

April 5, 2016

Frank Mann: Of The Emmanuel Baptist Church. Always Good To Have You.

Let's Pray Together. Heavenly Father, We Thank You For Today, We Thank You For This Great County We Live In, And, Father, We Love Especially This Time Of Year, And, Father, We Do Ask For Several Things. Be With These Commissioners Today. They Have Several Decisions To Make. Some Simple, Some Complex. We Just Pray For Wisdom In Each Situation. We Also Pray For Their Families. We Know It Puts A Lot Of Stress On Their Families To Serve Us This Way, And Strengthen Our Homes. We Also Pray Today For You To Be With Us As Our Seasons Changes And Many Of Our Seasonal Friends Go Home. Keep Them Safe As They Travel Home, And The Folks That Live Here Year-Round. Sometimes Things Slow Down. We Pray That You Keep Businesses Going And Keep Things Moving Here. We Also Pray For The People Of This County. Your Word Promises Us That Righteousness Exalts A Nation, And We Know It Also Exalts A County. We Pray For You To Help Us Be Good People. We Pray All These Things In Jesus' Name. Amen.

Frank Mann: Thank You, Pastor. Would You Join Me In The Pledge. I Pledge Allegiance To The Flag Of The United States Of America, And To The Republic For Which It Stands, One Nation Under God Indivisible With Liberty And Justice For All. Thank You, And Be Seated. We Have Some Happy Ceremonial Events This Morning, And The One We've All Come To Look Forward To Each Month Is Handled By The Very Capable Commissioner Pendergrass.

Cecil Pendergrass: Thank You. Rhea And Matt Come Forward. We Have A Visitor This Morning. Also A Chow, And She's Got The Lion Haircut This Morning. She's Looking For A New Home.

Yes, This Is Sasha. She's 4 Years Old, And She Is In Her Lion Cut Because She Was Matted When She Came In, But It's Growing Back Now. She Really Has Every Attribute You Would Want If You Were Looking For A Dog. She Is Mellow. She's Just A Gentle Dog. House Trained. Gets Along With People And Other Pets. I'm Not Sure What Else You Could Ask For, So If Anybody Is Interested In Just A Great Companion, Please Come Check Her Out.

Cecil Pendergrass: Hopefully Somebody In The Audience Will Like Sasha And Decide To Adopt Her. Any Programs Going On This Month? I Know You Will Probably Have An Influx Of Bunny Rabbits.

Usually Another Month Or So After, You Know, The Novelty Wears Off They'll Start Showing Up. We're Good For Right Now With Bunnies, But We Do Have Specials On Some Of Our Dogs. If You Want To Come Down And Check Those Out, They're -- Some Of Them Are Discounted. Yeah, Check Us All Out.

Cecil Pendergrass: Thank You For Your Help, And Thank You For Bringing The Animals.

Frank Mann: I Think Neil Montgomery Wants That Dog. He Is Loving Up On It There. That's A Beautiful, Alert Puppy.

Gorgeous.

Frank Mann: Yeah. She Hears. Thank You, Commissioner Pendergrass. You're Always The Highlight That We Like To Start The Month Off With. Whenever They Come.

Cecil Pendergrass: Thank You, Sir.

Frank Mann: A Very Important Recognition Here Now. We Will Yield To Brian Hamman.

Brian Hamman: Thank You, Mr. Chairman. I Would Like To Ask Shammy Kelly To Join Us At The Podium. Shammy, If You Are Here. Okay. She May Be Running Just A Little Behind. We Have A Recognition This Morning For -- It's Donate Life Month, And I Would Like To Read A Resolution. Is That Shammy? Yeah. Come On Forward. Good To See You Again. If You -- Join Us At The Podium. I Would Like To Read You A Resolution On Behalf Of Donate Life Month This Morning. Whereas One Of The Most Meaningful Gifts That A Human Being Can Bestow Upon The Other Is The Gift Of Life, And 28,000 Americans Receive A Life-Saving Organ Transplant Every Year, And, Whereas, A New Patient Is Added To The National Patient Waiting List For An Organ Transplant Every Ten Minutes, Whereas, Over 121,000 Men, Women, And Children Are Currently On The National Waiting List For Organ Transplantation, Of Which Nearly 1,100 Are In The West And Southwest Florida Area, Whereas An Average Of 21 People Die Every Day Awaiting An Organ Transplant That Does Not Come In Time, And, Whereas, One Organ, Tissue, And Eye Donor Can Save Or Enhance The Lives Of As Many As 60 People And, Whereas, Everyone Is A Potential Organ, Eye, And Tissue Donor And Can Register Their Wish To Save Lives Through An Organ And Tissue Donation Registry At [www.donatelifeflorida.org](http://www.donatelifeflorida.org) On Their Driver's License. Now, Therefore, Be Did Resolved That The Board Of County Commissioners Of Lee County, Florida, Does Hereby Proclaim The Month Of April 2016 As Donate Life Month In Lee County, And We Encourage All Lee County Residents To Consider Giving Life Through Organ Donation And To Sign Up On Florida's Organ And Tissue Donor Registry By Visiting [www.donatelifelife.org](http://www.donatelifelife.org) Or When Renewing Your Driver's License Or State Id Card. It's Dually Executed This A5th Day Of April, 2016, And Signed By Our Honorable Chairman, Commissioner Frank Mann. Join Us Up Here For A Picture. Congratulations. [ Applause ]

Frank Mann: Oh, Wow.

Nice To See You Again.

Frank Mann: I'm So Proud For You And Happy For You.

Brian Hamman: We Would Love For You To Share A Few Words After.

Frank Mann: Smile Pretty.

Brian Hamman: Yeah, Share A Few Words With Us.

All Right. Sorry I Was A Little Late. Got Stuck On The Accident On The Bridge. Okay. My Name Is Shammy Kelly. A Year Ago Friday I Received A Phone Call That Changed My Life Forever. It Was No April Fool's Joke. The Call Was From The Transplant Center Letting Me Know That There Was A Kidney Available. Two Days Later I Received That Kidney, And My Life Was Forever Changed. I Had Originally Went In To Kidney Failure Until 2003 While Home From Break From My Last Semester Of Law School. After A Six-Month Leave Of Absence And Starting Dialysis Treatments, I Was Able To Return To Law School, Graduate With My J.D. Funny Story, The Day That I Received The Kidney, As They Were Wheeling -- Getting Ready To Wheel Me Into The Operating Room, My Phone Rang. My Mom Said Stop, Don't Answer That. I Said, Mom, I'm Having Surgery. You Never Know. Long Story Short, That Phone Call Was A Job Opportunity, So The Same Day I Got A Kidney, I Got A Job. Which I Could Accept Because I Now Had A Kidney And Could Work Full-Time. After Close To Four Years The Kidney Failed And I Had To Go Back On Dialysis. Due To Other Medical Issues Not Related To My Kidneys, We Found That I Would Be -- It Would Be Difficult For Me To Be Matched For A New Kidney. Looking Back Now, It's Hard To Believe That It's Been Over 13 Years Since My Initial Diagnosis Of Kidney Failure. To Be Honest, Organ Donation Or Registering As An Organ Donor Was Not On My Mind. I Had Seen The License Plates, The Green Ribbons, But I Said I'm Too Young. I Don't Have To Think About What Happens To Me When I Die. I Had Only Seen Things About Organ Donation In Movies, Like "Steel Magnolias." Then It Happened To Me. I Needed A Kidney. I Hadn't Realized That There Were More Than 5,600 Floridians And 121,000 People Across The Country Waiting For Life-Saving Organ Transplants. Did You Know That One Organ Donor -- One Organ And Tissue Donor Could Potentially Save The Lives Of Eight People And Enhance Dozens More? A I Recently Saw A Story About A Family Of Four. Two Young Children And Two Adults Who Had Perished In A Car Accident. These Four People, The Family Donated Their Organs, And They Were Able To Save Over 50 People's Lives. Having A Transplant And The Whole Recovery Process Was Pretty Straight Forward. I Was Lucky. I Tell Everyone The Hardest Part About The Recovery Process For Me Was Allowing My Mom To Drive Me In A Car For Eight Weeks. I Had Been Very Lucky. I Have A Phenomenal Support System, Great Doctors, Great Friends And Family For Both My Two Transplants. I'm Healthy, And I Can't Ask For More Than That. Receiving A Transplant I Feel Has Changed Me And Made Me To Be A Better Person. I Do A Lot Of Volunteer Work, But Receiving The Second Kidney Has Made Me Want To Give Back More. Between Life Link As An Organizer, The Junior League, Being On The Board For The Museum, I Decided I Wanted To Do More. I Became The President Of The Organ Transplant Recipient Support Group Because Every Day It's Not Just About Me. It's About The Person That Gave Me This Kidney. I Must Honor Their Memory. So I Do All That I Can Do To Encourage Organ Donation. I Would Like To Thank

The Commission For Allowing Me To Be Here Today And Recognizing National Organ Donation Month. Thank You.

Frank Mann: Thank You. Thank You So Very Much. [ Applause ]

Brian Hamman: Thank You. Mr. Chairman.

Frank Mann: Thank You, Commissioner Hamman. What A Beautiful, Sincere, Personal Story To Have Shared With Us This Morning. We From Time To Time Have Recognized What We Would Tell -- Some Of Us Would Refer To As Old-Timers. Some Of The Old-Timers Might Not Take Kindly To That Characterization, But We're Going To Do It Anyway. I'm Going To Get A Young Old-Timer To Come Up Here First And Kind Of Introduce What We're Going To Do Now. Would You Like Me To Read The Resolution, Mr. Strahorn, First With The Honoree Here Beside You, Or Would You Like To First Make A Couple Of Comments?

Senator, Let Me Make A Couple Of Comments.

Frank Mann: Well, Go To It, Yes.

Members Of The Board, Mr. Chairman, Senator Mann, I Come Here Today To Honor The Oldest Living Member Of The Florida Legislature.

Frank Mann: I Didn't Know That.

Representative Shepherd Served With Distinction In The Florida Legislature, It I Believe, Succeeding My Father To That Seat In The Early 1950s. A Seat, Senator, That You Held Representing Lee County As A Representative And Later As A Senator, And With Great Pleasure I Present To You To Stand Beside Me While You Read The Resolution. Representative Shepherd From Lee.

Frank Mann: Bring Your Family And Fun Friends With You Up There, Walter. Come This Way. And Your Entourage. Great To Have You Guys.

Cecil Pendergrass: I Think You Also Practiced In This Building For A Few Years, Didn't He? Picture Still In The Hallway.

Frank Mann: Representative Shepherd, Great To Have You. Pull Up Right There Beside The Strahorn Boy.

Cecil Pendergrass: Stand Right Over Here.

Frank Mann: Great To Have You. It Is My Honor To Read This Resolution To A Judge That I Have Known For Quite A Number Of Years. He Has Been One Of Those Role Modelled For So Many Of Us In Lee County And In State Government. Walter, What An Honor To Have You Here, And What An Honor For Me To Read This Resolution. Which Reads As Follows. "Whereas, Walter O. Shepherd Jr. Esquire Was Born In Fort Meyers On June 20th, 1920,

And On -- June 20th, 2016 He Will Celebrate His 96th Birthday. Whereas, Walter Shepherd Graduated From The University Of Florida -- Go Gators -- Law School In January 1950, And Whereas, Walter O. Shepherd Was Admitted To Florida Bar In February 1950 And Was President Of The Lee County Bar Association In 1963, And Whereas, Walter O. Shepherd Jr. Served Honorably In The Florida House Of Representatives From 1952 To 1960 With Special Distinction As Vice Chair Of The Full House Appropriations Committee And Whereas, Walter O. Shepherd Also Served Honorably In Combat As A Member Of The U.S. Army Air Corps During Wwww Ii Flying Both P-47s And P-51's Rescuing Downed Pilots In The Pacific Earning Both U.S. Army Air Corps And U.S. Navy Wings While In The Service Of His Country As A Pilot And Officer And, Whereas, Walter O. Shepherd Jr. Is An Avid -- I Love This Part -- Outdoorsman And Hunter. Walter Shepherd Jr. Served As A High-Ranking Officer And Director In The Fort Myers Rod And Gun Club For The Entire Duration Of The Fort Myers Rod And Gun Club, And Whereas, He Is So Proud Of This Carol Ruth Shepherd Duncan, Daughter, Is Presently Serving As A County Commissioner In Dorchester County, South Carolina, And Following Her Father's Footsteps Is A Candidate For The South Carolina House Of Representatives. Whereas, It Is Entirely Fitting That Walter O. Shepherd Jr. Esquire Is Recognized For This Lifetime Of Contributions To His Community, His State, And To The United States Of America. Now, Therefore, Let It Be Resolved That The Board Of County Commissioners Of Lee County, Florida, Thanks Walter O. Shepherd Jr., Esquire, For His Exemplary Service To His Fellow Citizens Over His Entire Lifetime And Causes Us To Commend Him For His Never Ceasing Demonstration To Fellow Man As To What Great Citizenship Is All About. Furthermore, Does Hereby Proclaim April 5th, 2016 As Walter O. Shepherd Jr., Esquire, Day In Lee County, And Encourages All Citizens To Join The Celebration Of The Fact That We Have Been Blessed By His Presence Here For The Last 95 Plus Years. We Love You, And We Are So Proud To Claim You As Our Own. Walter Shepherd. [ Applause ] Now, Wait, Wait. Let's Get A Picture Of This Great American Before We Let Him Say A Few Words. Well, You Are Scooting Along There Pretty Good, Representative Shepherd. Let's Have -- Turn Around And Hold That Resolution And Face The Crowd And Then We Want Your Whole Gang Up Here For A Second Picture.

George, Get Yours. Yeah.

Frank Mann: All Right, Whole Gang Come Up Here For A Picture. Everybody Standing There. Ladies Too. Or What Are You, The Picture Taker? Representative Shepherd, We Would Love To Hear A Word Or Two From You. You Have 40 Minutes. You Can Go Back To The Mike. Now, Go Back To The Mike. We Don't Want Anybody To Miss This.

Thank You, Mr. Mann, Gentlemen. I'm Overwhelmed By This Honor. It's Indeed A Great Honor To Me. I'm At Home, But I Don't Recognize The Surroundings. This Is Where I Started The Practice Of Law In This Courtroom. Now It's Not A Courtroom. But It Does Look Very Nice. I Have Been -- I Was Born In Fort Myers. Life-Long Residence. I Love Fort Myers And Lee County. Love Florida. I Served In The Florida Legislature For About -- I Think It Was Eight Years. I Tried To Do A Good Job, And I Think I Did. Excuse Me. I Have Practiced

Law In This Room Many Times. Won Some. Lost Some. Tied Some. But It Was A Great Experience. I Retired 35 Years Ago, And I Don't Even Recognize The Room Anymore. But Thank You, Gentlemen, For Such An Honor. I Really Appreciate It. My Family Appreciates It. I Thank My Friends For Coming. Ted Dickey, My Son, Walter Iii, And Bruce Strahorn.

Frank Mann: The Rest Of Them. They're Still Out There. They Haven't Left.

Thank You Very Kindly.

Frank Mann: Thank You, Walter. God Bless You, Buddy. [ Applause ]

Frank Mann: Let's Give The Honorable Representative A Minute -- You Can Go Take A Right, And It Will Be Quicker Unless You Want To Sit And Enjoy Us The Rest Of The Morning, But This Is Your Opportunity To Escape. Thank You, Walter, So Much.

Cecil Pendergrass: We Can Also Point Out The History Here That People Outside In The Hallway Is A Picture Of Him From 1955. Walter Is In That Picture, And Along With Bruce's Father Too In That Picture. 1955.

Frank Mann: Mr. Shepherd Was Making Reference To How This Used To Be A Courtroom. We Can Thank Another Former State Representative, Keith Arnold, For Getting The Grant That Allowed Us To Rebuild This And Re-Establish It The Way It Is Today In The Model That It Was Originally 100 Years Ago. Well, Not 1 00. 80 Years Ago. Close Enough. What An Honor To Have Mr. Shepherd Here This Morning.

Brian Hamman: Mr. Chairman, Thank You For That Presentation. That Was Fantastic. To Mr. Shepherd And His Family, Thank You For Your Service To Lee County. He Certainly -- He Certainly Has Left Lee County Much Better Than He Found It. I Know That. That's Really Cool. You Know? That's Really Neat That He Has Done So Much For Our Community.

Frank Mann: Hope We All Will Be Able To Say That.

Brian Hamman: Yeah.

Frank Mann: We Have A Recap Here That Looks A Little Busy, But It's Not All That Difficult. I Think. Let Me Try To Summarize The Things That Require A Vote On. Where It Says Carry-Over Number Two, It Was Going To Be Deferred, And It Would Require Motion For That. Staff Has Asked Us Also To Take The Other Carry-Over That Shows Down Below Involving Tree Line Avenue To Also Defer That Until Staff Is Ready To Bring It Back.

Brian Hamman: Second.

Frank Mann: Is There Discussion On That, Second To It? Show That Adopted. Now, On Agenda Item Public Hearing Number Three, And There Are Several People Here I See That Are Interested In That Particular Item. Just To Make Certain Everybody Has Had Plenty Of Time To Absorb What We're Dealing With Here, There Is An Amendment Suggested By

Staff To That Public Hearing Item That Reads As Follows. Part D. In Order To Preserve And Protect The Public Health, Safety, And Welfare Of The Public, The Hearing Examiner Does Not Have The Authority To Consider Equitable Defenses In Determining The Existence Or Non-Existence Of A Code Enforcement Violation. Part E, These Are New Words, New Language. They're All Underlined. The Hearing Examiner May Quash, Amend, Or Revise Orders That Were Issued In Error. Councillor, I Hope You Guys Are Following Me, And, Also, A Modification To Seconds 32-505. Section 32-505a1. The Requested Modification Must Be Located Within The Interior Of The Development And May Not Decrease Total Open Space, Buffer Plantings, And Preservations By More Than 20%. In No Event May The Overall Density Or Intensity Of Development Be Increased Via An Administrative Amendment. Counsellor, Has Everybody Interested In This Had A Chance To Get A Copy Of That? Or Is One Available If There's Anybody In Here That Would Like It Before We Take Up Public Hearing Number Three?

Yes, Mr. Chairman. We Distributed This Through The Normal Process, But I Would Just Point Out To Clarify That With Regard To Public Hearing Number Three, Section 2-421, We Are Respectfully Requesting That Subsection D Be Stricken From The Proposed Language. Just So Everybody Is Clear. We're Asking That That Language Be Deleted.

Frank Mann: Did I Fail To Read That?

No, Sir. You Read It. I Just Want To Be Abundantly Clear That We're Seeking That Language To Be The Lead-In As Opposed To --

Frank Mann: Okay. But All The Interested Parties Have Seen This. We Are Not Going To Discuss It At This Time, But We'll Take It Up At The Public Hearing Time Later In The Meeting This Morning, But I Just -- Since It Was A Little Involved, I Wanted To Touch Base And Make Sure There Was No Chance For Misunderstanding On That.

Cecil Pendergrass: Thank You.

Frank Mann: Thank You For That. Recap. Agenda Items. Items To Be Pulled By The Board. Commissioner Manning.

John Manning: Just Continue With The Recap, Mr. Chairman, I Guess.

Frank Mann: Oh, I'm Sorry. We're Not Through With The Recap? Well, The Item To Be Pulled We're Going To Deal With That. Commissioner Items, We're Going To Deal With. Am I Not Through With It? What Have I Left Out On The Recap?

John Manning: You're Fine.

Frank Mann: You're Not Pulling Anything Either Way?

John Manning: Not Right Now.

Cecil Pendergrass: Mr. Chairman, On The Recap I Think You Had A Motion And A Second To Carry Forward The Two Items That You Stated, But I --

Frank Mann: We Didn't Vote On That. I'm Terribly Sorry. You Moved It? We Had A Second.

Brian Hamman: I Seconded.

Frank Mann: I Thought We Did. I'm Sorry. Is There Discussion? Is There Objection? Show It Adopted. Now Can We Move Forward? Yes? John?

John Manning: Yes.

Frank Mann: You're Not Pulling Any More Items?

John Manning: Not Right Now, Mr. Chairman. Can You Keep Going?

Frank Mann: Items To Be Pulled For Discussion By The Board.

Cecil Pendergrass: No, Sir. No Items To Be Pulled.

John Manning: Mr. Chairman, I Was At The Appropriate Time I Would Like The County Attorney To Put On The Record A Few Words On Number Eight.

Frank Mann: Okay. We're Going To -- Number Eight. We Will Do That. Mr. Kiker.

Brian Hamman: Anything To Pull, Commissioner?

Larry Kiker: No.

Brian Hamman: Mr. Chairman, I Would Like To Pull Number 27 And 35.

Frank Mann: 27 And 35 Pulled By Commissioner Hamman. Public Comment On The Balance Of The Items.

Mr. Chairman.

Frank Mann: Yes.

If I Might, We Need The Board To Deal With Item Number 7 Separately.

Frank Mann: I Was Going To Take The Public Comment And Then Take That Up First.

Perfect.

Frank Mann: Well, Since You've Brought It Up, Let's Do It. The Item Number 7 Requires Us To Convene As A Corporate Board As Opposed To The Board Of County Commissioners. I Would Ask Without Objection We Take Up That Item Now To Deal With It And Get It Out Of The Way. Without Objection, We're On Item 7 Convened As Corporate Board. Are There



Any Members Of The Public That Would Like To Address This Particular Issue? Can I Have A Motion?

Move.

Second.

Frank Mann: Motion By Manning. Second By Pendergrass. Discussion, Objection? Show It Adopted. We Are Now Back On The Regular Agenda Sitting As County Commission. Now, Public. Yurick. Where Are You? David Yurick? Is This On One Of The Consent Agenda Items? Yes, It Is. He Has His Charts. New Charts. Wow. Well, Take The Full Three Minutes.

Frank Mann: Roger, If You Could Help Him, That Would Move Things Along Here. Thank You.

Cecil Pendergrass: Did You Ask Which Item He Is Speaking On?

Frank Mann: Oh, I'm Sorry. What Is Your Item Number? 13. Okay.

Could I Recycle The --

Frank Mann: Could You What?

The Green Light That's Been On, Can It Be Recycled?

Frank Mann: We're Not Going To Beat You To Death With That.

As You Know, I'm Dave Yurick And Responsible Growth Management, And Speaking For Them And Myself. The Issue That I'm Concerned About Is That As You Can See In These Charts, We Have Good News And Bad News. The Good News Is Reflected In The Water Management Report That Has A Beautiful Sunrise And It's What I Call With Rose-Tinted Glasses. I Have Just Handed You Part Of The Bad News. Florida Bay Is Dying, And We Aren't Buying The Land. We Are Not Moving The Water South Into Filter Marsh Restoration Areas To Save The Everglades And Florida Bay. I'm Quite Sorry That I Have To Continue To Say This. The Workshop That You Kindly Held On This, I Had To Leave At 3:00 For A 3:30 Appointment. I Did Watch The Video Afterwards, And I Am Very Concerned That The Discussion Was In The Vein Of We Should Buy Land North Of The Lake, And I'm Sorry, But We Need To Buy About 50,000 Acres South Of The Lake To Get The Filter Marshes Back In Order. This Will Not Put U.S. Sugar Or Florida Crystals Out Of Business. They Have Lots Of Land. I'm Told By The Experts That We Need To Have Something Like 50,000 Acres Of Land To Create The Amount Of Filter Marsh That We Need To Recreate Enough Flow Into The Everglades To Save The Everglades And Florida Bay. I Don't Mean To Be Repetitive. I Try My Best Not To Be, But This Issue Is Not Going To Go Away, Folks. John Heim And Myself Have Been Talking About It For Some Time. Now You Have The Captains For Clean Water. You Now Have Fgcu Group. You Have Material That I Sent To You Yesterday. Quite

A Few People That Are Saying, Hey, Folks, We've Got A Problem. We Need To Deal With It, And We Are Not. It's Wonderful To Do The C-43 Reservoir. I Have No Problems With That. It's Wonderful To Do Water Farming. I Think That's Rather Expensive. I Think We Need To Seriously Look At This Issue, And I Just Beg For You To Take A Moment To Rethink The Whole Thing, And As I Understand The Mayors And Both Representative Clawson And Senator Nelson Are For Buying This Land, And We Just Need To Really Do That. Thank You Very Much.

Frank Mann: Thank You, Mr. Yuric. We Don't Need The Applause. A Lot Of People In Favor Of This. In Fact, At This Time Let Me Ask Mr. Odalini, Can You Come Comment On This? We're Dealing With A Policy Statement By The Board Here As To The Things We're In Favor Of That Involve Water Coming From Lake Okeechobee Down To The Caloosahatchee, And One Of The Major Issues That Keeps Getting Referred To Is Whether We Are Going To Support Sending Water South From Lake Okeechobee Before It All Comes Running West Or East Out To St. Lucie, And We Had A Clarification Note From Mr. Odalini This Morning As To What We Were Voting On, And How It Spoke To The Water South. I Just Need You To Put It On The Record What This Includes.

Good Morning, Commissioners. Yes, I Am Number 13. Has Several Policy Actions. One Of Them Is Which We Support The Comprehensive Everglades Restoration Projects As Well As A Hoover Dike And The Other Projects Established In The Integrated Delivery Schedule That Was Approved By The Army Corps Of Engineers And The South Florida Management District Along With Many Other Stake Holders And Agencies Involved With Everglades Restoration, And We Certainly, We Do Support Sending More Water South, And Central Everglades Restoration Project, Including The Central Everglades Planning Project Includes Sending More Water South As Well As The Other Components That Are Underway, The Tammi Trail Widening, Mod Waters, C-111 Spreader. There Are Many Elements Of That Comprehensive List Of Projects That Will Assist In Sending More Water South. Will It Be Everything? No. I Think It's A Matter Of, You Know, Having Storage And The Various Components And The Estuaries North Of The Lake, South Of The Lake, And East And West. This Is A Proved Plan That We've Been Sticking With, And At Least If It Moves Forwards In Active Restoration.

Frank Mann: Any Questions? Are There Others In The Audience In The Public That Would Like To Speak On This Item Number 13? Then Can I Ask For A Motion At This Time By The Board On Item 13? I Have A Motion And A Second By Pendergrass And Manning. Is There Further Discussion On This? Hamman.

Brian Hamman: Thanks, Mr. Chairman. I Just Wanted To Point Out For Clarification Sake For Folks That May Be In The Audience Or May Be Watching At Home, It's Not The Charge Of The Lee County Commissioner, Even The Role Of The Lee County Commission To Buy Land South Of Lake Okeechobee. I Know Sometimes Folks Get Confused About That With All The Media Attention. It's -- We Would Be Our Role As Advocates. I Mean, I Kind Of Have

Referred To It As Some Folks Is We're Stuck In Middle Management Perrington. We're Here. We're Your Local Government. People Come And Talk To Us About What They're Saying With The Lake Okeechobee Water, And We Do Everything To Advocate As We've Outlined Here The Comprehensive Everglades Restoration Plan, But The Plan Is Actually Supposed To Be Enacted By The State Government And The Federal Government, And One Of The Things This Board Has Really Done Very Well Is We Have Worked Very Closely With Our State And Federal Officials To Act On Behalf Of The County Residents. For Anybody To Come And Talk About Having To Buy The Land South, That's Not Our Role. We Certainly Wouldn't Even Have The Resources To Buy Land In Another County South Of Lake Okeechobee. I Just Wanted To Make It Clear For Anybody Who Is Watching Who Thinks That We Are Not Acting On All The Feedback We're Getting. We Do. We Advocate As Hard As We Can For Everybody.

Cecil Pendergrass: Thank You, Commissioner Hamman, For Bringing That Up.

Frank Mann: Any Further Comments?

Larry Kiker: I Would Like To Add On To That. A Lot Of The Project Southwest Water Has Put Together A 20-Year Plan For Projects In Order To Do The Water Quality Projects, And Those Are Underway. They're Being Funded And Work Is Being Done As Well. You Know, You Take All Of That, Plus All The Work And Thank You Mr. Odolini And Your Group For The Water Quality Projects That This Board Has Not Only Sponsored But Funded In The Last Few Years. Not To Exclude What We're Going To Do This Coming Year. So There Is A Lot Of Work, A Lot Of Moving Pieces That Go On This Thing, And I Totally Agree That, You Know, I Think That The Effort For The Extra Acreage Is Extra, If You Will. To Me That's Kind Of Like The Icing On The Cake, But We Need To Keep Our Focus On The Projects That Have Been Defined For 20 Years Of Projects And Make Sure That We Continue Our Funding There As Well. There's A Lot Of Good Things Going On Right Now.

Frank Mann: Great Comments. For Further Clarification Of The County Commission's Role. The Commission Had A Workshop On This Issue, And It Was Lengthy. One Of The Things I Think The County Concluded Was That A Lot Of The Public Was Confused As To Where We Stood And What Our Role Was And Thank You For Clarifying That. We Can't Do All The Things That Folks Would Have Us Do. It's Going To Be Up To A Partnership Of The Legislature And The Congress And U.S. Corps Of Engineers And South Florida Water Management District And Good Citizens Along The Way. With This Policy Adoption This Morning, There Was Still Some Question Lingering Yesterday Afternoon As To Where We Stood On Whether We Think It's A Good Idea To Send Water South. Well, Mother Nature Sent All Of Her Water South Once Upon A Time, And It Only Makes Sense That To The Extent You Can Send More Water South, That's Less Water Coming This Way. It Has To Be Clean Before It Ends Up Going Into Florida Bay. That's An Expensive, Long-Time Proposition, But It Is Part Of Our Thinking As Well, And We Wanted To Make Certain That Everybody Understood That By The Adoption Of That. Is There Further Discussion On This

Item? Is There Objection To It? Show It Adopted Unanimously By The Entire Board Of County Commissioners Of Lee County Florida. That's A Giant Leap Forward, And Let Me Just -- One Other Comment On This. The Regional Planning Council Of Which We Are One Of A Number Of Southwest Florida Counties That Make Up That Little Governing Board, They're Going To Have Some Workshops On This Issue Too, And What I Hope Happens -- I Think Everybody Hopes For This -- That When We're Done, We Can All Reach The Planning Councils, The Other Counties Between Here And On The Other Side Of The State, If We Can Adopt A Policy That Everyone Agrees On. Then Stick To It. Folks That Think That Government Is Not Doing Anything, We'll Be Able To Say, Yes, And We Have Collectively Adopted These Programs. Much Of Which Has Already Been Done, But The Lord Sent Us All That Rain In Late January And Early February And Brought A Lot Of Attention To This Issue, And This Is Just One More Step In What I Think Are Some Hundreds Of Positive Steps And An Outline Of The Next Steps To Be Taken. I'm Sorry For Taking So Much Time On This, But We've Read And Seen A Whole Lot About This, I Believe, So We're Done With That For Now. Charlie Whitehead, I Have You To Speak On Item Number One. Where Are You, Charles?

I'm All The Way Back Here.

Frank Mann: Well, Get Moving Towards The Front. Item One.

Gentlemen, My Name Is Charlie Whitehead, And I'm Here Representing The Beach Area Civic Association. We're A Relatively New 501c4. I'm Here To Talk To You About Work Force Housing Bonus Density. We're Believers In The Planning Axiom That Density In The Coastal Areas Should Be Kept Low. Y'all Are Taking A Step The Other Direction Potentially Today Today By Allowing The Use Of Work Force Housing On Islands As The Bonus Density On Islands And In The Coastal High Hazard Area. We Do Understand The Virtues Of Work Force Housing Close To Where The Work Force Works. We Urge You To Be Very Careful Striking That Balance Because There Are A Lot Of Good Planning Reasons To Keep Higher Densities Away From Your Coastal Areas. That's What I Wanted To Say. Thank You.

Frank Mann: Are There Other Members Of The Public That Would Like To Speak On Item Number One? Then Back To The Board. Let's Take This Item Up While It's Before Us. Can I Have A Motion On It? Are There Any Questions Of Staff? Can I Have A Motion On Item One?

John Manning: So Moved.

Brian Hamman: Second.

Frank Mann: Is There Further Discussion On The Issue? Is There Objection To It? Show It Adopted Without Objection. Thank You. Are There Other Items That The Public -- Anybody Wants To Speak Of From The General Public Here This Morning? On The Consent Agenda.

John Manning: First Of All, The County Attorney Needs To Put On The Record His Words On Number Eight, And We Need To Have A Motion To Approve Or Disapprove The Other Items On This Agenda.

Frank Mann: You Want To Take Attorney's Item Eight Comments Before We Vote On That?

Mr. Chairman, Thank You For The Opportunity To Address You Real Briefly Regarding Item Number Eight, And I Have Asked George Knot, That Assisted Lee County In This Manner To Join Us Here This Morning. Commissioners, This Was A Major Piece Of Litigation, Multimillion-Dollar Litigation, And I Thought It Was Appropriate To Draw The Board's Attention And Perhaps The Public Attention To The Work That Was Done With Regard To This Litigation. We Were Able To Take Approximately A \$4.2 Million Claim Against Lee County, Resolve It For \$1.3 Million. That's Paid Out Of The Retain Contract Amount, So It's Not New Money Coming From The General Fund, But It Was Money That Through The Efforts Of Your Staff And Foresight Of Your Staff That We Held Back From The Contractor At The Time. We Held Back Approximately \$1.7 Million. We're Asking You To Release Approximately \$1.3 Million And Enter That Contract Balance To Resolve The Litigation. Assist I Stated, This Was A Claim Made Against The County In Excess Of \$4 Million With Regard To The Matt Leche Bridge Contract Or The Matt Leche Bridge Project. This Matter Will Bring The Litigation To Conclusion. All And Each Parties To Bear Their Own Attorney's Costs. I Ask To Be Recognized Merely To Drive Home The Point That The \$1.3 Million That's Under Consideration Is Not Additional Money But Money That Was Held Pursuant To The Approved Contract. And Myself And/Or Mr. Knot Are Here If You Have Further Questions.

Frank Mann: Thank You. The Matt Leche Rebuilding Of The Bridge There Was An Adviser With Us, Long-Time, Expensive And Ended Up Being A Painful Project Closely Overseen By Commissioner Manning, Who I Would Recognize For Any Final Comments Before We Include This On The Consent Agenda To Be Voted On.

John Manning: Ready To Go.

Frank Mann: Ready To Go. Okay. Then I'll Accept The Motion For The Balance.

Frank Mann: Motion By Manning. Second By Pendergrass. Is There Further Discussion? Is There Objection? Show That Adopted. Now, Mr. Hamman.

Brian Hamman: Thank You, Mr. Chairman. The First Item That I Wanted To Pull For Discussion Is Item Number 27, And I Would Like To Ask If Our County Manager, Mr. Chairman, Could Give Us Just A Brief Introduction.

Mr. Chair. Thank You, Mr. Chair. This Blue Sheet, Commissioner, Is Asking You To Approve A Professional Services Agreement For The Lee County Integrated Waste Management Expansion To Company Tetra Tech In An Amount Not To Exceed \$824,000, To Provide Consultant Services To Conduct A Base Of Design Report To Identify Available Technologies

To Expand, Supplement, Or Replace Infrastructure To Manage The Solid Waste Management Needs For The Next 20 Year Planning Horizon. Keith, Would You Like To -- Please Go To The Podium. I'm Sure The Commissioner Has Some Questions.

Thanks, Mr. Desjarlais, And Commissioners, One Of The Reasons Why I Pulled This Item Was The Cost Of The Study Really Jumped Out At Me. We're Asking This Company To Create A Solid Waste Master Plan For Us, And The Cost To Create The Solid Waste Master Plan Is \$824,000, So One Of The Questions I Had, And Maybe Just, First Of All, Could You Just Talk To Me Briefly What Are We Going To Get For The \$824,000?

Keith Howard Solid Waste Division. Commissioner, Basically We Have A Very Comprehensive And Complex Solid Waste System, And We Have Critical Infrastructure That Is Nearing Its Capacity. Specifically The Waste Energy Facility And Our Materials Recycling Facility That Handles All The Recyclables. What This Project Will Do Will Look At Not Only What We Have, Look At The History Of What We Have, How We Got To Where We're At, Look At What Else Is Going On, Not Only Across The Country, But Specifically Around What's Going On In The Region With Our Partners And Neighbors Counties, And Come Back With A Series Of Alternatives To Sit Down With The Board And Evaluate What Is The Vision That We Want To Take For The Next 20 Years With The County? This Will Then Set Forth A Capital Plan For The Next Ten To 20 Years Of How We're Going To Address Those Needs.

Brian Hamman: Have We Followed One Of These Claims Before Or Had One Of These Claims Before?

The Only Plan I'm Aware Of Is The 1988 Plan That Set Everything In Motion With Regards To The Original Waste Energy Investment.

Brian Hamman: Okay. And Did We Stick Pretty Closely To That Plan? Did It Give Us --

We Have. We're Bound By Some Other Agreements, Such As A Three-Party Agreement At The Landfill That Restricts Waste Disposal At The Landfill, And That's Another Complex Part Of This Puzzle. It's Really For Ash Only. That's The Intent Of That Agreement. With That We've Stuck With That Plan. We've Done Some Things Along The Way. The Business Recycling Ordinance In 2008. Composting Project That We Started In 2010. C And D Recycling That Was An Off-Shoot Of That Ordinance That Have Continued To Help Divert Materials And Stretch Out Our Assets, But We're Getting To The Point That Those Efforts Have Only -- Can Only Do So Much, And We Need To Look To The Future.

Brian Hamman: Okay. Mr. Howard, Talk To Me About How Long Will It Take For The \$824,000 Study To Be Completed?

This Is An Aggressive Schedule. We're Trying To Get This Process Done By The End Of The Year Such That We Can Go Into The Capital Planning Process For Next Year And Set The Course Forward.

Brian Hamman: Okay. So We're Almost Through -- We're In April, I Guess, So We've Got -- It's An Aggressive Schedule. Yes, Sir.

Brian Hamman: Eight Months Worth Of Work For \$824,000. Do You Know How Many Hours? Did They Give You A Time And Material Break-Out? How Many Hours, How Many Employees They Were Going To Put On The Project?

We Do. We Did Evaluate Every Task, Every Hour, The Type Of Personnel That's Involved In That Work, Whether They're High Level Or Low Level Staff And Just Make Sure That The Work Effort Was Appropriate.

Brian Hamman: You Don't Know Off The Top Of Your Head What The Cost Per Hour Would Have Been?

I Don't Know Off The Top Of My Head. I'm Sorry.

Brian Hamman: Are They Planning To Hire Subcontractors On This?

It's A Joint Venture Between Two Firms. Tetra Tech And Gbb. Gbb Is The -- I'll Call It The Waste Energy And Alternative Technology And Integrated System Expert That Tetra Tech Has Brought On. Tetra Tech Has Individual Components, Things Like Composting And Debris Recycling Systems, And Gbb Brings In That Planning Expertise To Develop Alternatives And Really Do The Detailed Study On What We Have And What Makes Sense Moving Forward. Cost-Wise And Practicality, We're Trying To Meet The State's 75% Recycling Bill By 2020. Items Such As That.

Brian Hamman: I Guess Just My Final Question To Kind Of Wrap It All Up. Are We Going To Receive This As A Deliverable And A Power Point Format?

It's Going To Be An Involved Process. Along The Line There's Going To Be Stakeholder Meetings. Not Only With The Public, But Also With Our Municipal Partners That Are Part Of The System, And Then Ultimately, Feedback From The Board And Then The Ultimate Decision From The Board On What The Vision Will Be. The End Result, Yeah, Will Be A Report That's A Master Plan That Will Be A Guidance Document For How We Move Forward In The Future.

Brian Hamman: Thanks, Mr. Howard. I Appreciate You Answering The Questions, And Some Of My Colleagues Might Have Other Questions For You Too. Colleagues, I'll Definitely Leave It Up To You All To Discuss. You Know, At This Point I Don't Feel Comfortable With The Cost Of This Study. Especially Kind Of Looking At How Quickly It's Going To Be Completed And I Just Don't Have A Good Feeling For What We're Going To Get For Our \$824,000, But Before I Make Any Motions, You Know, Leave It Up To You All To Discuss.

Frank Mann: Comments. Commissioner Pendergrass.

Cecil Pendergrass: The Current Staff, You Are Talking About A Study. I Know County -- We Monitor This, Our Future Growth. I Know We're Probably In Need For A New Burner And Incinerator, But Couldn't Our Current Staff Provide That Information To The County Without Paying This Much Money For A Study?

There's Certainly Some Level Of Expertise That We Have On Staff, But This Is A Very Complex, Comprehensive Effort To Lay Out A Foundation For The Year. For Staff To Do It, You Are Looking At A Two-Year Plus Effort For Us To Really Get All The Information, All The -- This Company Has Resources That They Can Draw On Immediately From All Over The Country That We Just Don't Have Access To.

Cecil Pendergrass: Do You Find This Most Of The Time On The Google Engines And Your Staff Working 40 Hours A Week Know The Growth Of Lee County And What The County Will Look Like 20 Years From Now? How To Weigh A Tonnage Of Waste We Produce As A Society?

Certainly Staff Has That Information, And We Have An Understanding Of What We Think May Be Viable Alternated, But This Is An Effort To Take A Step Back, Look At Our System, And Really Set The Course Forward For The Next 20 Years. Like I Mentioned Earlier To Mr. Hamman, Our Landfill Has Certain Restrictions That Don't Allow It To Be An Easy Out For Us. The Waste Energy Plant Is Certainly A Reliable Resource. It's Been Well Maintained, But As Things Get Older, It Gets More Costly To Maintain. Should We Choose To Add A Burner Or Build A New Plant, I Mean, You're Talking \$200 Million, \$300 Million Or Greater Investment. Palm Beach County Just Invested \$600 Million In A New Facility For A 300 Ton A Day Facility. We're Not Talking About Small Dollars Here, And We Certainly Want To Make A Very Concerted Effort To Give You Guys All The Information That You Need To, You Know, Set The Course For The Future.

Mr. Chair, Could I Jump In? I Want To Point Out As My Previous Experience As A Consulting Engineer, As A Private Consultant That Would Have Negotiated This Type Of Contract From The Other Side. There Are Several Metrics To Take A Look At A Contract Such As This, And So We Don't Just Accept What The Consultant Tells Us. We Basically Have A Scope. The Consultant Is Required To Submit Their Work Product, What They're -- Per The Scope. What The Number Of Hours Committed To The Project Will Be, And That Gives Us A Starting Point To Make Sure They Understand What We Want, And We Understand The Level Of Effort. Typically There's A Negotiation Process That, You Know, We Say, Well, That Seems Like Too Much, And It Turns Out They Misinterpreted The Scope Or Too Little, So We Go Through The Negotiation Process. From That Perspective, There's Several Metrics We Look At On The Contract Like This. We Look At Other Similar Contracts With Other Local Governments. We Look At The Number Of Hours. We Look At The Deliverables, The Expected Result, And So Going Through This Personally, I'm Comfortable That We Have Put In The Scrutiny To Make Sure That This Product Is Going To Provide Us What We Need For The Future Just To Give You Some Information. We Have Been Carrying A \$300 Million



Capital Improvement Project On The Solid Waste Capital Improvement Annual Submission. Up Until Two Years Ago. What I Really Thought Was, You Know, For Staff Simply To Say We're Going To Have To Spend \$300 Million To Expand The Waste Energy Potentially Didn't Provide Us The Complexity Of A Study That Would Give You All The Alternatives To Consider As A Policy Decision For What Solid Waste Will Look Like In The Future. This Really Provides And I Think It's A Legitimate Study That Provides Options, That Provides For Policy Decisions To Really Map Out What The Future Of Solid Waste Is Going To Look Like In Lee County.

Frank Mann: Commissioner Manning.

John Manning: Just To Follow-Up On Doug's Comments, Gbb And Tetra Tech Are Two Of The Best In The Country, Iffen The Best In The Country, And This Is A Very Involved Scope Of Work. It's A Very Condensed Timeline. I Appreciate The Notes That Were Put On The Record This Morning. I Will Move This Item Because It's A Necessary --

Frank Mann: Hold That Motion Until Commissioner --

John Manning: Okay.

Thank You.

Larry Kiker: I Appreciate That. I'm Going To Kind Of Dove-Tail Off What You Said And Then What Commissioner Hamman Said, I Believe, Too. I'm Not Sure If You're The Right One. These Are Not General Funds That We're Talking About. Is That Right?

That's Correct.

Larry Kiker: These Are Dedicated To Just This Department.

Enterprise Funds.

Larry Kiker: And We Haven't Had A Work Session Yet, Which I Think We Were Going To To Look At Your Budget In That Department Just Like We Have With A Lot Of Other Departments Already. We Haven't Had That, And Just Tell You What It Feels Like. You Know, I'm Not Going To Technically Debate Whether Or Not These Are The Best Folks Or Not Or If This Is The Best Price. What I'm More Concerned About Is That Your Statement -- Someone's Statement Is -- You Know, We May Be Looking At \$300 Million At The End Of The Day Which To Me This Is Kind Of Seeping Into The Policy Side Of Things And We Really Haven't Had That Discussion Yet. You Know, I Would Be More Comfortable In Postponing This Until We Had A Work Session So We Could See, You Know, We Need To Talk About Your Reserves. How Much Money Do You Have In Reserves In That Department Right Now? What Do We Have?

On The Order Of \$70 Million Right Now.

Larry Kiker: 70 Million. How Much Of Those Are Already Dedicated To Other Projects And How Many -- How Much Of It Is Available?

Right Now In Our Five-Year Capital Plan We Only Have About -- I Think It's About \$10 Million, \$12 Million Dedicated.

Larry Kiker: You Have About \$60 Million. We Have A Lot Of Money To Spend Here. This Is Obviously Very Important, And I Think That This Is A Good First Step. Had We The Opportunity To Have A Discussion And Talk About Where Are We Going To Go With This Department Someday? We're Talking About \$300 Million. I Feel Like We're Pulling The Trigger By Saying Then Let's Do A Study, And Then We Can Talk About It. Help Me Out How This Is Going Here.

Mr. Chair.

Commissioner, This Study Is Precisely The Thing That We Need So That We Don't Budget \$300 Million For A Project That's Yet To Be Determined That Those Capital Dollars That Were Placed In To The -- Into A Timeline A Few Years Ago, Those Dollars Were Based On The Belief That We Would Be Building Another Waste Energy Plant Somewhere Else In Lee County, And We've Not Gone Through Any Process, Any Discussion With The Board. Not Done Proper Analysis To Make That Kind Of A Determination. I'm Going To Tell You Before Anybody Thinks Otherwise, This Is Not About Placing Another Waste Energy Plant Somewhere Else In Lee County. This Is About Doing The Analysis That When We Get To The Board With Policy Conversation, We'll Have Enough Information That You Can Have A Well Informed Conversation.

Larry Kiker: Had You Scheduled A Work Session For This Organization Before This Study Is Supposed To Be Completed, Or Were You Waiting Until After?

We Have One Scheduled For April 19th.

Larry Kiker: Would This Conversation Work Better In That Setting Than Where We Are Today In Terms Of Taking A Vote And Spending A Million Dollars? Or \$800. I'm Sorry.

This Would Be From The Same Standpoint Where We'll Talk About Current Capital Improvement Need. The Specific Improvement Need That Triggered This Report Will Not Be Part Of That Conversation. We're Really Talking About Operations Of Solid Waste. Some Of The Challenges. Some Of The Revenue Challenges, And Then We'll Talk About The -- I Think The Utilities And Solid Waste Capital Improvement Programs On April 19th As Well. Again, Just To Reiterate What The County Manager Just Said. This Is Not Triggering The Start Of A Project. This Is Simply To Lay Out How We're Going To Address Some Of The Demands Of Growth, And We're Starting To See Pressure From Growth. Time-Sensitive. We Really, You Know -- These Projects Take Multiple Years. Six Years Plus To Design And Implement, And It's Simply To Lay Out What The Options Are And To Provide The Board, I

Think, At That Point The Ability To Discuss Policy Issues With Regard To Solid Waste And What Direction We'll Go In The Future.

Frank Mann: I Would Like To Get A Handle --

Larry Kiker: I Would Like To Get A Handle On If This Is Time-Sensitive. Can This Wait? Is That Really Going To Make A Big Difference To You?

Frank Mann: Mr. Desjarlais.

Commissioners, Howard And I Were Just Talking, And We Can Defer This Item Until After That Workshop. It Does -- It Does Compress Even Further The Amount Of Time Necessary To Get That -- To Get The Results Of This -- Of This Review On Time For Not This Cip Budget Cycle But The Following One. It Would Be The 17-18 Fiscal Year, 17-18 Cycle. Is It Difficult Or Impossible? He Just Smiled At Me. It's Like Nothing Is Really Impossible, But Why Don't We Just Go Ahead And Delay This Until After We Have That Workshop, And In The Meantime We Can Do Some Individual Briefings, And Maybe Everyone Get A More Comfortable With This Contract, And Then We'll Move Forward Then.

Larry Kiker: That's All I Have, Mr. Chairman.

Frank Mann: Thank You. I Appreciate This Discussion On A Potentially Very Large Item. It's Not Potentially. It's Going To Happen Sometime. I Was A Little Concerned About The \$800,000 Because I Know Whatever We Approve, The Work Expands To Fill The Budget That's Been Approved. It's Always Been That Way. I Don't Know How Much More We're Going To Learn At That Capital Workshop, But Whatever We Learn, It Will Be More Than We Know Today, And We'll Probably Still Be Back In The Same Position Of Looking For A Consultant To Help Us Get Through The Forest Here In The Weeks Ahead. I See No Problem In Deferring This For Final Action Until After The What Dates Are We Talking?

April 19th.

Frank Mann: April 19th Is The Workshop, And Then Schedule It Back Here As Soon As Possible After That.

Brian Hamman: I'll Make That As A Motion, Mr. Chairman.

Frank Mann: Okay. I Have A Motion And A Second. Mr. Manning, Your Motion Is Going To -- We'll Have A Chance Later On To Deal With That. Further Discussion On The Motion? You Got The Dates Right. First Opportunity After The 19th To Bring It Back.

Mr. Chair.

Frank Mann: Yes.

Yes, Sir. Just One Final Comment. We're Happy To Delay, And I Think It Will -- You'll Be More Comfortable With It, But We Should Not -- You Know, Anyone Who Is Listening Should Not, You Know, In Their Own Mind Diminish The Importance Of This Study And The Outcomes. The Study Is Going To Guide The Spending Over The Next 15 To 20 Years Of Well In Excess Of \$100 Million Investment By This Board.

Brian Hamman: Mr. Chairman, If I May Too. I Just Want To Reiterate. I Do Have Tremendous Respect For The Staff And For This Idea. I Think We're On The Right Track Here. We Definitely Need To Have Experts Come In And Help Us Understand The Best Possible Way To, You Know, Evolve Our Solid Waste Program Here. I Just Have Tremendous Concerns About The Cost And Hopefully Those Will Be Alleviated Over The Next Month.

Frank Mann: Hope So. Further Discussion On The Motion. Is There Objection To The Motion? Show It Adopted. We'll See You On This One After The 19th Again. Let The Chair Take A Moment Here. I Wanted To Do This Earlier And Forgot It As I Do So Many Things. Channel 20 Television Has A Cameraman Who Has Been Interviewing You Guys And Pointing His Camera At Us For Many, Many Years. He Has Done A Superb Job. When He Is Not Toting A Camera And Pointing It For Another Interviewer, He Is Doing The Interviewing Himself. His Name Is Robert Von Gersey. He Is Turning 65, And He Is Retiring. Of All The Nerve. I Want To Wish Him Well On Behalf Of The Entire County Commissioner. Robert, You Have Been Great. Wonderful Working With You. God Speed. Now, You Had Another Item.

Brian Hamman: Yes, Thank You Mr. Chairman. Number 35 I Pulled Real Quickly Just To Ask A Couple Of Easy Questions On -- Mr. Desjarlais, Could You Give Us A Quick Introduction On Item 35?

Thank You. This Agenda Item Asks For The Approve A Purchase Of Three Bucket Trucks For Utilities Department -- I Mean, Transportation Department.

Brian Hamman: Very Good. Just Had A Question, And I Think You Guys Have The Answer For Me. Did We Do A Comparison Of The Cost To Lease Versus Continuing To Rent A Bucket Truck Versus Buying These Outright?

We Did. In This Particular Case Currently We're Leasing On A Monthly Basis One Of The Bucket Trucks. And The Analysis Is That We Expect A Ten-Year Life Out Of A Bucket Truck, And The Purchase Price Is Anywhere -- Somewhere In The Area Of About \$100,000. We Really Reached That Threshold Paying \$1,900 A Month In Four Years. On A Ten-Year Expected Life To Go Ahead And Outright Purchase Versus A Month To Month Lease, And This Is Equipment That's Utilized Daily, It Makes Sense To Go Ahead And Purchase, And The Life Cycle Cost Is A Lower Cost Option To Purchase These.

Brian Hamman: Thank You. Then The Other Question I Had Was Do We -- I Noticed Two Of The Trucks Are For Changing Out Signals And Light Bulbs And That Kind Of Stuff, And Then One Of The Trucks Was For Overhead Tree Trimming. Is That A Service That We Are Contracting Out, And Could We Use The Contractor Instead Of Buying A Truck?

I Would Have To Defer To Mr. Serci To Give You A Detailed Answer. I Know We Have Over 50 Contracts For Landscaping And Mowing Of Which Part Of That Is To Do Some Trimming, But I Don't Know. I Think We Do A Lot Of Trimming In The Medians, Things Like That. Line Of Sight Issues. Where Somebody Will Call And We Need To Do Is Immediately Get Out There Fairly Quickly To Take Care Of A Problem. I Think That's The Type Of Thing We Use The Bucket Trucks For Trimming On.

Brian Hamman: Okay. So, I Mean, Do You Know Would It Be A Better Idea? Maybe Mr. Serci Could Come Up And Talk To Us About Versus Contracting For Tree Trimming Versus Buying The Truck And Doing It Ourselves.

D.O.T. Like Doug Said, We Have Probably 15 Or 20 Contracts With Folks That Do Structural Pruning. We Have Two -- We Have Currently Three Bucket Trucks Now We're Going To Reduce Down To Two Bucket Trucks At Operations To Do Our Areas That We've Kept Ourselves And When These Contracts Come Out Of Contract, We Decide At That Point Whether To Extend The Contract Or To Do Them With Our Own Forces. We Keep Two Bucket Trucks For That Purpose. Have I Is Answered Your Question?

Have You Done A Financial Analysis? Is It More Cost Effective For Us To Continue To Hire Folks To Do That Structural Pruning Of Overhead Trees, Or Is It More Cost Effective For Us To Do That In House And Buy Our Own Bucket Truck And Equipment And That Kind Of Stuff?

We Keep Two Contracts. We Found It's Better For Us To Keep Two Trimming Contracts For The Items That We Get A Call Here Or There For A Line Of Sight Problem With The Intersections. Pruning For Trees That Are Blocking Intersections, Line Of Sight. We Have Found That It's Better To Keep Two Crews For Ourselves.

Okay. Very Good. All Right. That Ends My Questions, Mr. Chairman. Sounds Like The Staff Certainly Did Their Due Diligence On It.

You Feel Comforted Enough To Offer A Motion?

I'll Move Approval Of The Staff Recommendation.

Frank Mann: I Have A Motion And A Second. Is There Further Discussion? Is There Anyone, I'm Sorry, From The Public That Would Like To Comment On This Item? Or On The Previous Item. I Glanced Out There, And I Didn't See Anybody That Wanted To Speak To The Deferral Item, So We Won't Return To That, But Now Back To Where We Have A Motion. Is

There Further Discussion, Jobs? Show It Adopted Unanimously. Where Does That Lee Us? Public Hearings. Public Hearing Number One.

Thank You, Mr. Chairman. Public Hearing Number One Is A Proposal Actually To Conduct Your First Public Hearing On A Proposed Developer's Agreement With The Place At Corkscrew L.L.C. Mr. Jacob Will Provide The Staff Presentation.

Frank Mann: Mr. Jacob.

I Have All Three Of Your Public Hearings This Morning. I Have Reviewed The Affidavits Of All Three. I'll Enter Them Into The Record At One Time Now. The First Public Hearing Is The Final Adoption Hearing For The -- Excuse Me. I'm Sorry. I Got That Mixed Up. The First Public Hearing Is The First Public Hearing On The Adoption Of A Development Agreement Under 163 For The Project Known As Corkscrew Farms. If You Have Any Questions Of Staff, Let Me Know. Otherwise, We Request That You Move This To The Second Public Hearing Date Identified In The Blue Sheet.

Frank Mann: Questions Of Mr. Jacob? I Have One Card From The Public. Kevin Tolliver. Would You Like To Speak On This Item At This Time? You're Recognized.

Thank You, Mr. Commissioners. I'm Kevin Tolliver. I'm The President Of The Master Association To Preserve At Corkscrew. I Just Want To Go On Record Saying We Have No Objections To This Project, But More Importantly, I Want To Speak In Favor Of The Five Acres Of Land That's Being Donated For The Fire Station, Which I Think Is A Great Benefit To All The Residents Of This Part Of The County. Also, I Want To Speak To The Traffic Situation, Which Companies Have Agreed To Participate In Trying To Mitigate At Least On A Temporary Basis The Problems That Exist In Traffic Along Corkscrew Road. It's A Very Dangerous Situation Right Now. Particularly Getting Into Our Neighborhood For Traffic Coming -- Westbound Traffic Trying To Turn. Traffic Trying To Get Around Since There's Only One Lane Has To Go In The Grass And Some Other Areas. They Have Agreed To Participate In At Least Some Temporary Fixes To The Situation Until The County Can -- Or Permanently Resolve The Situation With Corkscrew Road. Hopefully In The Process. I Want To Go On Record Saying We Would Ask That This Process Be Expedited As Quickly As Possible.

Frank Mann: Thank You For Being With Us, Mr. Tolliver. Are There Others That Would Like To Speak On It?

Ray Blacksmith. I'm President Of The Companies Representing Cam Prop Inc, And The Place At Corkscrew Llc. I Want To Give Some Background On What Kevin Tolliver Had Just Spoken To. In The Two Years That We've Been Making Presentations In Regards To The Corkscrew Farms Project, We've Realized That There's Operational Improvements Necessary On Corkscrew Road And Staff And The Commissioners, You Have Seen The Issues Along Corkscrew Road And The Traffic And With The Approval Of Our Project, It's A

Requirement With Our Zoning That There Is A Communitive Study Regarding Traffic In The Entire Surrounding Areas And That We Would Pay A Share. We Understand That The Traffic Study Is Beginning. We Also Understand That Once The Traffic Study Is Completed, Financing Of It Will Be Determined, And Then It Will Be Put Into Your Projected Construction Of That Work. We Understand That Right Now There's An Immediate Issue That's Necessary On Cork Screw Road For Some Of The Developments Along That Corridor. One Of Them Is A Traffic Light In Front Of Bella Terra. Another Is That The Preserve At Corkscrew, We Would Like To Do An Acceleration Lane, And We've Been Told That There Is Delays Along Corkscrew Road Because Of The Pine Woods Elementary School Traffic Trying To Make A Left Into That Site. We've Stated That We Would Be Willing To Front Money To Make These Improvements To Extend The Left-Hand Turn Lane For The Pine Woods To Do The Acceleration Lane That's The Preserve At Corkscrew And Do A Light At Bella Terra. We Would Be Fronting Money That At Some Point In Time We Would Be Getting Credits Towards Our Share When We Start The Project. We Just Want To Give Some Background As To What Mr. Toliver Said. The Process For Our Project Approval Has Been Over Two Years, And Prior To The Lawsuit That We Understand Is Out There Delaying Our Start Of The Project, We Had Made These Recommendations That We Would Front That Money, That We Would Make These Improvements Knowing That It's -- They're Operational Improvements That Needs To Be Done Immediately.

Frank Mann: I'm Sure That Your Intention Is To Follow-Up With Our Staff On The Public Comments That You Offered This Morning.

That's Correct. We've Already Been In Communication.

Frank Mann: Okay. Thank You For The Additional Help And Participation. Other Members Of The Public Want To Speak On This Public Hearing, Item Number -- Yes, Ma'am.

I Want To Follow-Up With Mr. Blacksmith Said. Last Year You Adopted Ordinance 15-14. That Was A Plan Amendment For The Corkscrew Farm Project. In The Context Of That Ordinance It Says That We Were To Do A Transportation Proportionate Share And Provide For That In A Developing Agreement. It Also Indicates That In Our Zoning That We Were Going To Provide Funding For An Ambulance And The Fire Site That The Gentleman Just Mentioned. Those Items Are Included In The Development Agreement That Is Before You Today. We're Really Doing This To Implement And Follow The Conditions And Requirements Of Things That You Have Already Adopted.

Frank Mann: Thank You, Ms. Montgomery.

Just To Reiterate, The Reason That These Operational Improvements Are Not In The Development Agreement Is Because They're Not A Requirement Of Our Project. These Are Operational Improvement That Is We Have Elected To Front The Money For, And We Would Do An Amendment To Our Development Agreement At Some Later Date Or Some Other Agreement With The County That Allows Us To Do The Work.

Frank Mann: Thank You For That Clarification. Further Public Comment? Back To The Board. I Need A Motion To Move It To The Second Hearing. I Have A Motion By Manning. Second By Pendergrass. Is There A Further Discussion? Is There Objection? Slow It Adopted. We'll See You At The Second Hearing, Mr. Jacob.

The Second Hearing Date Is April 19th At 9:30. For The Second Public Hearing, This Is The Final Adoption Hearing For The Amendments Of Chapters 2, 10, 33, And 34. Dealing With It Is Pine Island And The Transfer And Development Units And The Regulations That Are Applied To That. Just For Further Clarification, The Item Number 1 This Morning Was Concerning The Administrative Codes Provisions That Are Being Amended To Implement These Provisions. Members Of The Public, Mr. Whitehead Would Be Able To Speak On This Matter, Even Though He Spoke Earlier.

Frank Mann: Okay. Questions Of Counsel? Seeing None, Are There Members Of The Public Whose Names Have Been Called Or Not Called That Would Like To Speak On This Public Hearing Number Two? Charles, Walk This Way.

Sorry About This Confusion. I'm Just Learning About County Government.

Frank Mann: We All Are. Yes. Yes.

Not To Repeat Myself, But I'm Here To Repeat Myself. My Name Is Charlie Whitehead. I'm The President Of The Beach Area Civic Associates. We Believe That The Densities Near The Coast Should Be Held Low For All The Good Planning Reasons With Which You All Are Already Familiar. Again, We Understand The Virtue Of Having Work Force Housing Close To Where The Work Force Works. We Urge You To Be Very Careful Using That New Authority And That New Density Because There Are Also A Lot Of Good Reasons To Keep That High Densities Away From The Coast. Thank You Very Much.

Frank Mann: Thank You, Charles. Would Any Of Our Attorneys Like To Comment On That Comment? Is This On Item Two? Yes. Charles, You Want To Speak On This One? Let's Hear From Charles First. Then You May Want To Summarize.

Mr. Chairman. Members Of The Board, I'm Charles -- I'm Here Representing Mgm Sws Llc. This Is In Reference To The Pine Island Amendments That Are Before You, And I Would Suggest To You That Contrary To Mr. Whitehead's Comments, The Question Of Work Force Housing Was Decided A Long Time Ago By The County. It's Already As Part Of Your Lee County Comprehensive Plan. The Comprehensive Plan That Came Through Recently Made Some Modifications There, But It's For Clarification Purposes. It Didn't Change The Ability To Put Work Force Housing On Barrier Islands. I Think It's Important To Note That These Particular Amendments Are Necessary In Order To Make The Recent Amendments To The Comp Plan Consistent With Each Other. If You Don't Adopt These Amendments, You'll Have To Amend Your Comp Plan Again To Reflect That. I Would Also Suggest To You That Work Force Housing Is Very Appropriate For The Barrier Islands. It's Like Any Place Else, They



Need That Type Of Work Force, And It Makes Sense To Have Them In The Locale If You Can Have Them There, But Finally, I Would Suggest To You Like Any Other Bonus Density, This Has To Be Going Through Public Hearing Process. It Has To Be Approved Through The Public Hearing Process, And So, Therefore, Both The Hearing Officer And Yourselves Will Get A Chance To See Any Project That Comes Through. Just Asking For Work Force Housing On The Barrier Islands. I Would Strongly Recommend That You Adopt These Regulations And I Would Suggest To You That They Are Consistent With Your Comp Plan And Consistent With Your Goals Of Providing This Type Of Work Force, If You Will, On Those Items. Thank You.

Frank Mann: Mr. Jacob, Do You Feel Any Need To Clarify Anything That's Been Previously Stated?

No, Sir. What I Would Just Add To This Discussion Is Chapter 163 Requires This Amendment To Remain Consistent With The Comp Plan That Was Adopted In 2007, And For The Regulations That We're Adopting Today In The Land Development Will Actually Limit And Assist With The Recent Adoption Of The Lee Plan Provision In March To Make It More Structured And Streamlined As To How You Go Ahead And Get Bonus Density On The Barrier Islands.

Frank Mann: Thank You Very Much. Okay. Discussion Returns To The Board Now. I Understand A Motion For Final Adoption.

May We Make Comment?

Frank Mann: You Certainly May. Mr. Kiker. I'm Sorry.

Larry Kiker: Thank You, Mr. Chairman. So The Next Step Is To Adjust The Ldc?

That's --

Larry Kiker: So Just For Folks Watching That Might Want To Participate, What Is That Process So That They'll Know?

This Is The Adoption Hearing To Adjust The Land Development Code To Become Consistent With The Lee Plan.

Larry Kiker: Single Hearing Or Two?

This Is The Second Hearing.

Larry Kiker: No, I'm Talking About Whenever You Changed The Next Piece Of It. If I Understand This Right, You Have -- Part Of This Is To Match The Comp Plan In The Ldc. Is That It? We're Done? We Don't Need To --

That's It. If The Board Were To Decide To Turn Away From The Lee Plan Policy With Regards To Work Force Housing On The Barrier Islands, It Would Require A Lee Plan Amendment, And If That Were To Happen, Then We Have To Go Through Public Hearings.

Larry Kiker: Is It A Correct Statement? I'm Just Trying To Clear It Up Once And For All. Work Force Housing Is Allowed On Coastal -- Protected Coastal Hazard Areas, Right?

It Is Currently Allowed To Be Requested Within The Coastal High Hazard Area Through The Lee Plan, But The Land Development Code Did Not Allow It.

Larry Kiker: Okay. Thank You Very Much. And I Didn't Really Get To Say This Last Time When It Was Public Hearing. I Voted Against This First Time Through. I Had Questions About Workable Force -- Work Force Housing, And I Appreciate The Clarity And Addressing All Those Issues. The One Thing That I Think I Would Like To Not Lose Sight Of Is The Work That Commissioner Manning Did, The Staff, And Legal In The Community All Working Together To Put This Plan Together. It Wasn't An Easy Task. It Took A Long Time. There Was Some Ill Feelings Along The Way, But I Think We All Came To A Great Conclusion Here, And I Would Like To Congratulate You And The Community For Your Work.

Thank You.

Frank Mann: Chair, Appreciate Those Comments, And I Apologize If I Appeared To Cut You Off. That Wasn't My Intention. I Did Apparently Cut Off Public -- Ma'am, I Did Not Include Everyone That Wanted To Speak On Behalf Of The Public, So Let's Make Certain We Take Care Of Everybody That Is Here To Speak On This Public Hearing. Yes, Ma'am. You Can Announce Your Name And Address, Please.

Thank You. My Name Is Alice O'dell. I Live In Bocilia. I Understand That Traffic Is No Longer A Consideration, But I Don't Think Any Of You Live On Pine Island, And The Attorneys Don't Live On Pine Island. When There Is A Hurricane And People Are Trying To Get Off There, I Know 18 Hours Doesn't Really Mean Anything Because Nobody Is Going To Leave On The First Hour. They're Going To Start Packing, Getting The Kids Out Of School, And Everybody Is Going To Leave At The Last Minute. There Is One Two-Lane Bridge, And People Are Not Going To Get Off. People Can Die Out There If You Let People Build. I Saw The Map In The Newspaper, And If They Build, Like, Two-Story Buildings With Parking Underneath, You Can Saturate The Island From The Stop Sign North If They Follow That Map. All Those Lots. People Will Never Get Off That Island, And Somebody Is Going To Have To Live With Some People Dying In A Hurricane. If We Get Something Like Charlie, People Will Never Get Off That Island. It's Wrong To Do That. I Know You're Going To Do It. I Know It's A Done Deal. I Know It's Going To Happen, But Somebody Is Going To Have To Live With The Fact That People Will Not Be Able To Get Off The Island. That's Sad. You Either Have To Build Another Bridge Or Else People Cannot Build There. It's Just Not Going To Handle The Traffic. It's Already Bumper To Bumper Getting Off There. And You Are Just

Making It That Much Worse For Us. I Wish You Weren't Doing This. You Are, And It's Over And Done With. It's Going To Get Done. But It's A Mistake. Thank You For Your Time.

Frank Mann: Ms. O'dell, Thank You Very Much, And One Other Member Of The Public With A Hand Up. Are There Other Members Of The Public That Would Like To Address Us On This Public Hearing Issue? If You Would Pull A Microphone Down To You, Please, And Introduce Yourself.

My Name Is Norah Sidler, And I Live In Bocilia, Pine Island. I Have Never Heard Of This Work Force Housing Business. However, With Changing The Density Of Building On The Coastal Areas, You Are Going To Be Taking Out Mangroves, And You Can Say, Well, It's Not Going To Happen, But It Is. The Only Difference Between Pine Island And All Those Other Islands Up And Down The Coast Are The Mangroves. They've Saved The Island. We Don't Have To Build Beaches Up. It's Quiet, Peaceful, Cheap. There's A Lot Of Us, Like Me, 70-Year-Old Living On Disability That Can Afford To Live There. Our Quality Of Life Is Wonderful. It's -- When I Bought My Lot 16 Years Ago, I Was Given A Copy Of The Pine Island Plan. I Counted On That. I Invested In That. There's A Lot Of Other People Like Me. There's Also People Blue Collar Workers That Are -- Can Afford To Live There. They Can't Afford To Live Elsewhere. Our Quality Of Life Is Going Down The Tubes, And, Yes, You've All Decided It's Going To Get Changed, But The Pine Island Plan Is Why We're There. As Far As The Bert Harris Goes, Whoopy. Our Lives Aren't World Much, But If You Multiply The Cost Of Our Property, Our Retirement, The Last Years By Tens, Hundreds, Thousands Of Us, It Ends Up Getting Real Expensive If Somebody Decided To Sue Against Our Investments On Pine Island. Thank You.

Frank Mann: Are There Others That Would Like To Speak To This Issue? Then I Will Come Back To The Board And Entertain A Motion At This Time. If There's No Further Discussion. Commissioner Manning.

John Manning: I Just Want To Thank All Of The Stakeholders, The Staff, The Consultants That Took This Program And Put A Very, Very Tight Plan Together In Terms Of The Safeguards For The Citizens. Not Only Of Lee County, But Pine Island As Well. I Will Move This Item In Positive Fashion.

Frank Mann: Is There A Second?

Second.

Frank Mann: I Have A Motion And A Second. Is There Further Discussion?

Brian Hamman: Mr. Chairman, If I Could Just Ask Maybe Our County Attorney, Since He Has Been So Intimately Involved With The Development Of This Plan. I Know Because We've Had Briefings On It That We Definitely Discussed Hurricane Evacuations And Traffic As Well. Can You Just Maybe Address Some Of Those Comments Real Quick?

Certainly. Commissioners, As You Know, Having Gone Through This Process Quite Extensively, Number Of Briefings, Both Public And Private, We Looked At Hurricane Evacuation Extensively As Part Of This Overall Revised Plan. Our Data And Analysis As Deduced By Experts, Based On Actual Traffic Counts And Modelling Demonstrate That For Hurricane Evacuation Purposes This Plan Will Meet The County's Adopted Level Of Service. Meaning That We Would Be Able To Evacuate That Island Within The Acceptable Time Frames As Outlined In Other County Ordinance. We're Not Saying For A Moment That There's Not A Traffic Issue On Pine Island, But When We Met Extensively With The Residents Out There, It Became Very Clear Very Quickly That There Was No Sentiment For The Addition Of An Additional Bridge. That Was Taken Off The Table Rather Quickly. We Believe That The Major Traffic Concerns Are Based On A Narrow Constrained Area That Runs Through A Commercial Corridor, And Simply Stated, There Really Is Not A Great Fix For That Short Of A Cure That Nobody Wanted As Well. The Cure For That Would Be To Eliminate Pulling In Parking And Backing Back Out To The Roadway. It Came Clear To Us That That Fix Was Worse Than The Problem And Was Taken Off The Table As Well. Having Said All Of That, As You Well Know, This Has Been A Long Process Involving Great Public Sentiment, Great Public Comment. We Believe We've Adequately Addressed The Concerns And The Proposal That You Have In Front Of You. It Is A Fair Balance Of All The Interests Involved, And We Respectfully Request Approval.

Brian Hamman: Thank You, Mr. County Attorney. Mr. Chairman, I'll Turn It Back Over To You. That's Why I Can Support This. I Know That We Have Spent Literally Almost A Year On This Process Of Going Through Trying To Limit The County's Liability, Trying To Balance The Unique Character Of Pine Island, Trying To Make Sure That We're Respectful To The Folks That Live Out There And Their Desires And To Reiterate What The County Attorney Said, I Never Had Heard Anybody From Pine Island Actually Ask For A Second Bridge. In Fact, I Have Heard Quite The Contrary. That Folks From Pine Island Would Not Like To See A Second Bridge Out There, And So I Think This Is A Good Plan. Maybe Not Everybody Got Everything They Wished, But It's A Plan That I Can Support.

Frank Mann: Further Discussion? Let Me Just Thank You, Again, The Ladies From Bocilia For Being Here This Morning. I Can Tell You, Your Comments Did Not Fall On Deaf Ears, And We've Heard Similar Comments In The Past. We Have Been Up Against Some Litigation That Has Been Potentially Devastating, And Although Probably None Of The Five Of Us Up Here Feels Good About What We're Having To Do, We Are, In Fact, Having To Do It After Great Input From The Public And Our Attorneys And Counsel Outside Of Our Own Attorneys. With That, I Think We've Discussed This About As Far As We Need To. We Have A Motion By Commissioner Manning. Second By Commissioner Hamman. Is There Further Discussion?

Brian Hamman: Mr. Pendergrass Was The Second.

Frank Mann: Pendergrass. Pick One. Is There Objection? Show It Adopted Unanimously. Thank You. Now We Are On To Public Hearing Number Three.

Yes, Sir. I've Got A Couple Of Things I Need To Make Sure To Be Clear On The Record Before We Move To Public Comment.

Frank Mann: This Is Your Chance.

This Is The Third And Final Hearing For The Adoption Of The Amendments Of Chapters One, Two, 32, And 34. I Briefly Identified Chapter Two And Identified In The Recap This Morning. We Discussed Revisions To The Ordinance. We Are Suggesting The Leading Reference In The Proposed Amendments To Chapter 2 In This Ordinance, So Any Motion We Request Include Revisions To That Effect. In Regards To The Other Item Identified On The Recap, The Proposed Clarification And 32, 505a-1 And We Request Any Motion With Approval Of That, And Also It Was Brought To My Attention There's A Scribner's Error In 32-505c. That Provision Should Read Approve Modification Must Be Reflected On A New Record Copy -- Or Record Copy. That Doesn't Read Right. Of The Regulating Plan Or Illustrative Plan. We Had Regulating Plan There. Any Proposed Motion To Approve, We'll Request That Be Added.

Frank Mann: Questions Of Mr. Jacob? I Have Members Of The Public That Would Like To Speak On This. Robert Lincoln.

Good Morning, Commissioners Where, My Name Is Robert Lincoln, Washington Boulevard, Sarasota, Florida. I'm Here Representing Frederick And Barbara Hine And Paul And Bridget Loftus Who Are Currently Engaged In Litigation With The County Over This Approval Of The Center Place Project, And I'm Here Today Because Some Of The Amendments That Have Been Proposed Here Not Only Affect That Litigation Adversely, But Actually Affect The Entire Project And The Rights Of Other People In The County Adversely. In The Rush To Try To Fix Some Things, I Think The County Has Gone Too Far, And I Hope To Give You Some Reason For Pause. Let Me First Talk About There's A Provision In Here That Strikes In Its Entirety Section 34-236, And That's The Provision For Notice In Rezoning And Other Kinds Of Hearings That Go Through The Process. As Far As Some Of Those Strike-Outs Address Issues Of The Board's Notice, I Would Agree With County Staff's Analysis, Legal Analysis, That That's Already Provided By Statute, And That's Not -- Doesn't Have To Be In The Code, But They're Throwing The Baby Out With The Bath Water Because They're Also Deleting The Provision That Provides Legislatively In The Code For Notice To Nearby Property Owners. The Provision That Says People Within 500 Feet Get Mailed Notice When There's A Rezoning Or A Special Exception Or Other Kinds Of Hearings That Will Come Ultimately Up In Front Of The Board. While The Legal Staff May Say, Oh, It's Already In The Administrative Code, Well, That's Not The Legislative Code Of The County. This Board Can Change Those By Resolution Really Without Even A Public Hearing. Agenda Item But Without A Public Hearing. I Would Say That Eliminating That Provision From The Code That Legislatively Provides For Notice To Neighbors Is A Terrible Action And Reflects Badly On

The County's Commitment To Insuring That People Who Are Affected By Decisions Of The County Get Notice And Are Informed And Have An Opportunity To Participate. Now, There Are A Number Of Provisions In Here That Have Some Specific Legal Deficiencies, And There's Also A Number Of Issues Here That Are Just Bad Policy, But Let Me Hit Some Of These Legal Deficiencies First. Frankly, If You Go Forward With This As It's Written, The Result Will Not Be Just To Fix The Prior Litigation, Which Is I Think What The County Legal Staff Said That They Were Going To Do, But Just To Create More Litigation. Section 1-115, The Very First Provision In Here Says, Oh, If You Change The Code So That A Previously Granted Deviation Would No Longer Be Necessary, Any Conditions Associated With That Deviation Go Away. Well, There's A Couple Of Problems Here. One, On A Practical Level, Sometimes Those Are Granted And They Also Address Issues That Might Affect The Compatibility Or The Ability Of The Project To Meet Other Requirements, But The Conditions Were All Lumped Into The Deviation. There May Be Cases Where Just Wiping Out Prior Conditions --

Frank Mann: I Recognize The Fact You've Come Here From Sarasota Why This Morning, And I'm Going To Ask The Board's Leniency To Give You One More Minute To Close.

Okay. Let Me Just Say That That Provision Modifies Existing Development Orders And Renders Them All Right Subject To Other Challenges. There Are Other Provisions In Here That Are Totally Inadequate And Have No Standards And Are Going To Lead To Other Litigation Over Whether Or Not This Ordinance Is Legal In The Way That You Are Trying To Fix It, And, Frankly, It's Just Not Been Properly Vetted Because There's A Lot Of The Other Changes In Here That, Again, Were Intended To Fix The Existing Prior Litigation That Simply Gut The Effectiveness Of Your Cpd Ordinance At Doing What It's Supposed To Do, Which Is To Provide A Mechanism For Providing Walkable Communities That Will Have Mixed Uses, Reduce Traffic Impacts, And Create An Effective Alternative Pattern For Development In The County. In A Mad Rush To Try To Fix One Problem, All This Is Going To Do Is Create A Whole Set Of New Problems And New Litigation For The County To Deal With. I Would Respectfully Ask That You Take This Off This Fast Track, Push This Back, And Actually Have Some Meaningful Hearings Where There's Meaningful Opportunity For People To Come In And Participate And Clean Up Some Of These Problems. Thank You Very Much.

Frank Mann: Thank You, Mr. Lincoln. Carter Mcdougall.

Good Morning. To The Record, The Name Is Carter Mcdowell, Actually. That's My Writing More Than Anything.

Frank Mann: Almost Thought It Was Dr. Mcdowell.

That's My Brother.

Frank Mann: Okay.

I'm Here Representing Miramar Development On This Ordinance, And Directing My Comment Primarily To The Section In The Amendments To The Sections Chapters One And 32. 32 Is The Compact Community Development District Regulations, Mr. Lincoln Was Just Addressing Similar Issues. I Would Start Off With I Don't Believe This Ordinance Is Ready To Be Adopted. There Are A Lot Of Issues With It. There Are A Lot Of Concerns, And It's A Very Complicated Interplay Between These Changes And Your Existing Ordinance. Your Existing Ordinance, Chapter 32, Is Almost 90 Pages Long. These Changes Make Substantial Changes, As Mr. Lincoln Phrased It, And I Agree, It Effectively Guts The Concept Of A Traditional Neighborhood Development, And For The Record, I'm An Attorney, But I Also Have A Masters Degree In Planning. I Work As A Director Of Planning For The City Of South Miami. I Worked In A Number Of Cities As Planners. I Have Written And Administered Codes. Traditional Neighborhood Developments Are Exactly What They Say They Are. They're Supposed To Be Small Blocks. They're Supposed To Be Mixed Use. They're Supposed To Be Walkable Communities. Your Comp Plan Requires The Property In The Main Existing Approved Compact Development Plan Development To Follow That Process. Yet, This Ordinance Eliminates Requirements For Mixed Uses. It Increases The Block Size. It Allows The Increase Of The Block Size By 156%. It Immediately Eliminates The Requirement For Deviations For New Block Types, Blew Uses To Be Assigned. It Actually Allows New Uses Not Contemplated In The Existing Design To Be Approved As Part Of The Process With No Standards As To How To Apply Them. On Liner Buildings, There's A Requirement That Buildings That Have Liners Around Them In The Existing Zoning. This Change Will Eliminate That And Bring It Down. You Only Have To Have Leaners On Two Sides Of Those Large Buildings, So You're Reducing The Requirement Not From Four Sides, But Down To Two Sides. Why These Changes Are Being Made? I Have Asked, And I Have Not Gotten A Clearance. Well, They're Administratively Difficult. Well, Yes. It's A Tnd. They Are Administratively Difficult By Definition. They've Also In Many Places Gone Through And Said, Well, We Can Approve New Lot Sizes And Types If They're Not Adequate For The Development Being Proposed. That Means If A Developer Walks In And Says I Want To Do This And Together They Say, Well, It's Not Adequate, They Can Now Approve New Block Sizes, New Sect Types, New Uses Just Because I Want It To Happen As A Developer. Yes, It Would Come To You, But There's No --

Frank Mann: Let Me Interrupt You Again. Again, In Fairness, And This Has Been A Fairly Complex And Sometimes Contentious Issue. I Don't Want Anyone To Leave Here Feeling That We've Rushed To Judgment, And, Again, The Gentleman Is From Miami This Morning. I'm Going To Offer You Another Minute, Maybe Minute And A Half More Than We Normally Allow So If You Could --

I Appreciate That. It Was A Joy To Get On The Road At 6:15 This Morning, But -- So The Changes Are Undermining The Concept Of A Traditional Neighborhood Development. It's Also Allowing The Planning Director To Approve Changes Of Up To 20%. Reducks In Open Space. Reducks In Preservation Space. Increases In Density. It Does Say Density Not Only

Edge Position, But Doesn't Define What That Means. If You Compare That To Your Other Planned Developments, They're Limited To 10%. They're Not Allowed To Reduce The Preservation Areas At All. This Allows Reductions In Buffers, Which Is Not Permitted Under Your Normal Planned Development Process. It Is Much More Liberal Than Your Other -- These Changes Are Much More Liberal Than Your Other Proceedings. We Need To Understand Why. Nobody Has Been Able To Give Us An Adequate Description For Why, And So I Would Say To You -- Further, It Allows The Director To Make On Previously Approved Projects. It Allows The Director To Make These Changes Administratively, And Then Says There Is No Appeal Of The Director's Decision. An Applicant Can Come In After Public Hearing, Propose Changes. The Director Can Approve Them, And The Only Thing That Ever Happens Is The Approved Illustrative Regulating Plan Gets Filed, But There's No Appeal By Anyone If That Decision Is Incorrect.

Frank Mann: I'm Going To Have To Say --

If I May Do One Thing. I Apologize.

Frank Mann: Quickly.

The Combination Of The Proposed Change In Section One Says -- And Mr. Lincoln Referred To It -- It Says, If The Code Is Changed To Eliminate A Requirement For Deviations Or Variances Or Special Exceptions, All Conditions Of Approval Related To Those Prior Approvals Are Null And Void. This Is Eliminating The Requirement For Deviation Approvals Across The Board In This Process.

Frank Mann: Lincoln Had Made Reference To That. I'm Going To Have To Pull --

The Only Thing I Would Say To You Is That Provision Applies To Every Approval You Have Ever Granted Of Variances, Deviations, And Special Exceptions.

Frank Mann: Thank You Very Much For Being Here And Getting Up At The Crack Of --

We Ask That You Allow Additional Time, That You Not Adopt This Ordinance Today, That You Allow Additional Time For Work On It And To Understand It.

Frank Mann: Thank You, Mr. Mcdowell.

Good Morning, Mr. Chairman, Members Of The Board. My Name Is Charles -- I'm Here Representing Eleko West Fund Llc With Respect To The Modifications Being Proposed In This Public Hearing. Specifically I Am Referring To Section 32505 Of The Land Development Code. I Would Respectfully Disagree With The Comments That Were Just Made By Mr. Lincoln And Mr. Mcdowell. I Do Not Think That What's Being Proposed Here Is Going To Gut In Any Way This Code Or The Concepts Of Traditional Neighborhood Development. Codes Are -- They're A Changing Instrument, If You Will, Just Like Anything Else In Life, And As You Go Through The Process, As You Get More Experience With Both The Existing



And Proposed Developments That May Be Governed By These Codes, These Codes Are Modified, And That's A Fact Of Life, And We Go Through That On A Daily Basis. I Would Suggest To You That These Changes Are No More Significant Than Any Other Changes That You Have Reviewed Recently In This Area. In Terms Of 32505, There Are Standards That Have Been Left And Standards That Have Been Enhanced With Respect To How Deviations May Be Approved Or May Not Be Approved, And I Would Strongly Disagree With Mr. Mcdowell's Statement That Density, For Example, Can Be Increased Under This Particular Provision. In Fact, It Was Changed Recently Just To Clarify That That Can't Happen. Even Though I Don't Think The Original Language Allowed It Either. We Made The Clarification To Make Sure That That Was Not A Question. Again, I Would Suggest To You That There Are Standards Contained In This -- In These Deviation Provisions Under 32 505. Admittedly Some Of Those Things Have Been Modified, But It Comes About As A Result Of The Fact That The County Has Had An Opportunity Both To Look At The Code, To Look At A Proposed Project, A Large Proposed Project Under That Code, And Has Determined That Some Changes Are Necessary In Order To Effectively Manage, To Administer, And Move Forward With The Process. That's All This Is Is A Recognition Of Those Things. I Appreciate Your Time. I'm Here To Answer Any Questions That You Have. I Would Ask That You Approve These Proposed Modifications. Thank You Very Much.

Frank Mann: Thank You, Again, Mr. Vasnat. Joe -- You Have Changed Your Mind On That? Are There -- Oh, Not On This Issue, But You Do Want To Speak -- Oh, Later On Public -- I'm Sorry. Are There Others That Would Like To Speak On This One? Charles, Have You Not Spoken On This One?

I Have Not.

Well --

I Hope Three Is Not A Record. It's A Record For Me.

Frank Mann: For Today It Is.

Chuck Disagrees With Me. He Disagrees With These Other Two Guys. It's Almost Like He Was A Lawyer. I Like Chuck. I'm Just Teasing. I Don't Know If Mr. Lincoln Was Right, But When People Start Talking About Public Notice, It Gets My Attention. I Want You Guys To Understand That In Today's Media World, If You Don't Reach Out And Touch The People That Are Near These Things, There's A Very Good Chance That They Will Never Know. I Urge You To Increase And Improve Your Public Notice Process As Opposed To Diminishing It. Thank You.

Frank Mann: Thank You, Again, Charles. Further Public Presentations? Hearing None, We Are Back To The Board, But It Looks Like Mr. Jacob Would Like To Comment On Some Of The Previous Comments?

Cecil Pendergrass: Maybe Touch On The Public Comment Issue That It's Not Been Diminished Or Taken Out Of The Minutes, Please?

Correct. We'll Start With That. Yes, Sir. The Exercise The County Is Going To Be Moving Forward, As You Remember From Your Workshop A Short Time Ago, Is To Remove Redundancies In The Land Development Code And Put Those In The Appropriate Location. This Is Nothing More Than Doing That. We're Not Removing The 500 Foot Notice Requirement In Some Circumstances It's 750 Feet. That's -- It's Just Not Being Done. It's - - We're Just Cleaning Up This Code. It Will Be In The Administrative Code. I Think The Speaker Acknowledged That From The Get-Go. I Don't Think We Really Need To Address That Too Much More. From A Couple Of Other Issues That Were Raised That Need To Be Addressed, Specifically With Regards To Section 1. The Proposed Amendments With Regard To Conditions Of Approval. This Is Where Familiarity With Our Land Development Code And Our Actual Practices Would Be Helpful To The Speakers. The Board Of County Commissioners, As You Know, When A Person Comes In For A Requested Deviation, There May Be A Potential To Condition That Request, And That's Specific To The Deviation. Often You'll See A Deviation Is Approved Subject To The Following Condition. In Some Circumstances, The Deviation Is No Longer Necessary. Either The Developer Comes In Or The Property Owner Comes In And No Longer Needs That Deviation. Let's Just Say For An Easy Example, The Set Back Is Ten Feet. They Say We Can't Meet That Ten Feet. We Need A Deviation Or Variance To Five Feet. They Find Out They're In A Development They Can't Actually Get Their Project To Be Consistent With The Actual Setbacks. The Questions Come Up Not In Center Place. It Has Nothing To Do With That. In Other Cases What Did You Do As Far As The Code Enforcement Mechanism For Applying The Condition Of That Deviation Or Variance? The Simple Answer Is It No Longer Applies. From The Standpoint Of Proposed Amendment, We're Making It Clear That If There Is A Change In The Code Or Even In The Development, Although This Is Specific To The Code, Then There Is No Condition Of Approval That Needs To Apply To That Project. It's Just A Difference Of Opinion As To What The Implications Of That Provision Is. Simply Put, This Board Adopts A Code Amendment That No Longer Makes A Deviation Variance For Special Exception Necessary. The Conditions That Are Placed On That Project Specific To The Deviation Variance Or Special Exception Should No Longer Apply As Well. This Is Not Removing All Conditions That Are Particular For A Project. Only The Ones Specific To The Deviation, Variance, Or Special Exception. It's Being Blown Out Of Proportion To Create The Sky Is Falling Concept, But It's Not. In Regards To Rushing This Ordinance, That's Just Not The Case. It's In The Backup, But For The Public, The Ldcac Met In The Public Meeting On January 8th. Iroc Met On January 13th. The Lta Met On January 25th, And This Is The Third Public Hearing Before The Board Of County Commissioners On This Matter. This Has Not Been Rushed. We're Now In April. It's A Normal Process We've Gone Through. We Haven't Rushed It. Some Comments With Regards To The Regulations No Longer Being Mandatory. The Proposed Revisions Are Specific To Regulating Plans. Unlike Normal Plan Developments Have Master Concept Plans, A Compact Community Plan Development Has What's Called A Detailed

Regulating Plan And An Illustrative Plan. The Proposed Amendments Make It Clear Once You Go To The Board Of County Commissioners And The Hearing, How You Actually Get To Amend That Document. There Are Provisions That Allow You To Amend Master Concept Plan, But These Provisions Are Actually More Strict As To How You Get Those Applied And How Do You Get Those Changes? Yes, In Some Circumstances They Are More Liberal, But Overall, The Requirements Are There. It Is Mandatory. There Has Been Some Discussion Earlier, And I Know The Speakers If They Had More Time Could Take More Time, But They - - They're Mixing Administrative Approvals And Provisions Pertaining To How You Get Amendments In The Future Through Chapter 32 Through You Guys Through A Public Hearing. They're Mixing Them Up And Trying To Come Up With, Again, The Sky Is Falling Approach. There Are A Number Of Provisions That Are Being Changed That Require The Board Of County Commissioners To Approve Them Through A Public Hearing. That, Again, Creates The Public Process That People Go Through In Order To Provide That. The Final Note With Regards To The Appeal, The Appeal Provision That Is Being Referred To Refers To The Developer's Ability To Appeal The Denial Or The Decision By The Record Not To Approve Or Move Forward With A Requested Administrative Deviation. In Other Parts Of Your Code, If An Applicant Comes In And Requests A Deviation, Administrative Deviation, The Code Provides A Directive At The Discretion To Grant That Based On The Criteria Or If The Director Says No, It's Not -- I'm Not Going To Do It, It's Too Close, I'm Sending It To Public Hearing. That Developer Can't Take This Through An Administrative Appeal Process And Go Through A Lengthy Process. They Have To Then Go Through The Public Hearing Process, And That Is A Protection Of The Public And Also The Director In Making His Discretion With Regards To Whether Or Not To Grant That. It Has Nothing To Do With The Third Party's Rights To Challenge, File Lawsuits, And Do Anything Else That They May Feel They Need To Do. It Just Applies To Those. If The Board Should Desire, We Can Change -- We Can Add The Word Administrative Appeal To That Provision, And That Will Clarify That Issue For Sure.

Frank Mann: Last Chance For Questions Of Counsel. Mr. Packard.

After All That I Still Have The Same Questions Before You Started.

Okay.

Larry Kiker: In My First Comment, It Is To One Of The Gentleman Talking About Fast Tracking This, And I'm Going To -- I'm Going To Agree With You On That One. You Know, Just From My Perspective, This Is The Third Public Hearing. I Have Folks Come In My Office At 2:00, 3:00 The Day Before And I Have To Engage Every Attorney In This Building To Try To Figure Out What Are They Talking About And Where Are They Going With This, And This Has Been Going On For Weeks, Months, And How Come We Haven't Heard From You Before, And Now At The Last Minute We're Supposed To Understand All Of This Jargon, If You Will, And Yours Included. I'm Sorry. I Apologize. From Up Here This Is Just A Little Bit Much. I Think We've Got Plenty Of Time To Come In, I Think All Of Our Doors Are Open,

And I Think We Would Be Very Receptive To Hear Your Comments And Give Us A Chance To Do Our Job. These Are More Of Yes Or No Questions. That Is That What Has Been Suggested That A Planning Director Can Give Administrative Approval For Changes Up To 20% For Either Uses, For Open Spaces, Preservation, And Density. Is That Correct?

Now Every No Without The More Approval.

Larry Kiker: Can There Be An Administrative Approval Done Without Coming To Here?

There Can Be Administrative Approval. There Can Be A Reduction Of Up To 20% Of Open Space Internal To The Project. The Change In The Uses And The Densities Are As Chuck And The Clarification Provided In The Recap Made Clear, Are Not Part Of The Administrative Process.

Larry Kiker: Those Are Not. The Only One Is Open Spaces?

Well, That's Out Of Your List. There's A Couple Of Other Of Them In The Provision. I'll Look. Let Me Read It. Just Give Me An Example. I Don't Know If I Want To Hear Too Much More.

The Provision -- Well, Let Me Get To The Revision As Well. The Proposed Revision States The Requested Modification Must Be Located Within Interior Of The Development And May Not Decrease Total Open Space, Buffer Plantings, And Preservation Areas By More Than 20%. And No Event May The Overall Density Or Intensity Of The Development Be Increased Via An Administrative Amendment.

Larry Kiker: Is This A Home Place That Happens Then In All Of Our -- If We Allow Administrative Approval For 20% Change?

As Far As The 20%, Yes. As Far As Administrative Approvals, No.

Larry Kiker: This Is Brand New.

This Is Brand New.

Larry Kiker: Is It Done Anywhere Else In The Other Counties?

This County.

Larry Kiker: Yeah, Anywhere Else.

You Have The Administrative Approval Process In Other Plan Developments, Yes.

Larry Kiker: Is It True That Once They Make That Decision, There Is No Appeal? Because That Was Stated Here.

That's What I Stated Earlier. The Administrative Appeal --

Larry Kiker: I've Heard A Lot. I'm Trying To Get It Real Simple Here.

Okay. There Is No Administrative Appeal Process For A Denial Of That. Or Refusal To Actually Grant It.

Larry Kiker: I Think Part Of The Hesitation I'm Hearing From Other Folks And, Again, This Is With A Couple Of Hours Of Input, Is That There Would Be A Chance For Someone To Put What We Call A Big Box On A Piece Of Property And There's Not Anything That The Neighborhood Can Say Or Do About It, And That's Kind Of The Premonition I Think Some Of These Folks Or Some Of The Input That My Office Has Received. Can You Comment On That?

Yes. I've Heard The Same Thing, And That's In Regard To Height Limitations, And I'm Not Exactly Sure How That Could Occur Just Based On Height. From The Standpoint Of Your Uses And What's Permitted In A Compact Community, It Would Be Dependent Upon Whether Or Not A Big Box Is A Type Of Use That Would Be Permitted.

Larry Kiker: Okay. My Last Question, And, Gentlemen, Thank You Very Much For Being Patient With Me. I'm Trying To Figure This Thing Out As We Go. This Whole Thing With The 20% Adjustment That Can Be Made By Planning Director And What You Are Saying Is That Doesn't Happen Anywhere Else. That's What's New. It's Been Introduced Here. What Happens If That's Not Part Of This?

If You Wanted To Strike That?

Larry Kiker: Uh-Huh.

It's The --

Larry Kiker: Would There Be A Reason You Would Put It In There? What's The Harm? I Want To Know Why You Put It In There.

The Harm?

Larry Kiker: Why Did You Put It In There?

It's To Give The Flexibility -- Remember, We're Talking About A Provision That's Dealing With The Regulating Plan. Where Are Those Actual Uses Are Shown On The Regulating Plan And Illustrative Plan. That's The Administrative Amendment To That Plan Showing The Relocation Or It Is Decreasing Of The Buffer Or The Internal Buffers Or The Internal Open Space. So As Far As Removing It, What It Would Do If An Applicant Wanted To Come In And Amend Their Plan, It Would Require A Public Hearing Process. It Doesn't Preclude Them From Getting It. It Just Changes The Process.

Larry Kiker: Thank You, Mr. Chairman. Thank You, Michael.

Frank Mann: Further Questions By The Commission? Well, We're Back To Motion Time. Stay Right There For A Minute, Mr. Jacob. Since You Have The Erata Sheets And A Couple Of

Clarifications, What I Would Like For You To Do Is State The Basis Of A Motion That You Think We Might Entertain.

The Motion Would Be To Adopt The Ordinance With The Following Four Revisions. As Identified In Recap Item Striking The Amendment Says Tos To Section 2-421, Amending Section 32-505a-1 As Identified In The Recap, Amending 32-505-C To Remove The Scribner's Error To A Illustrative Plan, And Then The Final Clarification To The Provision In Regards To The Appeal And Identify That That Is -- Clarify That Is No Administrative Appeal Is Available. I Will Find That Specific Provision If You Would Like.

Frank Mann: Let's Do It.

That's In 32-505-E.

Frank Mann: Commissioner Manning.

John Manning: I Will Move Amending Chapter One, Two, 32, And 34 With The Revisions That Were Stated On The Record By Mr. Jacob.

Frank Mann: Is There A Second?

Brian Hamman: I'll Second That.

Frank Mann: Is There Discussion On The Motion? Further Discussion. Is There Objection To That Possession? Hearing None, Show It Adopted Unanimously, And Thank You, Everyone, For Your Participation And Your Patience With Us This Morning On That Lengthy And Tiresome Discussion, But It Is Behind Us Now. And We Will Take Up -- We Have No Carry-Overs Because They Were Both Deferred. Commissioner -- Let's Take Committee Appointments First, John. Mr. Manning. .

John Manning: I Have One New Appointment And Seven Reappointments. The New Appointment Is For Susan Hanafee To The Historic Preservation Board. The Reappointments Are Edward Siebert To The Boca Preservation Board, Paul Eddie To The Same Group, A Reappointment Of Dana Robinette And A Reappointment Of Jim Green And Barbara Ridgley To The Improvement Unit, A Reappointment Of Doug Gruber To The Cherry Blueberry Improvement Unit And Reappointment Of Charles Mohair To The Same Improvement Unit.

Frank Mann: Is There A Second?

Larry Kiker: I'll Second.

Cecil Pendergrass: I Have A Question. Jim Green, Is He On The Lpa With The Historical Preservation Grant?

Frank Mann: Further Discussion. Any Objection?

Cecil Pendergrass: I Object Due To One Appointment.

Frank Mann: We Can't Do That, Can We, Counsellor, Without Taking Separate?

Correct, Mr. Chairman.

Frank Mann: We'll Take The Motion On All But Mr. Green.

Cecil Pendergrass: Just Leave Original Motion. I'll --

Frank Mann: Okay. All Right. Show The Appointments By Commissioner Manning Adopted Unanimously. Commissioner Pendergrass.

Cecil Pendergrass: I Have One Reappointment. Lisa Vinton Of The Water Waste.

Frank Mann: Discussion, Jobs. Showed Adoption. I Have Jennifer Christianson To Community Action Agency And Jim Matheson To The Waterway Advisory Committee. So Moved, And The Second. Discussion? Objection? Shows Accepted Without Objection.

Brian Hamman: I Have Four. Chester Young To The Waterways Advisory Committee, Gilbert Veran To The Alabama Grove Lighting Unit, And Carolyn Timberall Reappointed To The Alabama Grove Lighting Industry.

Frank Mann: Is There Discussion? Objection? Shows Adopted Unanimously. Commissioner Kiker.

Larry Kiker: Thank You, Mr. Chairman. I Have Four Appointments. Three Reappointments. Cathy Mcgrath To Waterways. Gene Mchaney And Gary Maidenhall To The Anchorage Way And A New Appointment. Rexann To The Coastal Advisory Council.

Frank Mann: Motion. Second. Is There Discussion? Objection? Show Those Appointments Adopted Unanimously. Now Commissioner Manning, You Have Commissioner Item. Mr. Pendergrass.

Cecil Pendergrass: No Items.

Frank Mann: Nor Do I.

Brian Hamman: It's A Pleasure To Serve As Your Chairman Of The Npo. I Know We're Going To Get Questions At The Next Meeting About The Discussion That Occurred At The End Of The Last Npo Meeting, And That Was Related To The Idea Of A Workshop Around Our Capital Improvement Plan, And I Just Wanted To Reach Out To Mr. Desjarlais And Ask Is There A Status Update On That Request?

Frank Mann: Two More Items.

Mr. Chair.

Frank Mann: Mr. D.

Thank You, Mr. Chair. Go Ahead.

Yes, Commissioners, My Understanding After The Last Npo Meeting Was That There Was A Request To Have A Workshop Regarding The -- Not Only The County Cip, But Also Municipalities Cip's And Funding Sources. There Also Was The Request That It Be Reviewed At Staff Level And Then Staff Bring It Back To The Npo For A Presentation Or Workshop Later, So We Have Started -- We've Identified The Participants At The Staff Level And Notified All Of The City Managers Of The Intent To Invite And Ask Them To Modify The Invitation List If Possible. We've Started To Invite People. To Have That Staff Level Regarding Cip And Funding. Once We Do That, Then We'll Be Able To Respond To The Request And Have A Workshop Presentation To The County Commissioners And The Mayors.

Brian Hamman: Thanks, Mr. Muir.

Cecil Pendergrass: Our Staff Will Work With The Cities Individually, Staff To Talk About The Funding Sources.

What We've Requested Is To Get Everybody Together Collectively And To Have Everybody Able To Present Their Cip As Well As The Funding Sources To Support That C.I.P.

Cecil Pendergrass: Some Of The Cities Have Funding Like The Assessment Piece And The Funds. They Use C.I.P.'S, Open Ended, For Their Fiscal Year, And They Move Money Around. That's Something We Can Look At Too In What Cities Have Done And When They Move Money For Projects In The Past. Thank You.

Frank Mann: Okay.

Thanks, Mr. Chairman.

Frank Mann: Mr. Kiker.

Larry Kiker: I Have None. Thank You.

Frank Mann: County Manager?

Nothing, Mr. Chair. Thank You.

Tim: County Attorney. Have We Worn You Out?

Nothing, Actually. Point Of Clarification, If I Might. If I Missed This, I Do Apologize. Did The Board Approve The Balance Of The Consent Agenda?

Frank Mann: I Got Reminded To Do That. I'm Fairly Certain We Do.

So Moved.



Brian Hamman: Second.

Frank Mann: Just In Case. All Opposed? It's Adopted.

Thank You, Sir.

Thank You.

Now I'll Rest. Thank You.

Frank Mann: Now Public Presentation Of Masters By Citizens. Joe, You're Standing Up. Looks Like --

Cecil Pendergrass: Looking Uncomfortable Out There.

I Know. I Have Three Minutes. Let Me Try To Go Quickly.

Frank Mann: Introduce Yourself.

Joe Camaraa, Developer Of "The Place." I'm Here Today Because, First Of All, To Compliment The Legal Staff That, One, Dismissal On The Lawsuit Against The County As It Related To The D.R.G.R. Proposed Plan Of "The Place." They Did File A Second Amendment. We'll Go Through It All Over Again. That's Not Why I'm Here To Talk. I'm Frustrated. We Followed The Procedures And Policies Of Lee County. We Spent Almost \$2 Million Going Through It With Studies, Reports, And Everything Else. Their Lawsuit Basically Says Your Policies And Procedures Are Wrong. They Brag About Spending \$700 In Filing A Complaint Which Allows Them To Basically For \$700 To Subvert Any Approvals This Body Gives To Include Staff, Legal, Commissioners, Planning, Whoever That Might Be. Quite Frankly, To Me That's An Abuse Of The System For \$700 To Go In There And Say, Look, All You People, 20 Different Agencies That Looked Over This Plan, All Five Of You Voted For The Comp Plan Amendment, Didn't Work. I'm Going To Say Today To You, Mr. Mann, Especially, You're The Chairman. I'm Going To Ask You Because This Lawsuit Is About The Future Of What They Perceive To Be The D.R.G.R. Not Me. I'm Asking You Today Publicly To Take Your Attorney, Sit Down With These Only Four Directors That, By The Way, Was No Vote Of The Eccl For This, And, In Fact, Nobody East Of I-75 Supports Their Litigation To Include Projects In Here. People That Are Dropping Out. I'm Asking You To Sit Down With Those Folks, Those Four People Because It's Not The Entire Eccl, And That's Why I've Not Filed A Counter Lawsuit To Date Because All The Members Are Not Guilty Of This. Sit Down With Them. Find Out What They Want. Find Out What The Deal Is. Explain To Them How Good These Developments Are. How Mr. Yurick's Comments About How We're Putting In Water Filtration And These Types Of Projects Do Partner Private Deals To Protect The Drggr And Don't Hurt It. I Understand They Want To Bird Watch. Sod Farms Don't Give You A Lot Of Birds. I Understand They Want To Go Ahead And Protect The Panthers. We Pay Millions Of Dollars For That As Well On The Federal Government Level. Find Out Their Beef And Maybe You Could Explain To Them How The County's Position Is And How It Relates To Going

Forward In Projects That Need To Be Developed. Quite Frankly, These Are Good Projects That Have Been -- Anybody Thinks The Staff Doesn't Beat Them With A Cane, Beat Us With A Cane On This Thing, Extra, Extra, Extra Stuff To Protect The Environment, They Don't Know What They're Talking About. I Guess There's Some Kind Of Miscommunication Here About The Future Of What They Perceive To Be The Drjr And How It Needs To Be Developed And How The County Perceives It. I Would Ask You As Chairman And As A Supporter Of The Comp Plan That Was Approved To Reach Out To Your Attorneys And To Mr. Eslacks Specifically And Maybe There's A Meeting Of The Minds That Can Figure Out What Their Problem Is That Would Save Myself And The Taxpayers A Lot Of Money As It Relates To These Legal Lawsuits. That's All I Have.

Frank Mann: I Haven't Heard That Point. Let Me Ask My Attorney Here. I'm Afraid With Litigation Pending That It Would Probably Not Be Appropriate For Any Of Us To Have Discussions With The Litigants.

Mr. Chairman, To Say This Is A Difficult Situation Is A Bit Of An Understatement, And I Recognize That. As You Know, We Are Involved In Litigation. As You Are Also Aware, The Projects That Have Given Rise To That Litigation Have All Been Supported By County Staff And By The Board Of County Commissioners. I Think The Litigation Reflects A Difference In Philosophies As To How And To What Extent Lee County Is Going To Be Developed And Under What Conditions. As We Talked At A Previous Meeting About Our Office Being Open And Available To Discussions With Any Citizen Or Any Interested Party That Would Like To Speak With Us, We Would Be Happy To Do That. I Just Don't Know How Productive It Would Be. We're Perfectly Willing.

Frank Mann: But You're Willing To, And It Would Be Your Appropriate Role For That As Opposed To One Of Us.

Yes, Sir. Especially In Light Of The Fact That We're Engaged In Litigation. That Would Also Necessitate In Addition To Mr. Eslack We Would Have To Invite Their Attorney As Well. Again, We're Certainly Willing To Do That. I Just Don't Know How Productive It Might Be Given Our Different Philosophies.

Frank Mann: You Can Say On The Record This Morning That You Would Be Willing To Meet With Any Of Those Litigants As Long As Their Attorney Was Present.

At Any Time.

Frank Mann: It's A Kind And Generous Offer Of People Trying To Get Along With One Another. Thank You. Thank You. Now, I Have Eric Ray. Appreciate Your Patience. And To The Doctors And Others That Are Staying For The Next Phase Of Our Meeting, We Appreciate Your Patience As Well. Mr. Ray.

My Name Is Eric Ray, And I'm Here Today In Representing The Pine Ridge --

Frank Mann: Try To Lift That Thing Up So You --

I'm Representing The Pine Ridge At Fort Myers Condominium Association. We're A Community Of 462 Condos. Last Month Our President Tommy McIntire Came And Spoke Before The Commission About A Routing Fence That Runs Along The East Side Of Orange River Boulevard, Extension Leading From State Road 80 Down By The Cracker Barrel Down There To Our Community. It's The Main Corridor To Enter Our Community And To Enter To Hotels, Several Restaurants, And Thousands Of Other Homes. Commissioner Mann, I Know You Have Received Several Emails From Our Residents. I'm Here Today To Present On The Record A Petition. This Has The Name And Contact Information And Signatures Of 285 Residents. The Petition Says I The Undersigned Resident Of The Pine Ridge At Fort Myers Village One Condominium Association And Lee County Resident Formally Request That The Routing Dilapidated Fence Bordering The East Side Of The Orange River Boulevard Extension Be Replaced With Something That Meets Lee County's Code. We Believe This Is A Health And Safety Hazard And Eyesore And Detriment To Our Property Values. We Just Wanted To Present This To You On The Record, And We Hope That --

Frank Mann: Yeah. Let Her Have It. No, No. Right Here In The Front Row. Thank You.

So That's All We Ask. I Think Anybody That Goes By This Area Will Agree. It's A No-Brainer It Obviously Needs To Be Addressed. I Don't Know What Happened Over The Years That It Got To Be In This Condition, But I Don't Think There's Anywhere Else In Town That Looks That Bad, So We Hope That The Commission Will Put It In The People's Hands.

Frank Mann: Mr. Ray, Let Me Ask Our Staff. Who Can Speak To This Issue Because We've Been -- My Office Has Been Looking At This For Two Weeks Now, And In Part, We Can Give You Some Partial Assistance, But The Rest Of It Is Very Difficult For Us To Address. Doug.

Staff Is Continuing To Investigate. So Far We Have No Record Of Who Permitted Or Put This Fence Up. There's No Permit. It Was Done At A Time When Somebody Just Put It Up And So -- And A Portion Of It Is On Right Of Way. A Portion On Private Land. We Have -- We Don't Really Know Who To Talk To From A Code Enforcement Standpoint To Require That There Be Any Improvements, But Staff Continues To Look At It To See If There's At Least A Conversation To Be Had, But Right Now We Just Don't Know.

Frank Mann: Okay. We Haven't Given Up On Trying To Help. That's The Best Answer I Can Give You.

And I Can Understand The Position Of We Don't Know Who It Belongs To Because We Don't Know Either. However, That's Not An Acceptable Answer To Just Leave It As-Is. You Know, We Do Feed --

Frank Mann: You Heard The Man Say We're Still Working On It.

Yep. Thank You Very Much.

Frank Mann: Thank You Very Much. Are There Further Citizens Here That Want To Speak On Matters Dear To Their Heart? Not On Our Agenda? Now We Are At The Point Of Work Session Update. Yes.

Cecil Pendergrass: --

Frank Mann: Yeah, Those Work Session. Work Session Items. That's What We're On. Work Session Items. Dr. France. Oh, I'm Sorry. Introduce That By Mr. Desjarlais. Tell Us What We're Going To Be Talking About This Afternoon.

Thank You, Mr. Chair. Work Session This Afternoon Is The Next In A Series Of Workshops, Work Sessions That We've Been Having With You On The Upcoming Budget Cycle For Fiscal Year 16-17. This Afternoon The It Is The Capital Improvement Budget Which Combines An Awful Lot Of The Policy -- Several Of The Policy Decisions After Move Made To Far And We'll Show You A Couple Of Funding Models, Revenue Models Along With The Water Quality Project In Particular. Most Emphasis On Those Two, But We'll Also In Addition Make Library Transit And Park And Recreation.

Frank Mann: Thank You. Now, Dr. France, Thank You For Your Patience. Welcome Back To Your Favorite Courthouse.

Hi. Dr. Jonathan France. I'm Feeling A Little Uneasy Because As Soon As My Name Was Announced, There Was A Mass Exodus From The Room. I Didn't Realize That I Had That Affect, But, Anyway -- Oh, Yes. She's There. Hallelujah. Anyway, Thank You All For Hearing From Me. I Want You To Make Note That I'm Not Wearing Any Reading Glasses, By The Way. I'm Here On Behalf Of Daniels Parkway J.V. And To Talk About The Oaks Parkway Extension North, And I Want To Thank All Of The Commissioners. We've Met With Every Single One Of You And Staff Who Have Done A Fantastic Job, And I'm Going To Try To Talk Fast Even Though I'm From Miami Because I Know These Lights Are Going. But We're Asking That The County Finish Their Construction Of This Roadway From Alleko Road To Daniels Creating A North-South Thoroughfare That Goes From The South To Daniels On The North. It's A Project That Was Originally On The C.I.P. In 2005. Prior To The Recession And Has Patiently Waited Many Long Years Even Though Everybody Knows The Importance Of This. Again, It's Not A New Project. Rather, The Completion Of A Project That's Been Left Unfinished. The Property Owners Have Made A Significant Offer To Create Something That's Really Important, Which Is A Public-Private Partnership To Share The Burden With The County For Some Of The Costs Associated With Building This Roadway. A Major National Homebuilder Has Offered To Pay Some Substantial Costs Associated With Building This Roadway. Daniels Parkway J.V. And My Partner Dr. Eaton As Well As Brian Freeman Have Offered -- We've Offered 6.4 Acres. Freeman Group Has Offered 31.2 Acres Of The Roadway In Exchange For Impact Fee Credits To Try -- In An Agreement. A Copy Of The Agreement Is With The County Attorney. We're Doing Our Best To Facilitate Things. It's Been Fully Planned, Engineered, And As We Understand, Permitted. It's A Contract That

Could Be Put Out To Bid In The Near Future, Started In 2016 Or Early 2017, Finished In 2017 Or 2018 Before Most Of The Other Proposed Projects Could Be Planned, Let Alone Permitted. This Is In Alignment That Was Agreed To By Fiddlesticks For Many Years Ago. They Were Represented At The Time By Jim Humphries. Board Members Went Along With It As Well. We Are Appreciative Of The Fact That At Least To Some Extent Fiddlesticks Continues To Be Supportive Of The Roadway Maybe With Some Changes. We Believe The Project Will More Than Pay For Itself Given The Construction Jobs, Sales Tax, And Incremental Property Taxes. The Project Will Generate. We're Not Advocating That The Roadway Being Built At The Cost Of Delaying Other Roadways On The Five-Year Plan, But We Believe That The Funds From The Innovative Gif That The County Commissioners Have Created In Combination With The Public-Private Partnership That We've Proposed Could Be Used To Complete This Roadway Without Affecting Other Projects. I Would Like To, Once Again, Urge You To Move Forward With Completing The Funding Of The Parkway Extension North. We Think This Will Help Reduce Congestion, And Delaying The Project Is Only Going To Add To The Costs And Expenses Associated With Its Completion. Thank You.

Frank Mann: Thank You, Dr. France, And I Bet Your Sidekick, Dr. Eaton, Can Pick Up The Baton And Just Carry Right On.

Frank Mann: Dr. Alexander Eaton.

As A Resident Member Of The Daniels Parkway J.V. Mr. Chairman And Members Of The Board, I Want To Thank You For The Opportunity To Address You Today And For Your Dedication And Hard Work And For Improving The Quality Of Life For The Citizens Of Lee County. Transportation Issues Are A Top Concern, As We Have Heard Today, During The Meeting For The Residents Of Lee County And Creative Solutions Such As The Recently Implemented Growth Increment Funding As A Great Example Of The Innovative Programs You Have Developed To Help Address These Problems. We Believe That A Private-Public Partnership Is Another Effective Way To Help Improve The Progress Of Transportation Projects Such As The Completion Of The Three Oaks Parkway From Alleko To Daniels Parkway. We Have Collectively Gone To Great Lengths To Facilitate This As We've Heard From Dr. France And Staff. As You Recall, The Three Oaks Parkway Extension North Originally On The Five-Year Plan, And In 2005 Before The Recent Recession. It Is One Of The Areas In The County With Greatest Growth And Congestion. By Working Together, The County Commissioners And The County Staff Have, Again, Taken The Lead To Show How It Is Possible For Lee County To Complete The Road, Alleviate Congestion, And Save The Taxpayers Money. The Added Tax Revenue From The Business And Residential Development Resulting From The Road Should More Than Offset Its Costs Over The Next Few Years. As A Lee County Resident For Over 20 Years, I Have Been Fortunate To Receive Community Support For My Practice And Hope That I Can Continue To Provide Care And Hope To Participate In Sensible Development Of Our Community Over The Next 20 Years. I Concur With The Comments Of Dr. France And Want To Encourage You And The Commissioners And The Staff To Continue Their Efforts To Complete This Rod Road And

Look Forward To Working With You And The County On This And Other Projects In The Future To Help Improve The Quality And Health Of Our Community. Thank You For Your Time.

Frank Mann: Are There Other -- Oh, Yes, I Do Have. Dr. Alan Freeman. What's Up, Doc?

Thank You, Commissioners. I Appreciate. Being A Doctor I've Worked In Various Professions, And I Haven't Been Able To Add That One Yet. I Usually Make People More Sick Than Well, But I Hope That Doesn't Happen Here. I'll Try And Make This Brief Because I Don't Want To Hold Up Anybody From A Sandwich Before The Workshop. Just To Summarize Three Oaks Parkway Extension Happened To Be One Of The Original Creators Of Three Oaks Parkway, For Good Or For Bad. That Makes Me Old If Nothing Else. The C.I.P. That You Have Got Before You Now Ranks This As Number One, I Believe, As Far As Roadway Projects. We Appreciate That. We've Gone Through In Challenges With The Npo And Other Things That You Are Aware Of, But Hopefully This Project, Which Is Permit-Ready, Which The Counties Invested A Lot In Utilities And Drainage Systems And Other Things In That Area. It's Located In What's Called Maybe The Research And Enterprise Diamond, And We'll Have A Large Tax Base. We Would Like To See Those Businesses And Jobs Created In That Area. We Fully Support That. We Appreciate Your Support, And Hopefully You Can Derive The Funds In Order To Make This Project A Reality. We Thank You Very Much.

Thank You, Mr. Freeman. Are There Ordinaries That Would Like To Speak On The Workshop Agenda For This Afternoon? We Have Finally Arrived At The Adjournment Point. Let Me Thank The Commissioners For Your Patience, Your Demeanor This Morning, And The Way You Handle Some Really Tough Issues. I'm Just Proud To Be A Part Of You Fine Guys. We Are Adjourned. We'll See You At The Workshop.