



MEETING TRANSCRIPT *Provided by Public Resources*

February 26, 2013

Good Morning, Welcome To February 26th, Regular Scheduled Board Of County Commissioners Meeting. Pastor?

Thank You, Father For Privilege Of Living In America. Thank You For Those Who Serve Us. May They Ask Your Wisdom, As They Direct The Fares Of This County. We Give You Thanks. Amen.

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

Chairman Pendergrass: Please, Be Seated. First Item On The Agenda Is The Ceremony Presentations. And The First One We Have Is A Resolution Recognizing The Minnesota Twins Spring Training. If I Could Have Save St. Peter And Bill Smith Come Forward. The Minnesota Twins. And The Other Staff. Come On Down.

Thank You For Coming. I Have A Resolution To Read On Behalf Of Lee County. The Resolution Reads As Whereas Lee County Welcomes The Minnesota Twins Back For Spring Training, And Whereas Lee County Government Welcome The Twins In 1991. Whereas Over The Last 12 Months, Lee County And The Twins Agreed To A Renovation To For A 30-Year Lease For The Twins. And Whereas Some Of The Privileges Were Included - Boardwalk Around The Entire Stadium With Many New Seating And Shade Option - Will Be The Next Exact Determinations Of The Target In Minneapolis. We Have Well-Established Ties To The Twin Cities With A Number Of Guests, Tourists Visiting Each Year From The Upper Midwest Region. We Are Privileged To Be Associated With The Group Organization Out Of The Twins Caliber And We're Excited To Call Lee County Spring Training Home, Or Of The Minnesota Twins, For The Next 30 Years And Where Exceptional Team Spirit Can Count On The Many Fans, Lee County Is Probably Considered Your Home Away From Home. Now Therefore Be It Resolved, The Lee County Commissioners Along With The Parks And Recreation Department, The Convention Bureau, Sports Authority Does Here Proclaim Its Full Support Of The Minnesota Twins Organization. We Citizen Our Best Wishes For Success, And Will Come In 2013 Baseball Season. Commissioner Cecil Pendergrass. Thank You. [Applause] They've Got To Get Him On Camera.

Glad To Have You Back.

Commissioner?

Thank You Power Play.

Gentlemen.

Everybody Ready? One, Two, Three.

Chairman Pendergrass: Thank You. If You Would Like Say A Few Words? Thank You.

Mr. Chair, Fellow Commissioners. Thank You For The Invitation To Be Here This Morning. And For Your Wonderful Resolution. On Behalf Of The Family, I Want To Thank You To All Of You, And Certainly Your Staff A For The Continued Commitment To Baseball In Southwest Florida. The Attention To Detail. Our Facility Played A Huge Role In 1991 In Setting A New For The Twins, Of Course That Led Us To The World Series In That Year, And Over The Course Of The Last Couple Years, Which Have Been Difficult For Us In Minnesota, For Us Coming Back To The Lee County Stadium Has A Way Of Renewing That Faith And Hope. We Feel Good About Our Baseball Team In 2013. We Also Feel Good About Being Here Because It's Been A Long Cold, Brutal Winter In Minnesota. But We're Excited About The Fact That We Have A True Partnership. We Call This Home. We Feel As Though This Is The Community For Us, And Ultimately Very, Very Excited About Working With Your Staff Over The Course Of The Last Several Months To Finalize Plans For The Long-Term Renovation Of The Lee County Sports Complex, And We're Excited About Calling Lee County Home For Another 30 Years. We Look Forward To Hopefully Winning A Lot Of Baseball Games, Affordable Family Entertainment, And Ultimately Being Your Partner In This Community For A Long Time. Thank You.

Chairman Pendergrass: Thank You Again. [Applause]

Next Ceremony Is Resolution Recognizing Health Odyssey. Commissioner Hall.

Comm. Hall: Thank You. Mary Fisher, The Chair Of Our Lee County School Board Is Here, And Cindy Boltman For Coalition Drug Free. Do You Have Other Folks With You? Please Lead Them All Forward To The Podium. Is Connor Brian Here This Morning? Connor Is An 11-Year-Old Honorary Board Member. We Wanted To Recognize His Participation And I Think It's Great That You Have On The Board As Well. Whereas According To The 2010 Florida Youth Substance Abuse Survey, Florida And Lee County Share A Alcohol Abuse Problem With The Rest Of The Nation. By Sixth Grade 11% Reported Use Increasing To Over Half, 51.The% Of 12th Grade Use. And In Lee County 8.4% Of High School Students And 31.7% Of High School Students Reported An Alcohol Binge In The Past Two Weeks. Whereas A Mission In The Lee County Coalition For A Drug-Free Southwest Florida Is To Help Children In Lee County Lead Alcohol And Drug-Free Lives. And Whereas In 2012 More Than 2400 Students, Teachers, Parents And Children Toured The Drug House

Odyssey Including 2100 Fifth Graders. At Least That Many Are Expected In 2013. And Whereas Health Odyssey At Cape Coral Christian Fellowship In Cape Coral, Florida. Whereas The Leading Cause Of Death For 13 To 15-Year-Olds Are Automobile Accidents, Homicides And Suicides With Alcohol Being A Leading Factor In All Three. And Where Caring Adults Can Play An Important Role In Helping Children Develop Healthy Attitudes Towards Drinking, Thus Minimizing Their Risk Of Underage Drink. Whereas 25 Community Agencies Work Together To Make Drug House Odyssey Possible In Lee County Allowing Students To See Our Actually Local Heroes In Action. Now Therefore Be It Resolved That The Board Of County Commissioners Of Lee County Florida Does Here Recognize Drug House Odyssey And Advise To Attend This Free Event On March 6th 2013 From 6:00 To 8:00 P.M. And Support Prevention In Lee County. Signed By The Honorable Cecil Pendergrass Our Chair Of Our Board. We Present This To You. Take A Photo And Hear A Few Words. Thank You.

Thank You Very Much. It's Such A Privilege For Us To Be Here, And I Want To Thank You For This Honor. We Are Always So Grateful For The Support We Get For Prevention In Lee County, And There Is Absolutely No Question That It Starts From The Top Down. So Thank You Very Much. Your Deep Commitment To Us Always Helps. I Also Want To Mention That This Is Our Tot Year. And When You Think Of All The Hundreds And Hundreds And Thousands Of Students And Law Enforcement People And Everyone In This Community Has Worked So Hard To Make This Prevention Even A Reality Despite Budget Cuts And Social Norms And Everything Else, We Are Truly Grateful To Have This Event In Lee County. Thank You 73.

Thank You.

Chairman Pendergrass: I Want To Add To That, The Program Works Being A Volunteer Through The Years, I Have People Coming Up Now In My Adult Life Saying, You Saved My Life At One Time When I Went Through A Scenario As A Drug Counselor. It Makes A Difference When You See Reaction On Their Face. Thank You For Everything You Do.

Thank You, Commissioner Hall.

Comm. Hall: You're Welcome.

Chairman Pendergrass: Next, The Recap. No Items On The Recap. One Item Later To Discuss By The County Attorney. Next We'll Take Public Comment On The Consent Administrative Agenda. I Have Some Cards Here For The Consent Agenda Or Is It For Public Hearing. Move On To The Consent Agenda. Do I Have A Motion For Discussion By The Board?

Commissioner Manning.

None.

Comm. Kiker: None.

Chairman Pendergrass: I Have None.

Comm. Hall: I Have None.

Comm. Mann: Three Little Ones. 7-C, 12 A And B.

Chairman Pendergrass: Ok. Motion To Approve The Balance.

Comm. Kiker: So Moved.

Comm. Hall: Second.

Chairman Pendergrass: Any Discussion? No Discussion. No Objection.
Commissioner Mann. You Have The Floor.

Comm. Mann: 7-C Is About Contributions To The Library Program. There's Also A 642,000 Dollar Grant That I'm Glad We Got. It's A Huge One. If You Could Explain What That One Is, While He's Doing That, A Special Thank You To Thomas And Carol Mraz. A Donation They Were Inspired By The Memory Of The Sandy Hook School Crisis Up There, And Were Thinking About Our Own School Children. June Grieger Just Kicked In \$20 For The Purchase Of A Book For The Regional Library. I Mean, Guys, It's A \$20 Thing But It's Important To Them. And Collectively These Mean So Much To Us. And \$325 From The Friends Of Cape Coral Library. Do You Know If I That Sent A Special Thank You To These Folks.

Yes, Sir, We Do.

Comm. Mann: I'm Sure We Do That. Just A Special Shout Out To Those Three People And What They're Doing. This Grant, Is That An Annual Thing? Or Is It A Special Deal For Electronics? Explain A Little Bit About It. It's A Lot Of Money.

Thank You. Sheldon Kay For The Record. That's Our State Aid Grant Every Year From The State Of Florida.

Comm. Mann: This Year Going To.

It Will Go Entirely To Our Materials Budget. Mostly Electronic Services.

Comm. Mann: Ok. Thank You. This Was Just A Special To Those Good People. I Love The Item.

Comm. Hall: Second.

Chairman Pendergrass: Discussion? No Discussion. Motion Carries. 12-A And B.

Comm. Mann: Irrigation. Here's. This Caught My Attention For A And B And Mr. What's Your Name? Dave? D.O.T.

It Seals Like A Strange Way To Is This Like A Three-Year Contract Or Five-Year? How Do We Come Up With 1900 Calendar Days?

It's A Five-Year Contract For Them To Maintain It For Four Years After They Install It.

Comm. Mann: So It's A Combination?

Yes, The Installation Work And They're Responsible For Maintaining It. We Were Doing For A Period Of Time A Year Maintenance Requirement. Now We're Extending That Longer.

Knit Picking Perhaps But In The Future If You Could Break That Out Into The Amount Of Capsule And Amount For The Annual Maintenance. And, What Is A 10% Contingency. Seems Like A Simple Enough Contract.

Well, Actually, That's A Standard Amount We've Been Doing With A Lot Of Contracts We've Been Bringing Before The Board Lately. In Term Of Giving Us Leeway To Do An Additional 10% If It's Necessary As We're Going Through This Process. Typically, That's Not The Case With The Landscaping Job. But We Want To Cover All Our Bases. So, It's Just Some Leeway. We Have The Money Within The The Budget, So It Gives Us Some Leeway To Add Some Things To The Work If We Need To. Without Having To Come Back.

Our Primary Philosophy Is To Be 2008 And Make It Come In When There Is No Contract And Try To Avoid That Contingent. I Wanted To Hear That From You. Thank You Very Much. I Move Both Items.

Comm. Hall: Second.

Chairman Pendergrass: Commissioner Hall Second. Any Discussion? Any Objection? Motion Carries. Move To The Administrative Agenda.

Comm. Manning: Move 3-A.

Chairman Pendergrass: I Will Second It For Discussion. Discussion? Commissioner Hall.

Comm. Hall: This Is The Agreement For Pop Plus. Do We Have Representation? I'm Looking At This Particular Contract. This Is Almost Exactly What We Said, Paid

To Build, Design A New Stadium. This Is A Very Expensive Contract, And I Didn't Get To See. I'm Still Waiting From Populous For An Audit. 50% Of The Funds, \$5 Million That We Spent Was To Go To Local. We Had A Very Long Discussion Amongst Us And Didn't See A Big Breakout Here On This One. Can You Talk To Me About Why This One Is So High?

That Same Question Was Brought Up. I'll Ask Either Damon Or Dave Who Were In Negotiations To Explain The Fee Because I Know It Was In Negotiation For Quite A While With That Question.

Comm. Hall: And I Would Like To Know For The Twin Facility, How Much Of This Fee Are They Covering For Their Facility That They're Building?

To Go Back To The First Question Was The Local Participation. We Did Drill Down To That Was 59% Local Participation. And For Jet Blew And This Is The Same Team So We're Anticipating Another 59% Local Participation Of The Team.

Comm. Hall: I Would Like To Get It If You Hear About It, Which I Asked For. But Talk To Me About The Costs. Because We're Almost Right At The Aim Amount That We Were Starting From Scratch.

Right. We've Actually Negotiated Down From Around 11% Down To Just Over 10%. And It's Roughly The Same Percentage As We Paid For Any Services For Jet Blew, But Keep In Mind You Know With The New Stadium On A New Site, It's Actually Easier For A Designer To Come In On The Clean Site And Begin Designing A Facility Many In A Program Than It Is To Come In And Have To Remodel Or Renovate An Existing Project. You're Not Sure What You're Getting Into. What You're Going To Find Under The Ground. So, This Is A Project That's Going To Be Very Difficult Because Of That Significant Portion Of It Is Renovations. In Addition To That, We Have Broken It Down Into Two Phases. You Have Basically A Part One And Part Two. To Take Advantage Of The Window Of Opportunity Between August And The End Of The Year. Of 13, 14 And Then Again So That We Can Finish Before 15. So You've Got Some Phasing Included In This. It's Going To Be A Very Challenging Design. To Get Finished On Schedule. If You Look At Our Accelerated Schedule As It Stands To Date, We Need To Get The Academy Finished By February Of Next Year. That Means We've Got To Have The Design For That Academy Facility, We're Talking Three Or Four Months From Now. So We Can Come Back To You To Do That. There's Some Very Difficult Design Challenges. It's The Schedule. It's The Actually Design Of The Renovation. It's The New Design. It's Incorporating Our Traffic Impact Study, And The New 15 Acres We've Got A Great Team That We're Going To Get It Done. But If You're Asking Why We're At The Same, I Think That As Far As Challenging Or How Difficult It Is, I Think It's Going To Be More Challenging Than Jet Blue.

And Is This A If I Caned Price? We're Not Going To See Change Order After Change Order? We Know What Its Scope Is? We're Going To Hold Them To This Price?

That's Correct.

They're Working For Lee County Government. But We're Their Primary Contact And We're Not Going To Have The Issues We Had Before. And I Hope That You Share That With Them. Because We Have A Lot Of Challenges With The Last Stadium With Populous. I Want To Make Sure That We're The Clients And We're A Partner With The Twins And We Have To Have A Partnership But We Have To Make Sure We're Communicating That We Can Meet These Deadlines. We Have No Dead Lines Set Here. So When It Comes To Design, Then The Burden Falls Back On The General Contractor 73 And Then You're Asking Them To Make Up Time Because These Guys Didn't Do Their Job Up Front. So If There's Not Good Communication, We're Going To Start To See That Schedule Get Pushed. I Want To Make Sure That We All Understand What Those Line Of Communication Are So We Can Meet These Deadlines 73.

We Did Have A Long Discussion And What We Learned From Jet Blue And The Flow Of Communication, And What Could Be Done Better.

Comm. Hall: And You Don't Have To Give It To Me Today, But I Would Like To Break Out Of This.

Ok.

Comm. Hall: You Can Give It To Me Later. Thank You.

Chairman Pendergrass: Any Discussion On The Item? No Discussion? Any Objection? No Objection? Motion Carries.

Comm. Mann: I'll Move 3-B.

Chairman Pendergrass: I Will Second For Discussion. Any Discussion?

Comm. Kiker: I Do.

Chairman Pendergrass: Commissioner Kiker.

Comm. Kiker: Pardon Me, This Might Take A Minute. First Of All I Want To Thank Pete Newton. I Even Have Him Working On Saturdays Now. Calling In Trying To Figure Out A Lot Of The Questions And Things That I Have About What's Going On Here. Just To Begin, You Know, I Do Not Challenge The Collective Wisdom Of The Board That Got Into This Contract With The Twins. In Fact I Think It's A Great Idea. The Issue That I'm Having Is The Financial Piece Of It. Of How We're Spending Money In Terms Of How We're Putting The Debt Together, Et Cetera,

Seems To Be There's A Rush, If You Will. Trying To Ounce Why I Think There Are Some Issues There. I Have Spent I Think We Talked About This, At Some Point In Time I Have Done Some Work With Mayor Kevin. The Details Of What Happens If We Go Forward With The Bonds In The Way The Debt Is Structures Right Now. That Need To Be Brought To The Board Before We Ma I Can A Decision I Did Look In The Contract, And I Don't Think That We Really Have. I Think The Timeline To Get Financing Put Together On This Begins In April 1st This Year. And We Got Until January 1st Of 2014. Is That Correct?

I Believe We Have. April 1st Was The Desired Date, But We Provide A Good Window.

And Just A Come Things Here That Are My Concern. Or Have That Conversation Now Until Next Week Or When Ever The Board Says They Want To Have This Discussion. To Begin On Just This One, The 2.2 Million Dollars, That's Being Approved On This One Is Coming Out Of The T.D.C. Funding? Is That Right? All Of It?

That Comes Out Of The 20%, So It's The Excess Revenue That's Accumulated From The 20% For Baseball.

Comm. Kiker: So At The End Of That, How Much Money Is Left In That Account?

Not Much. But It's Very Early In The Year. I Think The First Installment Of The Pay As You Go Is The Most Difficult Because It's Required By February 1st. We Should Accumulate Revenues And Our Next Installment Isn't Due Until 2014. That Gives Us Some Time To Build Up More Rust.

So, The Strategy Or The Plan Here Is To Use Excess Revenue Next Year From T.D.C. And If That Doesn't Happen And Where Does Money Come From. This Fund Is Being Sunk Before Our Internal Loans. My Proposal Would Be Always Psych This First And At The End Of The Year, And You Have Extra Money, You Can Decide Whether You Want To Sync The Next Installment Or You Want To Repay Some Of Those Internal Loans. But That Was Contemplated The Agreement That The Prior To Would Be Pay Your Debt First, And Then You Pay The Sinking Fund And Then Your Pay Your Internal Loans.

I Subscribe To Two Accounts, And You Know, Pretty Simple Accounting Practices, But I Would Like To See On These Blue Sheets You Know That This Is Where The Money Is. Not Only Is It Budgeted. Here's What's Coming. How Much Money Is Left And Here Is Where The Next 2.2 Is Supposed To Come From Or The Next 2.2 Is Supposed To Come From. And I Just Read, You Know With This New Information, There's \$7 Million Worth Of Permits That's Going To Be Paid On This Venture. Is It \$7 Million In Permitting. This Is A Question Of How Much Of That Is

Getting Paid To The County. This Is Just An Example Midwest Of It Is To The County. More Of The Turnaround And Finance That Money Kind Of Things I Want To Peel Back What's Going On With This Thing. I Think There Are Substantial Changes That Can Be Made. To Finance Yourself. One Thing I Want To Talk About Next Week. This Thing When We Get Done With It. This \$40 Million Dollars Is Going To End Up Costing 106 Million Dollars By My Calculations. Which I Think Is An Enormous Amount Of Money And I Think There's Some Savings That Can Be Made And I Think That We May Even Help Improve Our Situation. And Those Kinds Of Programs. C.I.P. For Beaches And Maybe Somewhere Down The Line. So Just Have Them Say That. I Think There Are Things We Need To Discuss. And As We Had Talked About Earlier. Maybe I Need To Do This 73 Commissioner Items Don't Want To Set Up A Time To Do That. I Think It's Going To Be Next Week. I Appreciate The Work You're Doing On This. I Think That We Need To Be As Transparent As Possible On This. And I Think We Need To Continue To Look For Ways To Save Money On This. That's It. Thank You.

Comm. Hall: Mr. Chairman? Obviously That Issue, This Item That We're Going On Now. In A Round About Way, We Have To Pay For. We Get To Approve The Contract. But, I Thought We Had Agreed That We Were Going To Talk About Your Financing At The Next M.M.P. And That You Next Couple Weeks To Get Your Numbers Together And That We Were Going To Go Through That Process Because I Certainly Concerns Me When I'm Taking Money From One Department To Cover Another. We Pay As We Go And We Pay Our Departments Otherwise They're Short. You Know, Waving Permit Fees And Stuff Like That, Because Different Departments Work Differently. So I Appreciate The Thought Process. I Need To Debate It Now. But That's A Bigger Item Than A Commissioner Item. Than We'll Do Money. We Can Discuss It Longer. Or You Can Schedule It To Commissioner Item For M.M.P. Or Stand Alone Meeting. We Don't Vote On Money Issues As A Commissioner.

And I Appreciate That.

Comm. Hall: I Thought We Were Doing That For M.M.P..

Comm. Kiker: It's Not Only M.M.P. For Next Monday, I Don't Believe.

Chairman Pendergrass: Eck Direct Staff To Put It On M.M.P..

We're Ready.

Comm. Kiker: Thank You Very Much.

Comm. Hall: I Will Be Calling In For The M.M.P. Because I'm At The Conference. So I Will Be Participating Via Phone.

Chairman Pendergrass: Something You Brought Up There, Commissioner Kiker. Commissioner Kiker Brought Up \$7 Million For Permitting, Does That Include Impact Fees Also For The Upgrades For The New Facility?

That's A Difficult Because Your Impact Fees And Your Permits Are Based On The Impact You Have Out There. So Until We Get Our Square Footages And What Our Impact Is Going To Be. We Will Not Be Able To Nail Down That Number. But I Can Work And Get You A Ballpark. That Seems Maybe A Little High But I Can Try To Figure Out Based On What We're Looking At Right Now, What This Number May Be.

Thank You.

Comm. Kiker: If We Could Include Whether Or Not That Money Was Going To Be Part Of The Bond Or Part Of The Bond That We Have To Bond. I Would Like To Find That Out Too By Next Week As Well.

Chairman Pendergrass: Thank You. Any Other Discussion? A Motion? Discussion? Any Objection? No Objection. Motion Carries. Next, 14-A.

Comm. Hall: Approve \$44,000.

Comm. Mann: Second.

Chairman Pendergrass: Any Discussion? No Discussion. Any Objection? No Objection. Motion Carries.

Comm. Hall: Approve The Resolution On The Administrative Historic Preservation Board.

Comm. Mann: Second.

Chairman Pendergrass: Commissioner Hall, Commissioner Mann Second. Any Discussion? No Discussion. No Objection. Motion Carries. This Time We'll Go Into Public Hearing. County Attorney.

Andrea Frazier, And I Have Your Public Hearing. I Reviewed The Affidavit Of Publication And Find That It Is Legally Sufficient In Form And Content To Proceed With This Hearing. I'm Bringing It Into The Record For Up Corporation Into The Minutes At This Time.

Chairman Pendergrass: Thank You. Anyone Here Wish To Speak On Public Hearing Agenda Item One?

Comm. Hall: Move The Item.

Comm. Kiker: Second.

Chairman Pendergrass: Any Discussion?

Comm. Mann: Just A Question. Somebody Calculated I'm Sure They Have The Fiscal Impact To The County If This Passes.

Yes, We Did.

We Estimated That The Fiscal Impact To Rust Of The County Be About \$573,000. It's Difficult I Think What We Got Is Figures From The Property Appraisers Office Of The First \$25,000 That We Put Into Place Six Years Ago. This Just Adds Another 25,000 To That, And We Just Added That Additional 25,000 And Saw What That Would Be. It Doesn't Completely Covered Everything Because We Don't Know How Many Low-Income People Fall Into That Category But It's Pretty Close.

Comm. Mann: Neighborhood Of Half A Million Dollars That We Would Be Checking Less.

Yes, Sir, Yes.

Chairman Pendergrass: Any Discussion? Objection? Motion Carries. Public Hearing Item Number Two.

Good Morning, Commissioners. Jack Peterson, Assistant County Attorney. In Regards To The 9:30 Public Hearing, Housing Ordinance. I've Reviewed The Affidavits, And The Legal Ad. I Find It To Be Sufficient. As To Content And Form. And Mr. Chairman, You May Proceed At Your Discretion.

Chairman Pendergrass: Thank You. Any Public Comment On Public Hearing Number Two? No Blue Cards For That. Do I Have A Motion.

Comm. Mann: I'll Move.

Comm. Kiker: Second.

Chairman Pendergrass: Any Discussion? Any Objection? Motion Carries. Public Hearing Number Three.

Michael Jacobs, I Too Have Reviewed The Publication And Enter That Into The Record Now. This Is The Second And Final Hearing To Adopt An Ordinance For The Lehigh Overlay District And The North Fort Meyers Overlay District.

Chairman Pendergrass: Thank You. Public Hearing Time And We Have Some Cards For That. First Speaker Is Ed Weiner?

Good Morning, Mr. Chair. Members Of The Commission. My Name Is Ed Weiner. I'm The President Of The Lehigh Acres Planning Panel. And If There Is E.M.S. In The Room, You May Want To Take The Opportunity. I Have No Negative

Comments About This Ordinance. And The Hope That You Push This Forward So That We Can Get Started I Can See Grin In The Back. A Move Forward Development Appearance Staff Has Worked Greatly The Community Has Worked Long On This. We Appreciate A Positive Vote.

Thank You.

Comm. Mann: Thank You, Ed.

Chairman Pendergrass: Next Speaker Is Greg.

For The Record My Name Is Greg Mcpeace. Also On The Planning Board Along With The Design Review Board. I Would Like To Thank The County Staff That Helped Us With The L.D.C. Amendment, And We Are Totally In Favor Of It. And Appreciate Your Support On It. Thank You.

Next Is Joel Beck.

Good Morning, My Name Is Joe Beck. Here In Fort Meyers. I'm Speaking As Requesting An Approval Of This Land Development Code Change Or Amendment. I'm A Member Of The North Fort Myers Planning Panel. I'm A Landscape Architect Designer And It's An Exciting Day For Me Because Five Years Ago I Started Working With Wayne Daltry, Including What Smart Growth Could Look Like. Start Of The Original Drawings On How To Create A Concept For The Plans For North What They Would Look Like. I Created A Plan That Showed What It Could Look Like. And Have Created Something That Looks A Lot Like This. And Then I Also Created The Beautiful Pictures That What It Could Look Like In The Future If You're Going To Build Something Like This. And These Were The Original Drawings That Back In 2005 We Actually Looked At What It Could Look Like To Mix Because Back In That Time Mixed Use Was Illegal In Lee County. There's Another Drawing For The Hancock Village For The Plan. So As A Member, The Whole Process Has Taken I Don't Know, 2005 To Now. Eight Years, It's Exciting To Watch The Process Develop From A Conceptual Plan To The Actually Lobbying Approved. As A Member Of The Community Planning Panel For The Last Four Years, I Want To Thank Larue Planning Who Took Our Concern Cans As Community And Actually Have Implemented The This Into An Ordinance That Could Become Law. And We Have Them In The Process And They've Work Worked Really Well With Us, And Actually. My Last Thing I Want To Address Is Wayne Daltry. He Created This Original Idea Called Smart Growth. And 40 Years Ago When The Original Plant, They Thought He Was A Nut To Make It A Development Around The Harbor Restricted. When Hurricane Charlie Came, No One Died. So Wayne Has Done It Here Again, This Is The Next Generation Of Development In Lee County That Wayne Has Out His Hard Into When He Worked On County Staff. And You Can Expect The Same Results In The Future. What Headed Had Done In The Past, This

Will Be The Next Generation Development Or The Lee County. I Want To Thank You For Your Support In This. Thank You Very Much.

Thank You, Joe.

Next Lawson.

Good Morning, Everyone. I Really Just Came Once Again From Lehigh Acres, One Voice To Say Thank You To The Staff And To The Members Of Insight And To Really For You All For Giving Us Your Saturday Mornings At The Library For The Last Couple Of Years. And, Including The Community Speaking In Term That We Could Understand, Learn And Be Educated With, And Then Have Been Able To Come Here And Help You Guys See That This Is Something The Community Is Supporting. And We Look Forward To Passing It, And I'm Really Just Here To Witness That I Didn't Object So I Can Go Back And Prove It To The Community. Thank You All Very Much.

Chairman Pendergrass: Thank You. Any Other Comments On Public Hearing Number Three? At This Time We Close The Public Hearing.

Comm. Hall: Move The Item.

Chairman Pendergrass: Commercial Mann Makes A Second. Any Questions.

Comm. Hall: A Couple Things. I Want To Thank, That Have Participated. I Want To Appreciate Greg. They've Been In My Office And Have Talked About The Planning And Have Been Watching It From Afar. Blue With You It Take A Village To Get These Plans Done. While We Don't Always Agree, The Result Is Going To Be Full. So, I Just Want To Personally Thank All Of You For Your Hard Work. And Hanging In There. So Thank You Very Much.

Chairman Pendergrass: Commissioner Mann.

Comm. Mann: In That Spirit Ed I Want To Thank You For The Leadership Role You've Taken In All Of This And For Lending Your Voice To The Support Of The Community. And Thank You For All You Have Done. Please Pass That On To All Your Colleagues And Friends That We Spent Many A Saturday Morning With. There Was Some Heated Saturday Mornings Down There When The Temperature Was Still 60°. It Got Pretty High But There Was A Community Positive Spirit That Prevailed Throughout That Process. And I Particular Thank You Too That You Have Done So Much And All Your Buddies.

Three Months I've Been In Office. The Last Few Years Of Being In The Public Community. Thank You For Being Involved. I've Met Some Great People And Great Staff. One Thing I Noticed Working In Lee County, You Have A Lot Of Staff

Here To Support You And Work With You. I Commend Everybody For All Their Efforts.

Chairman Pendergrass: Any Other Discussion? Ok. Any Objection? No Objection. Motion Carries. We Have One Item For The County Attorney.

Do You Want To Do Your Items First, And Then Do Mine?

Sure. Commissioner Items. Commissioner Mann.

Comm. Mann: None.

Comm. Kiker: None.

Comm. Mann: I'm Saving Mine For Next Week.

Comm. Hall: I Would Like To Introduce My New Assistant. Patty Prague Is Now In My Office. Stop By, Say Hello And Patty, Thank You. Welcome Aboard.

Chairman Pendergrass: Thank You. Welcome To The Lee County.

Comm. Kiker: We Have Somebody New, Huh?

Chairman Pendergrass: A New Face. The First Item I Have Is Reference To More Reference To Commissioner Hall. I Had The Pleasure Of Last Week Attending A Speaking Meeting With The Friends Of The Fourth Library And Met A Lot Of Great Old Friends There. And I've Been To The Library Numerous Times. And Funding Is A Big Issue Here. My Question Is To Commissioner Hall Directly Is If Your District, I Though It's A Passion For You And Being A Part Of A New Recreation Center, Have You In The Past, I'm Sure You've Been Involved With Some Type Of Research, In The Future Of Funding Provided. If There's Funding Available, Were You Thinking About For Expansion, I Know You Probably Had That Discussion In The Past.

We Had Seven Years Of Discussion Of The North Fort Myers Library, Because At The Time Prior To My Arrival, We Thought That The Northwest Lie Brier Would Take The Population And Would Shift. There Was A Liquid Pro Quo With The Northwest Was Built. But Those Numbers Haven't Changed So We've Been Monitoring This Last Year The Volume. I've Asked If You Guys, I Don't Know If You Guys Were Here. But During Budget When We Saw The Library Report, I Asked About What Is Our Build Out And I'm Still Waiting For Doug To Get Together And Talk About What Is The Build-Up For Libraries. We Have A Hanging Issue In Bo Any The At A Springs. Do We Need Any Regional Libraries In Pine Island, North Fort Myers. We Have No Major County Facilities On The Other Side Of The River. So, From The Cape Coral Line, There's Very Few Regional Facilities. Now Not To Say We Need Them Because It's Rural For The Most Part. But You Have An Urban Corridor And Are We

Expecting Cape Coral, Our Regional Facility To Handle That? That Is A Question That I Have Yet To Be Answered That I've Asked. It Goes Back Again To Our Constitutional Facilities That We Renting A Lot Of Space In North Fort Meyers. Do We Want To Look At A Campus And How Far Do We Plan? So Those Are The Questions That I've Asked. It's Kind Of Hard With Doug Being Intern. And Look At Long-Term Planning To See Where That's Going To Fit In. All Of Those Conversations Have Been Had.

Chairman Pendergrass: The County Complex, Is A Great Facility. And You're Right With The Consolidation. We Talked About That Last Week. That's Something For The County To Look At In The Future. To Build A Regional Complex Like That, Because You Have A Lot Of Foot Traffic In That Area. People Cannot Get To The Library On This Side Of The Bridge. Cape Coral. The County Commissions Office.

Wait For Budget Time When We're Talking Long-Term Planning, Try To Task Them With Looking At That.

I Know The Passion. And Not Support You In Those Efforts. So Something We Can Look Forward To Work Together. We Have A Great Group Of Penalty And A Facility. Ok, Next Item I Have Is We Talked Pretty Deep Last Week With Obviously Commissioner Manning Has Taken The Effort And Support To Be Involved. Thank You For Everything Ewe Done In The Past, And Also Everything You Will Be Doing In The Next Few Weeks. I Just Had A Couple Questions Brought Up That Day. It Was A Clarification. How Long Has It Been Out Of Place? I Was Told Five Years. I Was Told Seven Years. But Again Thank You For The Timeline You Sent The Commissioners Your Staff Sent As Far As The Breakdown Of Everything That's Happened. And That's I Appeal To You Good Luck Next Week And On A Balanced Approach Without Spending More Money, That Would Be Great. Support You And Good Luck With That.

Thank You.

Chairman Pendergrass: Next Item Was Basically, I Think Question And This Is More Or Less To Staff As Far As Direction As Far As Practices For Like Termination. I Know In The Few Coming Weeks We Will Be Talking About Losses From The Actually From Employees. Based Upon Terminations Just Calls For Terminations And I Was Surprised To Find Out The County Manager Does Not Actually Get Involved With The Process Of Department Directors Make Determinations. And That Usually They Go Or The County Manager Is Not Aware Of The Actions Once The Director Terminates The Employee. I'm Thinking For Future. It's Up To The County Manager If The Board Has Any Direction To Go With This, I Think The Assistant County Manager Be Involved. The Litigation In The Future Approximate Because I Think In The Past You Can Go Back And Other Circumstances That Happened, The Terminated Employees Are Actions By Them With An H.R. If

There's No Oversight We Find Ourselves Paying Money Later. That's Something That You As A County Manager If You Decide You Want To Make That A Policy. Actions, Directors, But It's Up To You. Unless The Board Has Assistance To That.

We Have A Fairly I Would Say Rigid Policy When It Comes To Terminations As To Who Is Involved. The County Attorney's Office. We Left The County Manager Out Of That Decision Because The County Manager Is The Final Say In Agreements Process.

That's Why With A New Staff You Have Now. Wallet Structure You Have Now. The Public Safety. Holly One The One Working That, Not You.

So We Can Certainly Discuss That This With To See If We Can Make That A Policy So There's That Involvement.

Any Discussion For The Board?

Comm. Kiker: When You're Done I Want To Say Something Out Of Order.

Comm. Mann: One Question, Mr. Chairman. Just Curious. Could Someone Give Me A Rough Idea How Many Terminations For Cause Occur Each Year? We've Got 2,500 Employees. Is This Something That Happens A Dozen Times, 50 Times? Three Times?

I Think We Would Be Guessing Right Now. We Can Certainly Provide That Number. We Can Take A Look And Provide It To The Entire Commission.

Comm. Mann: Miss Fraser Is Going To Take A Stab It, Apparently.

Based On The Conversation Last Week We're Currently Working On Our Voluntary Actually All Of Our Turnover Rates. So We Should Be Able To Put Something In Your Hands Fairly Quickly As Far As Terminations, And Retirement From The County Probably Within The Next Couple Days.

Comm. Mann: Ok. Just Add That As An Asterisk.

Chairman Pendergrass: Thank You. Next Item. You Will Get Back In Reference To Captiva As Far As The Funding For That? Ok. I Have No Other Questions. Commissioner Kiker.

Comm. Kiker: I Just Wanted To Mention Briefly That Staff Has Put Together A Section On The Website From Impact Fees. And Has Already Started Answering Question And Providing Data For People To Reference For Your Discussions.

Chairman Pendergrass: Thank You. Committee Appointments.

Comm. Manning: None.

Comm. Kiker: None.

Chairman Pendergrass: I Have Two, William Burkwest. Commissioner Mann Moves, Hall Second. Any Discussion? No Discussion. Any Objection? Motion Carries. I Have A Second Douglas Mclair Of The Advisory Committee.

Comm. Manning: So Moved.

Comm. Hall: Second.

Chairman Pendergrass: Any Discussion? No Discussion. Any Objection? No Objection, Motion Carries. Commissioner Mann.

Comm. Mann: None.

Comm. Hall: None.

Chairman Pendergrass: County Manager Items?

Nothing Today, Thank You.

Chairman Pendergrass: Ok, County Attorney Items.

Commissioners, I Wanted To Advise You That We Will Be Scheduling An Attorney-Client Executive Session Relating To The United States Of America Versus Lee County. Which Is In The Middle District Of Florida. This Meeting Will Be Held On Wednesday, March 13th, 2013 Commenting In Chambers, And Moving To The East Room And Commencing Back In Chambers. Will Be John Manning, Cecil Pendergrass, Larry Kiker, Frank Mann, Attorneys Will Be Myself And Mark Levit And The County Manager, It Will Be Transcribed By Kim Westbury Or Any Other Representative From Fort Meyers Reporting. Thank You Very Much.

Chairman Pendergrass: Thank You. Any Discussion From The Board? Ok. Next We Move To Public Presentation Of Matters To Concerned Citizens. We Have One Card. For Throne Thomas. Here He Comes. Any Other Speakers Today? I Only Have One Card. Ok.

Thank You. Good Morning, Mr. Chairman. Distinguished Members Of The County Commissions. My Name Is Anthony Thomas. I'm Chair Of Citizens For A Better Fort Meyers Government. I'm Coming Here Today Because I've Been Researching An Issue And I'm A Little Concerned About It, And I Would Like To Have The County Manager Explain To Me And To The Other Voters And Taxpayers In Lee County About What's Going On. I Got A Copy Of A Memo Sent Out On February 5th From The County, Where He's Explaining The Organization. I Have Serious Concerns About Having Five Assistant County Managers. You All Purport Yours To Be Republicans. I Heard You On The Campaign Trail. Mr. Kiker Talking About You're

For Limited Government. Smaller Government, And Three Months On The Job, We're Getting Bigger Government. So I Want Somebody To Explain To Me, And To The Taxpayers Why All Of A Sudden We're Doing This Reorganization, And I Got A Copy Of The E-Mail. I Just Have A Problem With How The Process Was Done. It Was Announced On A Friday. I Talked To Several Commissioner. They Told Me They Weren't Even Briefed On This New Plan. I Would Like To Know Where The Money Is Coming From. I See A Letter, That E-Mail You Sent On The 13th. He Is Saying About Savings. I Guess They're Taking The Former County Manager Salary. And The Deputy County Manager Salary, And Ok, Well, We Have Substantial Savings From There. We'll Take That Money And Reallocate It To All The New People. I See This Like An Orgy Of Waste And Spending Because I Saw It Even With The Library System Where We Brought Up Some Months Ago, Still Nothing Has Changed. Or The Lee County Library System Is Hiring Private Security Guards To Guard Our Libraries In The Police Department And The Sheriff Department Provide Security When I Asked For The Documents To See What Incidents That Will Were Taking Place At The Library System That Would Warrant The Need For All The Security. Both The Private Sector Security And The Police, The Report Came Back Saying There Are No Incidents The Only Incidents They Have Is Homeless People Taking A Bath Or Shower In A Public Restroom, But I Don't Think That The Savings Are There. We Know Where To Look For It. Again I Also Want To Commend The County Attorney's Office Ahead Of A Memo Sent From The Interim Manager, Or Interim County Manager Andrea Frazier Talking About The Audit That Was Done That The County Attorney's Office Saved The Tax Pairs \$600,000. I Would Like For The County Attorney To Explain To The Public About The Audit, And The Savings With 600,000, So When We Do, We Have People In The County Saving Taxpayer Money, We Need To Let The Taxpayers Know. Thank You, Mr. Chairman.

Chairman Pendergrass: Thank You. Any Other Citizens Wish To Speak? Ok, Thank You. Meeting Adjourned.