

September 8, 2009

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

Chairman Judah: Good Morning, Everyone.

We'll Get Started With Our Commissioners Meeting.

We'll Go Ahead And Start With Our Invocation With Pastor Jackson.

Good Morning.

Father, We Thank You Again For Who You Are.

Thank You For Your Son.

I Pray That You Would Come Before Us Today In Our Meeting.

We Thank You For Our Commissioners, The Work That We Do On All Of Our Behalves And Pray For Them Today.

I Pray For Them As They Make Decisions That You Would Go Before Them.

Thank You For All You've Done, Thank You For Your Love In Christ's Name We Pray.

Amen.

Chairman Judah: Please Remain Standing.

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

Chairman Judah: We Evidently Had One Walk-On Item And No Ceremony Or Resolutions So Right To The Public Comment On The Consent Of Administrative Agenda.

I Do Have One Here.

Michael, Good Morning.

Good Morning.

I Hope Everyone Had A Wonderful Labor Day Weekend.

My Name Is Michael Whiteman, I Represent The Lead Building Industry Association.

I'd Like To Make Some Comments On Agenda Item A-2b Which Deals With The Item You're Going To Address.

On Tuesday September 1, 2009, Professor Asfore With A Guest Opinion In The "News Press" Entitled Think Outside The Box, Suspended Impact Fees.

Maybe Some Of You Read It.

I Do Have Copies Or You Can Look On-Line.

This Individual Is Much More Credential To Represent The Building Industry Or The Health And Economy Of Lee County And I Know That You're Very Much Interested In That.

The Professor Is Not Affiliated, He Does Not, However, State Very Clearly The Opinion Of The Association.

He Does State The Opinion Of The Association.

In Spite Of The Economic Downturn, Impact Fees Of The County Remain One Of The Highest In Florida Averaging In Excess Of \$15,000 Per Single Family Home And Over 24,700 Per 1,000 Square Foot For Medical Office Building.

Over The Past Three Years, Very Little Construction Has Occurred When You Look At The Data.

Compile That Data On A Monthly Basis.

By The Way, The Association Has Been Grateful Being In An Advisory Capacity To The Community Development And The Lee County Commission Over These Past Years.

We Have Gone From A \$3 Million Surplus.

We Had To Borrow Two Weeks Ago.

We Had To Transfer Money To Operate The Front.

Something Is Not Right.

The Last Three Years We Have Not Had Construction And Yet An Average Deficit Of \$400,000 A Month In The Building Department.

Anyway, Over The Past Three Years As I Said, Very Little Construction And Impact Fees Are No Longer The Revenue Source They Were.

Would It Therefore Not Make Sense To Suspend The Collection Of All Impact Fees For The Next Two Years? Two Critical Goals Would Be Accomplished.

Number One, Jobs.

So Desperately We Need Jobs.

Second More Tax Revenue.

Oh, We Have A Glut Of Hopes.

A Glut Of Commercial Office Building.

We Are All Aware Of That.

50% Of The People Now Purchasing Those Foreclosed Homes Are Very Few And Those Individuals Are Going To Compete With The Building Industry Once They Sell The Homes.

Remember, Not Everyone Wants To Buy A Foreclosed Home Or Short Sale Home Or Obsolete Office Building That Requires Extensive Renovation.

Suspending Impact Fees Effective Today, You Have That Ability To Do That Would Give Those Individuals Sitting On The Fence A Monetary Incentive To Build Their Unique Dream Home And Office Complex Giving An Immediate Infusion Of New Jobs And Need A Valorem Taxes For Lee County.

Thank You For Your Consideration.

Chairman Judah: Thank You, Michael.

Anyone Else Wish To Comment? I Do Not Have The Cards.

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

Commissioner Bigelow? Comm. Bigelow: Yes.

Just One.

12-A.

Chairman Judah: Commissioner Hall? Comm. Hall: None.

Chairman Judah: Commissioner Janes? Commissioner Mann? Comm. Mann: Mine, Too.

Chairman Judah: I Would Like To Pull 2-A.

Motion To Move The Balance Of The Consent Agenda? Comm. Hall: So Moved.

Chairman Judah: Hearing No Objection.

Motion Passes.

12-A Commissioner Bigelow? Comm. Bigelow: Thank You, Mr.

Chairman.

This Is To Request A Resolution Authorizing Us To Execute A Third Amendment With Fdot For Signal Updating At Various Locations.

And The Purpose Of This Third Amendment Is To Use \$50,000 Of This State-Funded Retiming Grant, I Suppose, Great? For The Record, Paul Wingard.

A Signal Retiming Project On All State Roads Totally Funded By The State D.O.T.

What This Amendment Is Doing Is Taking \$50,000 Out Of Their Allotment Of Their \$50,000 Moving It In Specifically To Look At The Fuel Savings And Carbon Emissions Reductions Because Of The Signal Retiming.

Comm. Bigelow: Is This A Request Of The County To Update The D.O.T. To Update This Money For The Purpose They Previously Would Not Have Allowed By The Terms Of The Grant? Why We Are Doing This? It Was A Mutual Decision By The County And The State.

The Original Contract Set Up That All The Money Was Going To The Signal Retiming And We Talked To Them What If We Do This.

Would You Have An Interest In That.

They Would Like To Document What The Savings Were So In Order To Set It Up Within Their Structure, We Have To Make An Amendment To The Agreement.

Comm. Bigelow: So You're Going To Study The Energy, Savings And Carbon Output Due To The Improved Vehicle Flow That Comes With The Retiming Of The Lights.

Yes, Sir.

That's Correct.

Comm. Bigelow: Good.

I Understand This Correctly.

But What Purpose Does This Serve? Moving Traffic More Fluidly Means Less People Sitting At Lights And Burning Off Fuel Needlessly Or Wastefully.

To What End Does This Get Us? We'll Study It And Then Know It Or Then What? It Will Definitely Quantify To Determine Is It Worth While To Continue To Do These Type Of Things From An Environmental Aspect.

Other Than That It Doesn't Serve A Particular Purpose.

The Board Did Discuss Here Just A Couple Of Weeks Ago About Doing A -- Starting A Carbon Credit Bank Within The County Because That's Something That's Going To Be Forced On By Governments, The Direction The Federal Government Is Heading.

It Actually Parallels Or Supports That Effort.

The Board Brought Up Here Just A Couple Of Weeks Ago.

Comm. Bigelow: So \$60,000 To Quantify Something To Obtain Information In A Quantifiable Manner We May Or May Not Use For Some Other Purpose Down The Road.

We Will Use It For Another Purpose Down The Road.

Comm. Bigelow: So That Purpose Is To -- What, Play In The Cap And Trade Federal Government Games? Processes They Proposing? At Some Point In Time, That Is Possible.

We Don't Know What The Final Outcome Will Be, Where That May Go.

That Gives Us That Documented Evidence Should We Opt To Go In That Direction.

Comm. Bigelow: Okay.

But That's Not Yet Law.

Cap And Trade.

That's Correct.

At The Present Time The Only Actual Programs Out There Are Done On A Voluntary Basis.

Comm. Janes: It Will Cost \$50,000 To Show Traffic Flowing Is Better Than Traffic Stopping At A Intersection And Coordinate Intersections So The Traffic Flows.

Every Sixth Grade Child In The County Knows You Waste Energy When You Are Sitting With Your Idle Motor Idling.

What Can Cost \$50,000 We Must Contract Out For That We Couldn't Have Done Internally? I'm Not Sure We Have The Expertise To Do The Math Calculations, Although, It Is Certainly Possible.

Comm. Janes: The Intersection For How Long, You Sit There With A Stop Watch.

It's More In-Depth Than That.

It's Both Idle Time And The Time To Accelerate.

That's When The Fuel Is Used For Both Of Those Operations.

Comm. Janes: This Will Be Contracted Out With Somebody.

Or How -- What Happens? At This Point In Time, This Particular Blue Sheet Is To Amend The D.O.T. Documentation To Allow Us To Expend The Money In That Manner.

It Really Doesn't, It's Not Tied Back To A Contracting Of Any Individual.

Comm. Janes: But It Would Be At Some Point.

Probably It Would Be, That's Correct.

Comm. Janes: That's My Question.

But Not Yet Determined.

At This Point This Is Just To Amendment The Fdot Agreement.

Comm. Janes: But To Allow The Expenditure And Seems Something We Could Do Internally.

That's My Struggle.

Is There A Possibility After Looking At This, Look And See If Some Of Our Folks Might Be Able To Do This Rather Than Expend The Whole 50 Grand.

Certainly.

Sure.

We Could Definitely Look Into That.

Chairman Judah: If I Could Have A Minute, More Than Just Counting The Cars Through The Intersection.

It's The Calculation Of Fuel That's Spent In Congested Traffic And The Savings From Free-Flowing Traffic.

The Co2 Emission That Gets More Than Just A Little Clicker Counter.

Much More Sophisticated Than What's Laid Out And Frankly, Any Sensible Environmentalist And Economist Who Understands The Sense Of Moving Forward With This Project Puts Us In The Position We Can Understand And Position Ourselves For Federal Grant Funds For The Future Or For That Matter Future Improvements And Widening Of Future Roads.

The Ramifications Are Tremendous.

This Is Just But A Small Step To Getting This Area And This Country, Quite Frankly, In Sync With The Rest Of The World In Regards To Fuel Input And Fuel Savings And An Important

Project To Go Toward With.

Yes, Sir.

Absolutely.

We Can Look At The Possibility Of Doing Calculations But Need To Make Sure It's Substantiated In A Manner That Would Stand Up For A Scrutiny If We Were To Use It For A Grant Or Sell Carbon Credits Or What May Become Of It Down The Road.

But, Again, The Purpose Here Is Just To Allow Us To Make The Amendment To The Fdot Contract.

Chairman Judah: Commissioner Bigelow.

Comm. Bigelow: So Bring The Contract Back If We Decide To Do The Study.

Depending On The Value Of The Contract If It Needed To Come Back But Something We Could Apprise You Of.

Comm. Bigelow: A Limit The County Manager Could Authorize.

Chairman Judah: A Motion.

Comm. Bigelow: Somewhat Premature Here.

Seek The Authority To Spend \$50,000 Of State Money To Be In A Process Or Be Part Of A Process, I Guess, If Federal Government Enacts Law To Contemplate It Even.

It May Or May Not Net Us Money.

The Idea Is To Provide The Documentation So We Know What Though Savings Are Producing.

It's Not Just A Matter Of The Fuel Savings Or The Carbon Emissions.

At Some Point In Time We Have To Start Putting Numbers To That And I Believe That's Why The Board Brought It Up Here A Couple Of Weeks Ago To Start Looking At Documenting On That Sort Of Thing And Looking At Doing That Through The Other Grants As Far As Documenting What The Overall Carbon Foot Print Is Just To Give A Basis To Measure Against.

Comm. Hall: I'll Move The Item.

Chairman Judah: A Second? Seconded By Commissioner James.

Discussion? Commissioner Mann? Comm. Mann: I Can Recall Back Clearly 25 Years Ago Give Or Take A Year Or Two A State Grant Of \$50,000 That Came To Lee County To Work On Signalization On Cleveland Avenue.

My Point This Is Not A New Thing.

We've Done It Here At Least Twice Since I've Been Back On The Commission.

And I Don't Know What Is So Unique About Any Intersection Or Series Of Intersections In Lee County That Wouldn't Be Duplicated In Any Other Community That Has Several Intersections Back-To-Back.

This Information Ought To Be Available.

We Ought To Know If There's 1,000 Vehicles Going Through The Intersection And They Have To Stop, Somebody Already Knows That Information And Confident We Are Duplicating Stuff We've Been Doing For At Least 25 Years And Pains Me To Have To -- \$50,000.

In Your Half A Billion Dollar Budget Doesn't Seem Like A Lot But Seems Like A Lot For Me.

The Signal Re-Timings Need To Be Investigated Again.

I Don't Know That We've Ever Done A Project To Document What The Savings Is.

We Document The Time -- Somebody Has Somewhere.

Enough Said.

I Made My Point.

Chairman Judah: Objection? 3-2? Commissioners Mann And Bigelow.

Thank You, Paul.

On 2-A.

Can You Give Me Justifications Why We Do This? The Applicant Has Basically Said That Economy Is So Bad Now They Haven't Been Able To Market Them In The Time Frame.

Chairman Judah: Asking For Two-Year Extension? Asking For Two.

Chairman Judah: Has This Not Been Requested Before? Correct.

Chairman Judah: And After The Two-Year Extension, Then What? Again On The Part Of The Board? They Would Need To Use It Up During That Time.

If They Come Back And Tell Them Yes Or No.

We Don't Have Anything In The Lee County Administrative Code With Regards To Extensions? No Automatic Extensions.

Chairman Judah: Back To The Board.

Motion To Move The Item? Seconded.

Commissioner Bigelow.

The Station On Metro Down By 6-Mile Cyprus Parkway.

Comm. Mann: Or Contemplated To Be.

Yes.

Right.

The One That's Already There.

You Go To The End Of Metro.

On The Other Side Of Daniel.

Keep Going South.

Right At The End.

They Receive Road And Taxi Credits So Holding Credits That Then Can Be Marketed To Someone Else.

The Gas Station Is Already There.

You Go By Wal-Mart.

Chairman Judah: Holding This For Marketing Purposes.

The Credits.

Right.

The Credits Can Be Bought And Sold.

Chairman Judah: Any Objection? Motion Passes.

Thank You, Mary.

You May Want To Stay Up There.

The State Requires Us To Analyze It Every Year And We Also Use It For Planning Purposes To Identify Where We Think We Would Have Potential Problems With Infrastructure Such As Roads.

We Use It As A Planning Tool To Figure Accordingly For C.I.P.

This Year The Only Issues Are Transportation-Related, No Big Surprises.

The Usual Road Links, State Road 82.

A Couple Of Links And A Couple Of Links On U.S. 41.

Most Of The Link Problems Are State Roads Or City Roads Or A Couple Of County Links.

And I Do Need To Make One Correction For The Record.

State Road 82 From Colonial To Commerce Links Drive We Show It E But Really An F.

We Don't Have Implications Because It's Below The Service Of The State Road.

I Need To Make That Correction.

Comm. Hall: Which One? State Road 2 To Commerce Lakes.

On Page 1 Of The Last Photograph And A Few Other Places We'll Change It.

F Not E.

Chairman Judah: Is Dave Loveland Here? Yes.

Chairman Judah: Dave, Some Good News On That Stretch From Lee Boulevard To I-75.

And Then Plan To Move Forward With That Segment Between Commerce? For The Record, Dave Loveland Lee County D.O.T.

The Section Of Daniels Between Chamberlain And Gateway Boulevard.

Chairman Judah: And Start That Early Next Year? Yes.

It's Scheduled For 10/11.

Right.

October Of Next Year Ready To Go To Construction.

Chairman Judah: And Late This Year On 82? I Talked To Said On Friday.

It Will Be Under Their Direction.

Hoping To Have That Out To Bid In The Next Month Or Two.

So Getting Closer.

Chairman Judah: We Added -- Obviously The Segments Highlighted In The Report Shows Where All The Problem Areas Are.

A Lot Of Those Are Constrained Roads Are Within The City's -- We Indicate The Project Status In Here.

May Be Potential Problems Based On Projected Level Of Service Conditions Down The Line.

We Don't Have Anything Programmed.

But That's Based On Already Approved Local Development Owners For Development That Hasn't Happened Yet And May Not Happen Given The Current Economy.

We'll Have To Wait And See.

State Road 82 Is One Of The Biggest Problems Within Unincorporated Lee County That We Are Facing Because The Whole Segment From Lee Boulevard All The Way To The Henry County Line Is Below The Adopted Level Service Standard.

The State Has The Design Phase Program For The First Piece Of That From Lee Boulevard To Daniels Out In The Fifth Year Of The State Work Program But Don't Have Any Other Phases Beyond That Design And Just The First Piece Of A Very Long Part Of State Road 82 That's A Potential Problem.

A Current Problem.

Chairman Judah: I Want To Highlight Some Of The Issues.

Approval? Chairman Judah: Thank You, David.

Movement To Accept The Report.

Seconded By Commissioner Bigelow.

Hearing No Objection.

Motion Passes.

Comm. Bigelow: As Amended.

Chairman Judah: Yes.

Now On To 2-B.

Mary? Good Morning, Commissioners.

Just To Say If You Wanted To Do Anything With Impact Fees.

The Last Time We Were Before You A Year Ago And The Last Few Times We've Had Updates

We've Not Adopted Any Increases And You Told Us At That Time Because Of Economy Let's Just Wait A Year And Revisit The Issue Again.

Here We Are A Year Later.

What We Are Recommending Is Because The Can Economy Isn't Improved We Should Wait Another Year To Revisit The Issue.

Otherwise I Would Need To Be Starting On A School Update Soon.

I Talked To The School Board And Told Them Or School Board's Attorney And Told Them We Are Bringing The Item And They Were Fine With That If You Vote Not To Do Anything Or Wait Another Year And See If Things Turn Around.

Chairman Judah: A Motion On Staff Recommendation? Concerns Or Questions At This Time? Comm. Hall: I Have A Question.

Mary, If We Went Forward With School, What Is The Potential Of Them Being Less Than They Are Now? When We Did The Road We Thought We Would See A Decrease But With Didn't.

They Would Duct Tape My Mouth Shut Because Every Time I Think It Goes Down It Goes Up So I'm Not Allowed To Comment On That Any More.

Comm. Hall: Okay.

You Can't, You Don't Know Without Doing A Study.

Comm. Hall: Okay.

I'll Go Ahead And Make The Motion We Retain And Come Back In 12 Months.

Chairman Judah: Motion By Commissioner Hall.

Seconded By Commissioner Mann.

Discussion? Commissioner Bigelow.

Comm. Bigelow: I Appreciate The Comments This Morning.

I Didn't Know Former Cape Coral Councilman Was A Professor But He Was One Of My Elementary School Economic Teachers.

Chairman Judah: That Is The Same Gentlemen? Yes.

Chairman Judah: Former Cape Coral Council Member? It's Interesting.

I Wonder If There's Any Way To Determine What New Construction We Would See.

If We Were To For A Period Of Time Put A Moratorium On Impact Fees, What Would That Do? I Don't Know That We Have Any Knowledge Or A Way To Determine That.

Comm. Hall: Commissioner.

I Could Make A Comment.

I Asked Our Consultant A While Back.

When We Discussed This, I Don't Know It's Been Six Months Or Longer Ago But I Asked Our Impact Fee Consultant.

A Few Places In The State Have Done Temporary Or Moratorium.

Whatever You Call It.

I Looked At Charlotte County To See If Putting Fees Helped The Permitting And It Continued To Go Down.

We Haven't Done A Scientific Study But The One Example I Know That Has Put The Things In Effect, Haven't Shown Any Increase.

That's A Very Unscientific Study And I'm Not A Professor.

Comm. Bigelow: Recent And Local Experience Shows Us It's Not Going To Have That Effect.

I Would Have To Agree That It Seems Like A Lot Out There Already On The Market.

And Adding To It May Be More Problematic Than Problem Solver.

I Am Interested In Trying To Find Ways To Create Jobs If The County Can Be A Participant On That At All.

Anyway.

That's My Two Cents.

Chairman Judah: Any Discussion? Objection? Motion Passes.

Thank You, Mary.

Go On To 5-A.

Move The Approval For Conservation 20-20.

Chairman Judah: Do We Have A Second? Seconded By Commissioner Mann.

One Of The 14 Under Review? I'm Sorry To Interrupt.

On The Second Question.

Hi, Karen.

For The Record Karen Foresight County Lands.

One Of The 16 Properties.

Chairman Judah: The First.

The First In Bonita Springs.

Chairman Judah: Good Job.

Comm. Bigelow: Is This The Properties The State Was Trying To Condemn And Asked Us For Some Kind Of Partnership? These Are Not In The Critical Crew Area So A Separate Part Of The Crew Project But We Are In Training As Of Today Through The Consent Agenda.

We Moved Between The County And Water Management District So Will Be Participation In Managing The Property As A Part Of The Overall System.

Comm. Bigelow: And A Lot Of Land Similar To The Ones We Are Buying Here.

Am I Correct? Yes.

Comm. Bigelow: Reminded Me Of What The State Was Trying To Condemn And Put Into Possession.

Are There Others Nominated? It Does Look Like -- No.

There Has Been One Other Nomination In The Crew Area But We Did Not Come To Terms With That Owner So That Will Have Fallen Out.

No Other Crew Properties A Part Of The Original 16 That The Board Had Moved Forward.

Comm. Bigelow: I'm Not In The Colleges And Not A Professor But Looking At The Aerial, That Area Looks To Be Critical To The Flow Of Waters Through The Crew.

Seems Like As I've Tried To Suggest Before That Maybe We Could Actively Pursue Owners Interest In Nominating Their Lands.

Commissioner Bigelow, Over The Last 10-Plus Years, The County Has Actively Through Our Office Working With The District And With The Crew Trust To Acquire As Many Parcels As We Could Voluntarily.

Every Property Owner Out In That Area Has Been Contacted Four Times In That Period Of Time And Fairly Recently.

So Just A Couple That Actually Nominated Their Properties To The Program.

Comm. Bigelow: That's Disconcerting.

A, It Helps With That Critical Flow Area Of County.

We Know What The Flooding Is Like In The South Part Of The County.

Thirdly It's A Prime Opportunity To Try To Acquire The Lands And Helps To Kind Of Buffer Bonita Springs Sprawl Efforts Or Potential Efforts Into The Area.

Short Of Condemnation At This Point, We Don't Have Anything We Can Do.

As I've Said, Each Of Those Property Owners Have Been Notified And Have Been Encouraged Over And Over Again To Nominate Their Properties In The Past.

Comm. Bigelow: I Like This And Like To See More.

Chairman Judah: Good Job, Karen.

Any Discussion? Objection? Motion Passes.

We Move On To Item 5-B.

Comm. Hall: Move To Transfer Ownership Of The Facility.

Chairman Judah: A Motion By Commissioner Hall, A Second? Seconded By Commissioner Mann.

Comm. Hall: I Want To Thank Barbara And Her Team.

The Mayor And Managers And All Of Us Are Very Supportive Of This Transfer And I Want To Thank The Town And Our Staff For The Hard Work And I Hope That The Residences Of The Town Of Fort Myers Beach Know We Are Partners With Them And Excited We Have Their Community Center In Their Hands And Under Their Control Now.

Chairman Judah: Thank You For Those Comments, Commissioner Hall.

You're Right.

Our Staff Has Worked Closely And You Want To Thank The Mayor And The Council Making Sure The Transition And Takeover Of The Rec Center Being Addressed For The Community In The Near Term And Also The Future That There's Enough Funding For Any Future Improvements Such As To The Roof, Any Repair That Needs To Be Done As Well As Sufficient Operational Dollars.

I Appreciate The Effort Of Staff Working With The Town Of Fort Myers Beach.

Commissioner Mann? Comm. Mann: Short Comment, Mr. Chairman.

I Received An Unnecessarily Ugly E-Mail About This Item Suggesting That We Should Not Move Forward On It.

I Was Fairly Familiar With It Because We Discussed This With The City.

I Looked Into It At Length Trying To Review This Thing.

I Wanted To Show This On The Record.

This Is A Project Discussed For Years Since The Town Incorporated Fort Myers Beach.

They Planned All Along And Ongoing Discussions With The County To Some Day Take That Park Over.

And This Is The Combination Of That Effort.

And It Is Being Accomplished At A Time When All Of The Deferred Maintenance At That Park Is Taken Care Of By The County With County Funds So Receiving An Up To Date Clean As A Whistle Functionally Operational Facility, And We're Throwing In Operational Dollars To Boot.

So Why Folks Would See This As Some Burden On The City, The Town Of Fort Myers Beach Is Beyond Me And I Wanted To Clarify That If Anyone Is Watching And Still Concerned And Control Of Their Own Facility At Fort Myers Beach Which Is Ideal Anyway.

To The People One Person Sent Me An Ugly Letter, I Got Your Mail.

Thank You.

Chairman Judah: All Right.

Good Point, Commissioner Mann.

Any Further Discussion? Commissioner Bigelow.

Comm. Bigelow: Could You Tell Me, We're Going To Clean Up The Main Roof And Two Outbuildings, Maintenance Buildings.

We Are Reroofing Those, Right? Working With Jack Green And Worked It Out.

Comm. Bigelow: Okay.

That's What They Expect.

We're All In Agreement.

Comm. Bigelow: Thanks.

Chairman Judah: Any Further Discussion? Objection? Motion Passes.

On To Commissioner Item 5-C.

Comm. Hall: I Move To Adopt The Motion To Pursue Acquisition Of The Gulf Coast Center In Buckingham.

Chairman Judah: Do We Have A Second? Comm. Bigelow: Commissioner, At One Point We Owned This.

For The Record, Yes, Commissioner.

In Partnership With The State Raised Enough Funding To Purchase By The County, Purchase The Property For \$55,000.

But The Agreement Was To Then Convey It To The State For This Facility Which Exists There Now.

Comm. Bigelow: So We Bought It And Conveyed It For Just Value At That Time? Conveyed Without Any Specific Monetary Compensation Coming From The State.

It Was An Agreement With The State That County Would Raise The Money Which We Do, Purchase The Property And Convey It Over To The State For The Use Of The Type Of Facility That Exists There.

Comm. Bigelow: Is It My Understanding The State Is Interested In Selling? The State Has Indicated They Are Surplussing The Property.

They Are Closing The Operation As Of June Of Next Year And Looking To Sell And/Or Lease The Property By Virtuosity County Being The Local Political Government, Local Government.

We Have One Of The First Right Of Refusals And This Is A Requirement To At Least Let Them Know Of Our Interest To Pursue Something With That Property Before They Were To Put It On The Open Market.

Comm. Bigelow: All Right.

I'm Kind Of Interested In The Deal We Gave Them When That Did Convey.

An Interesting History.

Comm. Bigelow: Seems Like If We Were Gracious Enough To Grant It Before, Maybe They'll Grant It To Us Next.

Only Fair.

Comm. Hall: See What They're Going To Do, We Have To Tell Them.

Chairman Judah: Discussion? Comm. Mann: Yeah.

I Think It Needs To Be Stated That Parcel Out There Has Been The Subject Of No Small Amount Of Controversy Over The Years And Since It Was Announced No Longer Going To Be Used As A Facility For The Developmental Disabled, The Community Out There Has Been Interested In What Its Future Was Because They Were Scared The State Would Change It Into A Prison Or A Boot Camp So The Neighbor Is Scared To Death Of It.

I'm Curious As We Pursue This What We Have In Mind Because We're Going To Have 300 People Out Here At Some Point If We Decide To Make That A Boot Camp If We're Not Lynched In Advance Of That Meeting.

What Are We Thinking About Doing With It? At This Point, Administration Is Wanting To Look At Possibilities.

Various Departments Interested In Seeing What Maybe We Can Do Partnership Wise.

We Are Getting Word From The University That They May Want To Partner On Some Type Of Program.

It Really Is So Early In The Stages.

We Are Aware Of The Various Concerns As You Are And This Will Allow Us At Least As Commissioner Hall Has Stated The Opportunity To At Least Look At It Seriously.

Comm. Mann: If It Were Developed By The Private Sector, Give Me A For Instance Or The Density.

What Would Be Allowed To Be Built There Today Or Would There Be An Immediate Zoning Requirement Change? I Don't Know The Answer Directly To That.

We Have Over 500 Acres Of Property.

Density, I Think Is 1 To 10, I'm Not Sure If Mary Knows The Answer To That.

Correct.

It Is 1 To 10.

It's A Beautiful Piece Of Property.

I Was Really -- Great Potential But A Lot Of Money To Development And I Don't Know If It's Development 1 To 10? I Don't Know If We Want To Scare The Private Sector Off.

You Can Make Beautiful Rule Estates There.

I Messed It.

It's Public Facilities Shown Called Public Facilities.

So If There Were To Be Some Change To Increase The Density Or Do Something Consistent

With Public Facilities, It Would Need A Comprehensive Plan.

Comm. Mann: And What Is Public Facilities? It Could Only Be Used For A Park? A Park, Water Plant.

Comm. Mann: Jail, Boot Camp.

Right.

E.O.C., School, Something Like That.

Comm. Mann: Okay.

No Matter What, It Comes Back To Us For Purchase If There's Even A Dollar Amount Proffered By The State.

So We'll See This Again, Yes? Comm. Hall: Just Like To Add On That The Property Is Sandwiched Between Two Other Conservation 20/20 Parcels.

About 300 Some Odd Acres Have The Improvements And 150 Acres Is Pristine And Falls Between These Two Other Conservation Parcels, One To The South And One To The North.

Could Be Some Conductivity We Could Look At As Well From The Conservation End Of Things.

Comm. Mann: And Even With The Improvements There, The Buildings, The Swimming Pools, The Asphalt Parking Lots, It Might Be A Subject For 20/20 Consideration? Comm. Hall: It Could Be But The Portion I'm Thinking Is The Unimproved Area Is The 150-Acres Along The West Boundary Of The Property.

There's A Whole Variety Of Things That We Should Look At.

Comm. Mann: And We Will Before This Is Concluded.

Thank You.

Chairman Judah: Any Discussion? Commissioner Bigelow.

Comm. Bigelow: You Have Made This Board Abundantly Aware Of The Unfounded Mandates Of This Board More And More Every Year.

We Could Remind Them Of The History That We Shared Together With Respect To This Property Recognizing There Is A Lot Of Savings To The State If We Take This Off Their Hands.

And That They Go A Long Way To Help Soften The Brunt Of The Unfounded Mandates That They Rain Upon Us Annually.

I Would Like To Be Sure That We're At Least Throwing That Into The Negotiation Mix.

Chairman Judah: Absolutely.

Comm. Bigelow: And Aggressively So.

Chairman Judah: Further Discussion? Objection? Hearing No Objection.

Motion Passes.

Thank You, Karen.

On To Item 10-A John Wilson? Comm. Hall: I'll Make A Motion That We Return The Moneys Held In Escrow For The Co-Location Of Cape Coral Into Our Emergency Management Offices.

Chairman Judah: Motion By Commissioner Hall.

A Second? Comm. Hall: \$6,858.

Chairman Judah: I'll Second For Purpose Of Discussion.

John, Cape Coral Makes The Request Initially To Set Aside Space And Reserve That Space With Money Set Aside In Escrow.

Now No Longer Want The Space? For The Record John Wilson, Public Safety.

That's Correct, Sir.

Chairman Judah: What's Your Advice If Not Being Involved With The E.O.C.? Clap Ration Coordination.

Correct, Commissioner.

At The Time The City Initially Provides Funding To Us Was About The Time We Were Going Through Their First Initiative For Their Public Safety Building That Was Eventually Turned Down By The Voters Of Cape Coral And This Was A Way To Provide Some Safety Measure To Their Plan.

So Since That Time, They've Built More Scaled Down Public Safety Building, Maintained Their Current E.O.C.

And After A Meeting With Us, Chose That Perhaps Using This Money To Enhance Their Current Facility Would Be In Their Best Interest.

Chairman Judah: Any Questions? Commissioner Mann? Comm. Mann: I Don't Hear You Saying That There's Not Going To Be Some Obligation On The County's Part To Concern Us During A Hurricane, For Instance, With The Geography Of The City Of Cape Coral.

Will They Look After It Themselves? We Have Space In The Current Plan To Have

Representatives Or Liaisons In Our Business In Our Facility That Would Include The City Of Cape Coral.

The Way We Structure Our Response Efforts, We Make The Area And They Handle The Area Of The County Since We Currently Also Provide Fire Protection Through An Mstu Contract With The City.

They Would Use Their E.O.C. To Manage The Response Efforts Of Not Only Their Particular Jurisdiction But Also The Unincorporated.

Comm. Mann: Let Me Approach It Another Way, What Do We Do With Fort Myers Beach, Sanibel, City Of Fort Myers, What Is Our Partnership With Them And The Proposed New E.O.C. Building? A Lot Of That Is Still In Talking Stages.

We Don't Have Final Plans But What Are We Doing With The Other Cities? We Provide Space To Have Folks Have A Representative There And Coordinate With Us In Response To Actions.

Comm. Mann: Are They Paying Anything? No, Sir.

Comm. Mann: How Did These Folks Get Money Upfront? They Used Funding And Participate Through A Joint Participation Agreement And Going To Use Those Funds To Fund This Additional Square Footage And Proposed E.O.C. For Their Staff.

Comm. Mann: Are We Going To Be Asking The Other Cities To Participate Since We'll Be Assuming This Responsibility? No, Sir.

This Is Something That He Had Voluntarily Wished To Enter Into So Something Over And Above.

Comm. Mann: The Construction Of Their Own Public Safety Building.

On Again? The Public Safety Building? All Done After All The 200 Million Argument So They Don't Need Us Any More.

They Want Their Money Back.

Yes, Sir.

Comm. Mann: And Not Getting Money From Any Other Cities.

No, Sir.

Comm. Mann: So Give Them Their Money Back.

Comm. Hall: Is That A Vote? Chairman Judah: Am I To Understand None Of The Other Areas Participate? Only The City Of Cape Coral Does.

Yes, Sir.

Chairman Judah: Further Discussion? Objection? Motion Passes.

Thank You, John.

This Is A Public Hearing Portion Of The Agenda.

Good Morning, Michael.

Michael Jacobs Assistant Public Attorney.

I Have Two Public Hearing Items And Enter Those Into The Record Now.

The First Item Is A Petition To Evacuate A 12' Wide Easement On Arbor Avenue.

Chairman Judah: This Is A Public Hearing.

Any Members Of The Public Wish To Comment? Motion By Commissioner Hall.

A Second? Seconded By Commissioner Bigelow.

Hearing No Objection.

Motion Passes.

Second? The Second Vacation Request Is Two 15' Wide Drainage Easements On Various Addresses Free Mountain Way.

Chairman Judah: Anything Wish To Comment On The Request? Seeing None, Back To The Board? A Movement By Commissioner Hall.

Seconded By Commissioner Janes.

Commissioner Bigelow? Comm. Bigelow: We're Initiating This.

This Is Interesting.

Yes, Sir.

Comm. Bigelow: The County Initiated Two 15' Wide Drainage Easements Spring Mountain Way.

In The Lakes Subdivision.

So The Homeowner Association There Will Assume Management? This Is In The C.D.D. Back In 2007.

The County Entered Into An Agreement With The C.D.D. In Exchange For I Believe A Water Management Feature On Another Piece Of Property That We Would Evacuate These

Easements.

Comm. Bigelow: Okay.

Thank You.

Chairman Judah: Further Discussion? Objection? No Objection, Motion Passes.

The Walk-On Item Number One.

Move The Adoption.

Chairman Judah: Just In Case There's Questions.

Support The Application.

We Discussed It At Length At The M.T.O. Meeting.

Chairman Judah: Motion By Commissioner Hall.

Seconded By Commissioner Bigelow.

Comm. Bigelow: Commissioner Mann Wanted To Do It Since He Brought The Item.

The Application Is Prepared Over The M.P.O.

We Work To Coordinate With Charlotte County Who Has A Comparable If Not Identical Vision For At Least The Rail Component And The I-75 Widening Speaks For Itself.

Comm. Bigelow: Commissioner Mann, You Want To Second It.

Comm. Mann: No.

Comm. Bigelow: Okay.

Chairman Judah: Good.

Okay.

Motion, Second, Hearing No Objection.

Motion Passes.

Thank You, Wayne.

Let's See.

We Go On To Commissioner Items.

Commissioner Bigelow.

Commissioner Hall.

Comm. Hall: I'd Like To Congratulation The American Legion On Their 90-Year Anniversary.

Had The Pleasure Being With Them On Friday For A Ceremony.

So Many Great Sponsors.

A Really Nice Evening And Want To Thank Everybody For Coming Out And Proud Of Them And 90 Years Old.

Good Job.

Chairman Judah: Thank You, Commissioner Hall.

Commissioner Johns? Commissioner Mann? I Have One And That's To Thank Operation Staff Particularly The Field Crew.

We Evidently Received The Florida State Leg Award Once Again.

This Is For Municipalities Or Counties Taking Care Of Spring Training Site Here At Hammond Stadium And Just Incredible Legacy This Turf Crew Is Providing For Our County.

They've Won This About 13 Times, I Believe.

Exceptional Crew.

Extend Our Appreciation To Their Good Work, If You Would.

Comm. Mann: Mr. Chairman, One Thought.

A Moment For The Silence For The F.S.U. Fans In The Room.

Chairman Judah: Oh, Did They Lose? [Laughter] Comm. Mann: Dropped The Pass In The Last Second.

But No Big Deal.

Chairman Judah: Commissioner Mann, You'll Be Getting A Nastier Correspondence.

You're Clemson, Right? Comm. Mann: Vanderbilt.

We Won 45-0.

Thank You Very Much.

Did You Play Anybody? Comm. Mann: Of Course.

Chairman Judah: All Right.

We Do Need To Go To Committee Appointments.

Commissioner Bigelow.

Comm. Bigelow: Nothing.

Chairman Judah: Commissioner Hall, Commissioner Mann? I Do Have Committee Appointments If Someone Would Entertain The Motion For Tracy Artusio, William Pricing On Advisory Committee And Landscaping Committee.

Motion By Commissioner Hall? Seconded By Commissioner Bigelow.

Motion Passes.

Okay.

Why Don't We -- Well, Let's Go On To County Manager At This Time And The County Attorney Deal With Your Contract.

Did You Wish To Comment Anything At This Time Or Withhold Comments Until We Get To The Contract.

We'll Go To The County Attorney's Office.

Good Morning, Mr. Chairman, Members Of The Board.

Commissioners, Last Week You Asked The Chairman To Get Together To Start Working On The Framework For A Proposed Contract As The County Manager For Lee County.

At The End Of Friday Last Week I Sent You A Memo With The, What I Call The Salient Points For That.

This Morning Embarrassingly I Had To Shoot Around A Short E-Mail Because I Left Out One Of The Things Corrected.

Chairman Judah: Why We're Giving You Two Weeks.

I Would Like Two Weeks To Put The Whole Package Together To Put The Flush On It.

This Is The Skeleton, If You Will.

If You Give Me That Direction I'll Be Pleased To Do It That Unless You Have Comments.

You Send An Amended Memo To Friday Memo? I Did.

It Was An E-Mail.

What I Did Was I Had Inadvertently Left Off, An Additional Two Weeks So Six Weeks Rather Than The Four.

Chairman Judah: This Is Commendable With What She Is Willing To Accept With Regards To Salary.

I Mean, I Appreciated, Karen.

One Heck Of A Message To Send To The Community And Particularly To Our Employees That You Weren't Even Anticipating Or Expecting An Increase Of Salary Above The Base You Have At This Time.

You Had Every Reason To Expect, Actually, A Bump From What We Brought You In On And The Salary You Are At.

It's Commendable And Speaks Volumes About Your Integrity And Commitment To The Community.

I Hope The Rest Of The Board As Far As The Package Goes Is Acceptable.

Leave It Up To Discussion.

Comm. Hall: They Will Bring Back The Contract For Our Approval On The 22nd.

We'll See A Drop Before That.

Yes, Ma'am.

I'll Circulate A Draft.

Comm. Hall: At This Point We'll See You Back On The 22nd.

Comm. Mann: No Action Required.

I'll Bring It Back On The 22nd.

You'll See It Before Then.

Chairman Judah: Thanks For The Discussion.

Before You Go, An I Know With Regards To The Contract That We Have And No Fault Of His Own, We Decided To Curtail The Recruitment Process And Go With The Interim To Become Permanent.

Is There Any Chance Of Reduction Of The Total Price That We Contracted With Them To Do? Commissioner, Yes.

I Believe There Will Be An Adjustment To The Contract.

We'll Be Talking With Collin Today.

Chairman Judah: And I Appreciate His Understanding.

Comm. Hall: Are We Going To Stop It On The 22nd Or Do We Need To Do That Today?
Comm. Mann: I Think You Should Stop The Process Today.

Comm. Hall: And Terminate Our Contract.

Chairman Judah: No Further Recruitment.

Motion By Commissioner Hall.

Seconded By Commissioner Bigelow.

Discussion.

Objection.

Motion Passes.

Thanks For Working With Karen And Back With Us In A Couple Of Weeks.

Commissioner Bigelow? Comm. Bigelow: The Salient Point The County Attorneys Put Forward Are All Of The Interim County Managers Request, Right? This Isn't The Product, Therefore, Of Deliberations With The Chairman? Yes, Sir.

It Was.

I Sat In On The Meeting.

Comm. Bigelow: That's Kind Of What I Thought.

Let Me Put Out A Couple Eye Brow Raisers For Myself.

Under Termination For Cause Title Requires Super Majority Vote Of The Board, Four Members.

I Put It Out There, I Can't Support That.

The Board -- That's All We Got, Really, When It Comes To Changing The Direction Of The County Management.

We Can Hint And Try To Do Our Best To Say, Hey, We're Interested In Going In This Direction But County Manager Sees It And His Or Her Opinion Goes Somewhere Else.

So Be It, If It Takes Four Members To Terminate For Cause, Really He Or She Would Only Have To Keep Two Members In The Support Column And I Think That Really Weakens This

Board's Authorities.

I Would Urge To Rethink That Personally.

As Far As The Term She's Requesting An Initial Five-Year Term For The Contract.

I Think That Might Be A Little Bit Too Big, Too Much For Me, Too.

Seems Like It Would Go Annually As Does Yours, Right? Yours Is Annual? I Started Out Initially With A Four-Year Term.

Yes, Sir.

I'm Beyond That And On The Annual Renewals.

Comm. Bigelow: And Hearing Examiner Is Annual? She Started Out With A Three-Year And On A Year To Year Also.

Comm. Bigelow: Okay.

Good Information To Have.

Appreciate That.

So Tell Us More About It Later.

Chairman Judah: All Right.

Karen? I Would Like To Just Make A Public Disclosure That My Husband, Richard, Works In The Department Of Utilities And Wanted To Make Sure Everyone Was Aware Of That.

I Discussed That With Each Of You And There Is No Issue But Six Reporting Models Between Me And My Husband And Wanted To Make That As A Public Disclosure.

Chairman Judah: Thank You, Karen.

Don't Anticipate Any Conflict There.

Anything Else As Far As County Attorney's Office? No? Okay.

We Will Recess Until 5:00 P.M.

5:00 Public Hearing

Chairman Judah: We'll Go Ahead And Reconvene For The Public Hearing Portion.

Good Evening, Mr. Chairman.

Members Of The Board.

Scott Cooper, We Are Here For Public Item 1.

Special Assessment Role, 28-Msbu By The Lee County Tax Collector For Fiscal Year 2010.

I Reviewed The Notice Of Intent That Was Published In Fort Myers "News Press" August 20, 2009.

I Find It Sufficient As To Form And Content And Hereby Enter It Into The Record.

My Staff And I Are Available To Entertain Questions You May Have.

Chairman Judah: Questions From The Board? Anyone Wish To Comment? Seeing None, Back To The Board.

Comm. Hall: Move The Item.

Chairman Judah: Motion By Commissioner Hall.

Second By Commissioner Bigelow.

Motion Passes.

Now Matters Of Concern By The Public? Thank You.

Mr. English, I See You Out There In The Audience.

Good To See You This Evening.

Mr. Chairman.

Chairman Judah: Good Evening.

Good To See You.

Thank You.

I Think You've Seen This.

Notice Of A Meeting.

Chairman Judah: Thank You, Sir.

The Babcock Situation.

For The Record I'm Jim English.

I Just Wanted To Say To You I Just Got A Notice Through The E-Mail Here In The Last Few

Days With Regards To This Hearing.

And We Appreciate Very Much If The County Has Somebody There And I'd Just Like To Say To You That This, You Know, This Land Hasn't Been Rezoned For The Purpose That It's Being -- The Development Is Being Proposed On It And The Permit They're Getting For It.

It Hasn't Even Been -- It's Not Even In Your County Plan, Comprehensive Plan To Be Develop In The Manner They Are Seeking To Develop It.

I Don't Think There's Any Determination That It Qualifies For These Things So We Are Way Ahead Of Ourselves To Get A Surface Management Firm Here, They Call It An E.R.P. Or Something Other Than -- What Do They Call It? An Environmental Resource Permit Application For Surface Water Management Plan As I Understand It.

I'd Appreciate Prejudice If The County And Their Presentation That This Meeting Would Take All That Into Consideration.

I Know The Piece Of Property Across 78 From It Was Turned Down Because It Didn't Have The -- When They Bought It, It Didn't Have The Planning And The Zoning.

And Since Then As Far As I Understand, They've Got Foreclosures Going On, On Part Of It, That The Mortgage Being Unpaid On Other Parts Of It.

And I Hear All Kind Of Rumors About What's Happening With This Babcock Thing.

And If They Get Permission To Put In The Water Management -- Surface Water Management Plan That They're Proposing, It's Going To Have Severe Diverse Impacts On \$51 Million Of Land You All Just Bought With The Taxpayer's Money And Going To Have Severe Diverse Impacts On Those Of Us Unfortunate Enough To Own Land Down Stream From You All.

And I Hope At Some Point You're Going To Cake That Into Consideration.

It Hasn't Been Taken Into Consideration Yet But We Are Still Hopeful And We're Going To Continue To Persevere And Pursue And Hope For The Best.

Chairman Judah: Thank You, Jim.

Karen, I Imagine, Certainly Representing The County At This Meeting.

Make Sure To Have A Representative.

Thank You.

Comm. Mann: F.Y.I., I Spoke This Afternoon Anticipating What Mr. English Might Be Requesting And He Told Me It Is His Plan To Be There And Speak To Any Issues That Come Up.

I Was Luckier.

He Called Me Back And He's Going To Be There.

Glad Somebody Is.

Chairman Judah: Mr. Miller.

Good Evening.

Good Evening.

For The Record My Name Is Kerry Miller And I'm From Cape Coral.

Ladies And Gentlemen Of Commission I Thank You For Your Time And Ability To Speak This Afternoon.

Charlie Green Brought Forward A Concern To The Board About The Bidding Process Of The Force In Project.

I Looked Into This A Little Bit And As A Concerned Lee County Resident, I Don't Understand How That Bid Allows A Cost Savings In Pricing To Be Taken Into Consideration Through The Process In Which It's Done In The Qualification.

I Did A Little Bit Of Research And Able To Receive The Document On The Current R-2-F And Page 4 Of The Hundred Page Document, I Quote, The County Is Seeking To Procure Quality Services At A Excessive Price.

Immediately Following, It Continues To Say Any Service Providers, Any Price In Response To This S.O.S. Document Will Automatically Be Eliminated From The Remainder Of The Qualifications Process.

That Seems To Me Oxymoronic.

The Process We See Unfolding Here Is Not Moving To Selecting A Vendor -- We Are Moving Toward Selecting A Vendor Without Predetermined Cost Savings.

I Would Like To See This Current Process Reviewed Before Moving Forward.

Thank You.

Chairman Judah: Thank You, Mr. Miller.

Anyone Else That Would Like To Comment At This Time? Commissioner Bigelow, An Item? Comm. Bigelow: Can I Ask Karen, You Had Told Me Was It Privately, I Think You Told Me, You Were Going To Let The Qualification Selection Process Run Its Course For The I.T.

Outsourcing Services.

And It Was After That Current Process Had Reached Its Conclusion That You Would Then

Review The Process In Total? Is That The Plan There? Thank You.

Still Discovery Going On From The Other Vendors, So This Is Not The Point In The Process To Stop And Ask Questions.

We Need To Get To A Certain Point And I Don't Know What Certain Point That Is, Whether It's In One Or Two Weeks.

Comm. Bigelow: Okay.

I Brought It To The Board's Attention Under Commissioner Items Previously When The County Manager Was Out For A Time.

We Are Cognizant Of The Clerk's Complaint And Put It Under Review Eventually.

Thanks For That.

I'm Sure We've All Been Copied On The E-Mail Last Friday, Chairman Of The Local Planning Agency.

He's Letting Us Know The July 7 Memo By The County Attorney's Office Regarding Potential Legal Issues Relating To The Proposed Revisions To The Comprehensive Plan For The Drgr.

Anyway, Like A Six Or Seven-Page Memo By The County Attorney's Office And The E-Mail To Us, I Think Suggesting That These Answers To Concerns They Brought Or Continued To Discuss The Issues That The County Attorney's Office Raised Or Addressed Here.

Asking That This Be, This Particular Amendment Be Referred Back To The L.P.A. For Them To Reconsider In Light Of This Memo.

I Briefly Before This Meeting Discussed This With The County Attorney And Suggested We Would Probably Need To Decide How It Is We Are Going To Help Alleviate The Situation Sooner Than Later During Our Transmittal Hearings.

I'm Putting It Out There As An F.Y.I. If The Board Agrees That Perhaps The L.P.A. Should Have Had The Benefit Of This Information.

Then We'll Try To Find A Way To Help Them Consider It Again, Or Agree We'll Not Send It Back And Move Forward In Light Of This.

I Think It's An Issue Worth Noting By The Board For Some Kind Of Direction Or Attention Especially Since It's Coming From The Chairman Of The L.P.A.

Chairman Judah: I'd Like To Confer With Mary Before Making A Decision.

No, They Don't.

Part Of The Challenge And Certainly Recognize And Understand The Discomfort.

It Would Have Been Different.

Again They Are Advisory To Us -- And Gathered More Information.

Always Seem To Be On Crunch.

Comm. Bigelow: So Why Don't We See What Mary Says In The County Attorney's Office Suggested A Fallback Plan.

Chairman Judah: I'll Get With Mary.

Comm. Mann: Give Some Thought To Tuesday.

Good Evening, Commissioners.

David Owen.

Let Me Get With Mary And See What Options You Have.

I'll Get That To You By Memo If We Have To Do Anything By Tuesday.

We'll Take Care Of It And Get Us Where We Need To Go.

We'll Know How To Proceed At That Point.

Chairman Judah: Thank You.

Comm. Hall: Under Commissioner Items This Morning, I Forgot Proceeding With All The Regulations, Having Problems With Moving Forward With Building.

Letters Of Credit.

We Require Letters Of Credit Drawn On A Local Bank, A Lee County Bank And Difficulty With Some Of The Folks Getting The Letters Of Credit.

I'd Like To Ask The County Attorney To Look At That.

We Used To Have It At The State Of Florida And Got It Back Down To This.

In Talking To Some Of Our Staff, They Don't Have Issue With It, But It's Stopping, Open It Up.

If You Don't Mind, Make A Recommendation As To Why It Would Be.

Not To Make It My Application.

A Modification Done By -- It's A Pro-Way Process That Changes And Create Jobs For People.

They Are Stuck Right Now.

Can't Get A Local Bank.

Chairman Judah: Thank You For Bringing This Forward.

Can You Get Back To Us By Tuesday? Comm. Hall: She's Aware Of It.

She Was In My Meeting With Me But I'll Send You An E-Mail.

Asked Me To Bring It Forward.

Chairman Judah: Tuesday? Great.

Okay.

Now Thanks For Bringing It Up, Commissioner Hall.

Comm. Mann: As An F.Y.I., We Were All Called Today That They've Withdrawn The North River Application.

We'll Get Official Notification Of That.

Comm. Mann: Might Be Of Interest To Mr. English To Know That.

And Unfortunate In That It's The Economy That Hit Them, Taken Them To Their Knees And The Reason Why They Are Withdrawing It.

Economics Just Don't Work.

Chairman Judah: Okay.

Our Transmittal Hearing Got Longer.

Chairman Judah: After A Long Day, We Are Adjourned.