

**June 25, 2013**

Chairman Pendergrass: Good morning. Today is June 25th, 2013, the regularly scheduled County Commissioner Meeting. Please quiet your cell phones and we'll have the pastor come forward for the prayer and then the Pledge of Allegiance.

We acknowledge our need of you, Creator, that we in ourselves can do nothing. We thank you for the group of people we have entrusted with our home, Lee County. As they consider the actions coming before them with an ongoing basis with the impact of funding people and property, we pray they will not be burdened in a detrimental way with the decisions they must make that affect so many. We ask, Lord, for your peace, your guidance, your insight, your wisdom, your courage and your peace to equal the task. In Your Son's name. Amen.

Amen.

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

Chairman Pendergrass: The next item is ceremony presentations. If I could have the American Heart Association friendly go award, please come forward. Good morning. This is a little different. Looks like you have something for us today.

For us, too.

Can we take some home with us? OK.

Good morning. Thank you so much for having me. I'm Teresa with the American Heart Association and I'm here to present you with your gold medal for fit friendly this year. It focuses on three activities: physical activity, nutrition and culture in the workplace. You are recognized for it when you do these things for your employees. You guys definitely have the goal level status this year. Thank you for all you do for your employees and their wellness. Lee County has been recognized as a community award. You are reaching outside of the workplace and touch the community and make us healthier. With Lee County animal services and dog walking program you have achieved this level award. You are the first to have it in southwest Florida and we thank you so much from the Heart Association for making

sure the wellness and health of your employees are good but extending to your friends, family and communities. We are trying to reduce death and disability by stroke and hopefully with your help we can achieve that. I have the community award to present to you today.

Chairman Pendergrass: Thank you. Could we have a picture with the board? Hold it in front there for a picture.

Chairman Pendergrass: Thank you so much.

Commissioner Hall: All of these are going to be adopted? Available for adoption? OK.

Chairman Pendergrass: Thank you.

Commissioner Hall: I hope, Mr. Chairman, at some point we talked about having animal services once a quarter bring in a face of a cat and dog ready for adoption to promote. Great to see them participate in this. I hope at some point we could bring that program back.

Chairman Pendergrass: I was talking about doing that monthly. After summer break we'll be doing that. Thank you. We have another public ceremony to be with Commissioner Hall.

Commissioner Hall: Yes. Is Karen Godfrey here? If you come to the podium with Lynn and Paul Wakefield and Lois Gusso. It's my goal to recognize bladder cancer awareness month.

I don't think Gusso has made it this morning.

Commissioner Hall: Bladder cancer is the fifth most common in the United States and third in the state of Florida. Men have a one in 20 chance and women one in 86 chance of being diagnosed with bladder cancer in their lifetime. Every year 173,000 new cases in the United States are diagnosed and 15,000 die from the disease. Bladder cancer occurs in more women annually than cervical cancer. Women have a delayed diagnosis due to it being mistaken for someone problems. Where it can occur at any age a high percentage of the disease are over the age of 55. Due to 80% recurrence rate it is one of the most expensive cancers to treat. Be it resolved the Board of County Commissioners does hereby proclaim July 2013 as bladder cancer awareness month in Lee County duly executed this today and signed by our

chairman, the honorable chairman Pendergrass. I would like to present this to you and take a photo.

[Applause]

On behalf of the southwest Florida bladder cancer support group, I really want to express our appreciation that you are, again, making the proclamation for us this year. I also want to give special thanks to one of our support group members, Carla bean. Through her persistence the last two years, she has worked with the state of Florida to get national awareness out. Because this particular disease is so little known, awareness really is our largest and biggest hurdle. As you read, diagnosis comes late to most of us because the symptoms really aren't there that send us to the doctor early. Deacon is the only national foundation that has information on a regular basis that is free to the public. This year there is English and Spanish versions, so that has been a big help in the last year. So I'm going to leave some of these brochures for you. Anybody that would like to have one. There is information on them when our support group meetings take place. We meet every other month at the regional cancer center. On the off month we are at a restaurant. We appreciate everything you have done to help bring about awareness for this disease. Thanks. [Applause]

Chairman Pendergrass: Thank you very much. We have one more ceremonial, Mr. Manning.

Commissioner Manning: Scarlett, come down and bring whoever is with you. We wouldn't have recognized you without mango crown and everything. Thank you. This resolution is to commemorate and welcome the folks that will soon be attending mangomania, a tradition on pine island in my school district for a number of years. The resolution reads as follows. Whereas mangomania tropical fruit festival was organized and held at the Catholic Church in July of 1995. And whereas the establishing 9 festival was to help the growers sell their plants and fruits during harvest time when pine island was nope by few people and the chamber of commerce decided not to hold the festival for two years due to the fact there was no suitable place on the island. By popular request pine islanders reinstated it in 1998 utilizing the K.O.A. camp ground in St. James city and it was used as a fundraiser by the chamber of commerce. Kiwanis and Calusa Land trust to make contributions to the elementary school, fish and other charities and it was such a success by 2001 it had outgrown the K.O.A. facilities. Since there were no other suitable locations on the island the decision was made to move it to the German American Club to allow for continued growth that saw more than 10,000 attendees

last year. Be it resolved the Board of County Commissioners of Lee County Florida does hereby extend their best wishes for successful 2013 mango mania tropical fruit festival being celebrated July 13 and 14, 2013. Duly executed by our honorable chairman Cecil Pendergrass. [Applause]

Commissioner Manning: Your highness, thanks for being with us this morning.

I would like to begin by thanking y'all for having me this morning. I'm accompanied by Robin Lily who was the mango crown in 2011. I'm the second woman in my family to hold the title. My mother was queen in 2007 and I have two little girls waiting to be 18, so they can be mango queens as well. We have an incredible line-up this year, blues musicians, teamed up with the southwest Florida blues society, Damon Fowler, an incredible blues man will be playing Saturday. Hours are 10 to 7:00 and on Sunday 10:00 to 5:00. We're pleased to bring so many people to our county in the out season. Not so easy to get people out and about in July. I'm honored to be here and honored to represent Pine Island. It's near and dear to my heart. I'm born and raised on the island. As a representative of not just my community but a representative of the small businesses in my community, I would like to extend some island time and pine island tranquility to the commissioners this morning. I hope as you go through your day you'll just take a step back and apply that to the business at hand. Thanks again for having us. Have a fantastic day and I'll see you July 13 and 14. [Applause]

Commissioner Manning: As they are leaving this is my annual opportunity to tell you about my first campaign slow began many years ago. A friend of mine brought me a mango and said get your picture taken with this and put it on a post, a placard, and your campaign slogan can be go, man, go. Should I tell it again slower?

We got it.

Commissioner Manning: OK.

Chairman Pendergrass: Now recap. One item to be deferred.

Commissioner Hall: I'd like to ask that, I'd like to see that not be deferred. I think that is a county attorney. Don, could you give us input?

We have continued to negotiate with the electric co-op and we think we are close to an easement acceptable. If you want to move forward with the item it would be

appropriate to do so.

Commissioner Hall: If we tonight it puts the rec center about 30 to 45 days behind schedule. This is for the power to go to it. If we could keep it on the schedule I would appreciate it since she's OK now. Move to keep it on the agenda.

Second.

Chairman Pendergrass: Any discussion? Any objection? No objection. We have revision and questions. A-14 b

Commissioner Manning: I'll move that it require a motion.

Commissioner Hall: Second.

Chairman Pendergrass: Discussion? Is this for both items?

Chairman Pendergrass: A and b. Any discussion? Any objection? No objection. We have a question on C7E.

Commissioner Mann: Move it

Commissioner Manning: Move it.

Commissioner Mann: Second.

Chairman Pendergrass: Discussion? Motion carries. Move on to public comment. At this time I have a few cards. Public hearing. I have two cards here for the consent agenda. First speaker is Maggie Portelli. Each speaker will have three minutes when you come to the podium. Thank you.

Good morning, Mr. Chairman, commission, I'm here on behalf of the Bonita Springs fire district. I'm here to object to item 10-c on your consent agenda for Lee Memorial Health Systems and their request for a COPC for neonatal transport services. The basis of my objection is not to the merits of their request but is really as to process. The way in which the COPC and transport renewals are administered under your Florida statutes. Florida statute 401.25 requires that each COPC renewal license be subject to the same requirement as an original licensure requiring a full public hearing. I respectfully request you deny the COPC today for lee memorial

health systems so a full public hearing could be conducted and that is the extent of my request. I have a letter that memorializes this objection and for legal counsel and for the record. I appreciate your consideration and time. Thank you very much.

Chairman Pendergrass: Thank you. The next week is Ray Russell for the consent agenda and after that Sylvia Cannon.

Thank you. Conservation foundation. I want to speak to item 8-A the northwest canal spreader and ask that you continue to decide them until after your July recess. There are a number of issues that have not been open and available to the public to really understand what this action would do with the escrow funds. I think there's enough investment and a lot of history. Many of us spent several years working on this and so we would just request this not be rushed through today. Give us a chance to take a look at it and revisit it when you return.

Thank you. Next speaker, Phil Buchanan.

Good morning. I am Phil Buchanan. I wish you well on your upcoming recess. It's important to recharge the batteries. And it's also important to remember this is a federal water violation with which we are dealing and federal court action is inevitable. The Lee County government will either be part of the solution or a part of the problem. The reference in the blue sheet that says the problem was solved by mediation settlement agreement is wildly incorrect. There was no settlement agreement and I think you all know that. This is not the time to transfer situs restoration funds to another account. As for the proposal for more studies we do need more environmental data. We never have enough but asking the same contractors the same questions expecting different answers is not reasonable. We need involved by FCCU or Federal Government scientists or at least people who did not years ago announce strongly held views opposing resolution of this issue. We also need to insist that the contractors produce environmental data not just a study that says we need more studies. Refer to my e-mail from a few days ago for more information. Thank you and enjoy your recess.

Chairman Pendergrass: Thank you. Next speaker, Carl. I got you down for both items, this and the other public hearing.

First of all, my name is Carl bow. I am excited. Thanks to the net I found my half brother I've been looking for, for 75 years. I'm going to meet him on my 75th birthday. My mom gave him up for adoption and I've been looking for him ever

since. He's 78 years old. So, it's a great time for my birthday. You have probably seen me in the news somewhere. But on the back bay, you know that noise carries over the water. I used to live off Savona. Two blocks from the river, the first canal. You could hear the train whistle all the way over Fort Myers to Cape Coral. That's the way the noise travels over the water. I think if you put you know jet skis in the back bays it's going to be noisy like two freight trains meeting each other. I've been back there fortunate enough to fish several times and it's beautiful. You don't know you are in civilization if you go back into the cypress swamps. Let's have no jet skis in the back bay. The second thing I would like to talk about the boat lift. The longer you wait you are destroying the fish stocks, the snook for the fishermen in the bay and pine island bay and I hope you move a little faster on it and support the boat lift so it can be built soon. Thank you for your time and have a great vacation.

Chairman Pendergrass: Thank you, Carl. At this time I have no other cards for the consent administrative agenda. We close that and go to consent agenda and Commissioner Manning items to be pulled?

8-A.

Chairman Pendergrass: Commissioner Kiker.

Commissioner Kiker: 10, c.

Commissioner Mann: 7-a, 6-c and 7-b. I'm sorry 6-c and 7-b and 7-a.

Chairman Pendergrass: Commissioner Hall.

Commissioner Hall: 8-a. I move the balance.

Commissioner Manning: Second.

Chairman Pendergrass: No discussion? No objection? Motion carries.

Commissioner Mann: I would request through a motion to defer this item until we get back in August and have our consultant speak with the staff to rework the scope under this item. There's still some questions out there that need to be answered.

Chairman Pendergrass: I'll second it for discussion. Commissioner Hall.

Commissioner Hall: I would like to hear from staff. I'm worried about losing a month of data collection. July is a critical month, rainy season. These are task driven. It's not a study to study. These are tasks. Unless I misunderstood the e-mail. I'm guess I'm looking to Roland if you give us an overview. One of the reasons we're here is lack of data. We extend it so we could have dry collections and wet collections. Have I misunderstood?

Good morning. Roland Batolini. It is exactly what we need to do to move on with the analysis of the system if we're going to invest huge sums of money held in public trust toward this effort we need this level of detail including the met Rick Survey. I don't think anybody can argue we don't need the survey and cross sections of the breaches, benchmarks, tie that on to data and tidal flow to establish gauges to establish in what directions the flows are going. Establishing existing conditions model where you can actually generate what's going on out there based on the data in hand and the conditions we have or plan on doing. That will be a valuable tool to look at these options of opening breaches or putting a lift in or other management options in the watershed. Water quality analysis. These are items everybody wanted us to look at as a result of the settlement agreement, the scientific study we agreed to out of the mediation settlement.

Mr. Chair, while you gather your thoughts, I don't have any issue as Rayan and others talked about reaching out to FTCU. Roland, you don't have an issue of including them but to lose five or six weeks of work, how painful do we have to drag this out. I realize everyone is worried because we're taking funds from 1.5 but they are available to us. This board has shown a commitment to do the right thing whatever that turns out to be. I hate to lose six or seven weeks. Five weeks and then bring it back as an agenda item.

Commissioner Manning: Commission Mr. Chairman. If Commissioner Hall is through, my issue is reduction in parts of the scope of work. I need you guys to get with Kevin Erwin our consultant we brought on and look at pier review items. His request is to meet with you folks sometime in early July to keep the ball rolling, tweak the scope. Whenever there is a reduction in work scope it's supposed to come back to this board and it didn't. I'm just saying let's fix it.

Commissioner Hall: Mr. Chair, let me go back. I realize we have a motion so there's only two bites at the motion. Kevin Irwin hired him as an umbrella and we extended an awful lot of money on stuff we didn't need to do. I'm not comfortable having Kevin oversee this at this point. It's not a contract with Kevin Irwin. It's for a subcontractor to do the work on the ground. I don't understand why Kevin is back

in this. This isn't a contract with Kevin Irwin. Kevin offers a lot of expertise in his area of expertise, but this is not his area of expertise and he'll be the first to tell you that. He could coordinate this.

Commissioner Manning: This is the agenda I got five days ago. I'm not happy with this issue coming back in this manner and my motion stands. I'm asking you get all the players together, Roland, and come up with a scope of work that we can accelerate this work, get the peer review done get the biological and biometric issues taken care of and bring it back to the board. You don't have to stop working but I want to defer.

Kevin Irwin is a subcontractor and helped us work. I'm not understanding what was dropped under his work but we'll lose time in terms of collecting data, at least a month.

Commissioner Hall: We have Kevin as the point person. That's not where his role should be. He has specific areas. I guess, commissioner Manning what I hate to see, I don't mind putting a meeting together, but I hate to lose six weeks on this in collection. I don't see where we can't move forward with there being some understanding of where we are going. I don't see where we are out of sync with what you shared with us, from our blue sheet that we had. This is what we said we wanted to move forward and get down the road. We have to decide in or out. If not in, let's do something else

Chairman Pendergrass: Commissioner Mann?

Commissioner Mann: This is the most exasperating issue I have experienced in my time on this board six plus years now. We have been fighting this for five years. Frankly, that's how long it's been since the boat lift blew out and the water started to flow like Mother Nature does when we don't have the barrier there. I don't share the concern about another five or six weeks in order to make certain that the next step we take is meaningful because so far we have taken no meaningful steps because we are no closer to a resolution today than we were five years ago. I am highly reluctant to spend another \$280,000 which is called for here and get one more study as Dr. Phil referred to, that everybody can then argue that their scientists disagree because of whatever theory they come up with that day. If we can take the next step and agree on what we're looking for in an outcome and do it right rather than just throw another \$280,000 on top of the \$500,000 we threw last year, I think it would be time well spent delaying to make sure we get it right. I strongly support not moving forward on this at this point.

Chairman Pendergrass: Any other discussion?

Commissioner Hall: I don't have a chance to say anything else.

Chairman Pendergrass: Any objection?

Commissioner Hall: Yes.

Chairman Pendergrass: One objection. Motion carries. Commissioner Kiker.

Commissioner Kiker: Thank you, Mr. Chairman. I would like to confer with the attorney during public comment, the attorney for the Bonita fire district had an issue with the process of whether or not this should be deferred to public hearing or not. For the record, I would like to get your perspective on that.

As we have done with other POCCN renewals we are processing it in accordance with the ordinance that it can be approved routinely by the Board of County Commissioners. Routine approval in Lee County is an consent or administrative agenda item in the same manner we have brought this renewal for the lee memorial children's hospital.

Commissioner Kiker: That's all my questions. Move the item.

Commissioner Hall: Second.

Chairman Pendergrass: Any other discussion? No discussion. Any objection? No objection. Motion carries. Commissioner Mann.

Commissioner Mann: Steve, are you here. This has to do with transit and spending \$29,000 to hire a consultant to do a study as to whether or not we need a fare increase. Here's my frustration. We were reminded we subsidize our fares by \$10.5 million is that correct?

That's correct.

Commissioner Mann: And general revenue money. We are obviously short and this transfer program based on the fares they charge to the people riding. It seems to me so obvious that why can't you guys just say folks, we're \$10.5 million short. These are your options. Add a quarter to these routes or all the routes. Why do I

have to spend \$29,000 to find out what I think I already know?

Steve Myers lee train director for the record. There are actually two pieces of this process that we cannot skirt. In other words there are certain requirements.

Commissioner Mann: There are federal requirements that make us do a study before a raise in the fare. Thank you. No further questions I move the item.

Chairman Pendergrass: Second? Any objection? No objection. Motion carries.  
Commissioner Mann.

Commissioner Mann: 6-c. I'm going to have some federal regulations to deal with here, I'm sure. 6-c takes a piece of property that Lee County owns, we came to own it in Charleston park in my district outside of Alba. We're going to give it to a nonprofit corporation Lee County.

Ann Arnold. Lee County housing corporation is a nonprofit who develops affordable housing.

Commissioner Mann: We're going to give this land, housing lot to them. They're going to draw down a federal grant.

Through our department they'll draw on our home funding there to provide affordable housing. It needs to be for the construction of home ownership or rental.

Commissioner Mann: A four bedroom two bath house brand new custom home whatever the cost today to build a brand new custom home, pretty expensive. This is driving me crazy. Yesterday we talked about the NSP, the \$18 million program we got into where we would buy houses, we the county, buy them on a foreclosure market for virtually nothing, rehab them with \$12,000 to \$15,000 and turn around and sell them. Try to recapture our money again. We were buying right, fixing pretty cheap and turning them around and doing good things for folks that needed housing. This is going to be as expensive a way as we can possibly provide for what you have been doing for 1/3 of the cost. Is there nothing else -- is this the only thing we do with that lot, turn it over to these folks and say it's federal money not costing us anything?

The money they are using, we are required for the home program as part of our federal allocation we have to provide 15% of money to this type of organization. They have to be certified to develop housing. So we have to give that much to be in

compliance to an organization to develop housing to meet the objectives of the federal money. They have been working with the Charleston park community to determine whether there are people through the to qualify to become homeowners and they have determined there are very few. Some people are working to rebuild credit but they have determined that rental was a better strategy. To utilize that pot of money, we have to develop some housing. The foreclosures that we have been buying have become more difficult to acquire. The price is creeping up. So we're not getting the deals we got in 2009, 2010.

Commissioner Mann: I just offered that as a comparison how you can provide a house at one cost here and a whole lot less cost here. There are no foreclosures available in Charleston park so that's not an option available.

Correct.

Commissioner Mann: I'm not trying to compare because I know you can't go this way but you are telling me these programs, the only way we'll deal with that hot we own in Charleston park we have no use for is this mechanism using the 001 c 3 and contracting back with federal money flowing through your office, some of that free federal money as part of our \$17 trillion debt that we're asking our grandchildren to pay for. I'm frustrated that this is the only way to deal with this. But you are telling me that is the answer.

Correct. We could reimburse them to purchase a piece of land to build on or donate them a piece of land we have that we don't have another use for.

Commissioner Mann: With reluctance I move this item.

Commissioner Manning: Second.

Chairman Pendergrass: Any discussion? Objection? Motion carries.

Commissioner Mann: Somebody from staff can help me with the issue we talked about yesterday, 7-b, the new office we're going to buy or rent in Bonita. My question, you were here, rich, weren't you, yesterday when we talked about this?

Yes, sir.

Commissioner Mann: We have an office in Bonita springs we use for the elections office primarily. They register people and also vote in there. It's only 1200 square

feet. It's been past, the last election is a disaster there as we know places throughout the state. What troubled me was the need to go four times the square footage to take care of the problem of overcrowding. Four times plus considering the fact now that the legislature -- crowding really occurs during the early voting and election day voting. Now that we have early voting extended again almost twice what it was this last year when we had the crisis and we don't have 40 constitutional amendments on the ballot, I'm wondering why do we need four times the square foot on this little issue, Mr. Beck, thank you for being here this morning.

For the record rich beck, facilities. Some of what you asked I can take a shot at answering. Some I can't because I don't get involved with why a customer comes to me and says they need more space. That has to be the supervisor of elections would have to come up. What I can tell you is we're looking at right now she occupies a space over in the cape for about 3500 square feet. We're going to vacate that lease later this year, move her back into the Cape Coral government complex and the space we're giving her there is just a little over 5,000. So when I was given the go ahead to go look for property to lease for her, I based what I would look for not only on what the supervisor of elections said she needed but on what we were moving her into in the cape. Since we are moving her into a little over 5,000 there, we looked for property that was --

Commissioner Mann: About the same.

Thank you. Exactly correct.

Commissioner Mann: Tell you what, Mr. Chairman, let me ask Ms. Harrington to give me your best response. You heard this yesterday and you heard it today. It's too bad when a little issue like this -- your budget overall is funded by general revenue and it's not that big. A little item like this relatively speaking to the \$450 million operation budget we have here is easy to jump out at me. So it caught my attention. I appreciate what did you in Tallahassee to straight especially those guys out to give us an election process that works down here better so thank you. So your comments on four times the space.

Let me let you know that the legislation that was passed and it was after a lot of hard work by 67 county supervisors of elections, believe me, the whole association wags behind it, they -- was behind it. They extended the places where we can have early voting to a point. We're talking recreation centers. Let's say in Bonita springs they have a recreation center we can use. The problem there is they probably have their schedule planned out at least a year in advance. We will be closing that facility

virtually for 14 days to hold early voting. Civic centers, same thing. They book entertainment, all their facilities way in advance. Again, when we are there doing early voting they don't normally conduct --

Commissioner Mann: I'm not arguing that you can't go to churches and places you have historically done. I'm saying have we exhausted the opportunity to find something twice the size instead of four times the size? The total rent we'll be paying and the common area of maintenance is \$15 a foot. That's a pretty good rate nowadays. I'm just trying to -- we found the spot for you. Maybe now maybe it's back to --

I know the county looked at different properties.

Commissioner Mann: You didn't go yourself and find it.

No.

Commissioner Mann: Thank you. Back to Mr. Beck.

Commissioner Hall: The floor plan they gave us on this particular office space I was trying to get to your point. How many square point is actually available for early voting is what I'm wondering. Looking at the floor plan you have a central floor plan, not built up offices. I'm assuming offices in the back and front are early voting.

It's for voting, not just early voting but all elections.

Commissioner Hall: I understand. So maybe we have 30 days of elections going on in there.

I agree.

Commissioner Hall: So I'm asking how much space in the 4800 is devoted to voting?

About half the space.

Commissioner Hall: 2300.

Um-hmm. Every time we meet with a customer and ask them what their needs are

we come up with a different list. In the case with the supervisor of elections location wags paramount. We had to find a space that was suitable. It had to be easy to find because people don't vote every day. We couldn't have someplace tucked at the back of a shopping mall. We had to have enough space for a large number of people to get out of the weather as Sharon explained at the initial meeting. They had two or three instances where people had medical issues waiting in line outside in the heat and they had to call E.M.S.. Parking.

Commissioner Mann: OK. I'm full. It sounds like you are saying that because of her restrictions on where the precincts have to be located.

Correct.

Commissioner Mann: You are limited where you could look for a place.

Yes, sir.

Commissioner Mann: It may not be ideal but it's the best you could find under the circumstances and requirements laid upon you. With reluctance and apologize for dragging this issue out I move the item.

Chairman Pendergrass: Second? Comments?

Commissioner Kiker: Quickly, my calculations are you are paying \$18,000 for the facility are you at and the one you are going to is \$70,000?

Yes, sir. We are also getting rid of the lease at city Centrum it will be a net decrease in property by one and when all the different figures are calculated it will be pretty much a wash as far as how much we are paying for leased property for supervisor of elections.

Commissioner Kiker: The reason we are adding extra space is the window for early voting, that's it.

Well, for voting.

Commissioner Hall: For precincts.

Commissioner Kiker: We can vote different places but early voting is pretty specific.

Yes.

Commissioner Manning: The net savings business \$4,000 a year.

Yes. In Bonita Springs, I'm sure they'll appreciate the larger facility election time next year.

Chairman Pendergrass: Any other discussion? Objection? Motion carries.  
Commissioner Mann?

Commissioner Mann: I'm wore out. Thank you.

Chairman Pendergrass: Administrative agenda.

Commissioner Mann: Move 1-a.

Commissioner Hall: Move the bond proceed for green meadow. Second I mean.

Chairman Pendergrass: Any discussion? Objection? No objection. Motion carries.

Commissioner Manning: I'll move 1-d.

Commissioner Hall: Second to move it to public hearing.

Chairman Pendergrass: Commissioner Hall, second. Any other discussion?  
Objection? Motion carries. 5-a.

Commissioner Manning: Move 5-a.

Chairman Pendergrass: I'll second for discussion. Any discussion? Any objection?  
No objection. Motion carries.

Commissioner Manning: I'll move 13-a.

Commissioner Hall: Second?

Chairman Pendergrass: Discussion? Any objection? Motion carries.

Commissioner Manning: 14-a.

Commissioner Hall: Second.

Chairman Pendergrass: Any discussion on 14-a? Any objection? No objection, motion carries.

Commissioner Manning: Move 14-b.

Commissioner Hall: Second.

Chairman Pendergrass: Any discussion? Any objection? Motion carries. Administrative agenda.

Commissioner Kiker: I would move to public hearings. Take a break?

Good morning, commissioners. Donna Marie Collins, assistant county attorney. I have before me affidavits for publications for the first three public hearings this morning. All three are legally sufficient as to form and content and I'll enter them into the record at this time.

Chairman Pendergrass: Public comment on the first three public hearings? Number one? We'll close come back to the board for discussion.

Commissioner Manning: If it's appropriate I move public hearing number one, two, and three.

Commissioner Hall: I don't know if we can do it that way. We have to take public comment.

Commissioner Manning: Move number one.

Commissioner Hall: Thank you. Second.

Chairman Pendergrass: Any discussion? Any objection?

Commissioner Hall: We just got a note that commissioner Kiker didn't vote because he left the room.

Commissioner Mann: There was no public input, right?

Commissioner Hall: Not on number one.

For the record public hearing number one I need to bring to your attention we received two additional petitions in favor of this project giving us an overall 54%.

Chairman Pendergrass: Staff, do I need to wait for commissioner Kiker to return to call for a vote?

Commissioner Mann: At the advisory committee, Laurie was there unanimous support with moving forward with this?

Yes, they were.

Commissioner Mann: Thank you.

Commissioner Manning: Move item 2, Mr. Chairman.

Chairman Pendergrass: Commissioner Kiker return for a vote.

Chairman Pendergrass: Motion, second.

Commissioner Hall: Are you calling the question?

Chairman Pendergrass: Any objection? No objection. Public hearing number two.

Commissioner Manning: Move public hearing number two.

Commissioner Hall: Second.

Chairman Pendergrass: Any comments on public hearing number two. Back to the board. Any discussion.

Commissioner Mann: Do we have to do this again during the budget?

Commissioner Hall: Yes.

Commissioner Mann: Read every one into the record again? Explain to me why am I doing it now and again in two months?

It's part of the budget are you required by Florida statute to do so.

Commissioner Mann: Why am I required to do it today too.

You're just approving it not reading every one into the record.

Commissioner Mann: Sorry I asked. Go ahead.

Mass Sabatini has to put something on the record before you take the final vote.

I received two letters one in favor and one against this particular project.

Commissioner Mann: I don't know what to do now.

I'm sorry.

Commissioner Mann: My attempt at levity. One for and one against. Whatever shall I do.

This is the final public hearing. The project is completed, actually.

Commissioner Mann: Budget hearing. Thank you.

Chairman Pendergrass: Any other discussion? Any objection? Motion carries.

Thank you.

Chairman Pendergrass: Public hearing number --

Commissioner Hall: I'll move the final --

Commissioner Manning: Second.

Chairman Pendergrass: Any discussion? Any objection? Do we have any public comment on this item? Making sure. Motion carries. Next public hearing.

Good morning, Mr. Chairman. Jack Peterson assistant county attorney here for public hearing number four. I have reviewed the advertising affidavit of publication legally sufficient for the intended purpose and you may proceed at your discretion, sir. Mr. Sampson has some things he would like to put on the record, I understand.

Chairman Pendergrass: Please come forward. Any public comment on public

hearing number four.

Commissioner Hall: Collection proposal program.

Chairman Pendergrass: No comment?

Good morning, Mr. Chairman. County commissioners. Excuse me. I just have a few things I would like to make sure is made to the public. Item before you is to establish the solid waste assessments for fiscal year 2014. The proposed residential rates are to be reduced by approximately \$2.5 per unit in each of the five franchise main five franchise collection areas. The disposal fee at the gate is also recommended to be reduced. That will affect the commercial customers. The residential rates we are proposing will mean it will be the seventh year in a row we are reducing residential rates. Over those seven years they have been reduced to approximately \$50 per year. Disposal facilities assessments will remain the same. The proposed estimated Cape Coral MSTU millage will decrease slightly from .0622 to .0616. The multifamily and business assessment methodology will remain unchanged. And the solid waste division does recommend you approve these assessments as they are proposed. I'll take any questions.

Commissioner Manning: Motion to approve.

Commissioner Hall: Second.

Commissioner Mann: Conspicuously absent was any discussion of increases. Because there are none in what you are proposing here.

The assessments for residential will decrease. We are recommending that the franchise hauling contracts in accordance with those contracts that their rates are escalated by 1.8% for residential and commercial. However, recognizing that change still results in a reduction of the residential assessments as stated herein.

Commissioner Mann: Thank you. Overall net reduction to our fee pairs payers.

Chairman Pendergrass: Discussion? Objection? Motion carried. Item five.

Commissioner Hall: Move repealing and replacing the Lee County tourist development.

I have your affidavit of publication it was publish June 13. And it's sufficient in form

and content to proceed with the public hearing at this time.

Chairman Pendergrass: Commissioner Hall? Second for suggestion. Any comment on public hearing number five? Now we close public comment. Back to the board. Any discussion? Any objection? No objection, motion carries. Public hearing number six. Good morning commissioners. Assistant county attorney. I have the application of publication with respect to public hearings six and seven which are amendments to the Lee County personal watercraft vendor and Lee County vessel control and water safety ordinance. This affidavit is sufficient with respect to form and content and I'll enter it into the record. While you have to vote on both of the ordinances separately, these ordinances are both related to the same request which is to establish a new location for a jet ski rental operation. I would suggest that you may want to consider taking the public comment with respect to both of these ordinances at one time and then taking action on each of the ordinances separately later. If you have any questions I would be happy to answer them. Bobby Stewart is here.

Chairman Pendergrass: Public comment on public hearing number six.

Commissioner Hall: And seven.

Chairman Pendergrass: Six and seven. First speaker Rayan Russell. And then Paul.

Good morning commissioners. I'm here on the item that follows up on my meeting with you and the letter we discussed earlier this week regarding the jet ski location and operation in the back bay. We are urging you not to approve this request based on sensitive habitat it would affect and press sent set to allow commercial operations in the back bay areas and there are more appropriate locations for these functions. Thank you.

Chairman Pendergrass: Thank you. Next speaker Paul Tritak. Thank you.

Good morning. I'm Paul Tritak, the refuse manager for the complex on Sanibel and also a resident of Sanibel and I'm here to recommend denial of the request to vent the lit county vessel control and water control safety ordinance to allow the rental of personal watercraft in the Punta Rossa Cove, San Carlos Bay and adjacent waters. Making an exception for the use in this area is contrary to the purpose of the existing ordinance. It's contrary to the protection of wildlife in the area particularly man tees and migratory birds and recreational users that frequent the area including fishermen, kayakers and paddle boarders. Please keep the back

waters peaceful, quiet and calm. Thank you.

Chairman Pendergrass: Thank you. Next speaker, Lisa program with. After Lisa nick.

I'm Lisa Bram, the director of property management we own port Sanibel marina here regarding the jet ski use. I'm here for clarify information that the press have misconstrued our guided ecotours are conducted four miles from Sanibel. Our tour route was carefully mapped by an environmentalist who worked with our experienced charter captains. It in no way infringes or jeopardizes our ecosystems. Our guides have captain licenses and our entire staff are hired based on their knowledge and familiarity with their local waterways. Our guided ecotours are educational, informative and intimate with no more than six participants per outing. It was approved for jet ski tours last year and did not receive opposition because Punta Rossa is in Fort Myers. In speaking with members of the Sanibel community most of the opposition we are receiving is that Sanibel marina is on Sanibel when it is actually in Fort Myers and further away from Sanibel than Punta Rossa. I have learned that the concerns are with unregulated jet ski use around the waterways. The ecotours do not fall into that category whatsoever so all the opposition are misconceptions and therefore unwarranted. We are an upstanding established business and we own the jet skis. We do not sub out our ecotours. We are operating guided divisional ecotours in a responsible controlled environment four miles from Sanibel and we respectfully request to continue to provide this educational amenity to the marina. Thank you for your time.

Chairman Pendergrass: Next, Nick Bados.

Representing the Estero council of leaders. Speaking against the amendment. The restrictions are there for a reason. We must do all we can to protect our precious backwater areas that are so important to our environment and economy. The proposed tour routes would you follow mangrove carters and where endangered birds and man tees are among others. These areas must be protected against unwarranted disruptions. It's obvious allowing a concentration of these water vehicles to continually go over the same area can do nothing good for the environment and can only endanger these environmentally sensitive areas. If this is allowed to occur now where do we stop? It is obvious to me that if you allow this exception that someone else will come forward in an attempt to make a few dollars and ask for another exception, then another. You have ordinances in effect that allow individuals to use these vehicles. We should not consider commercializing our precious environment. Please do not approve this request. As an aside on another

item you took up earlier with the supervisor of elections, I live in that area, the area that's been there during the prior elections was much too small. I was standing in the rain and the sun for an hour 1/2 in 2008. Thank you very much.

Chairman Pendergrass: Thank you. Sadie miner.

I'm J.D. miner and we are attempting to provide educational tours to residents and visitors to southwest Florida. There have been several misconceptions with regard to the jet skis around the Estero bay area. One is that jet skis are not permitted to operate in Estero bay. Currently they are allowed to separate around Estero bay by private individuals owning jet skis and businesses operating jet ski tours. One is two miles from our marina. There has been assertions made that these jet skis are harm the wildlife habitat and air and water quality. A jet ski has a shower draft, not a propeller and burns less fuel than a two-stroke engine. If it is operated responsibly it provides less environmental hazard than a typical boat. The mangrove areas mentioned in the speeches are actually the area would you idle out and the slow speed man tee Joan that dozens take leaving the restaurant and the marina. It's an idle in, idle out area. The true issue for environmentally and personal safety comes from the operator of the equipment, not the equipment itself. What we are doing is providing an opportunity to teach our local residents and visitors of this area of our local waterway. Just last week Florida official and wildlife docked at our marina and I should a ticket for a jet ski operator running a few miles away preventing us from operating our tours, not doing anything to stop the jet ski owners that are out there running all over. However by providing an educational opportunity we can help encourage individuals to operate responsibly. I'll leave with you an old Chinese proverb that says tell me and I'll forget. Show me and I may remember. Involve me and I'll understand. Thank you.

Chairman Pendergrass: Thank you. John Payona followed by me Linda Carlson. Your name for the record, please.

Hello, commissioners. Thank you for having me here today. I'm John Payona and I operate the Calusa ghost tours. I sent a letter last week to you folks and I would like to read it into the record today. Honorable commissioners I take pen in hand to express my concerns about allowing increased jet ski activity in our very sensitive ecosystem. As a businessman I'm concerned we will be destroying the very thing my clients are coming here to see, quiet fishing in the backwaters. Bird watching, undisturbed manatee and dolphin interaction and between pine island sound, Charlotte harbor and Estero bay we have a nursery for the world. It's very important for us to preserve that. Our estuaries support the largest population of

bottle nosed dolphins. You don't need studies to know motorized traffic in the backwaters can and will be a negative effect on this delicate ecosystem. As for the marinas that want jet skis I suggest they look at paddle craft area sales in this area for the next year. It's in the steps of thousands. You don't see that projection for jet skis. Clearly more businesses and local industries will be hurt by this increased motorized traffic than will benefit from it. As a taxpayer I'm appalled to think all the tax dollars spent to preserve the environment and Everglades could be ignored and cause more damage we will have to pay for in the future. As an environmentalist and naturalist last year we lost hundreds of manatees and sea turtles due to motorized boat traffic. While sailing last year, I came across a female loggerhead turtle that looked healthy until I flipped her over and saw the whole top of her shell had been lopped off or a manatee with its back slashed open, and was dead in the backwaters. Please consider this before allowing more motorized traffic in these sensitive areas. As a voting citizen I encourage all those who have an opinion to speak out and make their voices heard thank you.

Chairman Pendergrass: Thank you, John. Me Linda Carlson followed by James Evans.

Good morning.

Good morning. I represent turtle time incorporated. We recommend not amending this ordinance to allow jet skis into San Carlos bay. The backwaters are critical habitat like John mentioned, especially to the world's most endangered sea turtle. They love those shallow back bays like the mouths of the Caloosahatchee, pine island, Bunche Beach which I walk on a daily basis. The conservancy and marine laboratory have been doing satellite surveillance of these areas for years and they have confirmed they are critical for the recovery of the Kemp Wrigley turtle. We want to keep it quiet for fish in yorries for the birds and bird watchers and we hope to keep this environment pristine. As an ecotourist myself I would prefer to go out on a paddle boat where I can listen and a kayak tour and hear the tour guide rather than be on a jet ski. Thank you so much.

Chairman Pendergrass: Next speaker, James Evans. After James, Roger Clark.

Good morning, chairman, I'm James Evans I've been employed with the city of Sanibel for 13 years as a biologist. On behalf of the city of the Sanibel I have the following comments. The city is opposed to amending the ordinance and change in existing ordinances to allow jet skis in the bay including port Sanibel marina. Lee County staff did a great job of outlining the problems in the staff report. We too are

concerned that approval of this application will lead to the proliferation of personal watercraft rental operations and negate the personal protections achieved through adoption of the ordinance. Visitors from around the world come to recreate, observe our wildlife and enjoy our beaches. One of the major attractions to Lee County and Sanibel is our natural environment and tranquility it offers over other destinations. Many businesses were built with this setting offering opportunities to enjoy waters through fishing, snorkeling, shelling and other activities. Allow be tours and western watercraft rentals would diminish those recreating and would result in direct impacts to our birds, manatee information acknowledging areas and noise concerns and nuisance for property owners living in the back bay waters. We ask to retain the current languages in 0814 and 9513 and vote no on the proposed amendments to protect and preserve our natural environment and local economy. Thank you for your consideration.

Chairman Pendergrass: Thank you.

Good morning, commissioners. I appreciate the time that you are taking on this issue. I know there's a lot of complications, but I would like to let you know that I have probably spent more time on San Carlos bay than most folks in this room. I worked for the county commission for 20 years as land stewardship and covered the waterfront area from Punta Rossa to San Carlos bay. I spent time recently as a kayak guide since being retired and take clients on the bay and have had an opportunity to develop a sense of place for the area. It certainly has a unique aspect and isn't used a lot by boaters because it's so shallow. It's a unique ecosystem with the bay and Bunche Beach. You normally don't find beaches except on the barrier islands. So I have had the opportunity to develop a real relationship with the area and have seen how my clients respond out on the water and peacefulness and tranquility and seeing the wildlife mentioned P. We see manatees, sea turtles, dolphins. I have found turtles hit by boats when paddling. It's a very sad experience. I also urge y'all and I know your staff are aware of the scientific studies done but as a wildlife biologist I urge us to use science. There was a study done about 10 years ago that's entitled buffer zone distances to protect foraging and water birds from personal watercraft. It was peer reviewed and the bottom line is buffer zones of 180 meters for wading birds, 140 birds for terns and gulls and 150 meters for ospreys would minimize -- in Florida. If do you revisions I ask it be based on science and procedures followed. Otherwise it's wide open literally as most personal watercraft are. I have and all been forecast? Led, fished. I take my boat out in the bay. So I feel like that this type of use would conflict with those other kinds of uses. I think Roberts and their development have a lot of good programs, but I hope they can focus on where they are and this is also potentially

would set a precedent in weakening and not following an ordinance for the purposes of those ordinances were established. So certainly we need procedures and standards and I hope that you can use all that information to develop a good decision on this. Thank you for your time.

Chairman Pendergrass: Next speaker, Beverly Grady.

Good morning. For the record I'm Beverly Grady with the firm of receipt Zell representing port Sanibel Maynea. To me there's ironies what you are hearing and the personal facts. There are three watercraft vendors. One on the middle of and A Rossi Lane and the other two on the back bay. Captiva Plantation is not on the gulf but would you not know that from the staff report and the Punta Rossa location on the bay and you have changed the definition of sandy beach to accommodate the resort last year in 2012. When staff states this is a site exception to access to the sandy beach you have to be an attorney and look at the definition because it's not what you think of as sandy beach. In the code a sandy beach used to be sandy land facing directly the open waters of the Gulf of Mexico. It's been revised to include sandy beach, the resort. It's not that same definition. So all we can say to you is that this commission has approved a location that's relatively close to the location we are requesting today. Suddenly the staff finds this would be a precedent to a long-standing locational standard. Two of the three existing locations are not on the sandy beach facing the Gulf of Mexico. They are on the back bay. Port Sanibel is a long-established business that's invested much in Lee County and runs a quality marina. The staff did recognize the tours will have an ecoguide, a guided tour, which I hope everyone realizes a guided tour provides better education, instruction on what is appropriate use of a personal watercraft and constant monitoring for the length of the tour. And every tour has a guide, which is not a regulation for any of the other jet ski operations, be it the three, the ones that operate on Fort Myers beach or Bonita springs or via the private owners of jet skis. In fact, we offered to have port Sanibel's particular route subject to Lee County approval to be a specific route attached to this ordinance or staff could have language where staff would approve it. Again, that's something that is not required today but we offered that. That solution would have we believe between the guided tours and county approval of the tour, that would have solved the environmental issues that are raised. There are three licensed vendors operating on the back bay without county approval of additional routes and certainly the county does not approve private jet skis and municipal vendors. We want to continue to provide services to Lee County residents and tours. It is a marina that provides boat rental, kayak rentals and personal watercraft would be one more opportunity to understand the environment because each one is a guided tour. We have to abide by all federal, state and local laws. We

request this credible business invested in Lee County and operates a quality marina be approved to offer guided tour jet ski rentals. Thank you.

Chairman Pendergrass: At this time there are no other cards on item six and seven. Anyone else wishing to speak on public hearing six or seven? We'll close public comment. Back to the board for discussion.

Commissioner Hall: Mr. Chairman, I'll start since I asked this to be the way when it came back to us two or three months ago you know, I recognize the need for environment and business tours together. There were good reasons why we put this ordinance in place. I can't move either six or seven. I thought we were moving too fast when it came forward. I hope all of you had a chance to review and see. I don't disagree with the arguments, but I think it's creeping and I think we have to in my opinion I think we have to hold strong on why we have the environment we have here and sometimes we have to make these hard decisions.

Chairman Pendergrass: Thank you. Any more discussion from the board?

Commissioner Hall: I'll move denial of request under six and seven.

Chairman Pendergrass: We'll do each separately.

Commissioner Hall: I'll move denial of a number six.

Commissioner Mann: I'll second that with a moment to explain, Mr. Chairman.

Chairman Pendergrass: OK.

Commissioner Mann: I think the applicant here has really done good work in presenting what they are trying to present. They have well defined how careful they will be and all that sort of thing. As I got studying this and hearing an enormous amount of input that's generated since the first time this issue came to us, it has occurred to me that we probably made a mistake when we made the exception a year, two years ago, whenever it's been referenced, but that's behind us. It's done. It was approved. Commissioner Hall used the term creep. There is a creep factor here. And I think that's what concerns me more than anything in this whole discussion today. This is well managed and well focused, well directed from testifying we have heard. -- everything we have heard. I don't know what changes will come later and how many others will come behind and add to the impact. From the overall big picture I appreciate what republic ant has done and efforts they

have taken to make ate accessible but it still doesn't pass muster for me that's why I second the motion to deny.

Chairman Pendergrass: Commissioner Kiker.

Commissioner Kiker: I'm following suit and I would like to discuss why I will vote the way I do. This is one of the issues that seems like it's followed me through my political career. We dealt with this on Fort Myers beach and ended up limiting the number of license that were available and we also specified how to transfer the license, etc., and I think that's probably another step that we may want to take at the end of this. I appreciate the tenaciousness that the business owners have displayed on this, the money and time you have spent. I'm sure that you have gotten the same kind of communications we have received. We have received, I've gotten a lot of communication. I used to be a charter captain so I know that waterway and I know what, where are you going with them. It's one thing to look on a map versus go out on a boat or a vessel and know you are not that close to shore. I do know that. Ching said that -- having said that, Rayan Russell spent quite a bit of time with me in my office and we discussed bird life, the wildlife there. While we were talking we came up with a red line that was drawn on a map. The question was whether or not that was a line that designated sensitivity in wildlife, etc., state or federal. The answer came back, thank you Ms. Russell, the answer is no. The answer was that that signified whether or not you were talking about back bay versus gulf side. That's where the line was drawn. Having said that, I have to take a look in my mind and decide whether or not the ordinance is specific enough to say that that business existed on which side of that line it is on the back bay side of it. And regardless of what decision has been made in the past I'm looking at the ordinance in terms of how to interpret it properly and with that I'm going to have to vote to deny this application and I'm sorry. Thank you.

Chairman Pendergrass: Thank you. Any further discussion before we call for a vote? Motion to deny the application? Any objection?

Commissioner Hall:

Commissioner, I'm sorry, you need to -- your vote is whether or not to adopt the ordinance and there are two different ordinances. The first one is the Lee County personal watercraft ordinance. The other is the vessel control. Thank you.

Chairman Pendergrass: Any objection?

Commissioner Mann: Moving once again.

Chairman Pendergrass: We're taking a motion to deny it, correct?

Commissioner Hall: That's correct.

Commissioner Mann: That passed unanimously.

Chairman Pendergrass: Yes.

Commissioner Hall: I make a motion that we deny the proposal Lee County vessel control.

Chairman Pendergrass: Second? Any discussion from the board? Any objection? No objection. Motion carries.

Commissioner Hall: Moving right looping.

Chairman Pendergrass: Staff recommend a five-minute break between seven and eight. Five minute recess and reconvene. Thank you.

Chairman Pendergrass: Good morning. Thank you. The Board of County Commissioners will reconvene at this time. The next item is public hearing number eight. At this time staff please come forward.

Commissioners, I have an affidavit of publication with respect to public hearings eight and nine. You have reviewed the affidavit and I will put it into the record at this time. It is sufficient with respect to form and content. Support was provided with a memorandum as to how the proceedings will work. The applicant will begin their presentation and then we'll move forward as the board sees fit. Thank you.

Chairman Pendergrass: Thank you. Staff, present the presentation.

Good morning, commissioners, I'm Derrick Rooney. I'm an attorney representing their PCN application this morning. I would like to start before I introduces the president of Ambitrans for thanking staff for being very professional in preparing for today's hearing. I also would like to say that I agree with the county attorney's office in their memorandum that this is a legislative property, not quasi-judicial. There is no need for attorneys. That said I have a few points I'd like to address. Last week and again today with the Children's Hospital COPCN miss Maggie Mooney

Portelli raised an objection under 421.5 that the renewals go through the same process as an original legislature. I would like to read the section from that statute. The requirements for renewal of any license I should under this part are the same as requirements for the original listen sure. In effect at the time of the renewal. That language is lee. The license referred to is the state license, not the county COPCN. That is very important distinction. I wanted to mention that and now I interview the CEO.

Thank you, chairman commission per I'm mike grant president of Ambitrans transport. I would like to thank staff for the hard work they have done today. We have been providing out of county ambulance service in Lee County for a while. We got our first con in 2008 which we thank you for issuing to us. We have an ongoing relationship with lee memorial health systems and transporting their patients out of county for a number of years as well as V.A. patients. The extension of our C.O.N. will allow us to provide interfacility, intercounty transport service which we are currently prohibited from doing. I want to stress something to you all for the record. We provide interfacility post hospital ambulance service. We are not in the business of providing prehospital 9-1-1 emergency care. We have never sought to provide that in this county or any other county and we have cons in Sarasota Charlotte counties. Any are you majors you have heard are false and please don't pay any attention to them. I have also read over staff recommendations and findings and concur with them. That's all I have to say. If you have any questions I'll be here to answer them. Thank you.

Chairman Pendergrass: At this time we'll take questions from the board. Questions for the applicant? Staff presentation.

Good morning. Board of County Commissioners. Chairman. I'm Andrea Snyder the director of the transport center for lee memorial health system. We have been fortunate to work with Lee County E.M.S. performing the need for acute patient transfers between our sites I'm here to extend our support for the COPCN to allow them the ability to provide our interfacility services. The national health care trend for multihealth facilities likely memorial health system is meet the challenges by the national shortage of physicians. Lee memorial has remained at the forefront of this trend and has consolidated many specialties within its hospitals. Examples would be Lee memorial now specializes in trauma and strokes gulf coast strokes and cardiology and pediatrics located at health parks. These specialized environs along with the use of -- patient care and patient safety. The consolidation of specialties means we'll move large numbers of patients between our hospitals so each patient can receive the most comprehensive individualized care. Most are very ill and must

be transported by an ambulance. Lee County E.M.S. has previously been providing this service. While they have always made great efforts to accommodate our requests their primary mission requires it to prioritize 9-1-1 prehospital transportation above lee memorial nonemergency services. Lee memorial's demand has been consistently increasing and we expect demand for the service to increase along with the implementation of the patient protection and affordable care act. In order to deliver the best patient care and adapt to changes within the health care industry it is essential we have greater autonomy and control over transfers and move patients between our facilities in a consistent and timely efficient manner. It requires a dedicated ambulance upon which we may place a department trained nurse following physician orders and standards for transporting between our facilities for our most critically ill or injured patients ensuring continuity of care. This will allow lee memorial the flexibility it needs to improve our quality of service and level of patient care and permit E.M.S. greater discretions to concentrate on its core mission of 9-1-1 prehospital services. Accordingly lee memorial health system asks the Board of County Commissioners to approve an amendment to amend the COPCN to allow them to perform these services within Lee County. Thank you for your consideration.

Chairman Pendergrass: Thank you.

Good morning. Rob farmer director of public safety for Lee County. It's important to realize that the purpose of this COPCN is to allow Lee County E.M.S. providers to fulfill the core mission of our work, that is to provide response to calls for help through 9-1-1. That is the core mission that Lee County E.M.S. provides. Right now we have resources that are assisting lee memorial health system in moving those patients around. Our intention is to free those resources from nonemergency interfacilities from would be hospital to the next so that our resources can be focused on our core mission. This really leans towards the consolidated service model that we have been emphasizing to the board long before I got here. That is, that consolidation of services is a more efficient means to provide that service. Following this COPCN, allowing the COPC in will assure the core mission of prehospital emergency response is done under the medical direction of one medical director across the county for all of the transport services provided in Lee County. In addition our resources are freed up sore Ambitrans can provide for non-emergency. This is revenue neutral, not counting the county anything. They will work with lee memorial and bill those patients separately and we will provide emergency care. The key here is Ambitrans COPCN is significantly different than what you have heard in previous weeks and months. This is strictly for nonemergency interfacility transport of patients from one hospital to the next.

Myself and the rest of staff would be happy to answer any questions you may have regarding the issuance of the COPCN.

Chairman Pendergrass: Any questions from the board for the staff? Commissioner Kiker.

Commissioner Kiker: I apologize. I thought I was ready there. You said that this is going to free up some of your resources and the number I keep hearing is 2.5 ambulances that it will free up for 9-1-1 calls.

Yes, sir

Commissioner Kiker: With those ambulance, where will they be dispersed?

Chief Tuttle and I and staff are working on metrics to locate peak points to assure the residents of the entire county are being served the best possible. We are running those metrics now to assure exactly where the vehicles should be placed.

Commissioner Kiker: So you haven't specifically predetermined that one of them will be in Bonita, or Estero.

It's likely but I want to assure that the data shows us that's the accurate place to put it.

Commissioner Kiker: Thank you.

Thank you.

Chairman Pendergrass: Any other questions? At this time public comment on public hearing number eight. First speaker, Maggie.

Good morning again, Mr. Chairman. Members of the commission. Maggie Mooney important to legal counsel to the Bonita Springs fire district's. I'm here to object to this COPCN and that you deny this applicant's submittal. I have prepared a letter that articulates in great detail the basis to have our objections. I have copies for you, legal counsel, staff, and I'll hand them over to the clerk so they can be distributed. Primarily before I get into the basis of the objections, I want to give an over view of what our objections are about. It's really about fairness and consistency in the administration of your ordinance and COPCN transport program pursuant to ordinance 08-16. We are very happy that you are taking up

Ambitrans COPCN application at a public hearing appropriate under your ordinance and we had concerns based on last week's agenda item that this was not going to be heard at a public proceeding. We are very pleased to know that the county is observing that requirement. However, we have multiple issues that I would like to briefly state on the record. I will not dig too much into detail since you all have a copy of the objections in far greater detail. The first issue that we have with this is that what is being granted today to Ambitrans is essentially a license to operate interfacility transfers within Lee County to the tune of \$2.2 million in revenue annually. That is what Lee County E.M.S. have been generating each year by providing interfacility transport services for Lee Memorial. Now, I understand those fees are going up and that essentially then incrementally increases the fees being granted. This is an issue because the county has not engaged in any sort of competitive bidding to determine whether Ambitrans is the best, most responsive service provider for the county. And as you all know under any time you publicly bid anything, any time you are going to award a contract, that's what this is, this is essentially a contract to provide certain transport services. You go out to bid. We respectfully request you do that before entering into this license. Number two, the second point we would like to make is that there are.

Chairman Pendergrass: Your time is up.

I'm sorry, sir. I didn't know I would have a three minute limitation.

Chairman Pendergrass: Three minutes on public comment today.

I would register my disagreement because I wasn't known it was three minutes.

Chairman Pendergrass: It's three minutes per speaker.

It was not stated to me going forward otherwise I would have been much briefer.

Commissioner Mann: I suggest we offer her one minute to close inasmuch as it was not clearly stated the three minute rule.

Chairman Pendergrass: OK. One minute.

Thank you, sir. Thank you. There are several items under your ordinance not met and demonstrated by the applicant. 6-a requires that each applicant submit a resume of the stockholders of the particular entity applying. This application fails to

include Lorraine grant's resume, a 50% stockholder in the corporation. Application fees, section 6 o requires an application fee of \$1,000. Section seven of the ordinance requires valuation of frack tile responses before you can recommend approval. There is no discussion of response times of this provider and their ability to provide the service. Section 9 b requires a showing of knowledge base and experience. There is nothing in here that shows their knowledge base and experience in handling the volume that will be had providing services within Lee County. Section 69 c requires a showing of adequate revenue base. There is nothing in here that shows this service provider has the adequate revenue to show.

Chairman Pendergrass: Your time is up. Thank you.

Thank you. Next speaker. Public hearing one. Each speaker gets three minutes. Next speaker, Steve Wellham, please.

Thank you. Good morning. As a taxpayer of Lee County long-time resident of Bonita springs and also a fellow elected official I appreciate the fact how difficult it is to find money in budgets when times are tough. We are all going through it. You are going through it and we are going through it. I have one question on the thought process under even the old fees of with the numbers that we receive from county staff of fiscal the last two fiscal years you have averaged \$2.2 million in revenues in the interfacility transport and that was actually collected starting at \$9 million of billings and it watered down to \$2.2 million in collection. Under the new fee structure which I commend you raising a fee structure because it needed to be raised it's going to bring it up to somewhere in the vicinity of another million, over a million dollars. My point here is before you walk away from the only part of public safety and E.M.S. that is actually turning a profit for you of close to \$3 million a year, there are some other alternatives on the table. That could give you the same net result somewhere between \$300,000 and \$500,000 a year and end up in the same place. I respectfully ask the question have we thought why about why we are walking away from 10% of what your budget deficit is this coming year what the thought process was behind that. Thank you.

Chairman Pendergrass: Thank you. Next speaker, Chris -- I can't make out the last name. Thank you.

I'm Chris Nasham. Care management at lee health care system. We support the COPNC. And I support all of Andrea Snyder's comments and our chief medical officer wanted to be here today but he had a conflict. Bottom line we support the process. Thanks.

Chairman Pendergrass: Thank you. Next speaker Chief Dagel.

I don't know how to turn this on here.

Thank you. Good morning. The goal of Lee County is a wish to reallocate 2.5 ambulances currently used for nonemergency interfacility transport to the core mission of prehospital 9-1-1 care. Scenario one. Granting Ambitrans PCO. In fiscal year 2012 generated approximately \$2.2 million. The additional revenue for interfacility transfers with the board approved rates that have been passed is an additional \$1 million. That equates to a lost revenue by the county of \$3.2 million a year. The county looks to make this revenue neutral by raising rates to the tune of \$2 million a year of what they would receive in rate increase. That is a net loss for granting this in \$1.2 million. They won't do it if they're not making money. Scenario two. Denying COPCN. The revenue gained by the county for denying did it the \$2.2 million you collect now in interfacility transports and your rate increase you have done, that's \$1 million, plus the \$2 million you are going to get by the increased rates throughout the county, that is \$5.2 million in revenue. Now you can do this, but the revenue lost by the alternative method of reallocating the \$2.5 ambulances the southernmost is \$750,000 to \$850,000 by staff numbers. That Mets the net revenue for Lee County E.M.S. to maintain the transfer division and add 2.2 to three ambulances to the core mission is \$4.4 million that the county can retain. So I just wanted to let you know that. Respectfully, we are not in any way, shape, or form saying Ambitrans cannot do the job but we think it's in the county's best interest to save the money by thinking this over. Thank you.

Chairman Pendergrass: Next speaker misty Shirley.

Good morning. For the record misty Charley citizens for E.M.S.. I'm here to ask you to approve the interfacility transfers by am buy trans. Each meets the criteria set forward in 0-2-19. Citizens have been given misleading information in the press and the applications have been made to sound like they would not be in the best interest of this county or Bonita springs. This is evident by the Bonita spring fire department appearing before you last Tuesday accusing you of granting your own rules on public hearings. Unfortunately, a legal notice for this hearing was published at 10:35 a.m. Monday, June 17th. Regarding our methods. A trauma event happens to an individual every 12 minutes in the state of Florida. To put it in perspective enough to fill Germain arena six times. The best hope for a patient is to receive life saving treatment within one hour of the trauma event. This is referred to always the golden hour that starts as soon as emergency medical services on

scene. More often than not it requires a medical helicopter to get the patient to the hospital as soon as possible. This is a vital life saving core service that protects all residents especially on the barrier islands where there is no other way to transport them. The COPC is an agreement between Lee Memorial Health Systems and the Board of County Commissioners. It needs more access to capabilities and the volume call to Lee County is not going down. We are talking about moving a patient from point a to point b with Lee Memorial Health Systems. That's it. It frees up necessary resources for E.M.S. to distribute elsewhere in the county going to the core service of providing the highest quality treatment to the community. Ambitran will not run 9-1-1 calls in Lee County. Citizens are confused. Bonita Springs fire did not ask to go interfacility transfers. They asked to take over 9-1-1 calls and transport. Lee County is already providing that service. Bonita Springs received 6,663 calls last year. 10 a day or one call every two hours and 20 minutes in any one 24-hour period. Lee County E.M.S. provides two ambulances, 2 1/2 ambulances. The established benchmark is an ambulance will be put in service when the ambulance in that area is already running 2,400 calls. Bonita that's 2.5. They are covered and covered well. Thank you.

Chairman Pendergrass: Thank you. You is there any other comments?

Fred Forbes, fire commissioner of Bonita Springs. I would say we are not arguing that Ambitran did a good job according this interfacility transport but the big question is why would you not look at the other scenario where you would keep over \$4 million you could apply to the deficit. That's the question. I know that you all will give it serious thought. Thank you.

Chairman Pendergrass: Thank you.

Any other public comment on public hearing number eight before we close public comment. Seeing none we come back to applicant's rebuttal. You understand you have five minutes.

Thank you, commissioners. I haven't had an opportunity to completely review the objection letter, however I would like to address a few points raised verbally. Competitive selection, if there is a competitive selection process, that's for Lee Memorial Health Systems to compete. Right now they contract with Lee E.M.S. to provide these services. They would have a contract with Ambitran. They would continue to contract with Ambitran but if this is granted today there will be two entities in the county who can compete for Lee Memorial Health Systems business, the county and Ambitran with regard to law reap grant a 50% shareholder, her

resume was not submitted. She is with a nonoperational shareholder. If she had a resume it would state she exists and she is the wife of president and C.E.O. Michael grant. I would also seek the county's acknowledgment if they have an opportunity we have submitted \$1,000 toward our application and that our renewal will be superseded by this COPCN. If not, we are prepared to give \$1,000 today to give to county staff to eliminate this objection. The response time is a function of emergency services. It has been repeated multiple times today this is a nonemergency post 9-1-1 service. We have not submitted nick with frack tile response time because we are not anticipating any opportunity to provide 9-1-1 service in Lee County. Thank you very much.

Chairman Pendergrass: Thank you. Staff rebuttal. At this time we'll come back to the board for discussion and decision.

Commissioner Kiker: Question to staff. I think we have a \$4 million question that needs to be responded to.

The \$4 million referred to while it may appear on paper that we will not be collecting that just over \$2 million plus the change in rates, it costs more than that to provide that service. This is not a -- we are not giving up profit as was alleged. This is not something that we are making money on. It costs more to provide the service than it does than what we collect.

Commissioner Kiker: Thank you I have a couple more

Chairman Pendergrass: Go ahead.

Commissioner Kiker: This would probably be more toward the legal department if that's all right. If this board were to approve this, does that limit the ability for the Bonita springs group to receive a COPCN later?

Not if they meet the criteria.

Commissioner Kiker: OK. That's it. Thank you.

Commissioner Hall: I move acceptance of the public convenience of necessity.

Commissioner Manning: Second.

Chairman Pendergrass: Any discussion? Any objection? No objection. Motion

carries. We'll move public hearing number nine.

Commissioner Hall: Do we have to put anything on the record?

I'll remind you that I did read the affidavit of publication with respect to this public hearing and as soon as we switch around some seats the applicant will begin their presentation.

Mr. Chairman, commissioners, good morning. Thank you very much for your time hearing this today. I'm David Duke, the business original business development manager for air methods corporation. I have with me today John Wilkinson, the regional regional business director. Janine Brooks, the Florida business development manager and Toby Witt, regional logistics manager. The purpose today air methods is require COPCN for air medical transport for Lee County. Contract approved June 18, 2013 Air Methods is requiring a COPCN to begin operations. Air methods was founded in 1980. The largest and most experienced air provider in the U.S. We provide over 4,000 employees. We have 308 bases in 48 states. 133 hospital relationships and 175 community relationships. There are 404 helicopters in service and 20 fixed wing aircraft. In Florida there are currently 18 bases for air methods. We also partner with Department of Defense for contracts in indicating can the D.O.D. confidence in flight safety, maintain nabs and logistic activities. We are also happy to partner with the F.A.A. on a program they have which we are one of the first medical operators to enhance safety which competes with only one of nine commercial air operators. And also we have moved up to the next level in this process as well. We would also like to inform you that with the COPCN we will be contracting with the past medical director Dr. Joelemons for medical direction for the program and if there is one thing that I could maybe share with you that you maybe I'm sure some of you know, some of you don't know. The aircraft that was in Labelle has been there approximately three years. The day that you cease operations we came over of our own Accord to see if we could offer hand with the situation you had at hand. We were happy that we were able to do that to continue service. I know there was some concern in the county at that time what you were going to do for air operations and we were happy to come over here and continue to be here until the COPCN is granted directly for air methods. If you have any questions, I'll be happy to answer for you. Thank you.

Chairman Pendergrass: Any questions? No questions. Staff.

Good morning again. Andrea Snyder director of the transfer center. Our position here for Lee Memorial Health System is to report the COPCN to perform air

evacuation in Lee County known as lee flight. An important part of any E.M.S. is to have an air evacuation plan. Lee millimeter millimeter is a multiple facility health system with settlers throughout Lee County. It's important to receive patients into our location as it is for lee memorial health systems to have the ability to rapidly transport patients to higher level specialty care centers outside of Lee County. They specialized along with enhanced patient care and rapid transport to the most appropriate center. The current relationship we have has been an excellent experience for our health system 237 there will be a continued need to move patients and the COPCN are request would allow us to continue with air methods. We ask the Board of County Commissioners to approve the COPCN for air methods corporation to perform air medical transports in Lee County.

Chairman Pendergrass: Thank you. Any questions?

Good morning, commissioners, Scott peddle, public safety. Public safety has reviewed the air methods COPCN request and we to stand before you and support it today. This application and the service provided fits into our service delivery model by utilizing Lee County E.M.S. paramedics in the prehospital role while air methods will bring a registered nurse on to the aircraft as well to serve in the interfacility role as well. The proposed helicopter service provides access to the most remote areas of Lee County including our barrier islands. June 18 of 2013 the board approved a contract with air methods corporation. Section 5.5 of that contract says Lee County E.M.S. and air methods will work jointly together to obtain a COPCN for air methods to provide the helicopter service. There is a projected savings outsourcing the aeronautical portion of the air ambulance of about \$2.2 million. This concludes the county's presentation and we'll be open for questions.

Chairman Pendergrass: Thank you. Any questions from the board? Seeing none, public comment, first speaker Maggie Mooney important talo.

I didn't register I'm Ed Fitzgerald, a resident of Bonita springs. The two subjects you brought up I call them privatization. I'm sort of concerned that raising the fees that these two agencies are getting prior to granting them their COPCN. Why wouldn't they at least try to give the service at the present rates? Seems just -- I don't know. Can we raise rates without notifying the public? Thank you very much.

Chairman Pendergrass: Speaker Maggie Mooney pour tell, please. You have three minutes.

Good morning again. I'm here on behalf of Bonita springs fire and rescue district

objecting to air methods COPCN. I want to state that Bonita springs does not dispute that air medical services transport are necessary in this county. That is a critical service that has been vacated for the last couple of months and it needs to occur. However, our objection has to do with the inconsistent review process and application of your ordinance 08-16. All we want is fairness and consistency in the way you evaluate the criteria. There is no distinction under your criteria as to what is transport, what is non-transport, what is air ambulance, and the evaluation criteria in which you are supposed to review this. Again, we're very happy the commission is taking this up at a public hearing. Last week this was not slated for public hearing and that is a problem because your ordinance contemplates one for air ambulance transport services. Quickly under the ordinance section 6-a of the ordinance requires again that name, address and resume of all stockholders and board of directors they provide their resume, etc.. Air methods has not done that. That's one of the stated criteria in your ordinance. 6 l requires a \$1,000 application fee. It's not clear whether the fee was paid or not. The administration of this ordinance and applications under this ordinance is inconsistent. Again, air methods was provided an expedited public hearing to be here today. Within a week. Within 10 days they had a public hearing before you to receive their transport application. That is not the case with other applicants under the COPCN transport process. There is also no assessment or consideration of the fiscal impacts. County staff has not provided any information on the rates and services from this provider. That's a problem. That's one of your stated criteria. Again, we're here to just ask the question, why are COPCN applicants treated differently under your ordinance. Why are they not being -- why is this ordinance not being fairly and consistently administered. Thank you for your time. I do have a letter that we state these objections in greater detail I will submit. A copy for each of you and for the clerk and your legal counsel. Thank you very much.

Chairman Pendergrass: Thank you. Next speaker

Chairman Pendergrass: Thank you.

I'm Chris Nasham. I wanted to go on the record of supporting the COPCN process and the critical need that we need in our county for air transportation for our patients. Thank you.

Chairman Pendergrass: Thank you. Next speaker misty Charlie. She's not here? I have no other cards. Nip else wishing to speak on public hearing number nine. At

this time we close public comment. Applicants rebuttal, please. Rebuttal. Staff rebuttal.

We're available to answer questions.

Chairman Pendergrass: Commissioner Manning.

Commissioner Manning: Thank you. A couple of things. The notice requirements, dawn, were they met from a statutory basis as far as this hearing is concerned?

Yes, sir.

Commissioner Manning: There was a discussion the last time we spoke regarding the availability of the nurse to be part of the transport and that cost was given to us not in writing but at \$360,000. Can you answer that one?

Commissioner, the nurses are provided by air methods at no charge to Lee County. What the fee I believe you are referring to is the -- that would be for us to provide the second staff member on the helicopter as the paramedic. We will receive a stipend back per flight from air methods of \$600 a flight.

Commissioner Manning: Thank you.

Chairman Pendergrass: Commissioner Mann.

Commissioner Mann: Would you respond to the assertion that this hearing was rushed or that was the implication I thought I just heard.

Commissioners, we knew that the COPCN had to come before you. The contract was approved last week. It took us some time to negotiate it. The, the hearing for the COPCN was not appropriate until after you have taken action on the contract. Otherwise you would have been issuing a COPCN for them to do the service without a contract in place. So it was kind of a chicken and an egg thing. And you only have public hearings on the second and fourth Tuesdays. So it appeared to be rushed but in actuality we did it as quickly as we could.

Commissioner Mann: And we're about to leave for a month. Thank you.

Chairman Pendergrass: Thank you. Any questions for the board? A motion?

Move approval.

Second.

Commissioner Manning? Any discussion, objection. No objection, motion carries. Public hearing. Does staff need a minute to reorganize here? Two minutes.

Chairman Pendergrass: At this time we'll reconvene the next item is walk on and carryovers.

Commissioner Hall: I'll move the cooperation agreement between Lee County and the U.S. government for the Cascarilla island segment.

Commissioner Manning: Second.

Chairman Pendergrass: Any discussion?

For the record Steve bottle. That includes all the portions on the blue sheet, the cooperation agreement as well as the partnership agreement and associated items always drafted by staff?

Yes.

Chairman Pendergrass: Any discussion? Any objection? Motion carries.

Commissioner Manning: Mr. Chairman if I could interrupt, I meant to do this right after we dismantled the team up there. I want to give a thanks to holly and her team and Rob Farnham and Scott. They have gone through a lot in to the last several months with respect to the provision of services both ground and air. I want to say thank you. Appreciate it.

Commissioner Mann: Amen.

Chairman Pendergrass: Thank you for everything you have done and your staff. Walk on number two. Opening with this I as chairman was honored to bring before you a contract with the lake for a county management position. We have intense negotiations. I'm happy to say the package with a receive vans, no severance package. A salary package. I hope everybody has had a chance to review it. And I'll take comments at this time.

Commissioner Hall: I have one question. In section 8.3 you have a where you put travel. This is for continuing education. You have travel and living expenses. I didn't understand the term living expenses.

Hotel.

In other travel you have all expenses as defined by our normal costs. Is he moving for a couple months?

We can take that out and put all travel.

Commissioner Hall: I like it to be consistent under the travel living expenses threw me off.

OK. No problem.

That was the only thank I had.

I move approval with that change.

Chairman Pendergrass: Commissioner Mann seconds the motion.

Commissioner Kiker: Second.

Chairman Pendergrass: I'll tell you I am looking forward to working with Roger Deinjure lay. He's been loyal and I would like to call for a vote now.

Commissioner Kiker: Is there any stipulation, is this ready to hire? Have we gone through everything?

Chairman Pendergrass: Yes. July 1st he would start.

Commissioner Kiker: Background checks are done.

Chairman Pendergrass: Pretty much everything is done. This is based on the completion of that. Basically everything has cleared. We'll have confirmation before the contract is executed on July 1 Monday morning.

Commissioner Kiker: Let me change the motion to include that then.

The blue sheet does say your approval is contingent on the background check coming through clerk.

Commissioner Kiker: OK. Just to make clear. Thank you.

Chairman Pendergrass: Any other discussion. Any objection? Motion carries 5-0. [Applause] Thank you, Roger. Roger and his wife are both here if you would like to come forward and say a few words to your new bosses here.

Good morning and thank you. I'm opened to be able to -- that's not a good start, Roger. -- I'm honored to be able to. I can do many things. Thank you so much. I'm honored to be able to come back to Lee County as county manager, a place where I have grown up and love. This is a great organization, a great town. I'd like to take a minute to thank ken Wilkinson who I have worked for the last five years, man of high integrity. I've enjoyed working with him tremendously and also Vivian who is here today. Every time we do something like this she is standing right there with me. She feels the pain and the joy as you know how these things go and I'm ready to get started on Monday.

Chairman Pendergrass: Thank you. [Applause]

Commissioner Hall: Mr. Chairman, as a function of budget because we say with a new county manager we weren't aware of changes of positions. As of July 1 is there money left over for Roger to do what he wants then as he lowers those positions and everyone goes back to their status effective July 1? Is that my understanding? Because we use existing budgeting spaces to do that and that leaves dollars for him to work with for whatever he chooses to do? I want to make sure that's our understanding.

Chairman Pendergrass: I would assume under the charter that's his call.

Commissioner Mann: That's what we hired him to do.

Commissioner Hall: In the interim I'm asking are all the interim positions going back to where they were effective July 1? That's what was given to the board. I'm trying to leave him budget between July 1 and September 30 if we're going to continue in that vein we should know that. There was a lot of criticism when we did that and we gave the public understanding as of July 1 it would change. I want to clarify it.

Chairman Pendergrass: Yes. Because of the temporaries on duty.

Commissioner Hall: That's correct.

Was that a conversation that took place with the board and there was --

Commissioner Hall: It took place after the fact but it was our understanding once there was a new county manager you could decide what you wanted to do and with whom you wanted to do it. Salary adjustments were made. That's what we were told. Are we going to do that or not do that? I think the public wanted to know. We took a lot of heat on that and I want to make sure we are on the same page.

Commissioner Mann: My recollection was the interim county manager made interim changes. Now when we have a permanent county manager it would be my understanding that he would have full authority to review that and make whatever suggested changes he wants to make at this time.

Commissioner Hall: Not necessarily going to happen on July 1.

Commissioner Mann: It wasn't an automatic return to previous. But now we have a county manager, manage.

Commissioner Hall: I was specific when I asked in a public meeting. If we all agree we're going to leave that open that's fine. We have these questions and we are not meeting again so I want to make sure we're all clear leaving that to his discretion up or down with increases in positions. OK.

Chairman Pendergrass: Thank you. Commissioner items. Commissioner Manning?

Commissioner Manning: None.

Chairman Pendergrass: Commissioner Kiker.

Commissioner Kiker: Yes, sir. I apologize for the late notice. First of all,, Roger. -- welcome, Roger. Just so things don't go too far without the board understanding an issue and I absolutely want to caution on the side to make sure the board is on board with this. Recently the Board of County Commissioners put together a ordinance that dealt with recycling for trailer parks. In that ordinance there was a list that in essence grandfathered some of the existing parks that were already doing business with different folks around town. And it appears that as of late

there's been two and I think even since now three of them that we found were not on the list. Just to make the board aware, you are working on this and can you expand on that, please.

Sure. Thank you. Pam keys, utilities director. We have been working with a private recycler. He was part of the process of identifying the 23 exempt mobile home marks. It's only been recently that we found that three parks were not included. I believe at this time two of the parks have been turned back over to the franchise holler and we are still working with the recycler on the third park. So we want to identify, make sure that that is all of the parks that were excluded and transfer those over to meet the ordinance.

Commissioner Manning: Don't you have to modify the ordinance?

Commissioner Kiker: That's part of the process.

If the board directs us to modify the ordinance we can come back and include those three extra parks.

Commissioner Hall: Mr. Chairman, I don't mind looking at that but that wasn't a rash decision. We spent almost three years because we allowed them to be in place. Then we brought it forward again. We had several public meetings on this. I don't mind opening it up, you can bring it forward but I don't want anyone to think we ran through that process in two months. It was a three year, almost a four-year process to do that. So lots of people had lots of time. It was very public. Lots of articles, localities of conversation. Chambers were filled with people. All the mobile home parks. I don't mind -- I'm trying to figure out what criteria we are using to open it back up. We left people out that wanted it. I'm shocked there are three facilities that didn't know about this. It was almost four years we went through this.

Commissioner Kiker: I appreciate that. So, with the board's consensus, I think the issue here is there's no mechanism to add or delete from that list.

Commissioner Manning: There is. You have to modify the ordinance.

Commissioner Hall: Right. But under you know we adopted those 23 for a reason so are those following the reasoning?

Commissioner Manning: I hear what you say. Bring it back and we'll debate it.

Commissioner Kiker: I am. My only question is if it would if the three parks failed to respond how hard is it to grandfather them into it?

Commissioner Hall: Why don't we do all of them. We left some out for purposes they did not have historical presence. It's not as simple as how do you get them back. There was a reason for the 23 in the ordinance and others are not. There's lots not in the ordinance. It would be healthy to let staff go through the historical perspective and see if the three meet the same as the 23 to. If they do by all means we can do a public hearing and be inclusive. I don't want to open Pandora's box now and say what of the others. I don't have any background. I appreciate, Mr. Kiker, garden state sent us an e-mail and we saw his comments and he's bringing this forward, that's fine, but I think we can have an M.M.P. so everyone is brought forward and we're reminded so be fair to everyone else who was left out.

Commissioner Mann: Frankly, I think that's a good suggestion so we can find as that process where they slip through the cracks and get a better understanding. At that point we could urge it toward a public hearing if we want to go that direction.

Chairman Pendergrass: Thank you. That's my item. Thank you. We have gone to consensus.

Thank you.

Chairman Pendergrass: Are you done?

Commissioner Kiker: I am done thank you.

Chairman Pendergrass: I have a couple commissioner items one to get support of the board in references to a letter to support and attach block approval.

Commissioner Manning: Approval.

Commissioner Hall: Second.

Commissioner Mann: Nobody is against it, Mr. Chairman.

Chairman Pendergrass: Next one we do feed a motion for this one, department of human services is in the process of completing the application or state of Florida mental health reinvestment grant to continue operation of the triage center secured during legislative session. I am requesting the board reframe public safety

according to council as designated committee for the reinvestment.

Commissioner Manning: Moved.

Commissioner Hall: Second.

Chairman Pendergrass: Discussion? No discussion. Any objection? No objection. I have no other items. Commissioner Mann.

Commissioner Mann: Just to cite Mr. Muir, I don't know how bad you wanted this job when you got it. There was -- we talked about it and you and I talked about it and in the final analysis it was because of your credibility with this commission and with the entire staff and your calm demeanor that we agreed that you would do a superb job of keeping us afloat during some tough times. Doug, you have done that. I am profoundly grateful for your service and I know I speak for all five of us up here. Carry that with you as opposed to a bonus.

Chairman Pendergrass: It's been a long morning and thank you, Doug for everything I tell you daily how much I appreciate you as far as helping me coming on new and working with staff and everything you to every day.

Commissioner Kiker: I would like to echo that. Being a new guy here for the last seven months, I can't begin to describe how helpful you have been in direction with your staff. Thank you so much and thanks for your service.

Commissioner Mann: That's all.

Commissioner Hall: I have given you all a copy of a letter to Cameron Carey acting secretary of commerce regarding the plan for the restoring of the gulf coast ecosystem economy. I just need to see if anyone has changes to the letter. If not I'm going to make a motion to send it.

Chairman Pendergrass: Send it. All in favor? Any objection?

Commissioner Hall: Thank you. Again, I would like to echo Doug and your whole team, it really was a team effort to keep us going through some challenging times. We don't always agree. I think you have five passionate people sitting before you and that's never easy to juggle strong opinions. I think you and your team have done a great job. Pete and holly your ability to adjust to those changes speaks volumes to you all and the tame approach you have always taken in our county

administration in working with the new people that came onboard. Cud does to all of you. Kudos to all of you.

Chairman Pendergrass: Commissioner Manning.

Commissioner Manning: Scott Cashman to the community advisory committee.

Chairman Pendergrass: Motion carries.

Commissioner Kiker: I have five. Pastor Ronald Russman street lighting. Johnny street to the human services council. Gina Garry human services council and Scott Quacken Busch human services council.

Commissioner Mann: No conflict.

Commissioner Hall: We have elected officials on that committee.

Commissioner Mann: Thank you, councilor.

Chairman Pendergrass: Objection? Motion carries. Commissioner Mann?

Commissioner Mann: None.

Commissioner Hall: None.

Chairman Pendergrass: County manager items.

Commissioner Manning: I want to thank you all for the kind words. It's been fulfilling to serve in this role. The Commissioner Hall is correct, I have had a great team who have been very helpful to keep things going stabilize things. I think make some real progress in the last seven or eight months. I know the attitude is going to be great and we look forward to Roger taking this position and helping him in any way we can. The other things I wanted to have Chris keep Brady bring you up to date on the status of the recruitment for the county attorney and the hearing examiner.

Checking my watch, Christine Brady for the record. Did I lap sent out an update on Friday regarding your two remaining recruitments for hearing examiner and county attorney. The selection attorney for the hearing examiner has short list the down to six candidates while the board is on recess. That selection committee plans on

doing preliminary interviews. The smaller list for your review there are individual interviews set with the board for August 7 and August 8. In regard to the county attorney recruitment the application window and outreach will remain open to July 22. Then your recruiter bob Murray and associates will let them down to a manageable list to present to you tentatively August 13 and the individual interviews is scheduled for August 26. These are your timelines. It can be adjusted based on your needs and I remain available for any questions.

Chairman Pendergrass: Any questions?

Commissioner Hall: No.

Chairman Pendergrass: Thank you, Christine.

Thank you.

Chairman Pendergrass: County attorney items? Come on. OK at this time we open up to public comment for public presentation matters of concerned citizens. You have three minutes come to the podium Stephen Davis.

He's leaving he has a meeting in Tampa.

Commissioner Hall: I have to leave at 12:30. I'll listen to as many of these as I can.

Chairman Pendergrass: Thank you.

Good morning. My name is Stephen Davis a wetland ecologist with the we had lands organization. I appreciate the time to speak to the commission. I want to introduce ourselves and take this opportunity to talk about our organization. Our C.E.O. Eric Eischenberg wishes he could be here this morning. He had a personal matter to attend to. We are an environmental organization that is focused entirely on protecting and restoring the Everglades down through lake Okeechobee. Clues hatch' here down to Florida bay. Everglades national park and the Florida Keys. We have the comprehensive Everglades restoration plan to help us restore the ecosystem. We have had great progress in moving that effort forward. We have a one mile to Miami bridge to allow water to flow freely and great progress in the pick unit rail. These first generation projects are important to moving environmental projects forward. We commissioned an economic study that showed for every dollar we invest we get four conservatively in return in areas of water supply benefits, property values, hunting, fishing, other recreational uses which we all know are

extremely valuable. Our board alone is comprised of a number of hunters, fishers, users of the resource and they value the ecosystem. We are a science based organization. We make our decisions and advocacy based on the scientific information that's available. I come to speak to you also about this next generation of projects we are moving forward as part of the upcoming water development resources act. This is legislation that the Federal Government is currently moving on. We expect to have a word next year. We haven't had a word in seven years. It's important to have projects like 73 to provide water quality benefits for the estuary to move into that. We also have central Everglades planning project providing big benefits for the Caloosahatchee as well and moving more water south in the lake moving harmful discharges in the future. I provided you with some materials go look at. Please use us as a resource. Ryan west is also here. We would be happy to talk to you more about that.

Chairman Pendergrass: Thank you for your time. Next speaker, Archie. Next speaker, Eli after Archie.

I'm Archie from Lehigh. I'm here with a group that is concerned about what we have been awakened on sustainability. To make it brief I'm not to get complicated. Our concerns with about property rights and about lifestyle forced lifestyle changes that sustainability is causing. The freedoms for the individual and individuality and entrepreneurship, ability to develop wealth. They are all attacked by sustain ability. That guide us in that direction. We realize this was initiated by smart growth in the early 90s and much of the agenda is embedded in how you do business here. That doesn't change that our desire to change what's happening. We are endeavoring to educate you and the citizens of Lee County and the media of these losses that we know we have incurred. We want to restore the direction of the county, to go to the elected officials, not to nongovernmental organizations that are guiding it now. As an example, I would like to note that in the lee plan suggests areas of our county will have up to 40 dwelling units per acre. That's gross. That's stack 'em pack 'em communities. When this happens, that increased density will force people away from houses and into a totally different lifestyle that most are not ready for. Sustainability is driving this. These are the things that we'll be able to educate you and others about and that we come against. Thank you.

Chairman Pendergrass: Thank you. Next speaker, Dr. Eli.

Good afternoon, commissioners, I wanted to make a few comments related to sustainable development. And several of its iterations here that affect Lee County. Our conservation 2020 program is a good program, I'm sure, but I think it's been

greatly overdone. The mandate for the program expired many years ago and the program has been continued from year to year by the commission. I don't think there's anyone in Lee County that doesn't believe we should have parks and open areas. But I think that the bulk of the community probably does not feel that we need to have 30% or 40% or 50% of the county taken up by governmentally owned or controlled properties. I would like to point out that every timely county or any other governmental agency acquires an acre of private property several things happen none of which I feel are good. The first thing is that there is an out of pocket expenditure of taxpayer money for the properties that are acquired secondly the properties are removed from the tax rolls, so there's no further income from the properties. The county also becomes responsible for maintenance forever more and one of the more important things in my estimation is there is a loss of property rights to the citizens of Lee County. I Canley is a recent edition to Lee County and I think it's a Trojan horse we have invited into our midst. The stated purpose is to reinvent government with a specific political agenda. They want to regulate land use, energy goals and water use. A lot of personal property rights under all of these topics basically. There are a number of communities, cities in Florida and nationwide that have decided to remove quickly from their midst and two that come to mind is Sarasota recently and plantation Florida. I would like to ask the commission to really thoroughly investigate the ideas that I've mentioned here and find out particularly why some of these communities have elected to terminate quickly firsthand. I would also ask you not to consider those of us who have concerns in this area as conspiracy nuts. We definitely are not. We appreciate your consideration.

Chairman Pendergrass: Thank you. Next speaker, Felix Lopez and after Felix, John Matley.

Good afternoon, Mr. Chairman and commissioners. I have something here I would like to give you.

Commissioner Mann: I haven't seen you in a long time.

Chairman Pendergrass: Thanks for hanging around.

Good afternoon. Can you give it to the clerk for me? Thank you. The first lady right there. Thank you. I have a problem and I think you can solve it for me. I have property out east been your area, Frank, and I have had a dumpster there for a long time. I finally got the county not to charge me for garbage on my bill. I pay close to \$1,000 for the dumpster. Now for the last two years I haven't been paying

the garbage bill on the property assessor's tax. This year after I paid all of my taxes they sent me an additional bill for garbage. And I went to speak to an individual by the name of William Newman who was the one who made the decision to put it back on the tax role and he told me the reason for it was because there were four units only. And my problem is that I'm paying for the service on the tax bill and I'm not getting that service. I'm paying for the dumpster anyway. So my thought is either change this item where it says four units or less. Or if the property is being serviced by a dumpster, let that be the charge. Simply.

Commissioner Hall: Felix, staff will get back to you on this. We don't respond to concerns of citizens. I know you and I talked about this as well. But staff will get back to you again. We won't stay on that today.

I understand that. I gave a copy to the county attorney and I have gotten together with staff also. But you know, I know things can be solved so I'm sure there's a solution to this problem. I'm paying more in garbage than I pay in property taxes and the solution is not to go up on those taxes.

Chairman Pendergrass: Thank you for that clarification. We'll have staff get back to you. Next speaker John Matley.

We have some people here that feel the same way I do and a couple have already spoke especially. If our people would stand with me on this. This is just the beginning. We are just learning the process of government. We are going to learn how government works and we want to use the process. One of Lee County's websites and the program is called sustainability. And I have in my hand here, this is the sustainability strategy for 2010-2015. Each of you have a copy of this. I gave it to you two weeks ago. There's points in this that I think are of a concern to all of us. One of them is that on page nine it says this will show a development and provide tool kits for all the members. Lee County is a member of this program. So, you already have a plan, but most people don't know about it. I read on the website that 91% of the people in Lee County are for this plan. But everyone that I have talked to since I have started looking into it, nobody has even heard of it. So how could 91% be for this plan when I've talked to people who don't even know anything about it, never heard of it. Then on page 5 it says in this program it says that we will continue connecting cities and local governments to international bodies. So as a member of this program, Lee County is going to be connected to international bodies, something real strange about that. All the international bodies are connected to a higher international body. That's what we are into here in Lee County. Another thing going on page 4 it says in this program we are members of

and we are following, it says maintaining a member based democratic structure. Our forefathers hated democracy. We are not a democratic country we are a Republic. I want to give you an example of what true democracy really is. It's three wolves and a lamb voting on what's for dinner. That's what true democracy is. And we need to get out of something that tells us we will be democratic. Because cities and countries are also outside the United States that are members of this democratic program. The people of Lee County should know some things about sustainability strategy for 2010-2015. We want to see what the tool kit looks like and we want to know what's in it. What's the name of the plan and how did it get to Lee County? How much does it cost each person in Lee County each year.

Chairman Pendergrass: Time's up.

I was going to take 30 minutes. If you don't let me talk anymore I have one thing to tell you. Have a great vacation, get rested up because this is a serious problem and we want to fill these chambers to tell you we need to get rid of the sustainability program. It just needs to be don't rid of because there are too many things in there that take away our freedoms and so thank you very much. Appreciate it. Would you like a copy of this

Chairman Pendergrass: I think I already have one, sir. Thank you, sir.

Chairman Pendergrass: Sure. I will be here next week.

You're not going on vacation?

We're not having meetings but not all of us are on vacation.

Chairman Pendergrass: Next speaker, John Sibley. Any other speakers? OK.

Meeting is adjourned.