For The Future.

I Don't Have A Problem With That.

I Think We Talked Not Only With Parks And Rec, Again, Parks And Recreation Solid Waste Utilities, Those Are All Things That We Know As Population Grows We Need To Have Sites For.

It Goes Back Again To Solid Waste.

I Don't Have A Problem Looking At It And Starting An Investigation To Come Back For Approval.

I Hope Every Department Would Be Looking At Those Issues.

Specially The Way The Real Estate Market Is Now.

And We Need Not So Much Recreational Facilities.

I Don't Have A Problem Looking At That.

What's Your Source? .

It Would Have To Be Reserve.

It May Have To Come From Reserves.

No, It Is-- .

Let's Put It Out There, Do You Reserve In.

Is It Worth It -- Given The Opportunity To Have One More Bite At The Apple With The Prices As Depressed As They Are? .

Do We Apply That To 2020? .

There's So Many Opportunities In This Depressed Market.

Comm. Judah: Commissioner Mann, As Karen Is Work On That, I Think I Don't Think It Is A Dead Issue.

Whether Any Of Those We Want To Buy, Balance And Reserve Pay Back And Do A Land Bank.

We Don't Want The Other Five Sitting On The Secondary.

I Don't Think Any Of That Is Off The Table.

I Think We All Need To Keep It On The Table.

I Don't Want To Miss Those Wonderful Opportunities Either.

I Don't Disagree.

Comm. Judah: The Request To Give Direction To Staff To Pursue.

Comm. Mann: If It Is Available.

No Climatation.

Comm. Mann: What The Price Is Compared To What We Thought It Was Previously.

Barbara, I Don't Know If You Want To Compare.

I Don't Know What The Square Footage Prices Are.

I'll Leave It To You.

It Is Was A Long Time Ago.

The Economy At The Time The Prices Were, I Pulled Up That Particular -- Correspondents.

Prices Were Somewhere In The Neighborhood Of \$4 To \$10 A Square Foot, Depending On Which Parcel We Were Looking At At The Time.

I Don't Know What They Are Now.

I Know There Has Been Some Conversation By The Twins Organization About Purchasing And Adding Some Of The Land To The Stadium For Future Development Also.

I'm Not Sure If Anyone Has Investigated The Actual Cost Of That Today Or What It Is.

Comm. Judah: I Was Hoping Today Would Allow Staff To Do So.

I Know It Is Available And Sitting There, But I Have No Ideas.

I Think It Is A Good Ideas For The Twins To Buy It.

Obviously I Don't Think It Would Be The Twins Buying It.

What We Need To Understand Is There Are Multiple Purposes Not Just The Twins.

Maybe They'll Watch What The Red Sox Are Doing And They Will See The Benefit In Doing That Themselves.

Comm. Judah: Thank You.

Commissioner Mann, Bigelow, Hall? .

Comm. Hall: Mann: I Was Going To Bring Up One Other Small Project.

It Is On State Road 80 And Our Little Park.

I Want To Make Sure We Are Not Being Short-Sighted Again, Looking Long-Term And Maximizing Facilities That We Have Things Started That's All I Would Say.

And I Guess -- Okay There Is One More The Waterway Site Now That We Are Not Buying The Utility At Some Point Next Year.

We Will Have To Initiate Something On That Site.

There's A Reimbursement That Has To Be Made To Utilities That Goes To Parks And Recreation.

Somewhere Down The Line There Should Be Something That Mid Year Needs To Be Addressed And There Is Some From The Marina Standpoint Very Minor Upgrades To That Facility.

At Some Point In Time We Should Have A Workshop.

It Will Have To Come From Reserves.

I'm Putting Those Keys In Your Mind.

Sometimes After The First Of The Year, We're Probably Dealing With It -- Even If It Is After The First Year.

We Will Deal With The Issues If Not This Budget Year, Next Budget Year.

Comm. Judah: Karen, You And Your Entire Team Our Board Is Appreciative That We Have An Opportunity To Move Forward Pro-Actively.

There's Been A Lot Of Sacrifice On All Of Your Parts.

We're Deeply Appreciative.

We're Asking You To Do More With Less.

And Still Asking All Of The Departments To Cut Back, As Best They Can.

I Just Am So Grateful That We, The County Are In A Position, Where We Don't Have To Increase The Millage Rate Like So Many Other Municipalities And Counties, Pretty Much Throughout The State Of Florida.

I Thank You For Your Hard Work And Sacrifice And Provide The Critical Level Of Service To The Community.

We're Adjourned.

Thank You All.

5:00 Public Hearing

Chairman Judah: Before We Get Started, David, You've Got An Issue? It Will Be Real Quick, Mr. Chairman.

We Have Had A Request From First Environment, Inc., Out Of Tampa, That Monitors Solid Waste Energy Facilities.

We've Had A Request.

It Deals With Our Ability To Claim And Hold The Greenhouse Gas Emission Reduction Credits And The Voluntary Carbon Unit Credits.

What It Is Is A Short Letter To That Group Advising Him We Own And Operate The Waste Energy Facility.

As Such We Are Entitled To Those Credits If The Board Would Entertain This Letter, I'll Give It To You, Mr. Chairman.

I'll Read It Into The Record.

This Is A Little Unusual.

Then That Way, We Can Agree To It And Get It Sent Out.

This Is To Mr. Carom, Senior Environmental Specialist, First Environment, Inc.

This Is Being Sent To Their New Jersey Offices.

Dear Mr. Carom.

This Is From The Chair.

I Attest Lee County Florida, Owner Of The Lee County Waste Energy Facility Located At 10500 Buckingham Road, Is The Local Owner Of And Has The Sole Rights, Title And Interest To Any Greenhouse Gas Emission Reduction.

All Voluntary Carbon Unit, Or Other Environmental Attributes Potentially Generated By Or Associated With Unit 3 Expansion Of The Facility, That Was Done Between August 2007, December 2008.

No Greenhouse Gas Emission Reductions Or Other Environmental Attributes Potentially Generated By Or Associated With The Electricity Generated By The Facility Or The Municipal Solid Waste Processed Through The Facility During The Aforementioned Time Period Have Been Transferred By Contract To Any Third Party, Including But Not Limited To The Company, Seminole Power.

The Statement Was Reviewed And Approved By A Majority Vote, Lee County Board Of Commissioners, On August 11, 2009.

Chairman Judah: A Motion Then To Move The Approval Of The Letter? Motion By Commissioner Hall.

A Second? David? Excuse Me.

Let Me Get This Back To You.

Have A Motion By -- Tell Me Who The Group Is, Why We Feel The Need To Respond To This? It's First Environment Inc., A New Regulatory Oversight Group.

It's Private.

Comm. Mann: It's A Regulatory, Private Industry? Well, We -- Actually, That's A Whole Other Story.

This Company Is Actually -- David Does Not -- Is Not Fully Aware Of How First Environment Fits In.

We Have Been Working On A Project To Be Able To Claim Renewable Energy Credits.

It's Only Actually Possible Under Regulation For The Third Unit.

Once We Substantiate How The Renewable Energy Credits Are Calculate -- They Are

Calculated As A -- In Comparison To The Amount Of Methane Generated At A Landfill.

We Are Claiming Renewable Energy Credits.

And Actually Carbon Reduction Credits Through Processing At The Waste Energy Plants As Opposed To Landfilling.

First Environmental Inc.

Is A Validation Company.

They Will Take Our Calculations And Our Statements As To The Comparison Of Greenhouse Gas Emissions From A Landfill, Compared To The Co2 Emissions From Our Waste Facility And Will Review And Verify Our Calculations Are Correct And Validate Our Submittal To Third Parties.

Those Third Parties Being Then In Exchange, So To Speak, Of Companies, Such As -- Similar To The Chicago Climate Exchange, Where Then These Emission Credits Can Be Traded.

We're Hanging Onto Those Credits, Not Giving Them Up.

Any Further Discussion? Any Objection? I Hear No Objection.

Motion Pass.

Thank You, Lindsay And David.

Let's Move On Them To The Public Hearing.

Item Number One Regard The Whiskey Creek.

Scott? Good Evening, Commissioner.

I'm The Assistant County Attorney, Here For Agenda Item One To Consider Amendment To The Whiskey Creek Ordinance, To Expand The Scope Of Services.

It Was Published In The Fort Myers News Press On July 21st Of This Year.

And Find It Legally Sufficient As To Form And Content And Hereby Enter It Into The Record.

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

Chairman Judah: Questions Of Scott? We'll Go To The Public Hearing Portion Then.

We Welcome Any And All Comments.

I Have Bernie Lorange.

Followed By Michael King.

Good Evening.

Thank You.

Good Evening, Commissioner.

My Name Is Bernie Lamac, The Current President Of Whiskey Creek Civic Association.

This Association Is Comprised Of About 1,500 Homes In The Whiskey Creek Area, Which Is Between Mcgregor Boulevard And Summerland.

And Of The 1,500 Homes, We Have About 800 In Our Membership.

So We Represent A Pretty Even Synopsis Of Opinion.

I'm Here This Evening To Show Positive Support For The Amendment.

I Think That The Positive Action That We Have Exhibited Over The Past Nine Years, And Particularly The Last Two Years, In Support Of The Summerland Wall And The Improvements Therein, Is Exhibitve Of Our Intents.

We Continue That Same Support.

We View This Action As A Good Example Of The Coordination Between County Government, The Various Departments, And The Mstu, And Our Own Association.

We Think Cooperation We've Seen In Working On This Problem Has Been Very Good.

And We're Complimentary Of It.

We Would Like The Mstu To Be Able To Maintain In The Same Exemplary Fashion The Newly Constructed Wall Along Summerland, Same Way They Do Along Mcgregor.

I'm Sure You've All Driven Past Mcgregor And Examined Our Area There And Agree The Mstu Is A Good, Hard-Working Group.

We Naturally Want To Support That.

Have The Same Sort Of Maintenance On The Summerland Side Of Things As We Do On The Mcgregor Side Of Things.

Of Course That's Why We're Here Tonight.

So We Support And Encourage Your Vote.

I Thank You Very Much For Your Attention.

Chairman Judah: Thank You Very Much.

Michael King? Good Evening, Sir.

Good Evening.

I'm Michael King.

I'm Here As The Chairman Of The Whiskey Creek Mstu.

We Have Been Trying To Do This For Approximately Six Years, At Least.

We've Incurred The Funds To Do It, We've Held Many Meetings.

It's Been Articles In Our Local Newspapers, The Whiskey Creek News.

We've Received No Input Against Any Resident Against It.

I Can Only Assume They Are For It.

I'm Here Tonight To Ask You To Vote To Amend This -- To Approve This Amendment.

So That We Can Continue To Do What You Appointed Us To Do -- Administer The Mstu Funds For The Benefit Of The Residents Of Whiskey Creek.

Thank You.

Chairman Judah: Thank You, Sir.

Anyone Else From The Audience Here, Who Would Like To Speak On The Whiskey Creek Mstu? Seeing None.

Back To The Board.

Motion By Commissioner Janes, To Move The Amendment To Whiskey Creek Ordinance.

With A Second By Commissioner Hall.

Any Discussion? Just To Thank The Team Working With The Community.

We Thank The Community For Continuing To Partner With The County.

It Will Be A Great Project.

Further Discussion? Comm. Bigelow: I Echo What You Said.

Thank You To Everyone Who Has Made This Possible.

Just A Month Ago I Think We Were -- A Month And A Half Ago We Were Just Thinking About

This.

And So The Board Of Government Can Move Quickly Sometimes.

It's Amazing.

So Thanks To Mike And Bernie And Libby.

Everyone.

Thank You.

Chairman Judah: Ok.

Any Further Discussion? Any Objection? Hearing No Objection, Motion Passes.

Thank You Very Much.

We Move To The Second And Final Item For This Evening, Regarding The Neighborhood Civilization Program.

Hi Hi, Melody.

Melody Bowers For The Record.

For Your Second Public Hearing Tonight You're Here To An Ordinance Relating To The Acquisition And Disposition Of Rural Property Under The Neighborhood Stabilization Program, As Authorized By The Housing And Economic Recovery Act Of 2008.

I Have Reviewed The Affidavit Of Publication And Notice Of Intent.

This Was Published In The July 30th, 2009, News Press.

It's Legally Sufficient In Form And Content.

To Conduct The Public Hearing.

And I'm Pro Providing The Same To The Clerk For The Minutes.

Staff Is Available If You Have Any Questions.

Chairman Judah: Anne, Did You Want To Comment? You're Here To Answer Any Questions? I Don't See Any Comments Cards To Speak Of.

So It Looks Like We're Good To Go.

Did You Want To Add Anything Else? Is This For This Item? No.

For The Neighborhood Stabilization Program? Ok.

Right.

Ok.

Anne, Did You Want To Add Anything? No.

This Is Neighborhood Stabilization.

And For Human Services.

We Will Be Acquiring Properties And Then We're Regulated By The Grant To Sell Them To Low To Moderate Income Households.

There's A Florida Statute That Says When The County Acquires Property, You Have To Sell It For Highest And Best Use.

For Us To Not Violate That Florida Statute This Ordinance Was Necessary To Transact Those Properties Back To Eligible Homeowners.

Comm. Hall: Move The Item.

Chairman Judah: Any Discussion Under The Program? We've Received How Much From The Federal Government? The Total Grant Awarded, \$18 Million.

Chairman Judah: I Know That.

How Much Have We Actually Received? That We Have Drawn Down? About Half A Million.

We Just Were Able To Start Drawing Money In The Last Three Weeks Or So.

Chairman Judah: Thank You, Anne.

Comm. Mann: Does This Affect Any Of Our Other Land-Buying In Any Way Or Only Applicable To These Units In This \$18 Million Grant? It Was Restricted To Be These Units In The \$18 Million And Other Affordable Housing Programs. Chairman Judah: Good To Get That Clarification.

Any Further Discussion? Any Objection? Yeah.

Anyone Else For The Public Wish To Comment? Hearing No Objection, It Passes.

To Public Comment Portion.

Mr. English Would Like To Comment? Thanks For Hanging Out Today, Jim.

Good Evening.

Good Evening.

Thank You, Mr. Chairman.

I've Been Encouraged To Come Back To Town This Afternoon.

In Fact, Mr. Bigelow And Mr. Mann, The Motion This Morning With Regards To Our Request, Let The Rest Of You Know, That We Are Deeply Disappointed By The Majority Action Of The County Commission On That Matter.

And That We Intend To Proceed With All Diligence To Accomplish That We Figure Is In The Best Interest Of The Voters.

Citizens.

Taxpayers.

And Property Owners.

Of Lee County.

So We'll Be Back Talking To You Some More.

Thank You Very Much.

Chairman Judah: Thank You, Jim.

Anyone Else From The Public Wish To Comment On Any Matters Concerning The County? Seeing None, Back To The Board.

It's Been A Wonderful Day.

Y'all Have A Good Evening.

We're Adjourned.