



June 12, 2007

Good Morning Everyone.

To All Those Viewing.

Bob Janes Received An Award, He Will Not Be Here Today Or Tonight.

We Will Get Started With The Invocation From Pastor Deaton

But First A Few Words From Commissioner Mann.

Some Of You Read A Lady By The Name Of Mary Francis Howard Passed Away.

Her Husband Was W Thomas Howard.

Long The C.E.O. Of First Federal Savings Loan Around Here.

He Was Probably Far More Responsible Than Any Other Person For Us Having A Four Year University System Here.

He Fought Hard And His Wife Alongside Him For The University Of South Florida Branch Campus Here That Gave Us Third And Fourth Year University Status And Then With The Ink Barely Dry On That Project, The Howard Family More Than Any Family In Southwest Florida Are The Reason That We Have The Splendid Four Year University Opportunity We Have Here Today.

So They Have Two Kids, Bill And Ann.

And I Would Just Ask We Keep That Family In Our Gratitude And Prayers, Thank You Very Much.

Pastor?

Thank You, We Thank You For This Beautiful County We Live In.

For The Blessings We Have Seen On This Community As We Pause To Pray This Morning, We Pray For The Howard Family, In Their Time Of Loss.

We Pray Your Blessings On The Commissioners And Their Family.

That You Give Them Wisdom Today.

We Give You Thanks And We Give You Praise For It, In Jesus Name We Pray.

Thanks, Could You Please Remain Standing?

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

Thank You Pastor.

Thank You Commissioner Mann.

Looks Like We Need To Add Additional Language To Consent Item 10.

Hearing No Objection, Motion Passes.

2a Will Be Moved To The Administrative Agenda.

So Moved.

Motion By Commissioner Hall.

Second By Commissioner Bigelow?

Hearing No Objection.

The Motion Passes.

We Will Take On The Walk-On Item At The Appropriate Part Of The Agenda.

We Will Go To Public Comment.

I Do Have One Card.

Neil Montgomery?

Good Morning, Neil.

Good Morning, Neil Montgomery For The Record, I Will Be Uncharacteristically Short.

I'm Just Here To Answer Any Questions Should You Have Any.

Thank You.

Commissioner Bigelow?

We Moved That To Administrative, So You Can Come Back.

No, She Has To Speak Now.

No.

It's Consent Administrative Item.

I'm Sorry.

My Fault.

We Know You Will Be Available For Any Questions.

Thank You.

Sorry To Make You Run.

With The Item Concerning Johnson Lane, David I Want To Make Sure I Can Take Their Input Now Or At The Time Of The Public Hearing.

You Will Take That At The Time Of The Public Hearing.

Jim Banks, James Whitehead And Michael Cicero You Will Have An Opportunity At The Public Hearing.

We Will Then Go To Consent Agenda And Items To Be Pulled, Commissioner Hall?
11 A.

Commissioner Mann?
2b.

8b.

Is 10 A Still?
Did You Want To Pull It?
Yes.

That's All.

Okay Commissioner Bigelow?
I'm Trying Not To Duplicate Here.

8c As In Charlie.

9b As In Boy.

10 A -- Sorry That's Been Pulled.

13 B As In Boy.

13 --
What Was The One After 10 A?
13 B As In Boy.

13 C As In Charlie.

And 14 A As In Apple.

Okay.

And I Wanted To Ask That 6a Be Pulled.

With That, Would You Care To Entertain A Motion To Move The Balance?
So Moved.

We Have A Motion By Commissioner Hall.

Second By Commissioner Mann.

Hearing No Objection, The Motion Passes.

Commissioner Hall, 11 A.

I Have A Conflict And Can't Vote On This Item.

Okay.

So Moved.

Motion By Commissioner Bigelow, Second By Commissioner Mann.

Hearing No Objection It Passes 3-0.

Commissioner Hall Abstaining From The Vote.

Commissioner Mann, Item 2b?

Visitor Convention Bureau?

Ms. Lewis Is Probably The One Who Can Answer This Best For Me.

Adjust The Revenue In Reserve Budgets To More Accurately Reflect Reserves.

We Talk About How It All Happens And I Guess This Is Probably From The Golden Goose Group.

3g's.

How Do We Budget Items Where We Have An Adopted Budget Item But At The End Of The Year, Instead Of A Budget It Will Be Year To Date, There Was More Money Than Was Budgeted For It And They Pointed Out Additional Expenditures.

This Seems To Be An Example Where We Started With A Budgeted Item But It Increases Because Of Unanticipated Revenues, Is That Tourist Tax Money?

Dina Lewis, Yes That Is.

Because It Was A Good Tourist Year Apparently?

Yes.

And Now This Runs Into A Reserve Account Of Some Type?
Or A Fund Balance?

Items Which Are Received That Exceed The Budgeted Amount Not Spent During The Year,
At Year-End --
Not Spent Until The Commission Approves It.

Correct.

If It's Brought Back And Requested During That Budget Year, Otherwise It Carries Over And
We Look To Budgeting Next Year.

It Becomes Available For Expenditures In The Future Years In The Budget Process.

Just Because It Accumulated As Surplus They Can't Spend It Without A Sign Off Here.

During The Year It Was Accumulated?
Correct.

They Cannot Exceed The Expenditure Authority The Board Has Given During The Budget
Process.

Motion And A Second.

Commissioner Bigelow?
Dina, It Says In The Background In Order To Balance The Tourist Development Trust Fund,
\$500,000 Was Taken From The Operating Budget.

Can You Explain That?
Yes.

Commissioner Bigelow, The Revenues Are Not Adequate To Cover The Expenditure
Authority That Is Part Of The Budget Mid-Year We Monitor Those Things To Make Sure We
Are Not Over Spent So Earlier This Year We Did Move Money Out Of The Operating Budget
To Make Sure We Could Not Be Over Spent, Now That The Revenues Come In We Are
Asked To State That Into The Operating Budget.

We Took Half A Million Out So We Wouldn't Over Spend?
Correct.

So We Wouldn't Over Spend The Revenues Coming In.

All Right.

And So Now We Are Putting It Back?
Now We Can Reinstate It.

Additional Amount Has Come In That Can Go Into The Reserve.

Okay.

I Want To Go Over This Sometime.

It Sounds Interesting.

Okay, Dina, Thank You.

Hearing No Objection The Motion Passes.

Item 8b.

Another Bucket Trucks.

Did You Want To Lease This One?

This Is Replacing An Existing One?

Yes, Replacing An Existing One That Meets The Point System.

Here Is My Trouble.

Maybe You Can Help Me Through It.

I Don't Like Point Systems.

I Have Probably Expressed That Before.

My Feeling A Bucket Truck Can Last Forever.

They Don't Leave The County, They Drive In The County All Year Long, A Hydraulic System, You Change The Brakes Every 70,000 Miles Or Change The Oil.

A Bucket Truck Simply Doesn't Wear Out.

Why Are We Having To Replace A Bucket Truck?

Because Our Model Says So, And Our Formula Says So.

That's Part Of It.

The Vehicle Has About 120,000 Miles On It.

You All Need To Learn I Have A Car Parked Out Here That Has 126,000 Miles On It.

I Don't Want To Hear Anything About Less Than 126,000.

I'm Just Restating A Point I Make From Time To Time.

The Vehicle Has That Number Of Miles On It.

About 10,000 Operating Hours On It.

It's To The Point It Needs Major Over Haul On The Engine And Transmission And Based On The Cars Of Repairs And Frequency Of Break Downs We Have Been Having That's Where The Recommendation Comes To Replace It.

Thank You Very Much.

Someone Else Can Move This Item.

So Moved.

Commissioner Hall Moving Item 8b.

I Thought The Keyword Here Was Reliable.

We Do Have A Motion.

Do We Have A Second?

I Will Second For Purpose Of Discussion.

I Think Paul Makes A Good Point With Regards To The Cost Of Repairing And Also Down Time That We Need A Reliable Bucket Truck And One Would Hope We Want To Make Sure We Provide The Appropriate Equipment So Our Staff Can Get The Work Done.

Paul, You Mentioned This Has Excessive Mileage, That There's Some Kind Of Point System, Those Are Reasons And Justifications For Us Replacing It, But Where Is It In The Blue Sheet Or Back Up Which Is Quite Exhaustive.

Where Is The Justification?

This Is The Same Sticky Wicket I Found Myself In Before When We Were Buying Three Additional.

I Thought I Made It Very Clear, I See This As A Situation Where If It's A Request To Expend Tax Payer Money That A Justification I Think Would Be The Least We Would See.

I Read The Whole Thing.

Can You Tell Me Where?

It's Not In Here What You Said Earlier.

Fleet Management Makes Those Decisions, It's Their Accounting System That Tracks The Equipment.

And Maryland Raulings Isn't Here To Answer Those Questions.

They Do Track All That Information.

Their System Is Based On Three Different Items That They Look At.

One Is Mileage, One Is The Hours, The Third Is The Repair Costs.

They Would Have All That Documentation And Certainly We Could Provide It To You, I Don't Know If It's In Your Packet, It Sounds Like It's Not, But We Can Certainly Get That Information To You.

Fleet Has A Very Specific System Of Tracking All Of That Information.

All Of Those Factors Go Into When The Determination Comes To Replace A Piece Of Equipment.

In Addition They Look At The Salvage Value.

Some Pieces Of Equipment You Can Literally Run Them Forever But They Have No Salvage Value.

When You Combine Those Factors You Get To A Point Where Those Two Lines Cross, That's Where The Piece Of Equipment Needs To Be Replaced.

As Commissioner Judah Said This Is A Critical Piece Of Equipment, We Are Responding To A Signal Out In The Middle Of The Night, And That Vehicle Dies That Will Delay Our Response Time Considerably.

May I Suggest Something Here?

If You All Would Give Me The Opportunity I Will Run Out And Personally Inspect This Thing Maybe I Would Be In A Position To Move It's Acceptance.

I Suspect A 2-2 Vote, I'm Not Trying To Throw A Monkey Wrench, We Are About To Spend \$130,000 To Replace This, You Can Rebuild For A Whole Lot Less.

Let Me Look At It And Maybe It Will Convince Me This Is The Right Thing To Do If We Can Defer This For Two Weeks.

Let Me Find Out If It Will Be 2-2.

Commissioner Bigelow Are You Feeling The Same Way?

If I Were Going To Crystal Ball, It's Probably Going To Pass Once We Have Our Chair Back.

Two Weeks Is Fine By Me But I See It Going The Way The Staff Wishes Us To Rubber Stamp It.

I See A Real Health Safety Concern Here.

If We Have A Maintenance Issue And A Break Down With Any Of Our Signals That Have To Be Repaired, Restored.

That's An Issue That Needs To Be Addressed Immediately, Not Something We Can Delay And Defer.

We Are Also Getting Into Hurricane Season, I Suspect We Will Be Needing Every Single Bucket Truck We Have To Properly Maintain And Correct Any Adjustments And Problems We May Encounter With Heavy Winds.

I'm Ready To Go Forward Today.

But If It Looks Like It Will Need To Be Deferred I Guess There's No Choice But To Defer.

But I Suspect You Are Right That When We Have A Full Board I Would Hope That Sounder Minds Will Prevail And It Will Go Forward.

Easy, Easy.

Different Minds Might Prevail.

Why Don't We Go Ahead For The Vote.

Any Objection?

Yes.

Motion Passes 3-1.

You Got To Speak Up.

If You Don't Speak Up.

I Would Like Find A Way To Get Us To Just Defer This.

So We're Going To Vote It Down And Then Bring It Back To Defer It?
The Motion Will Fail At 2-2, We Will Have To Entertain Another Motion?
I Think We Agree Having A Full Board Is Appropriate For This Decision, That's What I Would Like To See Us Do Rather Than Vote It Down.

I'm Going To Vote It Down If You're Not Going To See Fit To --
Motion Fails On A 2-2 Vote.

We Will Now Have To Entertain Another Motion.

We Don't Need Another Motion, It's Off The Table Now Until Staff Brings It Back.

I'll Make A Motion That It Comes Back Next Week For Consideration.

How About Two?

I Would Appreciate While You Are Out There, Will You Take A Look At All The Vehicles And Tires.

This Will Be My Second Time.

We Need To Have A Date Certain.

At This Time I Would Entertain A Motion To Move Forward With What You Are Suggesting.

I Believe Commissioner Mann --
I'll Make A Motion To Defer This Item Two Weeks To Give Commissioner Mann An
Opportunity To Inspect The Vehicle.

Motion By Commissioner Hall.

Second By Commissioner Mann?
Hearing No Objection The Motion Passes.

Okay.

Commissioner Mann.

We Will Move Onto 10 A.

Who Is The Fair Association?
John Yarbrow, Parks And Recreation.

It Was The Shriners.

The Fair Association Runs The Civic Association, Part Is The Shriners.

We Put This Together 14 Years Ago In My Previous Life And It's Still Ongoing?
Where Was That One Third Of The Parking Proceeds Going Prior?
Who Was Getting It?
So You Understand, The Board Has Loaned Them Money In The Past, The Board Has Given
Them Money In The Past For Capital Projects.

What We Have Done Here Is Holding Them Responsible For Having Their Own Cip Kind Of
Separate Account So They Don't Have To Come Back And Ask Us For Dollars.

It's In The Amended Agreement.

We Have Audit Clause So Our Auditors Can Audit Their Books To Make Sure They Are
Collecting And Putting Into This Account Capital Dollars.

They Have Been, I Can't Say What They Have Been Doing.

We Don't Put Any Dollars Into O & M.

Zero.

So They Have Been Getting All Of This Money.

Operating And Maintenance Out Of That But Now We Are Going To Take A Third Off The Top And Set It In A Account That We Can Watch And At Request --
Then When They Have --
Major Project.

They Should Pay For It Out Of That Capital Budget.

If They Are Just Making It Right Now On Getting That Money How Are They Going To Do Their O & M With A Third Less?
I'm Guessing They May Increase Their Parking Fees.

That's Really Their Issue To Figure Out.

They Will Be More Frugal.

They Won't Request Bucket Trucks As Often.

Who Knows.

Motion?

Do We Have A Second?

Second By Commissioner Bigelow.

Discussion?

Commissioner Bigelow?

Thank You.

The Contract We Have With Them Is Specifically That They Will Maintain And Operate, Correct?
Correct.

We Own.

It's Our Capital.

It's There For Us, If Necessary Replace If The Roof Should Go.

But I Also Would Like To Add And John Wilson I Think Is Here.

It's Been A Strategic Facility For Hurricane Recovery.

For The Entire County.

Part Of Our Agreement Is When Any Time We Need It For Emergency Needs It's Ours.

And So Yes, We Have Put Money Into It.

We Don't Put Any, Zero, Operation Of Maintenance Dollars, They Do That 100%.

I've Talked To Reese And I Understand They Have Done A Good Job With It In The Seven Years The Association Has Been In Place.

Here Is What I'm Getting At.

I Was Out There During The Campaign, There Was A Russian Fair Or Circus Out There.

The Bleachers Out There Are The Scariest Thing I've Ever Climbed In My Life.

Since Those Are Ours, The Counties, And -- I Mean Those Things Are Barely Hanging On.

I'm Wondering Where Is It In Our Future To Replace Those?
We Have Been Talking To Them Quite Extensively, They Have Had The Bleachers Inspected.

The Bleachers Are Good.

They Actually Had An Expert Come In And There's No Need To Replace.

Have You Walked Them?
They Have Done That From Year One, I Think.

They Kind Of Squeak.

How Old Are They?
14 --
I Don't Know How Old They Are.

83.

I Don't Know If They Replaced Them Or Not.

You Are Probably Right.

They Tell Me They Haven't Been Replaced.

They Are Original.

They Have A Certified Engineer Who Says They Are Safe.

I'm Not Going To Say They Can't Be -- Continue To Be Used.

I Was Going To Suggest, What You Are Asking, How About We Get A Written Report From The Inspector The Fair Association Hired To At Least Give You The Certainty And Comfort? I Think You Would Agree They Are Bad At Best.

So I Think Recognizing They Are 25, 24 Years Old, I Think We Owe It To Take A Review Of It.

That's Fine.

You Are Probably Suggesting We Provide The Funding.

Potentially.

It's A Wonderful Partnership, It's Working Beautifully For Lee County.

Maybe We Can See This As An Mmp At Some Point.

Commissioner Judah?

Commissioner Hall?

John, I Want To Make Sure Because They Are A Tenant And Do An Excellent Job In Equipment And Operation, It's Their Responsibility And They Use The Proceeds They Receive From Their Events To Upgrade The Equipment, Lighting, All The Things They Need To Offer The Variety Of Events They Have There, But I Was Happy To See We Did Major Capital, I Want To Make Sure The County Is Still Investing In.

I Was Happy To See We Did The Roof.

Those Items, Most Tenants Aren't Responsible For Roof Replacement And Things Like That.

I Want To Make Sure We Are Still Going Down That Road.

We Will Do That.

You Are Right, We Did Invest Quite A Bit In The Roof.

For Good Reason, Not Just Fair Association But The Ability -- John Can You Get Back To Us With A Report?

We Will Get Back To You.

Okay.

Further Discussion?

Any Objection?

Hearing No Objection The Motion Passes.

Commissioner Mann Is That?

I'm Done.

8c.

And We Go To Commissioner Bigelow.

And It Is 8c.

Here We Are Looking At Five Tractors, Sum Total Of 180,500 Call It.

Again I'm Trying To Get My Arms Around The Justification For These Purchases.

It Kind Of Goes The Same Way As The Bucket Trucks Went.

Not Opposed To Buying That Which We Need.

I'm Just Troubled By The Fact That We Are Missing Some Back Up, Or Some Justification For This Board To Spend Tax Payer Money And I Think This Is Where The Decision Has To Be Made, Not In The Budget Process.

I Guess If I'm Going To Ask You A Question, Unless You Would Like To Lead And Give Me Justification.

I Can, For The Record, Paul Wingard, D.O.T.

This Is For The Purchase Of Five Tractors, Two Are For D.O.T. Mowing And Three For Parks And Rec For Mowing.

They Are Being Replaced Through The Equipment Replacement Fund, Which In Deference To The Commissioner Is Based On A Point System That Ranks The Age Of The Piece Of Equipment, The Hours That It's Worked And The Repair Costs.

Apparently That Information Is Not Provided To You But We Can Make Sure The Fleet Gets That To You.

But It's That Point System They Use To Determine When It Gets Replaced.

It's Not A D.O.T. Or Parks Call, Though We May Influence It When It Breaks Down Frequently.

Fleet Looks At Those Three Items Whether It's A D.O.T. Item Or Parks Item And Moves Forward With The Replacement.

How Many Are Replacements?
They Are All Replacement Vehicle.

But Two Of Them I Believe Are D.O.T. Operations And Three Are Parks And Rec.

Okay.

Since This Isn't A Revisit Item I Would Like To Let The County Manager Know I Think Don, This Is A Recurring Theme Here, I've Got To Have Some Justification, Something To Hang My Hat On When We Are Looking To Spend This Money.

I'll Move The Item.

Motion By Commissioner Bigelow?
Second By Commissioner Mann?

Hearing No Objection The Motion Passes.

Thank You, Paul.

Commissioner Bigelow, 9b?
Thank You Mr. Chairman.

Okay, This Is The 6th Change Order For The Waste Energy Plant.

Sum Total Of 535,394.

I Did, Lindsay Get Your Email.

It Struck Me That Your Email Doesn't Mention Something That's In The Back Up That Really Stood Out For Me And Caused My Eyebrows To Raise.

It Says In Page A1 Of A2 Task Co6-1, Reference Previous Letters From B And R Requesting Additional Fees Due To Delays Caused By Other Parties.

So Then Looking At Your Back Up, Page B1 Of B3, Looks Like We Are Paying \$350,000 For Delays Caused By Other Parties.

Our Tax Dollars Are Paying \$350,000 Because Somebody Is Delaying.

Your Task Title On That B1 Of B3 Says Additional Services For All Scope Requirements Related To Delays And Procurement Vendor Drawings.

I Would Also Like To Point Out For The Board's Edification There Are 12 Items Under \$100,000 If We're Not Required By Our Own Policy To Approve The \$350,000 Is For Us To Approve, However.

One Other Point To Make Before Lindsay Takes The Stand, I'm Also Troubled We Are Apparently Being Asked To Waive What's Called The Project Specific Professional Liability Insurance For This Contractor Burns And Row Enterprises.

If I Understand Correctly, They Are Still Working.

They Are Still Providing Us Services.

Thus This Action Item Is Before Us.

Not Just Are We Going To Forego Or Again Approve Letting This Liability Insurance Lapse, It Lapsed February 28th Of '07.

Three And A Half Months Ago.

So We Have -- We Are Not Only Saying Okay, We Are Saying Okay That It Ended Three And A Half Months Ago That We Didn't Have Professional Liability On This Specific Project.

I'm Very, Very Concerned With What Kind Of Liability We Were Subjected To Here Potentially As Well As The Fact You Want Us To Pay \$350,000 For Somebody Else's Delays.

Okay We Will See If We Can Get A Chance For Lindsay To Address Your Concerns.

Good Morning.

For The Record Lindsay Samson, Solid Waste Department.

First I Will Address The Professional Liability.

This Is The Original Contract, For A Project Specific Liability Policy.

This, To My Knowledge Was The First Project In Lee County To Ever Require Or Contract To Ever Require This Level Of Professional Service Liability.

In The Original Contract, Lee County Paid The Additional Premium For That Policy And That Policy Was Put In Place When The Contract Was Let And Was In Place For A Specific Period Of Time To Cover All, Any Liability Relative To The Design Performed By Burns And Row.

Burns And Row Is Still Providing Professional Liability Insurance Under This Change Order And Under This Contract.

But Not Project-Specific Liability Insurance.

Their Liability Insurance Now Is Under Their Corporate Policy.

The Primary Difference Is That The Policy Was Specifically Written For This Project As Opposed To Now, Now The Project Is Covered Under Their Corporate Overall Policy.

And Also The Difference Is The Current, Under The Change Order, The Deductible Goes From \$100,000 To \$500,000.

So That's The Difference.

Now Lee County Paid \$350,000 For That Original Policy.

We Can Certainly Do That And The Price Onto The Original Contract Will Be In That Same Magnitude.

The County Hasn't Required Other Engineering Company To Cover That Kind Of Insurance.

We Did It For Two Reasons, Originally.

Number One Was Because Of The Scope And Magnitude Of The Project.

That The County Administered In A Fashion Unlike The County Has Done.

An Engineering Company With Burns And Row, That They Didn't Have Specific Experience

With.

Additionally The Second Reason At That Time Was That Burns And Row Was Going Through I Believe Chapter 11 Reorganization, Under Bankruptcy Laws.

Because Of That Financial Situation With Burns And Row The County Felt It Was Worth The Additional Premium Costs For That Original Policy.

Since This Contract Was Written In 2004.

Now Burns And Row Has Emerged From Their Chapter 11 Status.

The Company Is In Much Sounder Condition And Regardless, They Still Maintain Their Overall Professional Liability Insurance.

But Not A Separate Project-Specific Policy For The Lee County Project.

Again, As I Said Under The Original Contract, If The County Desires, That Specific Insurance, The County's Liable For The Premium.

And It Was A Very Expensive Premium That We Felt For \$120 Million Project Originally That Was Money Well Spent.

Now We Are Two And A Half Years Down The Road, The Project Is Essentially Built, The Engineers Have Proved Themselves Relative To Their Capabilities.

I No Longer Am Recommending That Project Specific Insurance Is A Luxury That We Don't Need.

I Will Pause There For A Minute.

Commissioner Bigelow?

Okay Lindsay, I Appreciate The Explanation.

I Think I'm Further Concerned By Your Explanation, Or Having Heard Your Explanation, Because You Are Telling Us It Was Well Justified In The First Case Because We Were Entering A Contract With A Company Who Was In Some Financial Straits.

And Yet It's There Because We Are Engaged In A Contract With Them Where They Are Actively, They Are Providing Professional Services For Us.

We Are Still Doing It.

I Guess I Will Turn To The County Attorney To Ask You, Do You Think You Want To Put The County At This Kind Of Liability Risk?

I Mean \$300,000 To Save Us From, I Have No Idea How Much.

It Might Not Be A Bad Return On Our Dollar.

Good Morning.

Commissioner Bigelow, This Was Discussed On The Front Side Of The Project And Here Recently With Myself, Mr. Samson And Mr. Lavender, It Becomes A Policy Decision Relative To Having A Belt And Suspenders Type Of Insurance Requirement From Burns And Row.

Mr. Samson Accurately Recounted The Facts That Were In Place When We Started The Project.

One Of The Things That's Important To Note Though With Burns And Row Was They Filed Chapter 11 More As A Defense Mechanism.

Their Financial Status Wasn't All That Bad.

What They Had, They Had A Couple Lawsuits, Some Claims Being Brought On Some Asbestos Abatement They Had Done In A Project Years Earlier.

And Those Claims Rose To The Corporation's Concerns To The Point They Felt They Should File Chapter 11 For Protection.

I'm Not Aware Of Where Those Suits Went But I'm Assuming If They Paid Those Claims We Would Have Known About It, That's Part Of Why We Put The Second Level Project Specific Insurance In Place.

The Second Part Is Your Risk Analysis.

Again As Mr. Samson Has A Advised You, Part Of That Is There's A Lot More Risk On The Front Side Of A Project Before It's Actually Erected Than When You Have The Structures In Place For The Engineers, Because Once It's Up We Have A Better Feel For The Structure And How It's Going To Fit In With The Balance Of The Waste Energy Plant We Have Out There.

The Question To You And To The Board Is Whether You Want To Spend The Additional Funds For Extra Layer Of Insurance.

Mr. Lavender, We Are In Discussions And Determined It Wasn't Necessary At This Time, However You Always Have The Option Of Continuing That As Part Of Our Process And Our Contract With Burns And Row, With Other Engineers And Contractors.

We Pick Up The Dollars On That.

That's To Ensure The Insurance That's In Excess Of The Ordinary Insurance That's In Place Will Be In Place, Renewed On Time For That Purpose.

If You Are Asking Me From A Risk Assessment Standpoint Whether Or Not We Are At Greater Risk If We Don't Proceed With The Second Level Of Insurance, The One That Mr. Samson Is Asking That We Discontinue, I Don't Believe You Are.

I Believe That With The Size Of The Project And The Ordinary Insurance That Burns And

Row Carries Should Be Sufficient.

Now That's An Opinion.

I Can't Sit Here And Guaranty That, If The Board Feels More Comfortable Carrying Additional Insurance You Can Do That But To Me It's Almost Like Homeowners Insurance You Can Only Carry So Much, Once You Go Beyond The Value Of The House.

It's Liability.

You Can Go Beyond What The Project Is Worth.

I'm Also A Little Concerned That Three And A Half Months Ago This Lapsed.

And Here Today June 12th We Are Being Asked To Accept That It Was Allowed To Lapse.

That's Three And A Half Months Where We Were At Risk And Didn't Even Know It.

I'm Not So Sure That's Such A Good Thing For Us As Elected Body To Not Be In That Position, Being Uninformed.

I Can't Address That.

If We Had Decided Here In A Unanimous Vote It Was Best, Or Just Majority That We Wanted To Have This Extra Liability Insurance, I'm Saying Extra Because That's Apparently What You Are Calling It, Then The Decision Had Already Been Made By Staff To Let It Lapse.

Commissioner, If I Could.

The Corporate Policy Covered The Project During This Period Of Time, So The County Was Not At Risk Per Se, Relative To Professional Liability Insurance.

It Was Only That Project-Specific Insurance Was Not In Place.

Right.

Initially It Was Seen As Necessary And A Good Thing And Then As Time Evolved You Just Thought It Was Not A Good Thing.

Here We Are Left Out In The Dark.

Can You Also Though Move To My Second Point As To The Delays That We Are Having To Take Liability For?

Yes, Commissioner.

Regarding That Task Item One On 350,000, During This Project, The County Embarked On A Project Management Scheme That Was We Will Just Say Very Much Different Than Projects Conducted In The Past.

And That Is The County Took On The Responsibility Of Purchasing All Major Equipment.

We Issued Purchase Orders Through The Board's Direction, Under Purchasing Authorities Levels Above Staff Level As We As Staff Level Purchases Authorized Purchases In Excess Of 70 Vendors For Values In The Aggregate Of Approximately \$30 Million.

In Coordinating These 70 Plus Vendors, It Is Required That The Vendors Provide Information On The Equipment That They Are Providing, Drawings, And Technical Data So That The Design Engineer Can Essentially Connect And Put All This Equipment Into One Facility And Integrate The Entire Operation.

To Hold The Vendors Liable For Deliverables, Their Drawings, Technical Specifications, Data In A Timely Manner Is Good To Have In Our Purchase Orders Which We Have.

However Enforcing Those Requirements Is A Difficult Procedure.

We Certainly Could Have Spent More Money To Have Enforcement Requirements Or Allowances In Those Purchase Orders.

And It's A Matter Of Weighing The Associated Risks And Costs For Putting Such Requirements And Purchase Orders.

We Purchase Things From Competent Vendors, However Just As In Everyday Life, Things Happen.

And If A Drawing Doesn't Come When It's Needed To Be There So That The Engineer Can Complete A Piece Of Design, A Portion Of Design, Then That Portion Gets Moved Back And With The Total Aggregate Of All This Equipment, This Task Number One Provides A Recognition Of Delays Caused By These Numbers, Large Numbers Of Vendors In This Complex Project And We Think It's Reasonable And Appropriate In This Instance That This Be Provided To The Engineer.

Without Going Into The Total Individual Items, And In Reviewing The Amount Of Time Spent Because Of Various Setbacks And Delays And Vendor Information, We Arrived At A Compromised Number That Is Significantly Less Than The Engineers Felt Was Appropriate And This Is What We Are Recommending At This Time.

Commissioner Bigelow?
Yes, Thank You.

One More Point To Make Here.

Under The Summary Of Changes And Compensation On B3 Of B3, It's Shown, This Is Just One Contractor, Keep In Mind.

Burns And Row.

Enterprises.

We Initially Had Basic Agreement For \$5.9 Million With Them.

But Through The Evolutionary Process Of Additional Change Orders, 1-6 This Project, This Particular Contractor Received 24% More.

Or Put Another Way We Had To Pay 24% More.

This Is Just One Contractor.

How Many Contractors Do We Have Out There On This?
Contractors Performing Work, We Have Seven, Including The Engineer.

And Then Vendors Providing Equipment, We Have About 70.

And Then Last Week, I Think Or A Week Before It Was Casey.

How Many Change Orders We Have Seen With Them.

The Costs Just Seem To Get Up There And I Don't Know How We Are Monitoring This, Don.

I Don't Know What Kind Of Over Site There Is.

I Know Jim Lavender Is Over Lindsay.

I'm Really Concerned Maybe The Cost On This Project Are Running Away On Us.

I Am Also Concerned That These Change Order Items Include Items That We And Lindsay Has Admitted, We Knew Were Coming.

Change Orders Were Not By Design Meant To Be Something That's Anticipated.

If It's Anticipated It's In The Initial Contract.

Again I Will State For The Record My Failure To Have Confidence Is Not In The People, Necessarily, It's In The Process.

I'll Have To Not Support This.

Mr. Chairman?
Commissioner Hall.

Thank You Lindsay For The Exhaustive Explanation, But As We Have Talked About Numerous Times On This Board, We Do Anticipate Change Orders.

What We Try To Do Is Work With Our Contractors That We Guestimate That's What The Project Will Cost And We Try To Hone The Up Front Costs Of What We Know Based On A Snap Shot In Time, Based On Design To A Certain Degree, To A Certain Point We Will Authorize This Work To Be Done.

At That Point We Get To Phase Two Where We Will Instigate The Change Orders, Architects, Engineers, Once We See Things Coming In We Go To Phase Two.

We Can Call Them Change Orders Or New Contracts Executed.

But I Guaranty You There Will Be Substantial Savings, Because Of It Being Done In Pieces Rather Than All The Way Through And Saying My Gosh We Have A Misdesign Or This That Isn't Working.

I Have To Give Credit To Jim And His Team Because We Have Seen At Least In The Three Years I've Been Here, Substantial Savings By Using This Methodology.

I Think Jim, A Couple Months Ago Went Through A Very Exhaustive Explanation Why We Are Doing It This Way.

I Would Just Have To Defer To Commissioner Judah's History That, Have You Seen Where There's Been Erroneous Errors In The Guestimation By Using This Method?
I Have Found We Have Seen Extreme Savings.

It's A Tremendous Cost Savings, If I Could Highlight, In Lindsay's Letter, You Indicate, All Changes Could Not Have Been Anticipated When Designing The Base Scope Of Work.

I Can Recognize Those Would Be Unanticipated And The Change Order Provides For Safety And Efficiency.

Lindsay, I Would Submit Since We Are Already At Capacity, If You Are Looking At Cost Items To The Rate Payers, It Would Be Far More Costly Not To Go Forward Today From The Standpoint We Would Experience More Bypass Of The Waste Energy Facility To Lee Hendry County Landfill, Exhausting Valuable Landfill Space With Bulk Versus Ash.

We Need To Get This Facility Up And Running.

It's Far Greater Cost Savings To Move Forward.

Commissioner Judah.

I'm Not Uncomfortable With The Lapse Of The Specific Liability As Long As The Engineer Has Continued His Professional Liability Policy, I Don't See The Benefit Of Expending The Dollars At This Point In The Project.

I Could Sure See That At The Beginning Of The Project But We Are Winding It Down, So I Don't See The County Being Exposed To More Liability Than Could Be Provided By His Corporate Liability Insurance.

I Don't See Any Need To Reinstate Project Specific Liability Insurance.

You Are Ready To Start Up If Not Already, Testing?

We Have A Dozen Out Of The 30-Odd Systems.

Operating Right Now.

We Have Not Yet Began Our Boil Out In Cleaning The Boiler Tubing That Hopefully Will Be Within The Next Couple Of Weeks.

So Again We Expect A Full Start Up In July.

I Do Want To Make One Correction.

The Original Insurance Policy Was \$300,000 Not \$350,000.

Secondly, I Would Like To Add To The Record That The Current Project Costs Are Right Now Less Than Our Estimate That Was Included In The Official Statement For The Issuance Of The Bonds Less Than The Current C.I.P. Project.

We Expect To Finish The Job With The Same Status.

Mr. Chairman?

Yes Commissioner Mann?

A Couple Thoughts Here On The Insurance Issue To Begin With.

I Haven't Done Insurance In The Last 20 Years, So Maybe There's Been Changes In The Industry And How Things Are Happening But I Did It For 20 Years Prior To That And Usually The General Liability Insurance That A Contractor Would Buy I Never Heard It Frankly, Didn't Used To Be It Had To Be Site-Specific.

It Covered Them Where Ever They Were Doing Their Work So Frankly This Strikes Me As A Duplication Of Costs We Were Spending Before, So I Think It's High Time To No Longer Duplicate It, I'm Perfectly Comfort Not Doing This, Something May Have Happened The Last 20 Years That Would Have Caused This As An Unusual Way Of Doing Things, But A General Liability Policy It's Supposed To Cover Where Ever They Work, Any Time, 24/7.

So Yeah, Let's Save That Money.

I Would Like To Comment, Sometimes We Just Can't Read Enough Through A Blue Sheet But The Information You All Provided, Maybe It Wasn't Particularly Artfully Drawn, Sometimes The Case Vendors Didn't Provide All The Information Required.

That Leads To Why We Need To Spend \$5,000 More For This Contractor To Do The Work Others Didn't Provide.

Leads You To Believe Someone Fell Down On The Job In Drawing The Specks.

How Did It Happen That So Many Fell Down On The Job?

If That's All You Can Conclude By Reading The Blue Sheet Alone.

I Don't Think It's Inappropriate To Ask These Questions, I Think It's Far Too Late To Do

Anything About It, As This Is About To Come On Line As Commissioner Judah Points Out But It Causes Legitimate Questions, Mr. Lavender, I'm Ready To Go With The Blue Sheet As It Is.

Motion By Commissioner Mann To Move.

Second?
Second.

Second By Commissioner Hall.

Discussion?
Yes.

You Said The Deductible Is Going From \$100,000 To \$500,000?
That's Right.

When Did That Take Effect?
That Took Place When The Project Specific, February 28th Of '07.

So We Are Now, We're On The Hub For The \$500,000 Deductible, Correct?
Correct.

One Other Question For The County Attorney.

Having Heard Commissioner Hall's Explanation Of Change Orders As Phases, Could You Please Reply To That And Give Me Your Opinion Of How You See Change Orders As Phases?
Well There's A Variety.

Do You Agree Or Accept A Change Order Could Be A Phase?
That It Would Be A Fazed Part Of The Project?
It Could Be Anticipated From The Front Side By Doing A Project Incrementally, Yes, Sir.

If You Want To Call It Phasing, More Incremental Change Orders So We Have Things In Place Prior To The Next Step And Next Step Is Done With A Change Order.

Let Me Be Clear, If You Anticipate You Were Going To Come To That Phase, Anticipate It From Day One, Then It's Okay With The County Attorney That Kind Of Contracting Process Is Appropriate, That When We Get To That Place In The Project Where We Want To Enter Phase Two Or Three Or Whatever Subsequent To The Initial Contract Letting It's Appropriate To Use Change Orders For That Purpose?
Yes, Sir.

Lindsay, One Other Point, Or To The Point Commissioner Judah Brought Up.

The Email From Lindsay Samson Saturday June 9th '07 At 10:44 A.M.

Says All Changes Included In This Change Order Could Not Have Been Anticipated.

Can I Ask You Turn That Off?
Okay.

Thank You.

That's Been Three Times It's Interrupted Our Discussion.

Do You Have It Off Now?
Thank You Commissioner Bigelow.

Thank You For The Request.

Short Of Your Responsibility To Demand Me To Do Something.

Yes I Can Demand, It's Interrupting The Proceedings.

I Just Want To Say For The Record Lindsay Samson Told Me In Private Discussions The Design System, Water Treatment Design Was Understood To Be Part Of The Project From The On Set.

Okay Thank You.

Let Me Clarify, That Was Regard To The Construction Contract Work, The Change Order.

Any Further Discussion?
Hearing No Objection.

The Motion Passes 3-1.

Commissioner Bigelow Dissenting.

Item Number 13 B.

Scott, Good Morning.

Commissioner Bigelow?
All Right.

I Think It's Since 2000 That Mr. Lavender Has Taken Over As Public Works Director That It's Been The Case.

I Don't Know Prior To That.

But Here Is My Problem With The Particulars Of The Competitive Negotiations Committee, I Think It's More Appropriate For Mr. Lavender To Address This Concern.

What We Are Doing In This Process Is We Are Selecting Through An Interview Process In Front Of The Committee, The Contractor Or Professional Services Vendor Who Will Then Be

Chosen.

Then We Get Into The Price Phase, If You Will.

We Pick Them And Decide What We Will Pay Them.

Scott Gilbertson.

Then You Have Ira Cash, Subordinate To You, Correct?
Scott Gilbertson For The Record.

That's Correct.

What I'm Struck By In This Scenario Is If The Public Works Director Chooses Because Of Their Position Of Authority Under The Public Works Director Might Concede To His Wishes.

And I Think Therefore The Selection Committee For Me Is A Little Uncomfortable And I Would Suggest We Probably Find A Way To Bring Some Outside Eyes To The Selection Process So We Can Kind Of Even The Playing Field.

Let Me Interject As A Point Of Order, On This Issue With Your Discussion I Think We Will Schedule Management Planning For The Board, In The Meantime We Need To Stay Focused On This Particular Item.

You Are Talking About The Competitive Negotiations Process, This Is To Hire A Consultant.

You Are Getting Into The Process Itself In Terms Of Whether We Want To Proceed With The Process.

Then Let Me Read From The Action Part Of The Blue Sheet.

Concur With Ranking Of Consultants With The Competitive Negotiations Committee.

Right, That Is In Place.

If You Want To Vote Against This Project You Can Do So.

I'm Trying To Take Issue With The Competitive Negotiation Committee Selection.

And Part Of That Selection Is Through The Process.

Right Now We Have A Request Before Us To Consider Staff's Recommendation On The Consultant Considering The Widening.

That Is The Process In Place, If You Want To Change That Process We Can Consider That As A Board At Some Future Date.

Are You Calling For A Motion?

I Am.

I Will Make A Motion.

Motion By Commissioner Hall.

Second By Commissioner Mann, Discussion?

Yes, To The Ranking Sheet To The Back Up Of The Blue Sheet, It's Just The Ranking Sheet.

I Don't Know How The Committee Justified Their Selection, All I Know Is What They Selected.

Again This Is Just Blue Sheet For Rubber Stamping Purposes.

Jim Elaborate On The Committee's Reasoning For The Recommendation?
For The Record.

All Of That Is On The Record By The Way If You Care To Get The Tape, The Deliberations Are Available.

Meetings Are Public, Frequently We Invite Others To Attend, Other Stakeholders In The Project.

In This Particular Case Other Than What's Being Insinuated By Commissioner Bigelow I Somehow Heavy Handedly, We Look To Others, There's A Lot Of Factors.

I Can't Sit Here, This Meeting Happened Several Weeks Ago.

We Look At A Lot Of Candidates, We Typically Make Decisions Based On Timeliness, Their Effectiveness At The Final Presentation Which Typically Divulges To Us Different Ways To Save Time And Money On A Project.

And In This Case Pittman Was The Number One Pick And We Go Through Lots Of Presentations Typically 20 Minutes With A Ten Minute Question And Answer Session.

We Glean A Lot Of Information Out Of That.

Subsequent The Committee Meets And We Deliberate On The Record And With Sometimes Other People Present.

Thank You, Jim.

Commissioner Mann, Then Commissioner Commission Bigelow.

Bring Me Back Up To Speed, Do We Give Preferential Treatment To Local Vendors On This And Other Things?

These Are Two Names I Don't Recognize.

Are They Local People?

They Have Local Offices.

What's Happened The Last 5-10 Years Larger Firms Have Local Offices Here.

Our Policy Is Unless There's Something Unique, If You Had Say A Waste Of Energy Facility Where This Technology Isn't Available Locally Or Design Skills Aren't Available Locally We Would Go Outside.

But Do We Have A Policy That Favors.

We Have An Ordinance That Gives A Bidder On A Hard Bid A 3% Benefit Over Another -- Are We Choosing? Qualification.

It Would Not Have That Here, I'm Just Telling You What Our General Policy Is With Selecting Firms.

Thank You.

Commissioner Bigelow.

Sorry I Had A Sidebar Here With Commissioner Judah, I Thought We Were On 13 C.

We Have Two Items.

13 B And C.

13 B.

I Thought We Moved To 13 C Inadvertently.

We Picked The Same Contractor For Two Contracts And I Guess They Were Done On The Same Day.

So We Have Given Them Two Projects.

Any Further Discussion?

Any Objection.

Wait.

The Motion Passes 3-1.

13 C, Which Is Where You Thought We Were.

The Back Up Is Incorrect To The Blue Sheet, They Aren't Matching.

They Are Two Separate Things.

My Agenda Here, I Have It 13 B.

I Was Looking At Back Up.

My Back Up Is 13 B, Bonita Beach.

But On 13 C There's Incorrect Back Up To Match The Blue Sheet, The Blue Sheet And Back Up Don't Match.

Under 13 C.

13 B Is Appropriate.

The Back Up Is Appropriate.

So We Dispense 3-1 Vote To Move.

I Think That's Where You Had Issues Of Concern To The Back Up Of 13 C Was Not Commensurate.

It's Not That I'm Interjecting There Is Anything Going On But I Believe There's Another Way We Can Make This Process Fairer.

That Will Be Scheduled Next Available Management Planning Meeting.

We Can Either Shorten That Discussion When It Comes Up Or Have A Lengthy Discussion But Out Of Courtesy To Each And Every Commissioner.

I Will Support Having It Discussed At Mmp.

We Will Have That Scheduled Regarding The Competitive Management Process.

But With Regard To This In Front Of Us, Any Discussion?
The Blue Sheets Is Being Ranked Number One.

Just The Ranking Sheet We Just Got The Same As 13 B.

Totally Different Firm.

Accidentally Included It Twice.

I'll Make A Motion To Approve Staff Ranking.

Motion By Commissioner Hall, Second By Commissioner Mann To Move 13 C.

Discussion?

Any Objection?

Yes.

Motion Passes 3-1 Commissioner Bigelow Dissenting.

Now We Go To 14 A.

Commissioner Bigelow?
Thank You.

Mr. Chairman.

This Is Change Order Number 3 For A Contract Initially Let November 18th Of '03.

Four And A Half Years Ago.

That Contract Price Was \$820,749, After That Another \$176,000 To Replace Non-Producing Wells In The Corkscrew Well Field.

A Year And Two Months Later We Had Another 22,080 Change Order For Legal Description Change.

Three Years Seven Months Later We Are Being Asked To Double The Initial Contract To The Tune Of \$1.6 Million.

I'm Troubled By The Dates.

That's Why I'm Pulling This For Discussion.

If You Could Explain To Me Why It Is We Are Dusting Off A November 18th 2003 Contract And Doubling It's Cost?
Doug Muir, Utilities.

I Can't, A Lot Of This Design Occurred Before I Joined Lee County Utilities, So I Can't Specifically Comment On The Length Of Time.

I've Talked To The Staff They Just Say It's Been A Complicated Project, 25 Additional Wells To Support The Corkscrew.

It's A Substantial Amount Of Work For The Design, Easement, Location, Regulatory Process And This Is The Project That The Construction Portion Of That Has Really Just Started This Year, So It's A Lengthy Process.

Is This To Oversee Montgomery Watson?
Yes.

It's The -- Corkscrew Well Field Just Rewarded.

The Other Too.

Pine Woods.

Mwh Has Two Contracts With Us?

Mwh Is The Construction Manager For The Well Field Expansion Of Both Pine Woods And At Corkscrew, Two Separate Water Plants But Similar Projects.

Johnson Engineering Is Being I Guess In A Sense Rehired To Oversee Those Contracts? We Are Doing The Contract Portion With The Consultant, During Construction Of The Well Construction Which Is Really Required.

We Have To Have A Professional Geologist On Site Doing Inspection For The Certification Of The Wells.

Obviously You Are Comfortable With This, You Are Moving It Forward, I Think You Might Understand Why One Might Raise Eyebrows We Are Doubling Expense Three To Four Years Later.

It's Difficult With The Consultant To Contract For The Design Initially And Then Come Back For The Administration Services Once The Project Goes To Construction, That's Not An Unusual Arrangement.

To Design And Later To Change Order Or Phase To Oversee.

Yes.

Right.

And Again County Attorney You Are Okay With That?

Yes.

Change Orders Are A Flexible Instrument They Can Be Used For Anticipated Things, Unanticipated Things, Vendor Issues Brought Forward To The County We Want To Accept, Our Own Issues We Want To Add Or Delete To A Project.

They Have A Variety Of Uses.

This Is Fine.

Cape Coral.

That Had Funny Pieces.

But Again It Was The Phasing.

The Initial Price And Phasing That Changed The Terms.

Okay.

I've Seen Similarities.

Which Is What You Can't Do Under A Design Build.

Back To The Board, Entertain Motion For 13 A.

Motion Passes.

I Just Have One Item, County Lands.

Robert?

It's Regarding 6a.

And It's Concerning Conveyance Of Properties That Have Been Sheeted To The County.

One Thing That Surprised Me, Sorry I Didn't Get A Chance To Talk To You In Advance, Any Time We Have Properties Or Dwellings To Convey For Workforce Housing Type Of Program, That's Obviously A Good Thing, The Human Service Department Indicated There Was No Need For These Properties?

Correct.

Robert Clemens County Lands, We Contacted Human Services And They Didn't Have A Need For These Properties.

I Would Have To Think We Would Check With Habitat For Humanity.

These Undeveloped Lots, These Lots With Dwellings On Them.

These Are Vacant Lots From My Understanding.

Again, There's Plenty Of Opportunity, Go Ahead Robert.

We Have Had These For A While And Looked At Them As County Lands Responsibility Is To Keep Up On The Inventory And Sit Through Them And We Go Through Them On A Regular Basis.

We Are Bringing Some Stuff Forward In The Future Regarding A Recently Enacting Statute Whereby We Will Set Aside Stuff That Will Be Able To, County's Inventory.

I Realize This Isn't Jurisdictional, In City Of Fort Myers But Again I Would Think That Unless We Have Really Exhausted Any Potential Opportunity For Habitat, For Lee County Housing Development Corporation, If I'm Off Base I Will Admit But If You Feel Comfortable.

We Have Had These For A While.

We Have Had Continued Maintenance Issues With Them.

Either Trash Or Mowing Issues With It.

Well If Staff Feels They Have Exhausted All Potential Options Then Entertain A Motion.

So Moved.

Commissioner Hall.

Second?
I'll Second.

Commissioner Bigelow.

Discussion?
The City Of Fort Myers Is Engaged In Process Of Trying To Turn Their Lots Over To Non-Profit So I'm Comfortable With It That It Will Happen.

Very Good, Further Discussion?
Hear No Objection, Motion Passed Onto Administrative Agenda.

By The Way, Let's Go Ahead And Handle Consent Item 2a.

Move To Administrative Agenda.

The Group Health Insurance Program.

Dina?
Before You Get Started Can I Ask One Question?
Question Earlier Came Up About The Committee That Makes This Recommendation.

Who Is The Committee Who Works On This Insurance Issue?
Commissioner Mann, This Committee Was Pete Whiten, Myself And Charlotte From Benefits.

Okay, Thank You.

Just Give Us A Quick Briefing, Or Entertain A Motion To Move The Item?
I'll Move The Item.

Second.

Second By Commissioner Mann.

Second By Commissioner Hall.

It Says We Are Saving \$700,000.

Is That Our Current Administrator Of Our Program?
And We Had Four Other Participants, Is That Right?
Commissioner Mann, Yes.

You Are Right.

We Received Five Proposals And Our Recommendation Is To Award The Contract To Aetna.

Two Figures For Aetna.

I Assumed We Were Entertaining Their 34.94.

That Figure Multiplies Up To A Lot Of Money.

Administrative Services Fees.

You Are Correct.

\$34.95.

Okay.

The Second Highest.

What Were The Other Major Factors That Made Them Come Out On Your Top Recommendation?

There Were Three Primary Factors.

The Item That Produces The Greatest Cost To The Health Plan Is The Cost Of Physicians And Pharmacy And Hospitals.

So What Happens Is These Vendors Go Out And Negotiate Contracts With All Those Healthcare Providers.

Aetna Provided.

That Was A Very Significant Factor.

In Addition To The Fees That Would Be Charged By The Administrator Are Considered As Part Of This Package.

And Again They Were Very Competitive There.

Thirdly, We Do Buy Excess Liability Stop Loss Coverage.

Aetna Was Competitive As Well.

The Big Bottom Line Coverage, Blue Sheet Shows A \$700,000 Savings.

That Sounds Like Something Extraordinary In The Last 20 Years Of Health Care Insurance.

I'm Not Aware Of Any Large Contract Like This That Came In Less This Year Than The Previous Year.

Healthcare Has Just Been Escalating Up As You Are Aware.

My Hat's Off To You, Just Curious How You Pulled It Off Or Are There Other Factors We Need To Know About.

As You Pointed Out, Aetna Proposed Two Plans.

One Plan Identical To The Current Plan For Their Administration.

The Second With Plan In A Nutshell, The Change In Fees Under Our Hmo Program They Will No Longer Require Referrals Through A Primary Care Physician, That Cuts Costs, That's The Primary Feature That Provides These Kinds Of Savings, We Were Pleased To See It.

Are There Any Impacts Based On The Merger Of The Two Major Hospitals Here? The Discounts That Had Been Negotiated Are Similar To The Discounts We Had Seen During The Life Of This Contract.

We Didn't See A Big Change.

Were We Previously Having To Use One Of Those Hospitals As Opposed To Another And Now They Are Merged We Can Go To Any.

We Had Access To All Before.

Motion And Second.

Discussion?
Yes.

Commissioner Bigelow.

Thank You.

Dina So We Are Saying That We Are Taking Aetna Alternate, Is That Correct.

U.H.C., United Health Care, There Could Have Been Another \$300,000 Savings, Is That Correct?
If I'm Reading This Chart Correctly That You Provided.

First Year Contract Period Immature, Second Year Contract Mature.

Yes.

Okay So Help Me Here Why We Didn't Decide To Give Them The Nod.

The Proposal From United Health Care, Discounts They Negotiated With Healthcare Providers, It Wasn't As Robust As Aetna's That's About 90% Of The Cost To The Health Plan.

So While The Third Party Administrator Fees Might Have Been Lower With United

Healthcare, The Total Cost Would Have Been Higher Because The Amount That The Plan Would Pay For Healthcare Providers Would Have Been Higher.

So It Would Have Been Cheaper To Us But More Expensive To Employees, I Don't Get It? We Run A Self Insured Health Plan Which Means Bills Given From Healthcare Providers Are Paid Out Of Our Health Plan, So The Discounts That Had Been Negotiated By Aetna Were Deeper Than Discounted Negotiated By United.

All Right.

Somehow That Equates To Being The Least Costly To Us Of The Three.

Yes, Sir
Any Further Discussion?
Objection?
The Motion Passes.

Thank You Dina.

Motion 6a.

I'll Move The Item.

Motion By Commissioner Hall.

Wait, Wait, Wait.

Do We Have A Second?
I'll Do It, 20/20 Program.

Second By Commissioner Mann.

Discussion?

I Guess I Would Like To Point Out That Some Of The -- I Pulled The Appraisals On All This, On This And The Next Item And Find That We Are Using Some Older Numbers Interesting In March Of '06 And October Of '05.

Per Acre Prices Were Running Close To About 35,000 And A Year Later They Are Down Closer To About 20,000.

Significant, Significant Decline In The Per Acre Prices.

If We Were Just To Use The Seller's Most Recent, The Seller Did An Appraisal.

And We Did The Most Recent Comp, December Of '06 Price Of Call It \$19,000, And You Put That Across-The-Board, Would This Parcel And The Second Coming Up, We Could Have Saved In Total About A Million.

I'm Not Going To Stand In The Way Of This, Nor Would We Not Buy It, I Don't Think.

But It Does Underscore For Me The Problem That I Had Seen Here In My Six Months And That Is We Seem To Lose A Lot Of Money Through Our Fingers In Public Works And County Lands, I'm Wondering How We Might Be Able To Kind Of Tighten Up That -- That Of Course Would Be Your Perception.

Clarification Robert?

Robert Clemens Division Of County Lands.

We Hire Independent Appraisals To Do Independent Work.

Each Area Is Different, Each Property Is Different, All Those Characteristics Are Taken Into Play.

If You Look You Will See That The Property Owners Appraisal Came In As 28,000.

Per Acre.

Overall The County's Hired Appraisers Came In, One Came In At \$25,000 Per Acre On The 155 Acre Track.

The Other Came In At \$25,000 An Acre Adjusted But His Total After Adjustments And Consideration On The Same Property Came In At 24,000 An Acre.

They Were \$1,000 An Acre Apart.

Our Negotiated Settlement Price Was \$24,000 Per Acre Across-The-Board.

Comparing That To The Property Owner's Appraisal Is \$4,000 Per Acre Less.

So That Is A Savings Of About A Million.

We Look At Each One Of These Appraisals And Properties And Consider Things.

Also Look At The Overall Market To See What Else We Have Coming Online, What Is For Sale.

So These Have Been Thoroughly Reviewed And This Is Setting The Lower Limit Of What Has Occurred On The Market For These Similar Type Of Properties.

Thank You, Any Further Discussion?

This Parcel Is Adjacent To Other Existing Owned Parcels And That Is One Of The Things We Have Been Attempting To Do To Broaden Those For All Kinds Of Ecological Reasons So It Looks Like An Excellent Selection By Your Committee And Recommendation.

Thank You.

Very Good Point.

Any Further Discussion?
Any Objection?
Hearing No Objection.

Motion Passes.

Item 6b.

I'll Move The Item.

Motion By Commissioner Hall.

Second By Commissioner Bigelow.

Discussion?
Objection, Hearing No Objection The Motion Passes.

Item 7a.

We Just Gave Up Seven Homes And Now We Are Going To Talk About The Homeless.

Mr. Chairman.

We Might Want To Consider Moving This To A Time When The Chair Can Be Here Since This Is His Issue, Correct?
Yes, Commissioner.

Commissioner Janes Did Request It At The May 1st Board Meeting For It To Be Brought Back As An Agenda Item For The Board To Discuss.

But I Can Give You Some Background On This.

If You'd Like.

Have You Already Briefed Commissioner Janes?
Actually Commissioner Janes Briefed Us, Because He Was A Guest At The Mayor's Request.

At That Time The Board Asked Him To Go Ahead And Bring It Back On The Agenda.

I Don't Have A Problem Moving The Item To Start The Process With The Plan.

I Think It's Important To Have A Plan In Place.

Obviously Homelessness Is An Issue That Because Of Our Environment And Location And The Country We Have A High Number Of Homelessness.

With That In Mind I Will Move The Item.

Motion By Commissioner Hall.

Second By --
I Don't Know What To Second.

I'll Second For Purpose Of Discussion.

Discussion To Determine.

Commissioners Let Me Give You A Little Bit Of Background, Back In March City Of Fort Myers, United States Interagency Council On Homeless Was Here From Washington D.C. To Invite To End Homelessness.

This Is Also National Association Of County's Initiative.

I Believe Janes Is On The Commission Reviewing This.

The Plan Is A Process That Identifies The Key Players, The Roles, How To Connect The Dots Providing Homeless Service In Our Community.

Set Specific Measurable Objectives With A Time Line That Must Be Accomplished.

Most Important Is To Build Supportive Housing.

We've Done A Good Job Of This Over The Past Few Years, We Now Have Over 109 In The Past Four Years We Increased That From 43 To 109.

We've Done A Good Job In That But Researching Other Communities That Have Done The 10-Year Plan, The Costs Range From 30 To 75,000.

I Believe We Can Keep The Costs A Lot Lower Than That, Because We Already Have A Basis Of Which To Start.

We Already Have A Lot Of Documentation On Our Homeless In Our Community.

Our Approach Would Be Discuss This With The Other Four Cities, City Of Fort Myers Has Committed To Participate Both Financially And As A Part Of The Planning Team.

Without Their Participation, It's Not Going To Go Very Far.

So We Would Include Them In This Also Developing That R.F.P. Putting That Out On The Streets To Get Some Bids Back On It.

Human Services Council Would Be Very Involved In This.

I Know This Isn't The Best Timing But Moving Forward With The R.F.P. At This Time Would Give Us An Idea What It Would Cost In The Future.

Thank You Karen.

Questions?

I Want To Make Sure, The Reason I'm Moving It Is To See The Other Interests Out There, Depending What Happens In The Legislature, Human Services May Take A Serious Hit This Year But I Would Like To See If There's Interest From The Other Cities To Participate.

Without Moving Forward Doesn't Provide An Opportunity To Do That.

With No Funding Obligation I Support Moving Forward To See Where Everyone Is At.

Commissioner Mann?

I Would Like To Echo That Disclaimer.

We Really Are Moving Forward On Something We Don't Have A Good Grasp On The Scope. Of The Services To Be Offered.

Leave Alone The Costs.

Something Like This That Is Done For All The Right Noble Reasons Can Quickly And Easily Get Out Of Control Financially And Can Eat You Alive.

So I'm Supporting This As Additional Dialogue To Allow The Cities To Find Out If They Want To Participate.

I'm Going To Have A Lot Of Questions To Ask Before I'm Prepared To Sign A Blank Check On This.

I Want The Record To Show This Is Not Blank Check Time.

We Are Moving Forward With A Dialogue But Not A Check.

Correct.

Thank You.

For Discussion?

Commissioner Bigelow?

I Would Like To Point Out Something.

I Think It's Interesting The Solutions To Homelessness Are At First Very Shocking Because What You Do Is Expend Money In Order To House People But Then You Have To Look At The Cost Savings, Right, Karen?

As To What The Community Doesn't Have To Pay In Terms Of Handling Somebody Because They Are Intoxicated Or Because The Sheriff Doesn't Have To Handle Them, So The Costs To Us To Not Do It Are Hidden But They Are There And Significant.

When You Look At Alternatives Which I Believe Is The Latest And Greatest Way Of Doing It.

It's Like Giving Them A Place To Have A Roof Over Their Head, That's A Cost But You Got To Understand The Perspective.

One Other Thing, I've Sent Letters To City Of Fort Myers Public Officials And Asked Them To Participate In Our Human Services Committee, Has Anyone Responded?
No, Sir.

If You Could Maybe Call Them.

Obviously If We Are Going To Do This In Partnership We Need An Official, I Think.

I Appreciate The Comments.

I Certainly Understand And Have Had Conversation With The County Manager On This.

It's Wonderful To Develop A Plan, Unless You Can Implement It, That's Another Thing.

But The Other Is Getting The Participation From The Cities.

This Is Not Lee County Government Issue, It's A Community Issue.

There Has To Be Buy-In From The Community, The Businesses, The Cities, There Must Be A Buy-In From Everyone.

If We Are Going To Move Forward On Something Like This There Has To Be That Buy-In.

That's What Staff Will Bring Back To You.

Thank You.

Objection?
Hearing No Objection, Motion Passes.

9:30 Public Hearing.

Item Number One.

John, Good Morning.

Thank You Commissioners.

Let Me Begin By Reintroducing, This Is Your Public Hearing Agenda Number One For 9:30
Petition To Vacate Vac 2007-00013.

This Is A Request To Vacate A Portion Of A 50-Foot Wide Right Of Way, Adjacent To Bay
Shore Road In Fort Myers.

And If Approved To Authorize The Board Chairman To Accept A Replacement Warranty
Deed For The Relocated Rode Way.

This Case Was Continued From May 29th And We Have An Affidavit Of Publication And Posting That Have Already Been Placed In The Record With Regard To This Case.

Additionally There's A Relocation Agreement That Was Approved On March 27th By The Board In Conjunction With The Anticipated Hearing Of This Request.

And The County Attorney's Office Has The Replacement Warranty Deed For Realignment As The Proposed Alignment Of Johnson Lane Is Currently Set Out In This Request And That Deed Is Being Held In Trust Pending The Outcome Of The Proceedings Today.

Any Questions Of John?
John, Thank You.

What I Would Like To Do Is Get An Overall Summary Of D.O.T.'S Position.

Obviously They Had To Review This Request And Then We Will Hear From Both Interested Parties, Those That Are Requesting The Vacation And Those Opposed To It.

Scott?
Scott Gilbertson.

Can We Get Something On An Easel?
Thank You.

Oh You Brought Your Own.

Okay, Great.

Commissioners, When This First Came Forward To Us To Staff, It's A Standard Petition To Vacate A Public Road Right Of Way, We Looked At The Things We Typically Look At In These Types Of Petitions, One Is The Road Necessary For The County Road Network.

And Secondly What Kind Of Access Does It Provide To Properties?
In This Case It Was Rather Minor Facility In The Terms Of The Overall County Road Network.

However, It Did Provide Access To Some Of The Properties Up To The North.

We Launched An Objection To The Request For Vacation.

The Applicant Responded By Providing An Alternate Alignment Before The Replacement Of The Access.

One Was Sort Of An East-West Road Which Extended From Johnson Lane To The West, Intersect Slater Road North Of Bay Shore.

I Can't See Which Displays Up There If That's What You Are Seeing.

Would You Like To Grab The Handheld Mic And Come In Front?
Which Is This Road Right Here.

Also Another Road That Was North/South Road If You Will, Or Parallel To Slater That Intersected In The Close Vicinity Of The Existing Johnson Lane, That Was The Applicant's Proposal To Address About Loss Of Access To These Properties Up To The North.

That Proposal To Replace That Loss Of Access Was Acceptable To Us And We Withdrew Our Objection To It.

At The Time We Went Through That, That's The Total Of What Was In Front Of The County To Review.

Subsequent To All Of That, Property Owner To The East Of Johnson Lane Raised Some Objection And Came Up With An Alternate Proposal Which The Board Saw Two Weeks Ago.

I Had Not Seen That Proposal.

You Asked We Go Back And Review The Alternate Proposal Which Extended Johnson Lane To The South And To The East Of The Existing Location.

Or To The East Of The Existing Location.

That Does Provide Better Separation From Bay Shore Road As Represented By The Engineers Property Owner To The East.

It Does Not Provide For The Left Type Of Access Coming From Bay Shore To Those Properties To The North.

There's Pro's And Con's Of Both Options, The One By The Applicant Provides A Better Access To The Properties From Bay Shore Up To The North, Especially Coming From The West, Coming From The West.

The Alternate Proposal Provides Better Separation On Bay Shore Road.

Both Options Have Their Down Sides Of Course.

And In Summarizing In Our Memorandum To You The Best Option From A Traffic Standpoint Would Be A Combination Of The Two.

Basically Extending Johnson Lane Over To Slater As Shown By This East-West Road By The Original Applicant And The Alternate Proposal For The Realignment Of Johnson Lane Further East On Bay Shore Road.

However, That Is Not Subject To The Discussion Today.

It Has Not Been Offered By Either Side And It's Not An Option That's Available To Us Today.

Basically What's Here Today Is To Vacate This Existing Right Of Way With The Conditions That Have Been Previously Agreed To Or To Deny The Vacation.

After Reviewing Everything And The Pro's And Con's Of Everything, Our Objection Initially Stated Has Still Been Addressed To Our Satisfaction And We Have Stand By Our No Objection To The Request.

Questions Of Scott?
Thank You Scott.

We Will Hear From The Applicant.

I'll Wait Until After The Applicant.

Good Morning, My Name Is Beverly Grady Representing The Applicant.

I Guess The First Question, Because I'm A Little Confused On The Continuance, We Want The Ability For A Brief Rebuttal, There's Been New Things Coming Out, I Just Want To Have That Opportunity Or Need To Know If We Won't Have That?
Let Me Clarify, Procedurally, David?
Or Tim?
Commissioners, It's Entirely Up To The Board.

You Are Required To Provide The Public With An Opportunity To Speak On This.

There Is No Other Wise Set Procedure, Typically You Allow Three Minutes Per Person.

You Have Allowed More Than That At The Prior Public Hearing But It's Entirely Up To The Discretion Of The Board, So Long As The Public Is Granted A Full And Fair Opportunity To Be Heard.

It's Your Call.

I Don't Have A Problem With Rebuttal, That's Fine.

Thank You Very Much.

Four Exhibits I'll Be Filing With You, One Is The Letter I Filed With The Commission, Individual Commissioners Yesterday.

The Email June 7th And Dba Has Been Approved By Lee County And Letter Describing The Legal Description.

You Have Before You, I Will Use The Same Microphone.

Simply There Are Only Two Alternatives, One Is To Approve The Vacation, The Other Is To Deny The Vacation.

That's The Only Issue Before The Board Of County Commissioners.

There Are No Other Alternatives That Are Really Here Today Before You.

I Would Just Like To Review The Approval Gives You Connections Of Slater.

The Approval Gives You Off Site Turning Movements That Are Safer.

The Denial Of The Vacation Would Not Serve The Public Interest.

And That Is What Your Staff Looked At When They Made Their Evaluation.

The Public Interest.

The Approval Gives You A Connection To Slater.

And I Have On The Larger Aerial Here Which Is Exhibit To The Letter To Commissioner Janes Showing You The New Street System.

Which Provides Then Access To Slater Road For The Johnson Lane Traffic.

And What That Does Is For People That Traveled South On Johnson Lane To Bay Shore And Wanted To Proceed To The East On Bay Shore Road, The Only Choice If They Have Johnson Lane Is To Cut Across Three Lanes Of Traffic And Attempt To Make The U-Turn.

If They Can't, They Have To Continue Down Bay Shore Going Into The Wrong Direction From Where They Desire, Make Another U-Turn And Come Back That Direction.

If You Are Proceeding On Bay Shore From The West And Desire To Go To Johnson Lane, You Would Without The Vacation Have To Proceed East Past The Property, Make The U-Turn Come Back And Then Be Able To Access Onto Johnson Lane.

With The Denial This Is Existing Johnson Lane.

It's Access Point, It's Angle Needs To Be Corrected.

So If Johnson Lane Is Bumped Out That Would Correct It.

Johnson Lane Is On The Subject Property.

With This Bump Would Then Have Correct Access, That's The Alternative Of Denial Of A Vacation.

What It Does Not Get You For Johnson Lane Traveling Public Is Access To Slater.

It Doesn't Provide The Safer Turning Movements, You Are In The Same Situation You Are Today And That Is What Your Staff Looked At In Evaluating What Is Before You And Recommending You Approve The Petition Which Would Work In Conjunction With The Exchange Agreement That's Already Been Approved.

With A Denial You Get The Bump Out On Johnson Lane.

No Street Connection To Slater.

This Petition To Vacate Is In Conjunction Not Only With Your Exchange Agreement But This Property, The Subject Property Has An Existing Development Order.

This Parcel Already Has It's Internal Development Order For Cvs.

This Parcel Has A Building Permit Ready For Cvs To Pick Up.

This Request Has Staff Recommendation Of Approval.

We Have An Fdot Permit.

Yes There's Non-Conformities But That Happens Frequently.

We Have That Approval From Fdot.

This Option Is Ready To Build Today.

With The Development Order Issued With The Building Permit Ready To Pick Up, The Obligation Is To Build These Improvements That Will Serve The Public And Serve The Traveling Public Of Johnson Lane This Year.

The Bump Out Leaves You Pretty Much In The Same Situation And There's No Alternative That Will Provide This Improvement To Safety Today.

After The County Commission Meeting On May 29th, We Did Look At The Larger Picture.

Based On Comments We Heard.

This Exhibit, Exhibit One Shows That Larger Picture, In Effect This Connection From Slater Road To The East Line To Our Property To Johnson Lane Is The Initial Lane To Frontage Road. If You Look Further To The East And Spacing Requirements To The East, There Is A Provision For A Four Median Cut At This Location And In Between Would Then Provide Correct Spacing For Right In Right Out.

So With The Approval Of Today's Vacation It Would Provide The Opportunity For Two Access Points To Serve The Neighboring Property To The East.

Our Engineer Will Be Able To Show You That If Johnson Lane Itself Is Moved To The East, That Would Affect Those Spacing Requirements, So That Appeared To Be The Ability For A Future Connection Of A Frontage Road System Which Would Be Consistent We Believe With Offering A Safe Traffic Alternative For A Future Date.

That Would Provide Then For The Property Owner To The East Four Corners With Two Access Points Rather Than If You Remove That And Move Johnson Lane That Property Owner Would Then Only Have Three Corners, So We Did Try To Look At The Larger Picture.

We Agree With The Staff Recommendation, We Recognize That F.D.O.T. Has Issued The Permit, We Recognize From The Email We Are Filing That The Opposition Is Not Concerned With And Has Stated So Both In The Meeting With Development Services On June 5th And In The Email That They Are Not Concerned About Access To Slater Road Through This.

What The Staff Is Seeing, The Public Benefit To Providing That Access.

We Have Requested Four Deviations.

And Two Of Them We Will Be Able To Delete.

We Will Be Able To Provide The Sidewalk Working With Lee County Development.

And The 24 Feet Which Are Both Sides On The Memo We Will Be Able To Provide, Only Two Deviations One Relate To 10 Foot Public Utility Easement.

The Other As You Know, The Right Of Way Is From 50 Feet To 35 Feet Which We Believe Is Adequate To Service Johnson Lane Traffic, With The Benefits Provided Of The Public Interest Being Served With These Safer Movements Onto Bay Shore.

Access To Slater Road We Respectfully Request Your Approval Of A Vacation.

And Dave Douglas Is Here To Answer Any Questions.

Okay.

Bev Did You Want Dave To Elaborate On The Spacing Separation There On Bay Shore? For The Record My Name Is David Douglas, David Douglas Associate Engineers Represent The Developer As The Engineer Of Record.

One Clarification That Beverly Made.

She Called It We Had The F.D.O.T. Permit In Hand.

We Have The F.D.O.T. Notice Of Intent To Issue Based On The Vacation.

So That Clarification Needs To Be Made.

Very Quickly.

The Non-Conforming Notice Of Intent To Issue By F.D.O.T. Is Relative To The 330 Spacing, Doesn't Meet The F.D.O.T.440 Spacing, So In Notice Of Intent For Non-Conformity We Are Dealing With The Best Situation We Could Deal With On Our Property.

The Additional Spacing, The Access Point Bev Related To For The Full Median Opening Has Been An Application With F.D.O.T.

Joint Coordinated Effort For The Zoning D.C.I. 2005-0082 And Purchase Property To The

North.

That Would Be The Access Spacing Which Is A Full Access Spacing 13 20.

What We Have Shown Is 440 Spacing Requirement Which Would Allow The Additional Right In Right Out.

You Have 482 From This, And 500 Back To Proposed Facing Of Johnson Lane, That Would Meet The 440 Spacing D.O.T. Would Require For Additional Right In And Right Out To Create The Four Parcels.

Thank You.

Any Questions Of David?
I Have One.

Commissioner Hall?

Dave, When You Are Looking At Your Reconfiguration, I Heard Beverly Say You Have Enough Space To Incorporate The Deceleration Lane And Keep The Sidewalks In Place, Is That Correct?

When You Refer To The Deceleration -- What Bev Mentioned In This Scheme Of The Reverse Frontage Road The Public Access Would Then Tie Into And Could Be Continued Across Future, That Would Be In The Right Of Way Of Johnson Realignment From Slater To East Property Line.

So That Road You Would Provide Sidewalks On.

The Individual Development Orders Would Require Sidewalk Access For The Busses To Get To Arterioles.

I'm Going Back From Memory From The Presentation, Are You Proposing To Add A Deceleration Lane Coming Into The Property?

So In Other Words You Wouldn't Be Making Your Right Turn, There Would Be A Deceleration Lane?

You Are Referring The Realignment Now Called Evan Wood Lane.

There's Is A Protected Right Turn Deceleration Lane That Meets Requirements Of F.D.O.T.

Who Would Be Responsible For Putting That?

We Would Put That In, Part Of Our Off Site Construction Budget.

Thank You.

All Thee Improvements To Be Paid For By Your Client?

All Are Paid For By The Developer, Yes, Sir.

Any Other Questions?

Okay.

We Will Go To The Other Interested Parties.

I Can Do It In Any Order.

Jim Whitehead.

Good Morning.

For The Record I'm James H. Whitehead.

I Believe I've Been Using This Road Like It Is Longer Than Any Person Alive Today.

And I'm A Land Owner In Lee County.

And I Have No Objections To These People Doing Whatever They Want To To Their Property, I Think They Have Just As Much Right As The People Did Over Here.

But Do Not Impact Me Or My Family.

I Don't Know If Beverly Is Right.

If You Vote Anything I Would Say No.

I've Objected To This From The Start From When I Heard About It.

At The Community Meeting Or When They Sent Me A Diagram Of It.

I Think The County Man There Hit A Nerve The Combination Would Be The Best.

I Don't Know If That's What We Are Here Today For.

Anyhow I Don't Like This Right Here.

I Have Family That Lives Right Up Here.

I Go There Myself Nearly Everyday, Coming Outright Here On This Curve Is Bad.

It You Don't Believe It Come Out Here And See How Fast Them Cars Come Up On You When You Go To Pull Out.

If There Were Some Kind Of Traffic Control Device There, Four Way Stop Sign, Red Light Or Something, It Wouldn't Be As Bad.

My Objection To This Plan Is Not County Width Ride Of Way.

Right Of Way.

It Doesn't Have The 50-Foot Radius Required For Trucks Which I Use Out Here.

And This Coming Out On The Curve.

That's The Way I Feel About It.

Thank You James.

Thank You For Your Input, Sir.

My Name Is Michael Cicerone.

Mr. Pritchard Owns The Extensive Acreage East, I'm Speaking On Behalf Of All Of Them, When I Say The Two-Week Delay Has Been Very Beneficial For All Concerned Because I Think It Spares You From Having To Listen To The Traffic Engineers Debate Each Other, I Will Have Mr. Banks Speak To You Only On Two Points, One Is In Response To Intersection Separation Which Mr. Douglas Spoke To You About.

And The Other Is The Meeting That Mr. Banks Had With Mark Clark Of F.D.O.T. Yesterday.

The Reason We Have To Do That, I Think Is Because He Had Sent To Commissioner Janes A Written Email Explaining That With Commissioner Janes Being Absent.

I Don't Know If He Had The Opportunity To Forward It To You.

I Haven't Received It.

Rather Than Me Read This, The Best Would Be To Have Mr. Banks Report To You What He Reported To Commissioner Janes.

As I Understand It When We Send Something To The Chairman It Gets Distributed Among All Of You, I Don't Think He Had A Chance To Do That, Otherwise Should Have Received Copies Of Various Communications Which We Sent To The Chairman The Last Two Weeks.

The Most Important One Being That Contrary To What's Being Represented You Do Have More Options Than What Are Being Offered Today.

True Today You Either Approve Or Reject The Vacation But I Would Respectfully Submit It's Not Good Policy To Do It In A Vacuum Of Other Issues Which Certainly Are Capable Of Being Brought Before You At Your Pleasure And That Other Issue Is The Alternative Access To The East Which Wasn't Considered Before Because Nobody Ever Asked Us About It.

We Only Got Into This Process When We Saw The Train Leaving The Station And No One Had Consulted Us At Which Point Mr. Pritchard Looked At The Alternative Access And Said I'll Provide That.

We Have A Surveyor Under Contract, We Are Prepared To Prepare A Legal Description, Deed It Along With Appropriate Title Insurance As Quickly As We Can Get That Legal Description Prepared And You Tell Us You Are Prepared To Accept It.

Does That Immediately Produce A Road At This Location?

No.

Will It In The Future?

Yes.

Because Any Development That Occurs If Not This Development For The Cvs Then Whatever Would Occur On Pritchard Would Require That Be Built To County Standards With No Deviations Or Anything Else.

And Your Own D.O.T. Clearly Recognizes It's Superior.

One Reason Being It Allows Enough Distance To Put In A Decel Right Turn Lane.

Which Proposed Alignment Of The Applicant Doesn't Provide.

Mr. Banks Can Explain That To You, But I Would Respectfully Submit In Terms Of Public Safety That Deceleration Lane On A High-Speed Highway Is An Awful Lot More Important Than Connecting Slater And Johnson Lane Which Have Been Functioning Quite Well.

And The People Who Would Benefit Are My Clients Telling You, They Don't Need It, They Don't Ask For It, You Aren't Doing Them Any Favors If They Are The Public You Are Trying To Serve, Seems To Me Because The Superiority Of What I Will Call The Pritchard Alignment Is So Obvious To Anybody, You Don't Have To Be A Traffic Engineer, That The Rational For This Vacation Has Suddenly Ceased To Be The Realignment Of Johnson Lane And Has Now Become The Slater Road Johnson Lane Connection.

The First We Heard Of It Was Memorandum Of Yesterday.

Now That's The Most Important Thing, We Don't Think It's All That Important.

If The Applicant Thinks It Is, Go Ahead And Build It.

We Are Already Accessing Slater Road To The North.

You Can See It On The Applicant's Aerial.

We Don't Need It.

One Reason We Think It's Premature Is That At Some Point It's Very Likely You Will Extend Littleton Road Over To Slater.

I Very Much Doubt It Will Be At This South Location And Undoubtedly Will Be North.

That's The Appropriate Point Where Mr. Pritchard Will Connect To Slater.

You Simply Drive A Road Straight Through To Property He Owns And Connect Four Way With Extension To Littleton.

That's Good Long-Term Traffic Planning.

That's What We Should Be Talking About.

We Shouldn't Be Caught Up In The Microcosm Of This Application.

What You Are Doing Today Will Affect The Road Network For 50 Years.

We Are Talking About A Long Term Result Coming Out Of What You Do Today And We Respectfully Suggest You Are Being Rushed Into This For Reasons Which Quite Frankly Are Not Persuasive In Our Mind.

We Think Your Transportation Staff Has Identified A Much Better Long Term Solution But Unfortunately Because Of The Circumstances Of The Application, They Have Been Boxed In To Coming Before You Today In Essentially Saying We Can't Look At These Bigger Picture Items, Because This Is A Vacation Request.

Well That's True, If That's How You Want To Look At It But If You Deny This Vacation Which Is What We Are Asking, We Will Bring In The Deed, We Will Provide A Right Of Way For Johnson Lane, It Won't Cost A Penny.

It Will Get Built In The Future.

It Will Be Good Planning, You Won't Have This Weird Spaghetti Like Option In Front Of You.

That's A Solution That Everybody Can Buy Into.

If The Applicant Doesn't Like It, The Jug Handle Is Fine With Us Too.

The Point Is This Application Is Not About Advancing A Particular Development.

This Application Is About Your Future Road Network.

I Cannot Bring Myself To Believe That Anyone Of You If Presented With These Two Alternatives Outside Of This Particular Application Would For One Second Entertain The Applicants As The Superior One.

I Have Too Much Respect For You To Believe That Could Possibly Be The Case, Yet That's What You Are Being Asked To Do, Put On Blinders, Don't Look At Big Picture, Look At This As A Very Narrow Up Or Down Vote Related To A Specific Piece Of Property And The End Result Is Bad Engineering, I Don't Believe That's What We Should Be Doing, With Respect To Engineering I Will Let Mr. Banks Touch On A Couple Points.

We Agree With Your Transportation Staff.

The Best Combination, The Best Result Would Be A Combination Of The Two.

But If You Can't Have It Because The Applicant Isn't Willing To Build The Connection Between Slater And Johnson So What.

The Big Picture Is The Johnson Lane Alignment And The Distance Between Johnson Lane And Slater.

What Happens Between Slater And Johnson Lane North Of That Is Frosting On The Cake, It's A Minor Trivial Issue, We Have Been Operating Without It For 50 Years.

Why All Of The Sudden Is It So Important That We Would Stand Good Transportation Planning On Its Head And Endorse This Bizarre Alternative That's Been Presented To You, Please Don't Do That.

Mr. Banks Will Tell You Why From An Engineer's Perspective And From F.D.O.T.'S Perspective You Shouldn't Do It.

Thank You Mike.

Jim?

Good Morning, My Name Is Jim Banks I'm Here On Behalf Of The Opposition.

Quickly I Will Expedite My Testimony.

Mr. Douglas Suggested That They Presented An Alternate Frontage Road Plan Based On The Premise That If They Relocated Evan Wood At This Location This Would Allow For The Intersection Separation Of About 440 Feet To This Right In, Right Out Access And Then Also Provide Adequate Separation Fo Full Access.

I Would Submit That Does Meet F.D.O.T. Standards But F.D.O.T. Is Typically Not Incline Today Give Access Just Because You Meet The Standard, They Look At The Need.

I Believe The State Will Look At This Application And Say This Is One Large Contiguous Parcel, You Have Full Access Here, There's No Reason We Need To Provide Additional Access At This Location.

I Would Submit Yes, We Will Have This Full Access At This Location, This Access Here Is Not A Guaranty.

In My Meeting With D.O.T. And Mr. Douglas They Conceded The Fact They Couldn't Guaranty F.D.O.T. Would Allow That Right In And Right Out Access.

I Want You To Take That Into Consideration.

I Have A Tendency To Speak Fast But I'm Trying To Rush Through This.

If I Need To Go Back Over Something, Let Me Know.

I Would Submit To You This Is Definitely Not A Guaranty, They Propose To You This Would Create Four Parcels For Our Client.

There's No Guaranty.

Matter Of Fact I Would Submit I Doubt D.O.T. Would Approve This Access.

They Might, But I Doubt It.

As To My Meeting With The State, Ms. Grady And Dave Douglas Reported To You There Was Interaction With F.D.O.T. Regarding The Potential Approval Of The Evan Wood Connection As Johnson Lane.

I Caught Mr. Clark In Between Meetings In Collier County Building.

It Was Not A Scheduled Meeting, He Afforded Me 15 Minute To Discuss It.

I Didn't Have Our Plan To Present To Him But I Asked Mr. Clark What Was The Reason That F.D.O.T. Had Originally Issued That Notice Of Intent.

And Mr. Clark Said To Me, And He Is In Barstow Today, I Begged Him To Attend This Meeting, I Did Get Permission From Mr. Clark To Present This Testimony To You, We Could Have It Validated Later If You Like, His Position Was, I Quote, The Only Reason We Signed Off On This Was It Would Reestablish The Interconnect To Bay Shore At A 90° Angle.

That's The Only Reason They Signed Off On It.

Without Any Prompting From Me, He Then Said, I'll Tell You What I Don't Like About The Plan.

He Started Talking About, I Don't Know How They Think Trucks Will Travel On These Roads And Make These Turns They Will Track Into These Opposing Lanes Of Travel.

Mr. Clark Did Not Like The Remainder Part Of The Plan.

He Expresses To Me, I Provided No Prompting To Him, He Just Started Going Off About What He Didn't Like About The Plan.

Then He Said F.D.O.T.'S Biggest Concern On This Whole Issue Is The Construction Of A Westbound To Northbound Right Turn Lane On Bay Shore Road At The Slater Bay Shore Intersection.

He Said That's F.D.O.T.'S Priority Number One Concern.

I Said, Well, Mr. Clark.

Their Plan Doesn't Meet Your Spacing, They Are At 330, Your Spacing Is At 440.

It Will Require It Be Constructed At 460 Feet.

Their Plan Allows 360, I'm Not Sure Of The Exact Number.

I Have It Written Down Somewhere.

I Said We Presented An Alternate Plan We Would Bring Johnson Lane, Maintain The 50 Feet, Swing It To The Southeast, Intersect Bay Shore At A 90° Angle.

I Described This To Him, I Didn't Have The Plan In Front Of Me, I Drew It Out Real Quick And Submitted To Him We Would Meet Their 440 Intersection Separation And It Would Allow Us To Construct A Right Turn Decel Lane On Bay Shore Onto Slater That Is Consistent With Their Standards.

He Was All Over.

He Loved It.

He Said It's A Better Plan But Until You Provide In Concrete Evidence I Can't Formally Sign Off As The Preferred Alignment.

That Concludes Basically My Testimony.

Jim, Is Your Client Willing To Make Those Improvements?
Right.

Land Development Code States Whoever Develops Whether Mr. Prichet, Whoever Does First Will Reconstruct Johnson Lane To Meet Current County Standards, Mr. Prichet Is On Record, He Has Already Initiated A Contract With The Surveyor In Town To Prepare The Legal Description To Submit To The Board For Your Acceptance The New Right Of Way Of Johnson Lane.

I Submit To You If Mr. Prichet Or This Parcel Whoever Comes Online First Will Be Required To Build That Road.

Thank You.

Questions Of Jim?
Well I Guess -- If You Will.

I Can Understand The Decel Lane Between Johnson And Slater.

But Not Prior To That.

To Get In There You Would Just Be Accessing Johnson Lane Like You Are Now Only You Would Be At A Right Angle?
We Are Basically Accomplishing The Same Thing The State Liked.

I'm Talking About What's Going To Be Built Through This.

These Decisions What Would Actually Be Built.

What Would Be Built If You Accepted Our Alternative Alignment.

Our Position We Could Still Construct Johnson Lane Based On Our Alignment.

Mr. Gilbertson Said He Liked This Better.

This Road Here, This East-West Road To Slater, If They Want To Build It, That's Fine With Us, They Have A Development Order In Place To Do It.

We Don't Really Care, Our Clients Have Access To Slater Anyhow.

This Is Simply For These Guys.

Who Owns The Road North?
Scott Carter And Rick Prichet.

Privately Owned And Maintained Road?
That's Correct.

They Allow The Public To Access?
Is It Dirt Or Paved?

It's A Dirt Road That Is A Private Easement And They Have An Arrangement With Mr. Whitehead He Can Obviously Travel Across It As Their Neighbors, We Only Have Three Neighbors.

The Public Can't Use The Road Is What I'm Saying?
Currently It Doesn't Provide Public Access.

But Their Intent When Littleton Comes Over To Intersect Slater Years If It Does They Want To Lineup With Littleton Road, Where Ever It Is, Let's Say This Location, They Want To Lineup With Littleton And Bring It Over And Intersect At This Full Access So Instead Of Bringing All The Traffic Of Littleton Into This One Intersection And Share The Traffic Burden Of Slater And Littleton, They Would Happily Extend Littleton Road Through Their Property And Intersect At This Property And An Additional Plan To Try To Tie Into The Church If That Occurs.

They Aren't Offering That Easement Today Free Of Charge So I Don't Think We Can Speculate On That.

The Only Thing Prepared To Submit In The Process Of Preparing Is 50 Foot Of Right Of Way From Johnson Lane To Bay Shore, I Submit This Meets All County Standards And All F.D.O.T. Standards.

Who Owns The Corner There?
Mr. Prichet Owns This.

If Vacated By The Applicant They Would Own It, Mr. Prichet Informed Me He Will Work Out Terms Of The Owners Of This Parcel To Acquire That Piece.

It's So Small That Mr. Prichet Can't Do Anything With It, He Is Happy To Work Out Some Kind Of Arrangement With These Guys Taking Over The Property.

They Have A Billboard Here They Can Either Relocate Onto This Corner Which Would Also Free Up Space For These Guys.

We Would Also Submit They Could Basically Still Do Their Plan, They Just Wouldn't Have To Dedicate This As A Public Or Private Road, This Could Be A Driveway That Serves These Two Parcels But They Won't Be Connecting To Bay Shore If We Construct Johnson Lane At This Location.

Thank You.

Bev?

Rebuttal?

Thank You, Jim.

Well Mr. Commissioners, They Have The Old Adage If You Don't Have The Facts You Pound The Law, If You Don't Have The Law, You Pound The Facts.

If You Don't Have The Law Or Facts You Pound The Table, That's What You Heard.

We Are Talking About Extension Not On Anyone's Map.

Meetings In Hallways Where No Meetings Were Scheduled.

We Have Worked Two And A Half Years On This Development Order And Are Ready To Build, We Operated Within The Lee County Procedure And Law.

He Made An Interesting Comment This Road Has Been Operating For 50 Years.

Let's Look At What The Property Is Doing.

Right Now We Have Pictures Of This, We Showed The Last Meeting.

What They Are Doing If They Want To Enter Johnson Lane Coming From Bay Shore From The West Is They Turn And Make A Left Turn On Slater And Meander Through The Property To Get Up To Johnson Lane.

That's The Public.

Those Are The People Who Actually Live Up Here And Actually Use Johnson Lane.

They Have Had To Make Their Own Paths For Their Traffic, That's What The Public Is Doing.

Mr. Cicerone Isn't Representing The Public, He Is Representing Major Developers, We Are Talking About Future Road Way That Doesn't Exist On Anyone's Map, Talking About Getting Access Points And Commercial Corners For Developers Of The Future.

The Meetings You Heard About, Weren't Schedule, No Plans, No Traffic Study Has Been Done, There's Been No Design.

We Have Development Permits, Building Permits, We Are Ready And You Have A Staff Analysis That Recommends You Approve Because It Provides A Safer Situation For The Real Public, The Real People Who Drive That Road, Not The Land Owners, Who Don't Have It Or Have Other Access Or Their Own Access To Slater Road.

Dave Did You Want To Respond To Any Of The Specifics?
I Need To Ask You A Couple Questions If I Could.

There Was Some Comment About The I Guess The Deviation That Requests 35 Feet Versus 50 Feet And Potential Impact That Would Have On The Traffic.

I Will Let Dave Respond To That, But That's Been Looked At By Your Staff As Well As Our Engineers.

It Is A 35 Foot Closed Drainage Right Of Way.

Okay, That Makes A Difference.

The Other I Want To Ask Access Off Slater From The Curb And Road, Mr. Whitehead I Believe Mentioned.

I Will Let Dave Respond To That, Because I Know Mr. Whitehead Did Attend Our Community Meeting And Based On That We Made A Change To Make Sure There Was Clear Sight Visibility.

And One Other Issue, The Turning Movement Or Radius For The Large Semis.

As Proposed.

I'll See If I Can Take Them One At A Time.

The Access Out On To The Curve At Slater Road Was Discussed At The Public Workshop, One Of The Gentleman Who Came Had The Comment About The Site Access When Looking Over To The North And That Could Provide A Problem With Accessing Slater Road At That Location.

We Went Back Before The Development Order Was Issued And We Met With Staff And Environmental Sciences And We Modified The Buffer Requirements That You See Along This Curve Right Here Where This Is The Dry Detention Area And The Bands Here Are The Buffer Requirements By Lee County, We Were Able To Move All The Trees Out Of The Straight Line Site Distance So If You Are Pulled To The Intersection Of Slater Pull To The North Before You Make That Move And None Of The Trees Are Planted In, Not Only Not In The Right Of Way, They Are Pulled Back So There's A Site Distance Angle All The Way Across That Property Corner So All That You Can See Without Any Vegetation That Would Be Encumbered Right Up Against The Right Of Way, So That Was Pulled Back Made Part Of The Development Order, It Was Approved That Way In The Development Order.

The Point That Mr. Whitehead Made When The Johnson Realignment Ties Back Into The Existing Johnson Lane In The Northeast Corner Of Our Property We Went Back And Looked

At Those Radiuses And Widened The Pavement Along The East Side Of This Curve Adding More Pavement To Do The Wb65 Turning Radius Where The Big Semi Tractor Trailer Movement And You Can Make The Turn Through That Corner.

As You Would Know On Any Local Intersection Where You Have A 90° Turn You Aren't Going To Run A Wb65 Tractor Trailer Without Going Into The Other Lane, It Just Doesn't Happen, Like Trying To Drive Anybody Seen A Full Sized Tractor Trailer In The City Limit Going Through Any Intersection 90° As This Would Be The Truck Uses The Whole Road When He Makes The Turn, We Ran The Auto Turn, It Makes It Without Leaving The Pavement, So The Tractor Trailer Can Make It, That Was Changed And Approved As Part Of The Plans, We Sent Copies Of Those Exhibits To Mr. Whitehead And Approved As Part Of The Development Order.

You Are Saying The Trucks Wouldn't Have To Go In Other Lanes?
They Do.

When A Truck Makes A Turn Like That They Are Using Up The Pavement.

You Say Wouldn't Go Off Pavement?

It Wouldn't Go Off The Pavement, It Will Use Up Pavement On The On Coming Lanes, When They Swing Wide You Are Using Up The Pavement, That Tractor Trailer To Keep On The Pavement Or He Will Run Off The Shoulder That's A Typical Scenario.

One Last Question, The Comment I Think Bev Made About The Public Utilizing Your Client's Property.

So If Your Client Decided To No Longer Allow That Access What Would The Public Do To Access That Lane?

They Would Have To Do U-Turns On Bay Shore Road.

If They Are Coming From The West On Bay Shore They Would Have To Proceed Past Johnson Lane Location, Make U-Turn, Come Back Westbound And Make The Turn Into The Property That Way.

If They Are Coming From The East They Would Have To Go -- If They Are Coming From The West, They Have To Go Around.

If They Are Coming Out Of Johnson Lane And Want To Proceed Eastbound They Have To Come Out And Make The Right Turn, Do A U-Turn At The Intersection Of Slater Or Past, Make A U-Turn And Head Back Toward The East, That's The Only Way They Can Make Those Turns.

Thank You, David.

Questions From The Board?
I Have A Question For Staff.

David, Thank You.

Scott Or Paul?
Just A Minor Vacation Request Here Huh?
[Laughter]
It's Become A Major Road Discussion.

Scott, We Heard From Mr. Prichet And Carter And Mr. Whitehead's Representative All Of These Issues That Go Beyond The Vacation.

And I Really Need To Hear From D.O.T.

I Recognize That Based On The Purview Of What You Are Doing, Okay They Have Met.

But From Your Perspective And What We Are Doing Up Here Can You Give Us A Little Bit Of Your Thoughts On These Configurations Being Shared With Us Today And All Of The Other Comments And Again State D.O.T. Is Not Here To Represent Themselves And I'm Not Impugning You Are Misleading Us.

I Have County D.O.T. Here
So From Your Perspective Can You Give Us Some Of Your Insight On What You Have Heard Today?
Scott Gilbertson, County D.O.T.

For The Audience Out There.

Yes, Commissioner, Both Options Have Their Pluses And Minuses.

Neither One Would Probably Satisfy Our Objection We Initially Voiced About The Vacation Of The Existing Right Of Way.

The Applicant Has Provided His Option, The One That Goes East-West To Slater, The Benefits Of That Are The Access To Existing Johnson Lane Is More Direct, Especially For People Coming To And From The West.

The Disadvantage The North-South Road That Parallels Slater, The Separation From Slater Is Not Up To Fdot Standards.

It Does Compromise Or Shorten The Ability For A Right Turn Lane To Slater From Bay Shore.

That's The Down Side Of That Option.

Of Course The Property Owner To The East, Their Alternative Just Turn Those Pro's And Con's Around For The Other Direction.

If I Had A Clean Slate There And Could Start From Scratch I Would Do A Combination Of The Two Options To Get The Benefits Of Both Of Them And Cancel Out The Detriments Of Both Of Them.

But I Don't Have That Available And We Don't Have It In Our Programs To Start A Capital Improvement Out In That Area.

So All These Improvements Have To Be Born By The Developer Because We Have Nothing Slated For Anything In The Near Future?

There's No Improvements D.O.T. Will Do, Any Improvement To Bay Shore Will Have To Be Born By The Developer, Whether Today Because We Approve The Vacation Or In The Future When The Other Site Is Developed?

Basically, D.O.T. Isn't Coming In And Putting A Decel Lane.

Fdot Just Finished Four Laning Of Bay Shore And They Chose, I'm Not Sure Why, Not To Put A Decel Lane At This Time, I Can Only Surmise It Didn't Meet Their Criteria At This Time.

At Least For The Foreseeable Future The Turn Lane Is Not Needed Based On What F.D.O.T. Has Already Done Out There.

They Have A Light There Also.

That's Correct.

Thank You.

Thank You, Scott.

Commissioner Bigelow?

Scott, Given What Mr. Banks Has Said About Mr. Clark's Opinion, Is There Anything Professionally That, Anything He Said That You Heard From Professional Engineering Perspective That Caused You Any Reason To Doubt What He Said?

Well I Wasn't A Party To The Conversation.

Is There Any Reason To Doubt What He Said About Mr. Clark's Opinion?

My Only Observation Is Fdot Just Completed Substantial Widening And They Chose Not To Put In That Turn Lane.

Well That Doesn't Answer My Question.

Are You At All Troubled Professionally By Mr. Bank's Representation Of Mr. Clark's Testimony?

Anything You Disagree With About What He Said Mr. Clark Said?

No, But I Wasn't A Party To The Conversation.

It's Difficult To Ask My Judgment.

Because If You Have An Objection I Would Like To Know What It Is.

But You Aren't Saying You Have An Objection.

Okay.

That's Important For Me.

Well I Think --

Give Credibility To What Mr. Banks --

I Think He Can't Comment He Wasn't Privy To The Conversation, That's What He Is Saying.

Okay.

All Right, We Can Play That Game If You Want.

We Will Go Back To The Board.

I'm At A Loss.

I Don't Feel Any Clearer Than I Was Before.

All Due Respect.

Scott If You Wouldn't Mind Coming Back Up To Correct What A May Be Saying, What The Applicant Is Proposing And I'm A Supporter Of Reverse Frontage Roads To Take Pressure Off Arterioles, That's A Good Thing.

Secondly It Would Appear This Actually Enhances Access.

Typically, More Specifically For The Property Owners In The Area.

If Right Now They Are Accessing The Applicant's Property Legally Obviously We Need To Do Something To Abate That, And I Think The Applicant Is Providing For Safer, Legal Means Of Accessing Johnson Lane For Those Property Owners To The North Of The Property Here.

It Appears From What I've Seen On The Material That's Been Provided To Each Of The Commissions What We Heard Today There's Enhanced Safety With The Turning Movements Based On The Radius Of The Corners Of Evan Wood And Johnson And Also The Fact That The Way It Currently Exists You've Got Big Semis Actually Taking Over The Other Lane That Causes Cars To Stop On Bay Shore.

I'm Seeing Enhanced Safety, Enhanced Access, Elimination Of Illegal Access By Other Owners In The Area, Property Owners In The Area.

I See, I Understand Jim Banks Issue On The Fact That The Second Possible Access Isn't Guaranteed But Without 440 Qualification You Don't Qualify.

Mr. Prichet Qualifies For Two, He May Only Get One But He Qualifies For Two.

I'm Seeing Benefits All Around With What The Applicant Is Proposing.

On The Turning Radiuses For The Trucks, Obviously We Will Have Trucks There With Cvs, Are You Comfortable With The Adjustment Order?

The Way It's Been Represented To Me, Yes.

The Way It's Been Represented, It's Satisfactory.

The Proposal Is A Much Better Situation Than What Currently Exists That Acute Angle Of Existing Johnson Lane And Bay Shore Presents A Number Of Problems All By Itself.

So Changes Out There Are Better.

You Could Always Put The Two Of Them Together And Still Have A Better Solution Yet, But That Option Is Not Available.

And This Is Something The Applicant Pays For.

Right.

Mr. Chairman, Just A Point Of Order, Are We Still Open To Public Comment?
I Do Need To Open Up For Other Public Comment.

Are There Any Other Members Of The Public Who Wish To Comment On The Item Before Us, The Vacation Request.

Seeing None, Back To The Board Then.

As Difficult As This Has Been, You Are Sort Of Like Between A Cart And Horse, I Appreciate You Summarizing, It's Sort Of Where I Was At With This Anyway Because I Want To Make Sure We Are Being As Fair To Both Property Owners As Possible.

Since This Is My District I Will Make A Motion To Approve The Vacation.

We Have The Motion By Commissioner Hall To Approve The Vacation Request.

Do We Have A Second For Discussion?
I'll Second For Purpose Of Discussion.

I Did Want To Add One Other Item.

What We Heard Today We Didn't Hear Several Weeks Ago Is The Applicant's Commitment To The Sidewalk.

Another Contribution To The Area.

I'm Trying To Look At A Down Side, All I See Is An Upside.

I Think What Makes Me Feel Better About It, Is The Opportunity When And If The Prichet Property Or Their Team Decides To Do Developments It's A Long Narrow Parcel But How They Decide To Do That Frontage, There's An Opportunity For A Frontage Road In There And There Is Additional Access Points That Could Be Given There, I Agree With You Commissioner Judah, The Frontage Road Is Extremely Important.

It Opens Up A Better Overall Plan For The Future Development Of That Particular Parcel.

But I'm Not Going To Preclude Or Assume What They Will Do, But I Think It Gives Them More Options Than What They Had Before.

That's What I Was Interested Trying To Keep Each Property Owner As Whole As Possible With As Many Viable Options For Them, By Accepting The Vacation I Think I Did Give Mr. Prichet More Options Than Previously.

I Initially Was Opposed To This Original Request.

And I Was Glad We Had An Opportunity To Further Research And Study The Proposal.

But I Too Was Concerned About Any Negative Impact To Mr. Prichet, I See Ultimately It Will Be A Positive Impact With The Potential Of Two Accesses, Four Corners, Ultimately Greater Positive Improvement For The General Public, So Having Said That, Commissioner Mann?

Mr. Chairman.

I Don't Think Anything That's Been Said Here Today Is Something I Would Disagree With.

I Always Enjoy Ms. Grady When She Is Here, She Has Never Said Anything That Would Be Misleading In Any Way, She Always Represents Her Clients Effectively.

Everything She Said Is Accurate And I Think Everything The Engineers Have Said, I Agree What You Said About What They Are Suggesting And Proposing Here Is Much Better Than The Status Quo For A Number Of Reasons Most Of Which You Have Outlined.

Here Is My Struggle.

I'm Weighing Very Heavily The Fact That Mr. Prichet And Mr. Carter And Mr. Whitehead And Those Other Residents Not Here Today They Are All Members Of The Public.

And I Am Thinking Of Them As The Public And The Prichet Property, That's Been In That Family For 50 Years And I Weigh Heavily The Impact On The Adjacent Property Particularly Someone With That History In The Area.

The Other Things That Give Me A Little Discomfort Are What Our Own D.O.T. Has Said.

Ms. Grady May Have Been Over Stating A Little Bit What This Blue Sheet Calls For, Staff Is Recommending This.

What The Staff I Think Is Doing They Are Not Objecting.

They Stand By The Original Position Of No Objection To The Vacation.

But Prior To That They Said Their Best Option In Our Opinion Is To Move The Connection To Johnson Lane To The Prichet Property.

And That's What's Been Purportedly, The Statement That I Think Commissioner Bigelow Was Pursuing Whatever Mr. Clark Said On Behalf Of The Big D.O.T. That Would Be The Best Option.

We're Not At The Best Option.

We Are At A Better Option, Yes.

We Are Still Treading On The Property Rights And Moral Rights Of The Guy Who Has Lived There And His Family For 50 Years.

They Aren't Happy With This Thing, I Think There's A Better Arrangement We Could Ultimately Arrive At If We Bought A Little More Time.

I'm Not Ready To Sign Off, I Think There's Something That Could Be Harmonious With A Little More Effort.

I'm Not Ready To Go With It Today Those Are My Reasons, Thank You Very Much.

Commissioner Bigelow?

I Would Like To Point Out We Have Made Progress In Two Weeks.

It's Moving In A Direction I Would Like To See It Continue To Move.

I Think Each Plan Gets Better And Better.

Let Me Withdraw My Second Only From The Standpoint That It's Not Too Hard To Read The Ti Leaves And That We Defer This Item, As Opposed To Seeing It Potentially Rejected.

I Don't Mind Withdrawing My Motion, Last Week I Wasn't Supportive.

I'm Looking At The Applicant, Do You Want To Delay This A Year?
We Need A Five-Member Board.

I Don't Think A Week Is Going To Get Us To Deeds.

Based On What I Have Before Me And Options Scott Is Talking About.

And We Have Someone Waiting To Pull Their Permits Who Have Been In This Process For Two And A Half Years.

My Frustration When I Tried To Call And Again, Mr. Prichet And Mr. Kinsey Are Both Personal Friends.

It's Not Easy When You Sit Here Weighing The Conclusion.

I Was Extremely Concerned About The Negative Impacts To Mr. Prichet's Property, I Liked The Opportunity To Afford Him More Options If He Decide To Split That Parcel In The

Future.

I Tried To Contact Him A Couple Times To Talk To Him, And Wasn't Able To Before Today.

In That, Scott, If You Would Come Forward Because I Think We Owe The Applicant Some Kind Of Date Certain But At The Same Time There Seems To Not Be -- There Seems To Be A Split.

I'm Looking At A Time Frame When You Can Give The Option And We Can Accept Or Not Accept And I Guess We Would Be Back To Where We Are.

I Think We Are At That Point Now, Commissioner.

I've Laid Out What I Think Is Best, And Neither Party Has Accepted That Solution, Looks Like Both Parties Are Pushing Their Particular Solution.

Just Want To Make Sure You Have Met With Them And Offered The County's Druthers, If You Will.

And I Guess You Are Saying You Have And It Was Rejected By Both Parties.

Nobody Has Offered To Accept It, Anyway.

We Could Make A Motion Again.

I'm Just Kidding.

This Needs To Be Resolved Before We Go On Break.

And I Know At The Next Meeting I Think You And Commissioner Janes Are Not Here Next Tuesday, Are You?

No Ma'am.

That Leaves Us With Three Members, So I Will Make A Motion, Once Again We Continue Until What Date?

Somebody With A Calendar?

Beverly We Won't Have A Full Board Until August.

We Have Only Three Commissioners Here Next Week And Then The 26th We Only Have Four Commissioners Here Again.

If You Would Like To Come Back On The 26th.

I'm Trying To Accommodate You All.

My Thoughts On This, If We Take No Action Today There Will Be A Dialogue Continued Between The Parties Here No Matter When This Comes Up.

We May Have The Resolution Sitting Out There Waiting On Us.

They Don't Really Need To Wait To See If We Will Meet In July Or August Or When We Come Back.

This Will Trigger A Dialogue, I've Got To Believe It's In Mr. Prichet's Best Interest To Give Him A Long Term Picture And What His Options Will Be Five Or Ten Years From Now.

I Would Hope Mr. Cicerone.

We Will Bring It Back Probably Quick.

We Might Get This On Before July After These Folks.

I Need To Clarify, If You Take No Action, That's A Denial.

If You Don't Continue It.

I'm Not Suggesting Take No Action.

I'm Trying To Address What Commissioner Mann Is Saying, Once It's Denied They Have To Start All Over Again.

There Has To Be Advertisements, Petitions Filed.

It Would Not Be Possible To Bring It Back Again In A Very Short Period Of Time If It's Denied.

What I Am Trying To Do Is Accommodate The Applicant Who Has Deadlines With Tenants And People He Has Committed To After Two And A Half Years Of Working On This Property, He Does Have Permits Pending Waiting For This Vacation, In Respect To His Clients And Other Contracts Not For Our Interest I'm Trying To Accommodate Within A Timely Fashion An Opportunity For The Two Party To Get Back Together, They Can Come Back To A Full Board In August, Or Continue To Some Date Certain, They Can Come Back To The Last Meeting Of August Again With Four Commissioners.

Not To Say If They Came Back At The End Of June They Wouldn't Have A Better Option But I'm Trying To Offer Them An Opportunity To Come Back To A Full Board Or Partial Board.

I've Offered Them An Opportunity To Tell Me Which They Would Prefer.

They Would Request The Full Board Which Is August 7th.

I Will Make A Motion We Continue To August 7th 2007 At A 9: 30 Public Hearing.

I Will Second It.

We Have A Motion, And Second.

Hearing No Objection The Motion Passes.

And We Have The Right To Withdraw The Application If Needed.

That's Right.

Thank You.

I Apologize For The Delay In Getting Us To That Point.

Okay Next Public Hearing?
Case Vac 2007-0005.

Continued From May 1st.

An Affidavit Of Publication Has Been Placed In The Record With Respect To The Request That's Before You.

This Request As You May Recall Is Related To The Rezoning Of Mid Town He Estero Project.

In Conjunction With That Rezoning A 50-Foot Wide Natural Waterway Buffer Was Added During The Rezoning Along The South Branch Of The Estero River.

It Was Increased From The Original Narrower Width Of 25 Feet, That Was First Provided In The Rezoning Request.

However The Zoning Of This Case Still Remains Subject To The Outcome Of This Rezoning Request.

With That The Case Is Yours To Consider Again.

From That Zoning, 50-Foot Buffer From The Bank Of The River.

This Vacation Would Allow For Reconfiguration Of The Site Plan.

And The Way The Zoning Stipulated 50 Foot Buffer It Would Allow For Development Up To The 50-Foot Buffer?
That Is Correct.

It Would Allow Them To Use The Right Of Way That Exists Within The Project But It Would Still Be Based On The Natural Waterway Buffer That Was Increased To 50 Feet During The Rezoning, They Wouldn't Be Able To Redevelop Within That 50 Foot Area.

The Other Portions Of Right Of Way Would Be Available For Development.

John, Do You Recall, Tim Do You Recall, On The Zoning Initially They Would Be Within -- Maybe Matt Would Comment.

Thank You John.

Matt, Hi.

Good Afternoon.

What I'm Willing To Ask I Know You May Have A Few Other Comments To Make, This Would Have Been Within 40 Feet Of The River.

The Original Version Of Plan A Showed Buildings With A Minimum Setback Of 44 Feet Within The Right Of Way That Was Asked To Be Vacated.

Now As A Result Of The Board's Action You Have A Minimum 50-Foot Buffer And Setback.

The Board Essentially Made This Decision During The Zoning Hearing.

I Think The Board In Response To My Arguments Made It Quite Clear You Agreed That Maintaining A Right Of Way As An Effort To Really Maintain A Preserve Area Was Not Appropriate And Maintaining The Right Of Way For The Purpose Of Building A Road Is Not Appropriate Due To Environmental Impacts And Intersection Separation Problems That You Would Have If You Actually Built The Road.

Our View Was The Vacation And The Zoning Were Kind Of Merged In The Discussion And That The Board Did Approve Plan A Which Was The One With The Vacation Subject To The Density Reduction And The New Buffer Which Will Obviously Comply With.

You Are Right, I Didn't Mean To Interrupt You Prior To You Starting Presentation But That Was The Crux And I Appreciate You Clarifying It.

Any Other Comments, Matt?

I Don't Really Have Anything More To Say Than That.

You Have Been Through A Lot Of Difficult Discussions This Morning, I Don't Want To Prolong Your Agony.

We Think We Are Just Asking You To Do What You Already Did Eight Days Ago, That's All.

I'm Ready For That.

Motion By Commissioner Mann To Approve The Vacation Request.

Second By Commissioner Hall.

We Will Make Sure That We Offer An Opportunity For This Public That Would Like To Comment On This Vacation Request.

Seeing None, Back To The Board, Further Discussion?

Commissioner Bigelow?

We Have Two Letters Of Objection Signed By The Same People.

Says We Might Potentially Land Lock?

That Was Based On A Version That Was Obsolete Because The Scope Was Changed To Eliminate Whatever Concerns They Had, But Bottom Line They Aren't Being Land Locked And The Staff Has Agreed The Vacation Is Appropriate Because We Aren't Land Locking.

Okay, Thank You.

I Will Support The Request Simply Because It Was The Board's Will The Zoning Application Be Approved.

Okay.

Any Further Discussion?

Any Objection?

I Hear No Objection.

The Motion Is Approved.

And We Go Onto I Think That's It For Public Hearing Comments This Morning.

Public Agenda Items.

We Go Onto Walk-On Item Number 1?

Move The Item.

Thank You.

Motion By Commissioner Hall, Second By Commissioner Mann.

Discussion?

Objection?

No Objection, The Motion Passes.

Commissioner Items?

Commissioner Hall?

Thank You.

I Would Like To Congratulate Don, How Proud We Are Of Him And The Excellent Work Your Team Does.

Engineer Of The Year Award.

Florida Engineering Society, By His Peers.

I Think That's A More Critical Award When Your Fellow Engineers Think You Are The Best.

I Did Send Out A Notice A Month Ago I Wouldn't Be Available At The Public Hearing Today, So I Will Also Be Absent As I'm Attending Florida Association Of Counties Conference And Won't Be Back Until Late Friday.

Thank You Mr. Chairman.

That's Fine.

Are You Going To Be Here Tonight?

Yeah, I'm Driving Up In The Morning.

No Items.

Commissioner Bigelow?

Question For Holly, Have We Got Confirmation From County Manager He Will Be Attending Joint Minority Affairs Board Meeting?

Could You Give Me A Letter Or Something?

I Believe He Responded With An Email To That Request.

Thank You.

I Have A Few Items, I Just Want To Make Sure, David Procedurally, There Will Be A Couple Weeks Here Where There May Only Be Three Commissioners.

I Guess The Gavel Would Go To Commissioner Hall As The Senior Member On The Board? The Rest Of Us May Not Want It.

I Don't.

Do We Need A Motion To That Effect?

I Appreciate It, Commissioner Hall.

I Want To Thank Senator Martinez, You Probably Read The Recent News He Helped Sponsor A Bill From The Federal Government To Help With Fema Recovery Efforts, We Will Expect About \$3.5 Million Hurricane Recovery Compensation.

We Certainly Appreciate Senator Martinez's Good Efforts.

One Last Item, I Would Like This Board To Direct Administration To Look Into An Opportunity Here.

I Say It's An Opportunity Because We All Know About The Lack Of Waterway Access For The Boating Public.

You All Know About The Week's Fish Camp Situation There On Coconut Road.

There's The Potential Because The Property Is In Chapter 11 The Restructuring Of The Financial Situation Is Going To Have To Be Accomplished Fairly Soon, July 31st Deadline.

What I Would Ask Of This Board Is To At Least Give Direction To Administration To Coordinate With The Current Owners Of The Property To See If There's An Opportunity To Either Purchase An Easement To Have Access Or Look Into Acquiring The Marina.

So Moved.

Motion By Commissioner Hall.

Do We Have A Second?
Just To Look Into It.

Second By Commissioner Mann, And Hopefully Because Of That Looming Deadline Administration Will Have An Opportunity To Get Back To This Board So We Can Determine Whether Or Not It's In The Public's Best Interest To Proceed.

Hearing No Objection The Motion Passes.

I Appreciate That.

Committee Appointments Commissioner Hall?
None.

Commissioner Mann?
I Have A Couple.

Robert Beliveau To The Riverdale Shores Improvement Unit And Thomas Cullen To The Riverdale Shore Improvement Unit.

Second.

We Have A Motion, Second, Hearing No Objection The Motion Passes.

Commissioner Bigelow?
No.

I Don't Have Any.

County Manager?
No.

Nothing To Bring?
David Owen?
Okay.

We Are Going To Meet Again At 5:00, I Appreciate The Head's Up Commissioner Hall.

Have A Safe Trip.

We Will Adjourn Now.

David Are You Going To Be At The June 27th Meeting?
All Right.

We Will Reconvene At 5:00.

It's Good To Have Everybody In The Chambers.

First Item Is The Benefit Unit.

Scott, You Will Get Us Started Legally.

I Apologize.

He Was Here A Second Ago.

He Went To Get His Coat?
Then We Aren't Going To Get Started.

We Are Going To Wait.

We Only Have Three Commissioners Here.

They Send Their Apologies But They Have A Scheduling Conflict But We Have A Quorum
When The Third One Shows Up.

I'm Sorry?
Commissioner Mann, It's Good To Have You.

Thank You Mr. Chairman --
We Are Going To Get Started With Port Carlos Cove.

We Are Here For Agenda Item Number 1.

To Consider A Resolution To Create The Port Carlos Cove Channel Drainage Municipal
Benefit Unit, I've Examined The Affidavit Of Publication, Notice Of Intent, May 3rd 2007 As
Such I Approve And Find It Legally Sufficient With Respect To Form And Content To
Conduct A Public Hearing.

I'll Be Followed By Staff That Would Like To Enter Some Additional Records Into The
Record.

Okay Very Good.

Denise, Good Evening.

Denise Sabbatini, This Is The Port Carlos Cove Dredging Channel.

I'm Here To Present To You The Majority Of The Residents Of The Port Carlos Cove
Development Came To Me And Asked Me To Assist Them In Dredging An Existing Channel
That Will Give Them Access To Deeper Water.

I Have With Me Several Letters That Were Submitted To Me.

12 Of Those Letters Are Against Going Forward.

31 Of Those Letters Are In Favor Of Going Forward With The Project.

So I Would Like To Enter Them.

If You Have Any Questions?

Denise, There's Been Some Concern About The Equity With Regards To The Assessment.

You Have Waterfront Property And Lots That Don't Have Waterfront Access.

If The Board Were To Go Forward Tonight With At Least Establishing The Service Benefit Unit, That Would Still Give Us Time For Staff To Coordinate With The Residents To Determine The Most Equitable Way In Which To Assess?

Yes, Sir

It Wouldn't Preclude That Opportunity?

That's Correct.

Yes, Commissioner Bigelow?

Just So I Understand That Question.

You Mean We Can Change The Boundaries, Right?

Not The Boundaries.

How We Are Going To Assess Each Of The Residents.

Some May Pay More Than Others?

That's Correct.

Could We Change The Boundaries?

No, We Can't.

Because It's A Voluntary Thing, They Came To Us With This Request.

Okay.

I Will Open It Up For Public Comment With Regards To The Proposed Port Carlos Cove Benefit Unit.

I Do Have A Couple Of Cards Here.

It Looks Like It's Michael Dean?

Did Mr. Dean Wish To Comment?

You Need To Step Forward Please, So We Can Hear You And Get Your Name On The Record.

Followed By Dorothy Wingate.

You Will Be After Mr. Dean.

Do I Have -- That's All Right.

I'll Get All Of You, Believe Me.

If You Could Just State Your Name For The Record.

Michael Dean, I Live At Port Carlos Cove, I'm A Year-Round Resident There.

I Have A Few Questions I Don't Think Have Been Brought Up.

One, Where Is, If They Dredge This Where Is The Stuff That Is Coming Out Going To Be Put.

We Will Have That Question Answered For You.

The Money Situation On The Property.

We Have Had A Petition Go Around That People Have Signed And Now It Seems There's A Question On How Much Each Lot Owner Is Going To Pay.

I'll Get That Answered For You Sir.

Thank You.

Mr. Chairman?

Question Just For Clarification, Didn't We Talk About Not Trying To Determine That Today Because We Don't Know The Equity Answer How To Assess Based On The Benefit Each Property Owner Receives.

I Don't Think We Can Give Him That Answer Is What I'm Saying.

We Don't Have A Definitive Answer But I Think Staff Can Give Us Approximation.

In The Notes It Shows \$3400.

If We Didn't Make Any Changes.

We Will Get Staff To Elaborate On That.

Good Point.

Dorothy Windgate.

As Past President Of The Board I Was Extremely Disappointed That The Current Board Did Not Have A Meeting To Vote For Or Against The Dredging.

Therefore, We Are A Co Op And Never Had An Opportunity To Discuss Or Ask Questions About The Dredging, Only With Ms. Sabbatini.

There's A Requirement Of Our Board That They Are Supposed To Represent All Co Owners.

We Have 155 People In The Unit.

And Under Chapter 7, 19 We Must Be Represented By The Board.

They Have Yet To Hold A Meeting For The Entire Corporation.

Okay.

Thank You Ms. Windgate.

I Don't See Any Other Cards.

Anyone Else Who Would Like To Comment.

Looks Like We Have Three Gentlemen In The Back.

We Will Call On Everybody.

If You Can State Your Name For The Record.

Do You Have A Card In?

Thank You Very Much, Sir.

Appreciate It.

My Name Is Jim Nelson I'm A Permanent Resident Of Port Carlos Cove.

What I Would Request Sir Is You Take This Resolution, Reject It Outright, Send It Back To Port Carlos Cove And Have Them Redo This Properly.

The Meetings Held Were Uninformative, Very Argumentative And Stories Changed From Day-To-Day.

Number Two, The Cost Of This, Everyone Says This Is An Estimate.

When You Ask How The Estimate Was Reached, Well The Guy Took A Spot Here, Measured A Spot There And Accordingly So Did Prices Which Means That No One Knows Exactly What This Is Going To Cost, But Yet They Want Us To Pay For A Pig In A Poke.

That's Unacceptable.

We Need More Information.

We Need Our Board To Get Involved.

51% Majority Is Not Going To Get Dirt Put Back On Port Carlos Cove Property So They Will Have To Come To The Board Eventually, It Would Seem To Me.

Way Too Much Disinformation, Very Little Information, I Think This Should Be Redone, I'm Not Sure It's Good Or Bad, There's Just Too Many Questions Left Unanswered.

Thank You, Sir.

I Do Have A Joanne.

Good Evening.

I Would Like To Agree With The Comments Of The Last Gentleman.

We Had Meetings On It, We All Were In Agreement, As To The Large Sum Of Money To Be Paid Out.

Also We Did New Road Work.

I Saw A Notice Regarding This, How The Town Would Help In Funding Such Things As New Sewers And Roads.

But That Was Never Given To Us At The Time When We Took It Upon Us As An Association To Have That Work Done.

Is There A Percentage That The County Is Going To Be Paying Or Funding For This? We Will Get That Answer For You From Staff.

Okay.

How Will The Members Of Port Carlos Cove Be Informed Of The Process And The Costs As It Goes Forward?

Are We Responsible Even Though We're Not Voting?

I, For One, Did Not Vote For This Because It's Very Expensive, I Lived Here When They Dredged A Portion Of Fort Myers Beach.

And At That Time, The Next Year, Or That Same Season A Storm Came In And The Dredging That Was Done Was All For Not Because We Got A Flood.

And The Sand Was Washed Right Back Out.

So I Have Those Concerns Also.

In The Future, If We Do Go Forward With This, Who's Responsible For The Dredging If It Gets Filled In Again?

Do We Now Take Ownership For That?

The Property Owners?

And We Would Not Be The Only Property Owners That Would Benefit From This.

Wouldn't It Be All The People Using That Boatway?
I Don't Feel That It's Fair For Our Community --
Hurricane Channel, Actually.

To Be Divided Into The People Who Are Paying The Costs For This When We Have Many
Neighbors That Are On Channels Also And Canals.

It Should Be Everybody At Least On Main Street.

Or People, I Just Don't Understand That Part Of It.

But Again, I Work And The Meetings That Were Held, I Wasn't Able To Attend Without
Missing Work.

So Now In The Past When There's A Big Issue That Needs To Be Taken Care Of At Port
Carlos Cove.

They Will Have A Meeting At 7:00 P.M. That Helps People Who Do Have To Still Work.

I Understand It's A 55+ Community, But I'm Grandfathered In.

Out Of Respect For All The Members That Should Have Been Taken Care Of.

This Was Done Kind Of Under Handedly.

There Were People Canvassing The Neighborhood Trying To Get Signatures.

I Myself Wasn't Even Addressed.

I Don't Know Why.

I Wasn't Explained A Lot.

We Got Different Members That Came To Our Houses.

It Was Disturbing.

And Who's Going To Be Paying For The Estimates?
We Will Get That Answered For You.

Okay.

Where Is All This Dredging, I Know When They Pull It Out, When They Did It On The Beach
They Had This Big Machine That Kind Of Siphoned It.

Where Do They Plan To Put The Muck That They Will Be Lifting?
Is That Coming On Our Property?

That's Going To Decrease Property Value And It Could Cause Trouble If We Were To Get A Storm And We Have All This Muck.

Where Does That Go?

Does That Land Into Our Yards If We Do Get A Flood Again?

Do You See What I Mean?

That's Not Very Appealing Either.

Okay.

You Got A Good List Of Questions There, We Will Get Them Answered.

How Does That Come About?

We Will Have Staff Input After Public Comment.

They Will Answer The Questions.

Thank You For Taking The Time.

I Know There Are Others Who Would Like To Speak.

Yes, Sir?

Good Evening.

Thank You.

If We Can Get Your Name For The Record.

My Name Is Dwight Hummel.

I Filled Out One Of Those --

Did You?

I'll Look For It.

I Understand We Are Only Supposed To Have Three Minutes So I'll Be Quick.

I've Lived In Port Carlos Cove For Three Years I'm Homesteaded There.

I'm A Real Estate Agent But I Know You Don't Need To Be A Weatherman To Know It's Raining Outside.

I Would Like To Talk To You About The Bottom Line Tonight.

About Maintaining, Increasing The Value Of Our Homes About Preventing The Decrease In Value.

If We Reach Our Asset Which Is The Bay And The Gulf Of Mexico.

As I Say, The Primary Asset That We Have Is Bay And Gulf Access.

Any Buyer That's Going To Look And Buy There Is Going To Be Interested In Being Able To Use The Waterfront, Being Able To Use The Boating Facilities That We Are Supposed To Have There.

And We Don't Have Them Now, Except The Very Highest Tide.

The Channel, Such As It Is, Is Getting Shallower Every Year.

Inevitably It Will Be Totally Impassable.

I Have Perhaps The Smallest Boat There At 14 Feet And I Broke A Prop The Other Day Returning At Low Tide.

And It Wasn't A Super Low Tide.

Any Time You Sell Any Real Property, Any Known Defects Have To Be Disclosed.

Restricted Access Of A Major -- An Apparently Major Asset Has To Be Certainly Falls In That Category.

Every Real Estate Agent In The Area, Every Homeowner In The Area Knows This.

Someone That's Interested In A Property Of That Nature Is Not Going To Want To Buy There If They Can't Get In And Out To Hurricane Pass And Hence The Gulf.

Dredging, This Is No Different Than Maintaining The Course In A Golfing Community.

If You Are Not Interested In Golfing You Won't Pay A Premium To Live On A Golf Course.

Same Thing Goes For Us.

To Not Dredge Is To Lose Our Major Asset, To Not Dredge Is As Short Sighted As Not Mowing The Fairways Or Watering The Greens.

In Remembering That, I've Only Got Three Minutes Here.

You Need To Wrap It Up.

I Respectfully Ask You To Please Approve This.

Help Us Protect The Value Of Our Homes.

I Did Find Your Card, Thank You.

Who Else Would Like To Comment On The Port Carlos?
The Lady There In The Middle.

Yes Ma'am, Please.

Good Evening.

I Don't Know If You Turned In A Card.

You Did?

My Name Is Susan Hobot.

I Live In Port Carlos Cove, My Husband And I Purchased There Approximately Ten Years Ago, One Reason Is We Wanted To Be On Water.

We Could Have Gotten A Mobile Much More Inexpensive Had We Gone Somewhere Else But Because Of The Water Value We Paid More For Our Property.

The Following Year We Became Residents Of Florida And Purchased A Boat.

Right Now We Cannot As Dwight Said, Cannot Get In And Out We Want, We Have To Wait For High Tide In Order To Be Able To Use And Enjoy Our Boat In The Water.

Also We Have Sea Walls Which Are High Priority In Our Park.

And If That Channel Fills Up, Are We Going To Be Able To Get Barges In To Repair And Maintain Our Sea Walls?

Without That Our Property Values Are Going To Decline.

I Too Am For The Dredging And Hope You Would Look At It To Be Able To Keep Our Property, What It Is.

And We Can Boat When We Like, That's All I Would Like To Say.

Thank You.

Thank You.

I Found A Few Other Cards Here, John Belick.

I've Been A Resident For Almost Ten Years, Before I Had My Lift Installed At My Residence I Didn't Have My Boat There And I Had Family Coming From Out Of Town So I Went And Rented A Pontoon Boat Which Draws Very Little Water.

I Went Down To Pick It Up At 9:30 In The Morning, Came Down The Channel, Tried To Pull Back Into Port Carlos Cove, Immediately Ran Aground, Had To Sit There An Hour And A Half Waiting For The Tide To Come In To Get To My Home To Pick Up My Family.

We Need The Dredging, It's Getting Worse Every Year.

Now That I Have My Boat I Have To Plan All My Trips By The Tide Coming And Going.

I Can't Go Out Until After Lunch And If I Don't Get Back By 5:00 Or 6:00, I Can't Get My

Boat Back Home.

Thank You Sir.

John Keen?

Followed By Richard Hobot.

Mr. Keen, Good Evening.

My Name Is John Keen, I'm A Secure Resident Of Lee County, We Are Homesteaded, This Is Our Only Property.

I Have Been On The Board Of Directors For Port Carlos Cove For The Last Three Years And Finished Last Year As Vice President.

I Will Talk About Demographics Of The Petitions.

We Submitted 88 Petitions Out Of 155 Possible.

Ms. Sabbatini Was Unable To Verify Three Of Them Because Of The Names On The Property Assessor Differed.

There Were Six Initially, We Resolved Three, Most Cases It Was A Situation Of An Estate.

Elderly Parent Leaving It To A Child.

Others Not Accepted They Live In Tough Homes.

So What We Have Got Is 76% Of The People Want Dredging.

And There Are Different Reasons And More People Will Talk And Introduce Some Other Reasons.

We Reached This After Having Three Meetings, Where Everybody Was Invited.

And The Leader Of Our Group, All Volunteers, Don Reynold Put The Meetings On.

As A Result We Did Get Some 88 Petitions.

It's Interesting, If You Look At Them.

49% Of The Dry Lot Owners Who Do Not Have Water Access, We Have Storage And A Boat Ramp.

49% Of Dry Lot People Voted For This Petition To Put It Through, We Have Seven Foreign Owners In The Park.

All Canadians, Five Of The Seven Canadians Voted For This Petition.

We Have Investors In Our Park Who Own More Than One Property, Multi-Properties.

Six Of The Seven Multiple Owners Or Multi-Property Owners Voted For This Petition.

The Oldest Senior Member Of Our Community Bill With Us Tonight, 92 Years Old.

Was Instrumental In Buying This Park From A Rental.

We Were A Rental Park Back In The Late 1980s.

He Voted For The Petition.

The Newest Member Of Our Community, Pat Warren Purchased April 27th Of This Year, She Voted For The Petition.

You Can See This Has Universal Appeal.

And The Majority Of The People Recognize This.

Why Did We Sign The Petition?
We Have Tried Before To Get Dredging.

And It Was Done Through The Board Back In The 90s.

And It Didn't Go Through.

It Wasn't The Right Way To Do It.

And I Must Commend The County For Creating This Unit That You Have, The Mstbu As A Way Of Tax Payers Who Want To Make An Improvement To Increase The Value Of Their Property To Do It.

This Is Going To Cost Us Roughly A Half Million Bucks.

That's A Lot Of Money.

And Not One Of Us Is A Marine Engineer Or Consultant.

We Don't Even Know The Questions To Ask, Or How To Structure A Bid Request.

And This Is What Appealed To Me And Many Others Is The County Is Willing To Act As The General Contractor.

It's The Best Kind Of Government I Think We Can, We Are Willing To Pay For It, We Want It, And You Will Help Us Get It.

You Will Need To Wrap Up Sir.

Do You Want To Finalize The One Statement?

Thank You Very Much.

The Only Request I Will Make, Would You Please Approve Our Request Tonight So We Can Get On With It.

Thank You Very Much.

Thank You.

Mr. Keen?
You Were Mr. Keen, I'm Sorry.

Richard Hobot.

I Apologize.

Good Evening Mr. Hobot.

Good Evening Commissioners.

Boy It's Hard To Follow John.

My Name Is Richard Holbot.

I Live At 91 Black Bird Way.

My Wife And I Have Lived In Port Carlos Cove A Little Over Nine Years.

I've Been On The Board Of Directors For Five And A Half Years And President Of The Corporation For The Last Four Years.

I'm Here To Give My Total Support To The Dredging Project.

This Isn't The First Attempt As John Has Stated At Dredging The Channel.

In Fact The Last Attempt Was In The Spring Of 1999 When The Board Of Directors Who Neither Had The Knowledge Nor The Where With All To Put Together A Comprehensive Package Needed To Do The Dredging Was Denied.

But Now Today With The Help Of Ms. Sabbatini And Mstbu Coordinator And Lee County, I Think We Have That Plan.

For This And All The Positive Reasons You Have Heard And Will Hear Tonight, I Urge You To Approve The Motion To Dredge So We May Move Forward With This Beneficial And Valuable Project For Our Community.

Thank You For Your Time.

Thank You, Sir.

That's It For The Cards.

Is There Anyone Else Who Would Like To Speak On The Port Carlos Cove Dredging Project?
Yes, Sir?

If You Could Please Step Forward.

Did You Submit A Card?

Yes I Did.

Good To Have You Hear This Evening.

My Name Is Richard Mosur.

I Signed The Petition For Dredging Even Though I Do Not Have A Boat And Will Not Have A Boat But I Live On A Canal Too.

My Responsibility For The Park, I'm Site Chairman And I'm Co-Chair Man Of The Sea Walls.

Last Year We Had A Break Out And It Took Myself Two Days With The Contractor To Get The Barge.

It Was Stuck Out In The Low Tide In The Sand And It Took Us Two Days To Get The Barge In.

Meantime We Had A Break Out And We Had Some Property Damage Underneath It, A Couple Of The Mobiles.

And It Took Me Two Days To Get It Back In.

Our Sea Walls Are 40 Years Old And We Have 140 Feet To Do With At The End Of This Year.

If Our Channel Fills In For Any Reason, Hurricane Or Sand Or Limbs We Will Not Be Able To Bring A Barge In.

Or Any Heavy Equipment.

Our Lots Are Substandard By Today's Regulations, There's Not A Sufficient Space Between Our Homes To Bring In Heavy Equipment From Streets To The Canals.

We Must Have A Barge To Repair Aging Sea Walls.

Thank You.

Anyone Else Who Would Like To Speak?

Seeing None We Will Go Back To The Board And Denise Or Libby, Several Questions Came Up During The Presentations From The Various Speakers.

I've Written Some Notes But Perhaps You Did Too.

Yes I Did.

The First Question We Have Jotted Down, Where Are The Spoils Going?
There's One Proposed Site, We Don't Know For Sure Where The Spoils Will Go But We Do
Work With The Contractor To Establish That Site Once The Job Has Been Bid Out.

It's Been Proposed To Use The Spoils In The Parking Lot To Build-Up Their Parking Lot To
Prevent Flooding During Hurricanes.

Let Me Ask You Denise, Out Of Curiosity.

Because Obviously That's Going To Be Silt And It's Going To Be Wet.

It Takes A Certain Amount Of Dry Before That Material Can Actually Be Used For Building
Up A Parking Lot.

Will There Be Storage Somewhere Else In The Meantime?
That Will Be Determined, Worked Out By The Contractor.

You Can Still Feel Comfortable With The Estimated Costs Taking Into Account Where Your
Disposal Site Will Be?
There Will Be A Differentiation With The Spoils, Depending On What Happens With The
Spoils.

It Might Be More, It Might Be Less.

That We Just Have To Wait Until We Can Establish A Spoil Site.

So This Is An Estimated Project.

Exactly.

To Give Some Comfort Level To The People Involved In This Project, Should This Go
Through Tonight, When Would You Have A Better Handle On More Definitive Cost Break
Down?

Well I Would Say That We Would Probably Be Taking It To Bid Probably Maybe In August At
Some Point.

I've Got In Touch With The Marine Engineer, Left A Message With Him Today To Let Him
Know This Is Going On, In Case It Gets Approved We Are Going To Get On It Immediately.

Okay.

Mr. Chairman?

Commissioner Mann?

On That Point, I Want To Make Sure I'm Understanding And Perhaps People Visiting Today
Understand It.

If This Is Established There Will Be A Little Board Of Directors, Will There Not Be?
No, Sir, This Is An M.S.T.B.U.

So Your Staff Runs The Whole Thing?
That Why Mr. Keen Was So Happy.

This Is No Small Issue Of The Spoil Disposition.

I Don't Think You Are Going To D.P. Or Someone Will Let You Dump It In The Back Bay.

So What I'm Suggesting Here, If This Becomes An Issue Or A Problem You Can't Go
Forward With The Whole Project Because Of Not Finding Satisfactory Spoil Location.

What I'm Trying To Say, I Don't Want To See This Trigger As Far As The Assessment Goes
Until We Have All That Clearly Understood.

The Assessment Won't Happen Until We Know Every Last Time Of The Cost Of The Project.

While I'm On That Issue Of The Assessment When It's Triggered, I'm Noticing In The
Documents The Official Declaration, Resolution States That The Debt To Be Issued To
Finance A Project, You Expected Not To Exceed Aggregate Principal Of 400,000, But Shows
491,000.

491,560, But Again That's An Estimate, Sir.

But I Don't Want To Do A Resolution, That's The Meat Of This Whole Thing That Shows
\$100,000 Underestimated.

That Strikes Me As Being Problematic.

It May Have Been An Error, A Scribner's Error Which Could Be Changed.

I Suggest If We Move Forward, That We Change That \$400,000 To \$500,000.

Just Remind Me, You Have Two Resolutions.

One To Reimburse, That's What That \$400,000 Is.

That's Not The Cost Of The Project.

But It Puts A Maximum, Not To Exceed Maximum Aggregate Amount To Be Financed.

What Happens, We Borrow During The Project Itself And We Are Going To Reimburse
Ourselves.

So What Happens, We Lend Money To The Project, That's What That Is Not To Exceed That
Amount.

But That's Not The Cost Of The Project.

What Am I Missing Here?

You Are Borrowing The Amount Necessary To Do The Project.

No, Sir.

Because There Are Several Costs That Are In A Project That We Don't Need To Borrow That Come Later On.

Okay, Just Help Me Here.

Commissioner, Libby Walker With Public Resources.

Generally When We Start A Project, Late In A Project We Will Use Short-Term Financing, Commercial Paper.

Until We Get To A Point Where We Are Ready To Go We Might Do A Loan From One Of Our Own Funds So We Aren't Paying Exorbitant Interest And We're Not Spending More Money Than We Need To.

What The Second Resolution Says If We Borrow Money From One Of Our Own Funds We Are Allowed To Reimburse Ourselves At The End Of The Project.

We Borrow Money In Two Ways.

One Would Be To Go Out And Get Commercial Paper.

Prior To Doing That We Might Use Some Moneys To Pay The Engineer To Use The Front End Costs From One Of Our Own And That Saves The Property Owner Money.

So You Are Saying We Have Internal We Can Take Advantage Of So This \$400,000 Figure Doesn't Affect, So You Can Get Around That.

If It Comes In At A Half Million.

Absolutely.

That's All I Wanted On The Record, At Least For That Part.

Denise, If You Could Proceed.

Okay, Any Other Questions On That Point?

Do You Want To Elaborate On The Cost For The Assessment.

Yes.

What We Did Is We Looked At All The Properties, Are You Talking About The Methodology?

Dry Lots Versus Wet Lots.

We Looked At Number Of Projects And Number Crunching.

We Determined There Were 35 Dry Lots.

Based On That, The Values Of Those Properties Are Less Than The Wet Lots.

The Wet Lots Are Going To Benefit Far Greater Than The Dry Lots.

So We Came Up With An Equal Assessment Unit As A Way Of Assessing Those People Who Are Going To Benefit More Are The Wet Lots.

We Have Determined They Would Pay One Full Assessment Unit And We Determined That Those People Who Are On Dry Lots Because They Are Not Going To Benefit In The Same Way Would Pay One Quarter Of An Assessment, Equal Assessment Unit.

One Reason You Came Up With That Formula, You've Got A Common Ground Here In Terms Of Everybody Benefiting From The Project, In Terms Of The Dredging Of The Actual Channel, Not The Dredging Of The Canals But The Actual Channel.

That's Correct.

It's The Channel That Will Be Dredged, Not The Individual Canals In Front Of People's Homes.

Everybody In The Parks Can Use The Ramp, Even People With Wet Lots, If They Have Company Or Need To Take Boats In And Out Of The Water For The Season, They Also Have Access To That Boat Ramp.

But The Dry Lots, That Is Their Only Access.

Legally, Procedural, As Far As Meetings Held By The Board Of Directors And The Public Notice For Those In The Community To Attend Those Meetings, Everything Seems To Be In Order?

There Were Two Major Meetings Held On Site At The Clubhouse At Port Carlos Cove.

There Were Approximately 80 People In Attendance At Each Meeting, Including Myself.

I Was At Each Meeting For Approximately Two Hours Answering Questions.

I Had People In My Office Distributing My Business Cards, Numerous Phone Calls To Answer Questions.

Letter Letting People Know We Have Gotten To This Point, Went Out Approximately Three Weeks Ago.

So People Regardless Of What Side Of The Fence They Were On Could Express Their Opinion To You.

Other Projects We Were Fortunate Enough To Have A Fund Where We Had The Ability To Offset Some Of The Costs Of The Project.

Do We Have That Opportunity With This Project?
We Do, And We Don't.

The Major Fund We Had Has Been Exhausted.

We Had Numerous Mstbu Projects Go Through Since That Fund Was Established.

But It Was A Three-Part Fund.

So The Part That Was A Contribution To The Overall Project, That's The Money That's Been Depleted.

There Are Still Two Parts To That Fund That Are Totally In Tact.

We Have Never Had Anybody Take Advantage Of It.

The First Is For Those People, We Use The Hud Standard Income Levels.

If You Qualify For That, We Will Pay 25% Of The Assessment For That Person Who Qualifies.

And Beyond That People Will Say Well, I Still Can't Afford The Balance, We Have What We Call A Deferral Program, That Was Created By The Board And This Deferral Program, What It Allows People To Do Is Every Year To Apply For This Particular Fund And We Will Defer Their Payment Indefinitely Until The Property Is Sold Or Changes Hands Or They Lose Their Status Of Homesteaded.

So People Who Can't Afford It, If They Are Homesteaded They Actually, If They Qualify With The Hud Income Levels Actually Wouldn't Have To Pay Until The Property Is Sold And Then The Proceeds Of The Sale Of The Property Would Cover That Assessment.

And Just One Last Issue, The Comment That Was Made About Others That Use The Channel That Don't Live In The Boundaries Of This Proposed Mstbu Would Also Benefit From The Dredging Of The Channel?

If You Look At The Map That's Gone Out, You See I Have A Dotted Line That Shows That The Channel, It Doesn't Go Right To The Canals Itself But You Can See That The Port Carlos Cove Development Is Going To Be The Main Benefiter Of This Particular Dredge.

If You Look At The Other Properties, They Have To Cross A Very Shallow Area To Get To That Particular Channel.

That's How The Decision Was Made For Just The Port Carlos Cove People To Be Included In That, Because They Really Are The Main Benefiter Of This Project.

Fellow Commissioners, I Thank You For Your Indulgence Allowing Me To Ask Those

Questions.

I'm Fine, In Fact I'm Ready To Move On This Project.

Commissioner Bigelow?

To The Last Point About The Residence Or Property Owners To, I Think It's West.

I'm Not Familiar With This Area To Be Quite Honest With You.

You See On Your Map Some Single Family Lots To The West, They Have To Cross Shallow Waters But They Aren't Precluded Physically From Getting To The Channel?

No.

Any Of Our Projects, It Doesn't Matter What They Are In The Mstbu System, Whether Streetlights Or Paving We Have To Be Open For Public Use, It's Just Part Of What We Do And How The Procedures Are.

Seems To Me Your Justification For Not Trying To Expand This Area Is That These People To The West Are Precluded From Accessing It, Is That The Point You Made?

Do They Have Another Way Out?

Another Channel?

I Honestly Don't Know If They Have Another Way Out, But The People Came To Me And Said Look, Here Is The Situation, Here Is An Existing Channel And We Want This Existing Channel To Be Maintained And Cleared So We Can Use It For The Deep Water Access.

That's All They Asked.

They Didn't Say Let's Cut Another Channel This Way, They Just Wanted The Existing Channel, And It's The Port Carlos Cove Residents Or Property Owners Who Are The Main Benefiter Of That.

Two More Questions That Were Brought Up.

Wanting To Know If It Was Redredged Who Would Pay?

I Presume This Is A One-Time.

It's A One-Time Only Thing.

In Eight Years It's Possible It May Need To Be Dredged Again.

And Who Pays For The Estimates?

I Guess That Would Be --

Well The Estimate Has Already Been Made And Paid For.

We Received A Check, I'm Not Quite Sure Who Exactly Paid For That.

But That Was Last Year We Received That Check.

The Estimate Has Already Been Made.

That's How We Came Up With These Numbers.

That Estimate Cost Is In This \$491,000.

Yes It Is.

If It Goes Through, Only \$500 Fee Would Be Distributed Among The Residents, If It Doesn't, Whoever Paid For It, That's It.

They Don't Get Reimbursed.

Denise.

I Want To Make Sure For The Record You Received More Than 51% Petitions.

We Received 55% Petitions.

You Said Those In Favor Of Moving Forward Percentage Wise?
The 55%.

55% In Favor Of Moving Forward.

And In Addition Today I Submitted 12 Letters We Received From People Who Were Against It And 31 Letters Who Were In Favor Of Moving Forward With It.

And Again You Have An Opportunity If This Were To Pass Tonight To At Least Evaluate The Proportionate Share To Be Paid For By The Dry Lots Versus The Wet Lots.

Yes, Sir.

And You Will Get Back To Us With Definitive Numbers.

Yes.

Including The Cost Of The Spoil Disposal.

Yes, Sir
Okay.

Back To The Board.

Mr. Chairman, I'm Trying To See How Far We Can Go Here And Put This Thing To Sleep Forever Without It Coming Back, But Are You Suggesting It Has To Come Back Anyway? If We Adopted Exhibit D Which Lays Out The Assessment Methodology And Provides Enough To Cover The \$491,000, If The Bid Comes In Within That Would Anybody Still Have To Come Back Here?

I Think The Total Amount Is Fine.

But Maybe A Change In The Proportion Of The Assessment.

That's Why I Was Bringing That Issue Up.

I Understand The Main Beneficiaries Are The Wet Lot Owners.

I Know Captiva They Have Their Own Formula How They Determine Dry Lot Versus Wet Property Access Owners.

Want To Make Sure It's The Most Fair Equitable Approach We Can Take.

I Don't See The Point In Having Them Fight That Out Again.

4-1 Is What It Comes To.

I Would Use The Old Maritime Analogy That A Rising Tide Floats All Boats.

I Believe The Value Of Every Home In This Subdivision Is Going To Increase When This Is Done.

It's Only An \$18 Month Assessment For The Dry Lots, If You Divide It Out Monthly.

I Don't Think It's Much Pain And I Really Believe There Will Be Universe At Benefit.

We Have A Comfortable Majority.

I'm Prepared To Offer A Motion To Move It As Staff Has On The Blue Sheet.

This Motion Would Include Both Resolutions?

That's Acceptable?

It Would.

We Have A Motion By Commissioner Mann To Move The Resolution.

Do We Have A Second?

Yeah, Yeah, Yeah.

Second By Commissioner Bigelow.

Under Discussion?

Mr. Bigelow?

Thank You.

I'm A Little Troubled That 70 Parcels Are Not On Record -- If I Understand Attachment B In The Very Back.

70 Folks Of The 155 Did Not Submit A Signature -- Notarized Signature, In Other Words They Didn't Vote Up Or Down.

That's Correct, By Not Signing A Petition We Understand It To Be A No-Vote.

Right.

So Then The Question For Me, And The Trouble For Me Is, This Is A Possibility That Some Folks Don't Know About It.

Every Homeowner Was Sent A Letter.

Certified Mail?

No.

There Were A Few Returned Undeliverable But Every Property Owner Was Sent.

No, Public Comment Is Finished.

That's Not True.

Denise, Please?

Every Property Owner Was Mailed A Letter Informing Them Of This Public Hearing, It's The Address Of Record Of The Property Appraiser.

In Addition I Can't Speak For The Organizers But As I Said The Two Meetings I Attended There Were At Least 80 People At Each Of Those Meetings So There Was Certainly A Lot Of Advertising To That Effect To Get People There.

Well.

One Other Item, I Think I Want To Address Again, And Obviously I'm Really Torn Here.

The Alternative Funding Option, The Two That You Say Have Not Ever Been Utilized, Would The Person Who Is Going To Be Stuck With This \$4,000 Assessment, Could They Potentially Apply?

If They Are Homesteaded, Yes, Sir They Can.

We Use A Hud Standard Income Level.

If They Meet Those Levels, 25% Of The Assessment We Just Say Here, We Put It Right Onto The Assessment To Reduce Their Amount.

I Thought There Were Two Amounts.

After We Reduce Their Amount We Say To Them, Now You Can Apply And We Will Defer This From Going On Your Tax Bill Indefinitely.

What Happens Is If They Lose Their Homestead Status Or Sell Their Property The Proceeds From The Sale Of The Property Then Goes To Pay The Balance Of Their Assessment.

So Somebody Could, Is It A 1-2.

Have -- You Have To Apply To One?
You Can Put It Off Indefinitely Until It Sells And Not Have To Meet Income Levels?
You Have To Meet The Income Levels Every Year.

The 25% We Give, That's It.

If You Qualify For That, You Get It, That's It.

It's A One Time Contribution To That Person.

Commissioner Judah, This Is Your District, Right?
Uh-Huh.

Can I Hear From You?
Yeah, I Support It.

It's Like With Road Projects, If You Have Artificial Waterways You Have To Maintain Them.

It's As Simple As That, I Think This Is The Most Equitable Approach Which All Are Properly Assessed To Make Sure Everybody Is Part Of The Solution.

It Is, As Commissioner Mann Indicated A Pretty Good Arrangement Where The County Can Do The Hard Lifting On Behalf Of The Residents To Be Able To Accomplish These Kinds Of Projects.

This Is \$4,000 That We Are Leveling On People.

Those Numbers, The 70 Outstanding, I Will Withdraw My Second.

Motion Passes 2-1.

It Has Been Approved.

We Will Move Onto The Second Item Of The Evening.

That Involves The Toll Structure.

Good Evening, Chairman, Members Of The Board.

I'm Jed, Assistant County Attorney, The Second Public Hearing Concerns The Proposed Revised Toll Structures For Cape Coral And Mid Point Memorial Bridges That Will Allow For One-Way Tolling On Both Facilities.

I've Had The Opportunity To Review The Affidavit Of Publication, And Notice Which Was Published In June 5th 2007 Fort Myers News Press And I Find The Affidavit Of Notice Is Legally Sufficient To Conduct This Public Hearing.

I'm Providing The Same To The Clerk To Incorporate Into The Minutes At This Time And I'll

Be Available To Answer Any Legal Questions After Public Comment And Staff Input.

I Think We Will Hear From Staff At This Time, A Brief Presentation.

Paul Winguard, Good Evening, Paul.

It's Been A Long Day.

For The Record Paul Winguard, Lee County D.O.T.

Our Proposal Is To Move Forward With The Idea Of One-Way Tolling On Cape Coral And Midpoint Bridge, We Are Asking For The Board To Approve This For A Trial Period Of One Year.

We Are Bringing It Forward To You Now So We Have A Little Time To Do Some Preliminary Engineering To Get This Into Effect November First And Plan Is To Go Through A One Year Trial Period, Assuming No Other Issues Come Up, Revenues Stay Okay, We Don't Cause Any Other Traffic Problems Then We Would Come Back To The Board And Move Forward With A Design To Make This A Permanent Change To The Way We Collect Tolls.

Basically What We Are Looking To Do Is Change The Method Of Toll Collection At Cape And Midpoint So It's Similar To What We Do At Sanibel And Collect In One Direction, Obviously We Would Collect Twice The Toll For The Vehicles.

Any Questions For Paul At This Time?

Commissioner Mann?

Can You Just Touch On The Discounts And How They Remain Similar And Same Benefits Will Be There, I Think I Understand That, Can You Clarify That For Me?

The Toll Presently Is \$1 In Each Direction.

We Would Only Collect It Going One Way So The Full Toll Would Become \$2.

All Of The Current Discount Programs That Currently Exist, For Example You Can Buy A Program Where You Pay Nothing When You Cross The Bridge, That Discount Program Which Still Exists, You Can Buy The 50% Discount, Instead Of Paying The \$1 You Pay \$.50.

Those Would Still Remain Available To The Users Of The Bridge.

The Variable Discount, It's A Time-Oriented Discount, You Don't Have To Pay Or Buy That, That Would Still Be Available But Since We Are Only Collecting Tolls In One Direction We Are Not Collecting Anything In The A.M. Peak Travel Time, We Would Only Offer That Discount On The Afternoon's Trip.

Okay, Thank You.

Paul, There Had Been Some Comments About The Signal Lights At South Point And Summerlin.

Really One Of The Main Reasons The Traffic Is Held Up, That This Isn't Really Going To Help Move Traffic?

We Don't Totally Disagree With That.

We're Not Looking To Make This Change To Improve The Traffic Flow Along The Cape Coral, College Parkway Corridor Or The Veterans Colonial Corridor, That's Not The Primary Reason, Yes There May Be Some Advantages To Us Doing This But Biggest Advantage In A Capital Project We Are Looking To Do Changes At The Cape Coral Toll Plaza We Can Do That Much Cheaper By Only Modifying To Collect Tolls In One Direction.

Probably The Biggest Advantage Is We Will Reduce Our Operating Costs Significantly On An Annual Basis For The Money We Are Spending To Continue To Operate The Toll Plazas, Because With Only Collecting Toll In One Direction We Can Literally Get Rid Of Half The Equipment Out There, So There's A Substantial Annual Operating Cost That's Going To Be Reduced.

There Will Be Some Improvements To The Through-Put But We Need To Address The Adjoining Intersections That's Why We Are Proposing To Do This As A One-Year Test On The One-Way Toll.

Beginning November We Will Actually Know Relatively Quickly Whether We Are Successful At What We Are Proposing To Do.

Another Advantage Is The Ability To Incorporate Open-Road Toll Lanes.

In One Direction You Wouldn't Pay A Toll, There Would Be No Stopping Or Slowing Down But By Making This Change We Can Introduce Toll Lanes Where You Would Have A Couple Lanes You Wouldn't Have To Slow Down, Providing You Had A Transponder In The Vehicle.

You Wouldn't Even Know You Were Going Through And Being Charged.

Everything Becomes Automatic.

The Way The Systems Work Today They Can Monitor A Vehicle At Fairly High Speeds.

It Just Helps Move Traffic.

At Peak Time Is A Big Advantage?

Probably Not, But The Balance Of The Day It Would Be.

So Really It Comes Down To Cost Savings In Operational Costs, Capital Costs And Helping To Facilitate Those With Transponders Going Through The Tolyss Stem?

That's Correct.

One Of The Advantages To The Consumer, If You Cross That Bridge In The Morning And Afternoon You Have To Stop And Pay A Toll Both Times, By Doing This You Wouldn't Have To Stop At All In One Direction And If You Had A Transponder In The Other Direction You Can Also Cross Without Stopping.

And You Have Looked At The Revenue Forecasts?
We Had Our Traffic And Revenue Consultant Look At.

One Concern Is People Diverting And Taking A Bridge To The North.

That's One Of The Reasons This Wasn't Done A Long Time Ago, So We Had The Traffic And Revenue Consultant Go Back And Look At The Numbers And Yes There Is Some Diversion But It's A Relatively Small Number In The Overall Magnitude Of The Toll We Are Collecting A Loss Of About \$250,000 Per Year But More Than Offset By The Savings In Operating Costs.

So It Doesn't Impact Debt Coverage Ratio?

No, It Would Actually Help That.

Paul?

That Last Comment It Would Help Our Debt Ratios?

By Taking In \$350,000 Less, Right?

That's Right But We Have Reduced Our Operating Costs By A Larger Number.

What's That.

Approximately A Million A Year Is What We Have Estimated For The First Year Saving.

So Operation Will Reduce By A Million A Year.

But The Loss In Revenue Is About \$250,000 So That Nets Us A +\$750,000.

\$350,000 I Told You Earlier Has To Do With Change In Variable Pricing But One Way Tolling It Was \$250,000.

We Went Back And Looked At The Numbers After We Met Earlier.

This Is A One-Year Trial Period Without Any Significant Infrastructure Modifications At The Toll Plazas For This Year?

Is That Correct?

Or When Will We Do That?

If We Go Forward With The Change, If The Board Approves We Would Have To Make Minor Changes, Restriping And A Few Things Like That.

Relatively Minor Expenses That We Would Expend Between Now And November To Get Ready For It.

On November 1st We Would Begin To Operate The Toll Plaza In This Manner Where We Are Only Collecting Tolls In One Direction But Not Change Any Of The Infrastructure Out This, We Wouldn't Modify The Lanes Or Tear The Canopy Down Or Make Any Changes.

If In A Month Or Three Months Later We Decide This Doesn't Work We Would Go Back To Collecting Tolls In Both Directions We May Have To Take Some Pieces Of Equipment Out Of

The Lane To Protect Them So They Don't Get Damaged, If We Find It's Not Causing A Problem And We Want To Continue With The Test Period But We Are Getting Back Up In The Afternoon We May End Up Putting Another Booth In To Help That Collection Until Everything Stabilizes But Looking At Approximately \$250,000 Expense Total If We Had To Do All Those Things To Get Us Through The Trial Period.

Paul, Thanks For Sharing The Information.

We Will Go To The General Public At This Time Who May Wish To Comment.

In The Back?
Good Evening, Sir.

My Name Is John Gartner, I'm A Resident Of North Fort Myers And Chairman Of The Transportation Subcommittee Of The North Fort Myers Community Planning Panel.

I Understand What's Being Presented.

Our Concerns Are Primarily What Effect This Is Going To Have On Traffic, Primarily On 41 And Downtown Fort Myers And 41 North.

Specifically Hancock Intersection.

If This Moves Forward I Would Suggest And Recommend There Be A Traffic Study Done To Determine What Impact This Does Have On North Fort Myers, Because Obviously There Could Be A Tremendous Impact Of Which We Already Can't Handle.

If It Were Reversed The Other Way, It Would Have An Opposite Effect As Well And We Would Be Swamped In The Mornings, Instead Of The Afternoons.

I'm Not Sure, I Understand There's Been A Financial Analysis Of What They Expect.

But I Would Really Like To See Something Done During That One-Year Trial Study To Back That Up.

Because As We Move Forward With Our Community Plan, We Need To Know That For Budgeting And Things For Road Way Expansions, As The Cape Grows It Will Have An Effect On Us To Begin With.

I Really Want To Make That Point, Have You Consider That.

Thank You, Sir.

Anyone Else From The General Public?
Yes Ma'am?
Good Evening.

Good Evening, My Name Is Cynthia Tremblay, I've Been A 30 Year Resident, I Only Have One Comment About The Trial Period.

Why Wouldn't We Start The Trial Period In Off Season Rather Than Peak Tourist Season Not Knowing What The Traffic Ramifications Would Be, That Would Be My Suggestion.

Thank You, Ma'am.

Anyone Else Wish To Comment?

Yes, Ma'am?

Good Afternoon, I'm Beverly Miselle, I've Lived In Cape Coral For 38 Years.

The Traffic Going East Over The Bridge Going To Fort Myers On Cape Coral Bridge, The Traffic, The Speed Limit Is 45 Miles An Hour, However I Think Everybody Knows We Go 60 And 65 Until We Get To The Booth, Then Everybody Steps On The Brake, So If You Don't Have To Stop And Pay The Toll, Everyone Will Be Going 65 Miles An Hour To Get On College Parkway Which I Think Will Create A Lot Of Accidents, Particularly Since There's A Ramp That Comes Off To The Right There.

Then Also I Have A Question, Going Back To Cape Coral, You Say The Toll Is \$2.

If I Have A Transponder, I Don't Have To Put Any Money In The Basket, It's Just Going To Register \$1 Is That Correct?
\$2.

I Have A Transponder.

Let Me Make Sure We Get Staff To Respond To That Question.

Thank You.

Anyone Else Wish To Comment?

Yes?

Linda?

Good Evening.

I'm Linda Carter I Live In Lehigh But I Go To Cape Coral Rehab Center Because It's The Only For Lee Memorial System On The Northern End For Hancock Bridge, So That Means If We End Up Going In, We Pay Two Ways, We Are On Fixed Income But Normally I Pay \$1 In Maybe Come Back The Other Way Because I Do Shopping, Now It's Costing Us Extra Because People On Fixed Incomes Don't Have, If They Plan Their Routes Out And It Will Be Hard For A Lot Of People With That.

Also Trailers And So Forth Take The Bypass Now That It's Changed To \$2.

You Have To Even It Out To Everybody.

Everybody Gets Equal Share.

When We Start Changing It To Certain Classes Start Having To Pay More We Aren't Being Fair To Everybody In The County.

The County Is Built On Equal, Everyone Has To Pay Equal Share To Get On The Bridges.

If We Start Changing You Pay \$2, Or \$1 On One Side Or The Other There Will Be Problems And Accidents.

It's Not Beneficial To Every Citizen On An Equal Part.

Anyone Else?

Yes Ma'am?

Good Evening.

Carol Hunter From Cape Coral.

What I'm Wondering Is Why We Are Doing All The Testing And Trying When The Ultimate Goal Is To Eliminate And To Stop Paying A Toll.

We Have The Technology Available To Do That Without Going Through All The Testing, Trying, Playing Games, Let's Pay This Way, Not Pay This Way, Let's Just Put Cameras In And Take Pictures Of Everybody Going Through And Nobody Stops, That's What We Are Looking For Anyway.

Thank You.

Thank You Ma'am.

Lady Is Well Ahead Of The Curve With That.

Yes, Sir?

Good Evening.

Good Evening, Jerry Riordan Cape Coral.

One Of My Concerns I Live Off Everest Parkway Which Parallels Off The Veterans.

We, Coming On, Merging Onto The Veteran Parkway, The Toll Way Slows Down Traffic, Del Prado Trying To Go East, That Toll Booth Somewhat Slows Down Traffic.

Of Course The Bridge Going Off Over Del Prado, The Traffic Is Backing Up After You Go Through The Toll Booth, It's Backed Up Solid.

People Just Like This Trying To Merge And Stuff.

If We Take That Toll Booth Out, People Are Not Going To Be Expecting Us, They Come Over College Or Del Prado, They Aren't Going To Be Expecting Cars To Be Stopped There And We Are Going To Get A Lot Of Rear End Accidents Because If You Top Over That Bridge And Everybody Is Sit There Jammed Up, People Are Going To Have A Lot Of Rear-End Accidents.

The Toll Booth Does Allow Us, It Slows Down The Traffic Where We Can Merge In Off Del Prado Onto The Bridge.

Thank You Very Much.

Thank You, Sir.

Commissioner Mann?
Gentleman Isn't Sure If He Wanted To Speak Or Not.

Jerry?
Good Evening.

I Do Have Your Card.

Thank You.

Good Evening, Commissioners.

Thank You For The Opportunity To Speak.

For The Last 41 Years I've Been Involved In High Influx Traffic Control At Facilities, Stadiums And Racetracks Throughout The Country.

Professionally Or Socially?
Professionally.

And I Can't Give You Any Tips On The Horses, Even When The Filly Wins In The Belmont Last Week.

Prior To Going Into Business For Myself In '66, I Was With A Toll Collection Company, I Won't Name The Name But I Traveled World Wide For Them.

I Was Instrumental In The Design And Development Of The Automatic Toll Collection Machines Where You Throw Your Money In, Don't Boo Me, It's Not My Project.

However The Reason I Want To Speak Here Tonight, In The Course Of My Duties, We Made Numerous Changes To Bridges Around The Country From Two-Way Traffic To One-Way Toll Collection.

The First Major One That I Can Recall All Five Bridges In The New York Area.

It Works.

People Are Apprehensive About Changing Anything.

But I'm Sure Your Engineering Department Has Really Done Their Homework, They Are On The Right Track.

Not Only Are You Going To Save Money With This One-Way Toll, You Are Also Going To Reduce Traffic Back Up And Traffic Will Flow Much Better.

Coming Out Of The Cape Into Fort Myers It's Going To Be 100% Improvement Because There Will Be No Stoppage.

I'm A Little Concerned With The One-Year Period For Testing This Out.

I Take The Comments Of The Lady Behind Me Regards To When You Are Starting This Program, If You Look Logically, If You Start In November And Do A One Year Deal, That Means After One Year If You Go Forward You Cannot Begin To Take Down And Modify The Toll Plaza And Take Down The Toll Booths To Add Additional Toll Booths For Cape Coral Traffic Coming In Where They Have To Stop.

In That Regard, You Would Not Want To Start That Project In Busy Season In November.

You Would Probably Want To Start That April Or May.

I'm Just Wondering If The Commissioners Might Want To Consider Approving Perhaps A Six-Month Program So If It Works Out Then You Can Go Ahead And Begin Your Construction In The Slow Season As Opposed To The Busy Season.

This Works.

It's Definitely The Way To Go.

Lee County Is On The Right Track.

Thank You For Your Comments, Sir.

Appreciate It.

Anyone Else From The General Public Wish To Comment On The One-Way Toll Proposal?
Yes, Sir?

Good Evening.

My Name Is Ralph Fuselli, I'm A Cape Coral Resident.

We Pay An Annual Fee For That Transponder, There's A Certain Amount Of People You Will Probably Increase The Traffic Going Across The Bridge In The Morning Because People Go To Work.

But You Have A Little More Time To Come Home, So Why Even Bother A Transponder, If You Live In That Area Behind The 41 Bridge And Midpoint Bridge, There's No Reason To Buy A Transponder Anymore.

You Are Going To Be Able To Use The Bridge For Free Going Across In The Morning, Coming Back, You Won't Have To Pay A Toll If You Take The 41.

There's A Lot Of People That Can Use Either Bridge, It's Just More Convenient To Use The Midpoint Bridge.

But I Know People Who Will Go Out Of Their Way And Not Buy A Transponder, They Can Go Across On The Midpoint Bridge Anyway.

Thank You, Sir.

Anyone Else From The General Public Wish To Comment?
Seeing No One, We Will Go Back To Paul.

Hopefully He Took Some Notes, I Took Several Myself.

Yes, Sir, I'll Try To Answer.

First The Question About Collecting In The Direction Of Vehicles Headed Into Cape Coral, That Was Actually A Question That You Raised Some Time Ago And Something We Did Look At.

The Primary Reason For Collecting In That Direction Has To Do With The Way The Existing Infrastructure Is Built.

We Have To Make This Change And Collect Tolls In The Same Direction In The Cape And Midpoint To Make It Work.

Both Are Corrected So The Toll Plaza Building Is Located On The North Side Of The Plaza.

If We Were To Collect Tolls In The Direction Of People Exiting Cape Coral Or In The Eastbound Direction, They Would Have To Cross Across The High Speed Lanes To Get To The Lanes Where They Are Working.

At Midpoint That's Not A Major Issue, We Don't Have A Tunnel So It's Possible To Accommodate That.

It Would Be Very Expensive And Difficult To Build A Tunnel At This Point In Time.

That's The Primary Reason Why We Said We Had To Collect It In The Westbound Direction As Opposed To The Eastbound Direction.

The Impact On Hancock Bridge Parkway Or North Fort Myers In General, That Was Part Of The Study When They Went Back To See What Kind Of Impacts There Would Be On Adjacent Road Ways And Intersections.

Albeit Not An In-Depth Study, They Did Look At That.

Traffic Diversion Was Minimal And Impacts On Adjoining Road Ways They Said Could Be Addressed By Retiming Some Signals.

Is There Some Impact, Yes, But It's Very Minimal.

Paul, You Will Be Evaluating The Impacts If This Goes Forward.

That's Correct.

And We Have A Number Of Count Stations So We Can Monitor The Change Of Traffic Flow, So It's Pretty Easy To Come Up And See What Kind Of Diversion Did We Create.

Plus Just Being Out There We See What's Happening With The Intersections.

The Other Thing That's The Reason We Are Asking For A Trial Period, If There's Something We Didn't Think About, An Oops Or Whatever It Might Be We Have The Ability To Change It Back.

We Aren't Out There Demolishing The Structure The Day You Say "Go" Kind Of Thing.

Doing The Trial Off Season.

Again, Very Good Point.

Unfortunately All Our Programs Are Geared Around -- They Expire October 31st.

Our New Year Starts November 1st, Anyone With A Discount Program, While The Change Should Be Non-Existent, Some People We Think May Say I Would Have Chose This Kind Of Program Had I Known.

That's The Beginning Of The New Year For Our Renewable Programs.

The Next To The Last Gentleman Suggested That Might Cause A Problem Because Now We Get Into November 2008 And We Would Be Tearing Up The Toll Plaza.

If We Go Through The One Year, We Would Need Design For What We Need To Modify, That Will Probably Take Us Six Months, So If We Start The Trial November 1st, Go A Year, Six Months Into Design That Puts Us Into Doing Construction During Spring And Summer During A Lower Traffic Time.

We Think November 1st Works For That Reason.

The Question The Lady Asked About The Charge To Her Transponder.

Again, The Charge To Any Normal Bridge User Remains Unchanged.

When She Comes Into Fort Myers She Will Cross For Free, On The Way Back It Will Charge Her \$2 On That Trip, Assuming She Has No Discount.

If She Has A Discount She Will Be Charged That Depending On Time Of Travel.

So Round Trip Net Cost Remains Unchanged.

But The Display?

Will Actually Show Whether It's A Discount Or The \$2 Fare?

Yes, Sir, We Change The Display A Couple Months Ago And We Ended Up Changing It Back Because We Had A Number Of People Question That.

The Number One Reason To Change It Was To Make Us Compatible With The Way The Rest Of Florida, But It Would Show The Correct Amount Of Money Being Charged.

There Are Variables That Throw That Off From Time To Time, But It's Fairly Accurate The Majority Of The Time For Sure.

Somebody Raised The Question About Video Tolling.

Doing Away With Video Toll Booths And Video Everyone Through With Transponder Or Even Through Video Tolling.

The Technology Of The Toll Collection Business Is Moving In That Direction, Although It's Probably Some Time Away Before All The Equipment, All The Software, All The Programs Are Up To Speed To Do That On A Full-Time Basis And There Are A Lot Of Expenses To Make That Work, If You Went To Full Video Tolling You Would Remove The Toll Booths, You Remove The Toll Collectors, You Put Them In Another Building Processing Video Film To Collect The Money From People Using The Bridge.

It Works Good On A Commuter Bridge When Your Traffic Is Local.

When You Get Tourists That Come From Out Of State, Out Of The Country Collecting That Money Becomes Difficult, Because You Have To Meet Whatever Those State Laws With Information You Have And That Sort Of Thing.

The State Of Florida Doesn't Have The Ability To Collect A Toll From Someone Who Comes From Out Of State Because They Can't Get Sufficient Information To Send A Ticket, They Can Send Them A Bill If They May It That's Great But Can't Ticket Them Because Of The Information Available.

Gentleman Brought Up About The Merge, Is It Going To Create A Problem With The Toll Plaza Not Being There?

Currently There Are Two Lanes That Cross-Over Del Prado, One Comes In From Del Prado From Below The Bridge, Those Lanes Have To Somehow Merge Together Or You Have To Weave Through Those Lanes Of Traffic To Get Into Whatever Toll Lane You Want To Be Into.

If We Remove The Toll Booth, You Aren't Collecting Any Toll In That Eastbound Direction Into Fort Myers, We Would Take Those Two Lanes Across The Bridge And Single Lane That Comes Up, Carry All Three Lanes Across The Toll Plaza And Merge Them In At Some Other Point Where There Is Adequate Site Distance.

People Aren't Weaving Because They Have A Transponder, So That Should Actually Be A Plus, But That's Something We Need To Look At What The Weave Distance Is And How We

Would Restripe That Area.

And You Could Have Traffic Backed Up And Stopped When You Cross The Bridge.

The Del Prado Bridge Was Designed For Relative Speed And Stop Distance.

If There's Traffic Stopped On The Other Side Of The Bridge At Whatever Point You Should Be Able To See That With Adequate Stopping Distance.

The Slope And All That Was Taken Into Account When That Structure Was Designed Ten Years Ago.

And I Believe That Answered All Of The Questions, All That I Jotted Down.

Any Other Comments?

Paul, Let Me Make Sure, What I Have To Ask, The Question Is What If We Don't Pursue The One-Way Toll?

With The Volume Of Traffic Increasing, With Some Of The Improvements You Are Eluding To That Would Be Made, What Would Be The Ramifications If We Maintained Status Quo? If You Told Us No, This Is Not A Viable Option You Need To Go Back And Do What Are You Doing Now We Have Design Done To Make Improvements.

The Canopy Structure, The Lanes All Need To Be Rebuilt.

In Order To Redo That We Would Have To Take That Existing Plaza From Ten Lanes And Make It 12 For It To Handle The Current Amount Of Traffic, That Requires Us To Do A Split Plaza And We Would Move Forward With That Project.

That Would Give Us The Ability To Put In Some Open Road Toll Lanes At Cape Coral, So We Would Make Improvements But It Wouldn't Allow Us To Address Anything At The Midpoint Toll Plaza.

As Far As Any Potential Because Of The \$10 Million Cost You Just Said For Improvements To The Plaza, Any Potential Impacts Adjustments That Would Have To Be Made To The Toll? Not Because Of This Project.

But As One Of The Big Pluses That Staff Sees With This Proposal Is A Reduction In The Operating Costs.

We Are Getting At The Point Where Our Operating Cost Is Approaching The Toll We Are Collecting.

With All The Expenses That Go Into That, It's Approaching Our Coverage Number.

If We Can't Maintain That Coverage We May Have To Do Something Else, It May Mean Raising The Toll At Some Point In Time.

So Again This Is A Step To Keep From Doing That By Moving Forward And Making This Change Order Where We Can Reduce The Operating Costs.

That's Another Critical Issue.

Commissioner Bigelow?
A Couple Of Things, Paul.

Can You Describe For The Audience What The Wider Lanes Are?
You Said It So Many Times, I'm Sorry I Forgot.

Full Access?
There Are Lanes That Are 12 Feet Wide Like A Normal Lane With Shoulders So It Would Be Like You Are Crossing The Bridge, You Wouldn't Even Know You Are Going By A Toll Plaza, It's Called Open-Road Tolling.

And It's Wider So You Can Zip Through, You Continue, At Whatever Your Normal Rate Of Speed Is.

You Aren't Narrowing Down Between The Booths And Equipment Out There.

And Our Normal Reaction When We Go Through A Lane Like That Is To Slow Down.

You Get Into A Tight Spot You Would Slow Down.

Open Road If Speed Limit Is 45-50 You Would Just Continue At That Speed, You Wouldn't Realize You Were Going Through A Toll Plaza.

The Question I Think By A Gentleman Named Larry Wanted To Know How Long These Payments Are Necessary To Continue Or To Pay Off The Bonding Of The Bridges.

Could You Address That?
How Is It We Are Expending These Revenues?
The Bridges When They Were Constructed Were Bonded For Roughly A 30-Year Period From The Time The Financing Was Done.

So The Midpoint In Cape Coral Bonds Were Redone, I Believe In 1997 So Those Would Run For A 30-Year Period Which Would Be 2027, The Funding For The Sanibel Bridge Construction, That Was Those Bonds Were Closed In 2005 Roughly, I Believe.

So Those Would Continue On Until The Year 2035.

But The Sanibel Tolls Become A Separate Issue From The Cape Coral Tolls.

That's Right, Each Bridge Has To Pay It's Own Debt And Operating Costs, That's Correct.

You Explained In Private The Revenues Are Anticipated To Be Used Beyond Extinguishing The Debt, Is That Right?
For Right Of Way Acquisition For Instance Of Veteran's Parkway.

Beyond Parts North To Charlotte?

Well Currently.

It's Kind Of Like You Go To The Bank And Borrow Money, You Can't Say I Make \$200 A Week And I Want To Take A Loan Where I Have To Payback \$200 A Week It Leaves You With Nothing.

Same With Us, We Need A Certain Amount Of Coverage That Shows We Have More Money Than What We Have To Pay In Debt And Operating Expenses.

Any Of That Excess Is Shared Between The County And City Of Cape Coral, Or It's Shared With Sanibel On The Sanibel Bridges, According To Interlocal Agreements Set Up A Couple Years Ago And Cape Coral Ten Years Ago, Whatever The Time Frame Was, That Excess In Revenue Has Been Pledged Both The County's Portion And City's Portion To Continue Making Improvements On Veteran's Parkway.

That's How A Significant Amount Of The Western Cape Was Built And Funding Real Estate Acquisitions Et Cetera To Continue That Corridor On.

The Long And The Short Of It, We Will Be Collecting Tolls On Those Bridges Long After I'm Gone.

If You Want To Improve The Corridor.

I'm Just Trying To Figure Out Where We Are With That.

In It For The Long Haul.

That's Looking At The Cape Coral Side, We Talked About Major Improvements Needed As Well.

So Again Those, However That Can Be Funded Or Whatever, Those Projects Can Help Each Other Out In That Respect.

Okay.

You Have Been Very Informative, Appreciate The Response To The Questions.

We Will Go Back To The Board.

The Rest To Try This For A Year And Just For The Record, I Have Had Virtually No Phone Calls Or E-Mails In Opposition.

It's Just As Much Of A Press Attention.

I Was Frankly Surprised.

I Had One Man In My Wednesday Night Church Group Who Is A Courier.

Each Morning He Gets In His Little Car And He Delivers Things For People.

He Lives In Fort Myers.

His Route Takes Him Around Over To Matta Meyers And Over The Lehi.

He Will Never Get A Free Ride.

I Will Have To Live With Him On Wednesday Nights.

But He Says He'll Live With Me No Matter What I Do.

I'm Prepared To Make The Motion.

We Have A Motion By Commissioner Mann And The Other Second Bay Commissioner Bigelow.

Just For Clarification, The One Comment That You Made That Really Struck A Nefb For Me Was About How You Said The Revenue And The Operational Expenses Are Approaching Connecting Point Here Where We Would Have To Consider The Potential Of Increasing The Tolls.

Perhaps You Can Elaborate More On How That Is Reaching The Same Level As The Revenue To Where We Would Hopefully Be Able To Avoid A Toll Increase By Using The One-Way Toll Approach.

Sure.

The Operating Costs Continue To Go Up Some Amount For Various Reasons, Purchasing New Equipment, Changes In Technology, Whatever It Might Be.

But In The Past Couple Years,

It's Gone Up Significantly 2 Because Of The Cost Of Insuring The Bridges.

I Mean That's Been A Huge Increase Over The Past Two Or Three Years.

Just Buying The Annual Insurance For The Structures.

So That's Been One Of The Biggest Increases Here Recently.

Hopefully That Trend Doesn't Continue, But, It Really Depends A Lot On The Weather And Things That We Don't Control.

But Even Our Long-Term Models Show That Operating Costs, Excluding That Fact, Creeping Up Very Slowly Over Time Where The Revenue Remains Relatively Constant.

So, Any Increase In Your Operating Cost, Whether It's Spending More Money For Gasoline, Giving An Individual A Pay Raise, Whatever It Might Be, Makes Those Two Lines Begin To Converge.

It May Be A Long Time Out, But They Begin To Creep Together Where They Are Converging.

I Got The Impression It's Not That It's Going To Be A Long Time Out, That It's Actually Getting Close To Converging.

Well, Again, It Depends Whether You Are Look At The Actual Expenses Or You're Looking At Our Coverage As Far As Maintaining Our Bond Rating.

We Are Supposed To Have A Two-Point Out Coverage.

We Actually Now, We Are Projecting This To Be Our Second Year In A Row Where We Will Be Below That 2.0 Which Could Have An Impact On Our Bond Rating As Far As Toll Facilities Is Concerned.

What Does That Mean?

Again T Doesn't Impact Anything

That's Existing Right Now Today, 3 But We Go Out To Borrow More Bond Money To Build Another Structure Some Place, It May Have An Impact On What Kind Of Interest Rates We Can Get.

Ok.

Ok.

Just -- And To Clarify A Couple Of Things That Commissioner Mann Said, The \$10 Million, We Would Not Spend That All At Cape Coral.

We Would Probably End Up Spending It After The Trial Period To Make Improvements At Both Cape And Midpoint.

We Aren't Going To Save That Necessarily, We Are Just Not Going To Spend Any More For Additional Improvements.

As Far As The Cost To The Toll User, All Discounts Remain The Same.

Only One That's A Little Bit Different Is The Variable Pricing Discount Because In The Morning You Aren't Paying A Toll.

So You Torques Get A 50% Discount On Zero Is Zero.

The Afternoon's Variable Pricing Discount Would Remain The Same, Which Is Really A Quarter Discount --
I Understand That.

Thank You.

Well, All Right.

Thank You, Paul.

Then Fellow Board Members We Do Have A Motion And A Second By Commissioner Bigelow.

Yes.

Thank You, Mr. Chairman.

Before, I've Made It Clear, I Would Like To See Us Get Away From The Manned Toll Booths As Much As Possible.

I Think It Is The Weakest Link 4 Or The Tightest Niche In This Bottleneck That We Always Experience Here.

I Think There's A Distinct Advantage To Our Quality Of Life That We Gain If We Can Get More People Through That Area At The Time Of The Day When They Are Less Happy About The Day Because They Want To Get Home And Get Away From Work.

So, You Know, The Idea That We Can't Place A Fee On Somebody That Lives Out Of The State -- Well I Think Maybe That's A Cost That We Can Bear By Improving Our Quality Of Life.

So, Something I Would Like Us To Be Able It Look At.

Yes, Sir.

That's Correct And We Are Doing That And That's Actually Occurring State-Wide.

I Mean The Whole State Of Florida, Ultimately That Would Be The Goal Is To Get Everything Operating Through An Open-Road Toll System Where You Don't Have To Have Individuals Collecting.

I Think That's The Expressway System On The Interstate.

Good Point, Commissioner.

Thank You.

Paul, Just To Sort Of Clarification Then, If This Is, Appearing It Would Go Forward, Would Commence November 1st?

Right That Would Be Our Plan.

Now We've Got To Do A Little Bit Of Engineering, Make Sure We Can Get There But We Feel Fairly Comfortable That We Would Get There And Start This November 1, 2007.

All Right.

I Guess We Have To See Another Blue Sheet Come Forward To Authorize The Restriping And Everything?

Well We Would Just Use The 5 Money That's In The Cape Coral Capital Improvement Project That.

Project Already Exists And It Would Be Relatively Small Dollars At This Point In Time.

So , No We Probably Would Not Do That.

You're On Your Own.

Correct.

Yes, Sir.

All Right.

Any Further Discussion?

Any Objection?

Hearing No Objection, Motion Passes.

We Move Onto The Third Item For This Evening.

Thank You, Paul.

Good Evening.

Once More Commissioners.

The Third Item, The Third Item For Tonight's Public Hearing Concerns The Proposed Revisions To The Recovery Ordinance.

Have I Had The Opportunity To Review The Affidavit Of Publication And The Notice Which Was Published In Both The June 5 And June 2, 2007 Editions Of The Fort Myers News And I Find The Affidavit Of Notice Is Legally Sufficient To Conduct This Public Hearing.

Right Now I Am Providing The Same To The Clerk For Incorporation Into The Minutes.

And I Will Be Available To Answer Any Questions At The Conclusion Of Public Input Or Staff Presentation If Necessary.

Thank You.

Thank You, Jed.

John, Do You Want To Comment?

Good Evening, John.

Good Evening.

John Wilson, Public Safety.

Basically, What We Are

Presenting To The Board For 6 Adoption Are Some Changes To Our Post-Disaster Ordinance Based Upon The Experience Gained Over The 2004-2005 Hurricane Season.

This Would Include The Need To Address The Financial Recovery Of Public Funds Used To Declare A Disaster, Cost To Roads And Getting To Communities.

We Need To Speed Up Our Current Emergency Process For Placing Temporary Housing Resources.

Deleting And Widening Some Positions To The Disaster Advisory Council And Post-Disaster And Making Changes To Objectives And Policies Relative In The Plan As A Result Of Major Changes To Those I Think In 2006 That.

Is A Summary Of What We Are Presenting To You This Evening.

Ok.

Any Questions Of John At This Time?
Thank You, John.

Oh, Ok.

At This Time Then, The Board Will Entertain Comments From The Public Who Wishes To Comment On The Revised Post-Disaster Recovery Ordinance.

Seeing None, We Will Go Back To The Board.

Chairman Entertain A Motion To Adopt?
So Moved Motioned By Commissioner Mann To Adopt The Ordinance.

Second?
Second By Commissioner Bigelow.

Hearing No Objection, Motion Passes.

Onto The Fourth Item, The Land Development Code Amendment.

Thank You, John.

Don?

Good Evening.

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Good Evening, Commissioners.

Dawn Leonard, Assistant County Attorney.

I Have Before Me The Affidavit Of Publication With Respect To The First Of Two Public Hearings Regarding Amendments To The Lee County Land Development Code.

The Second Public Hearing Is Scheduled For June 26 At 5:05 In These Chambers.

The Affidavit Is Sufficient With Respect To Form And Content And I Do Enter It Into The Record At This Time.

The Ordinance That Is Before You Is What I Would Call An Omnibus Ordinance.

It Deal Was A Number Of Different Amendments In The Land Development Code.

It Is The Ordinance That Comes Before The Board Approximately Every 18 Months.

It Has Been -- It Has Amendments That Were Suggested By Both Citizens And Members Of The County Staff, Some Of The Amendments Were Directed By The Board Of County Commissioners.

It Has Been -- It Has Gone Through The Land Development Code Advisory Committee The Executive Oversight Committee And The L.P.A.

And There Are A Number Of Outlines And Briefings That Are Included With This Ordinance And I Don't Know How You Want To Do It, But There's A Lot Of Members Of Staff Here, So, If You Have Any Questions, It May Be Easier For You To Approach It That Way.

Ok.

Very Good, Dawn.

Mary?

Again I'll Just Highlight --

I Just Wanted To Give You A Quick Update, Commissioners.

There Was A Memo In Your Packet 8 That List What Had We Think Were The Main Issues.

There Were Several Of Those, But I Just Want To Give You A Quick Update About Three Of Them.

The First One Is Street Access Which Was Requested By A Citizen That I Believe May Want It Speak Tonight, But One Of The Things That The Street Access And Connection Requirement Requires Two Accesses To Certain-Size Projects, Where Feasible.

And The Citizen Would Like Us To Make That Mandatory With No Variance Or Deviation.

So You Will Hear Public Input On That Tonight.

But What I Think We Could Do Is Come Up With Some Middle-Ground Language Before The Second Public Hearing If You Want Us To Look At That, Where We Would Modify The Language To Require Two Accesses For Larger Projects And Not Count An Emergency Access Because Some Of Those Big Projects Will Do Just One Access What With Cul De, Sacs And One For Larger.

And With Larger Projects, You Want To Have Two Full Accesses.

If You Want Us To Do That We Can Come Back With That Language At The Second Public Hearing In Your Packet For The Next Hearing.

The Second Issue Was Water And Sewer.

I Think I Misunderstood The Board Direction At Some Prior Zoning Hearings Where I Think You Wanted The Language To Be Strict But What I Think In Retrospect Going Back And Looking At What You Asked For, Think You Just Wanted Us To Be A Little More In Line With What The Health Department Is

Requiring.

9 And Their Language Is A Little Bit More Strict On Commercial And Industrial Sewer Requirements Than Ours Is.

So We Have Left Our, What I Am Proposing And We Will Put In The Packet For You Next Time S To Leave The Language That We Have Currently Which Requires That Developments Greater Than 30,000 Square Feet Commercial Or 5,000 Gallons A Day Flow And For Residential, If You Are Greater Than 2.5 Units An Acre Density And Then Within A Quarter Mile There's Mandatory Hook-Up Requirements, And Then We Propose To Add For Commercial And Industrial, A Little Bit More Stringent Language That The Health Department Is Requiring.

So, I Think It's A Good Compromise But We Will Let You See What Public Input You Get On That, Too.

And Then The Third Item That I Just Wanted To Mention Was Density Because It Keeps Coming Up At The Zoning Hearings.

We Have Expanded To Include Moderate Income As Well As The Low Income.

And, This Will Be Coming Forward On The 26th Of The Second Public Hearing.

We Also Have An Administrative Code Amendment That Details The Specific Process But I Wanted To Make You Aware That You Asked Us To Look At The Dollar Amount If You Contribute Money Instead Of Doing It On-Site, What We Charge Now Is About \$11,000 And You Asked Us To Look At Updating That.

And In The Administrative Code That You Will Get On The 26th, The Dollar Amount Is About \$40,000.

So I Just Wanted To Bring That 10 To Your Attention.

And Then We Will Be Happy To Answer Any Questions If You Want To Ask Them Now Or After The Public Input.

Thank You For Highlighting The Main Issues, Mary.

Any Questions Of Mary At This Time?

No.

Mr. Sherman?

Can I Make A Suggestion?

Maybe We Would Want To Hear Public Input Tonight And Defer Board Discussion So We Can Get To The Overwhelming Number Of --
And We Will Be Happy To But These Are Scheduled Items For The Agenda Tonight.

We --

I Am Fully Aware Of That And I Appreciate You Pointing That Out But What We Can Do Is When We Get Our Full Board, Then Engage In More Comprehensive Board Discussion So That We Can Get To The Folks More Readily -- Just A Suggestion For The Three Of Us Here Since We Are Absent Two.

Yeah, I'm Fine With The Way The Current Proposal Is Before Us.

So Far As Going To The Second Public Hearing, I Don't Have A Whole Lot To Say In Discussion So --

And Commissioners, I Just Would Like It Make Those Few Changes To The Water And Sewer And The Access Language Before.

That Will Be In Your Packet For Suggestion At The Second Public Hearing And Then You Can Do Whatever You Want With It.

Thank You, Mary.

At This Point In Time Then, The Board Would Be Interested In

Taking Public Comment On The Pro 11 Poatsed Amendment To The Lee County Land Development Code.

Yes, Linda?

You Are A Busy Bee Tonight.

What?

You're A Busy Bee Tonight.

Thank You, Linda.

For The Record, I'm Linda Carter.

I Live In Leheigh.

One Of The Things We Have There Is Grid Lock.

When Are We Have Developments Out Where They Build One Way In, One Way Out, People Do Not Survive In A Disaster.

All Of You Have Heard My Disaster.

We Have To Change The Way We Do It.

We Have To Educate But We Also, As Citizens And As The Government, People That Come To Lehigh Come To Fort Myers And The Beaches From Outside The Area Don't Know What Goes On.

If They Move In, We Need To At Least Educate Them And Tell Them Hey Look, This Is What We Do In The Military They Provide A Plan For Disasters.

Developments Should Do The Same Thing If You Have One Way In.

We Have Buildings.

We Build Our Houses Two Ways In.

Front Door And Back Door.

We Build Developments One Way In.

We Do Have A Regulation That Says You Can Have Two Developments Required But Development Get Away, I Want One Way In For Security.

In Lehigh, You Can't Get Out Of Some Of The Areas If Those Roads Are Grid Locked.

If Those Roads Are Wiped Out For 12 The Disaster, Public Transportation Can't Get In There.

The Public Can't Get Out And It Can't Get Out On A Gravel Road Or A Hard Surface Grass Road If It's Under Water Or Partially Wet And So Forth.

You Need To Have Public Access.

Two Ways In, Two Ways Out.

I Was In New Orleans Earlier This Year At A Major Conference.

It Was A Disaster Because Of Mistakes People Made Years Ago.

We Have Got To Change The Way That We Build And Require Two Ways In, Two Ways Out.

Because It's The Right Thing To Do.

The Fire Departments Need To Have That As A Backup With Grid Lock.

And If We Don't Change The Way That We Build, People Moving In Here Are Not Going To Survive.

Point Blank, If We Have A Catastrophic.

We've Gt It Prepare For The Future And Plan To Have A Catastrophic.

We've Got To Look At It.

It's Going To Be Here Five Years, 10 Years, 50 Years, But What We Do Now Will Make It Easier So We Don't Have Loss Of Life.

Thank You.

Thank You, Linda.

You All Understand Where I'm Coming From.

Yes, Ma'am.

Any Questions?

No.

We Will Ask Staff To Come Back --

I Will Work With Staff On Development Plans Or Alternating.

Whatever They Want.

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Appreciate It.

Thank You, Linda.

Anyone Else From The General Public Wish To Comment?

Hi, Steve.

Good Evening.

Commissioner Steve Hartsel.

For The Record, Thank You For Taking The Input Today.

I Won't Be Here In Two Weeks So I Wanted To Get Up And -- With Regard To The Bonus Density Trngs On Page 96 But What I'm Addressing Is The \$40,000 Increase.

I Would Like To Observe That Perhaps That Kind Of An Increase Will Have The Effect Of Really Being A Disincentive For Folks To Provide For Bonus Density Which, As I Understand It, Is For The Purpose Of That Money Will Go Toward Workforce Housing.

I Just Question Whether That Significant Of An Increase Is Going To Essentially Have The Effect Of Removing The Use Of That -- That Possibility And Those Funds.

So, I'm Not Certain That That's Been Considered At This Stage.

I Raise That Just As An Issue.

Excuse Me.

What Was That Amount That We Are --
\$11,000 To \$40.

And Changing The Definition There Also To Include Another Category?
There Are A Number Of Things That Are Going On With Regard To The Bonus Density.

I'm Not Really Objecting To All Of The Changes.

What I'm Questioning Is Whether The \$40,000 Increase Will Have The Effect That You Intend.

With Regard To The Water And 14 Sewer Connections, I Think That Mary Did Point Out That Those Revisions Are Going To Be Made As Opposed To The Recommendations That Are In There Right Now.

I Would Support That.

Page 5, Section 2.3, There's A New Statement With Regard To All Approvals Being Consistent With The Lee Plan.

And Certainly As A Proposition, That Proposition Of All Approvals Being Consistent With The Lee Plan Is Essentially The State Of The Law Today And I Don't Believe That There's A Recommendation That We Should Be Changing The State Of The Law Today.

I Question Perhaps The Need For Putting That Statement Into The Land Development Code.

Particularly With Regard To The Language That Says All Of These Approvals Must Be Consistent With Lee Plan Provisions.

The Law Today Requires That All Of These Approvals Must Be Consistent With The Lee Plan And Nobody Really Questions That, I Don't Believe.

On The Other Hand, When You Restate It And Say It Has To Be Consistent With The Lee Plan Provisions Does That Mean That Every Approval Has To Be Consistent With Every Individual Portion Of The Lee Plan?
I Don't Think That's What Was Intended.

I Would Suggest Perhaps That That Ought To Be Reworded So That We Don't Unintentionally Make A Change Or Expand What The Present State Of The Law Requires.

There's A Requirement In Section 34-341 That Says That All Land

Adjacent To I Think County Parks 15 Or 2020 Lands, If They Are Rezoning, Even If -- I Think It Says 299 Units Or Less Must Be Done Through A Planned Development.

Does That Mean Essentially That Be A Ag Lot That Was Being Rezoned To Single-Family Residential Would Be Required To Go Through A Planned Development Instead Of Simply Being Able To Rezone It To A Single-Family Residential Lot Or An R.S.1?
I'm Not Sure That's What Was Intended.

I Can See The Red Light Blinking So -- Sorry.

That's On 83.

I Don't See That.

Pages 85 And 87, There Are Two Sections.

34-373 And 34-380 That Essentially Require That Whenever An Amendment To A Master Concept Plan Or To A Planned Development Are Made, That There Must Be A Kind Of A Complete Revision To The Master Concept Plan Has To Be Provided As Part Of That Amendment.

Certainly In Most Circumstances That Would Make Sense.

Would I Suggest That You Add Discretion For The Director To Waive That Requirement If The Amendment Is So Insignificant That It Wouldn't Require A Complete Kind Of Redoing Of The Land Development -- Or The Master Concept Plan.

The Cost Associated With That Sometimes Is Really Extensive.

So, I Would Suggest Giving Some Direct Or Discretion To Your Director And Finally, Pages 108 And 109, Sections 34-3223 And 3241 Essentially It Says That

Whenever A Nonconforming Use Is 16 Being Rezoned, That The Nonconforming Use Has To -- Has To Stop Immediately Upon The Approval Of The Rezoning.

Well Most Of The Time, That's Probably Going To Happen Because Folks Might Not Be Moving Forward With The Zoning, New Zoning, If They Have A Nonconforming Use Existing On The Parcel.

What You Want To Encourage Is The Elimination Of Nonconforming Uses.

Well, If Somebody's Got A Use That's Valid Right Now But They Know That As Soon As They Get The Approval, They Got To Stop The Use That Might Be The Only Productive Use Of That Land, You Might Actually Be Creating A Disincentive For People To Upgrade Their Zoning And I Would Question Whether It Really Is Needed At This Stage.

Why Would You Require That The Nonconforming Use Has To End Immediately? Even If You Decide That That's What You Want To Do, I Would Suggest That We Address The Fact That If You Make It End Immediately Upon The Approval, If That Approval Gets Appealed, You Have Somebody Basically In The Circumstance Where They Would Have To Stop A Use That's Valid, They Might Actually Lose The Appeal And Find Themselves In That Sort Of Spot Where They Have Lost The Only Use That They Can Do And They Have Also Lost The Appeal.

I Think If You Move Forward, You Should At Least Address That It's Not Upon The Approval, But Upon The Effective -- Effectiveness.

Thank You Very Much.

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Mr. Chair?

Are You Going To Put That In A Letter?

For The Benefit Those Who Aren't Here, So I Can Digest It Again Later?

Sure.

I'll Do That.

Mr. Mann?

That Was Precisely My Point.

I Hope Mary Has It, Too, And The Two That Are Not Here Today Can Have It.

Good Suggestions.

Thank You.

Thank You.

Thank You, Steve.

I Was Also Going To Ask You If You Will Just Tell Us Who You Are Representing, For The Record.

We Will Figure It Out From Your Write-Ups Actual Lie Actually These Are Observations That I Made Looking Through It.

I'm Also Chairman Of The Real Estate Investment Society Legislative Committee But Since I Haven't Put This In Writing And I Don't Have A Vote For Approval I Can't Really Say That I'm Here On Their Behalf.

These Are Just On Bow Half Of A Client.

Ok.

I Appreciate That.

Thank You.

There Or Here?

Yeah, I'll Take It.

Thank You Very Much.

For The Record My Name Is Alan Freeman.

I'm Here To Speak On One Specific Part Of This Ordinance But I Guess I Received That Information Through A Consultant

So I Didn't Realize The Number 18 Changes Which Is A Lot Of Times What Happens With These Ordinances Is People Don't Know What They Are Going To Get Into Until After They Are Passed.

But The Specific Provision, If I Got The Correct Information, Was There Was A Suggestion For Buffering Where There Were Indigenous Trees Adjacent To Either Or Material Or Collector Roads.

That The Buffers Be 50 Feet, If The Property Was At Least 1,000 Feet In Length Along These Corridors.

I Guess I Appreciate Steve's Comments Earlier And Any Time A Lawyer's Willing To Give Of His Time And Avoid Me Paying Him Later, I Like That.

But This Is The Same You Know Kind Of Situation, In Other Words, Every Time There's An Attempt To Pass An Ordinance, There Are Additional Provisions.

But Is There A Reason Why We Need Additional Buffering Beyond What's Already Adopted For These Collector And Arterial Roads?

I Was At A Zoning Case A Few Weeks Ago Where You Were Present Where The 15-Foot Buffer That Was Required Was Expanded To 25 On A Collector And 30 On An Arterial For Those Tick Projects.

And I Heard The Rational Behind That And Whether I Agree Or Disagree, That's What Was Done.

Farther Down, That Same Road, The Ordinance Was In Place On Another Zoning That Was 15 Feet And Several Others Were Cited By The Hearing Examiner Where They Ranged Mostly In The 15-Foot Range But Up To 25.

There Was One That Was 40, I Believe.

So, Number One, I Am Looking

For, You Know, What Happens The 19 Consistency.

The Second Thing Is -- What's The Purpose?

Why Is This Needed?

How Is It Protecting The Health, Safety And Welfare Of The Public?

But In Look At These Types Of Numbers, 25-Foot Buffer For A Thousand Feet Is Over Half An Acre.

You Increase That To 50 Feet Time As Thousand Feet, That's 1.15 Acres.

So Somebody's Losing Over A Half An Acre Of Property At \$8 To \$12 A Foot Unimproved, \$350 To \$500,000 An Acre.

That's What They Are Losing.

Up To An Out Parcel, It's \$1 Million.

Typically In These Shopping Centers Or Whatever's Going In There, We Have A Lot Of Business, Small Businesses, Local Tenants Pt Already Rents Are \$18 To \$25 A Foot With \$5 To \$8 A Square Foot Common Area Maintenance Charges.

If There's A Reason To Beautify, And There's A Reason To Have An Ordinance, I Would Like To See It Come Through Channels And Consistently Apply It.

If One Guy Has A Thousand Feet, Next Guy's Got 800.

Then Have You A 50 Foot Buffer, A 25?

A 30?

How Is This Me Earning, Are We Trying To Create Landscaped Corridors, If We Are, Is This A Taking For A Public Purpose?

Daniels Road Several Years Ago, There's Going To Be A 200-Foot Corridor Which Didn't Happen For Various Reasons.

Frontage Road Policy, So Again, I Would Encourage Not Adopting

This Provision At This Time If 20 There's Some Reason To Adopt Something Along A Consistent Policy For Arterial And Collector Buffers, Identify The Public Policy, Identify The Solutions And The Costs And Consider What The Cost Is.

Take Input From The Development Community And Then Pass Something.

But Again, Would I Strongly Encourage -- I Think This Has A Lot Of Effect And Again, Very Little Consistent Benefit.

Thank You.

Thank You.

Yes.

Greg?
Good Evening.

Gentlemen.

Greg Tariff.

I'm Here On Two Issues.

First, The Buffer Issue That Alan Just Covered.

I Think That From A Planning Standpoint, It's A Little Crazy To Think That The Amount Of Property That Somebody Owns Dictates The Buffer.

Where Will You Get Continuity On Our Roads?
I Mean This Buffer Is Going To Be Going In And Out.

The Other Thing I Wanted To Testify Was Mainly About The Increase And The Bonus Density.

As I Understand It, There's Two Real Main Funds That Go For Affordable Housing.

One, The Money Is Generated By D.R.I.S And I Think The Commission Before You Had A Study Done And Now They Are Proposing Linkage Fees, So D.R.I.S Are More -- I'm Against That.

But Let's Get To The Other Fund.

The Other Fund Is Basically Paid Into By Bonus Density Money.

Now The Bonus Density Was 21 \$11,000 Before And Now Up To \$40,000.

So It's Three Times The Amount.

If You Look At The Money That We Have Collected Up To This Point In These Two Funds And Try To Correlate That To The Roof Tops That We Are Creating -- Ok -- It's Very Nil.

I Think We Are On The Wrong Approach Here By Charging Money From A Planning Standpoint.

I Think That We Need To Get A Public-Private Partnership Going With The County Where The County -- People Are Afraid Of Density But We've -- It Is The Key.

If The Right Density, You Can Make Affordable Housing Look Like The Books.

20 To 22 Units.

They Do It In This State And Throughout The Country.

So I Think Really Throwing The Money At It This Way Isn't Going To Generate The Roof Tops That We Really Need.

Some Of The Studies It Says We Are 4,000 Units Behind.

If You Look At The Number Of Units We Generated, We Are Losing Ground.

What We Need San Diego A Public-Private Partnership Where The County Identifies Parcels Of Ground That Are Close To The Infrastructure That Can Take The High Densities, Schools, Supermarkets, The Rest Of The Stuff, And We Need To Identify Those Parcels And I Believe That You Will Have Public And Private, When Somebody -- If They Don't Have To Buy 20 Units To The Acre, You Will Get A Sector That Will Produce 400 Units At A Time.

That Will Take A Bite Out Of The Marketplace.

But It Seems Like We -- We Are 22 Asking For Money Like On The Linkage Fees, With In Plan How To Generate The Units.

Like I Am In The Estero Area And I Think We Would Be At A Shortfall Right Now With The Gulf Coast Town Center, Miramar And Simon Coconut Point If We Didn't Have The University There.

We Didn't Have To Get Living Space For Those Workers.

If You Go Into Any One Of Those, That's What's There.

I Think We Are Going To Have To Look At That Time On A Broader Scale If We Are Going To Produce The Units Because These Fees Are Great.

But As A Developer If You Do A Commercial Project And Somebody Level As Fee Against You And You Pay It And Then You Can't Find Anybody To Work In Your Project Because That Money Didn't Translate Into For Somebody To Live, You're Getting A Double Whammy.

So I Really Believe That We Need To Work On Higher Density Issues And Between Public Private To Generate The Units That We Need, Not By Doing It By Assessments And Fees.

Ok.

Thank You, Gary.

Anyone Else From The General Public Wish To Comment On The Proposed Amendment For The Land Development Code?

Mary, If You Could Step Up To Comment On Some Of The Questions And Concerns That Have Been Expressed.

Well, With Regard To The Access Points, Think We Can Come Up With Some -- Some Middle-Ground Language Before

The Next Public Hearing That We 23 Can Include In The Packet, Like I Said.

And Then You Can Just Discuss It On The 26th And Give Us Direction As To What We Want.

We Already Have The Clause For Two Accesses.

The Board Has Provided Deviations Of Variances.

Well There Are Some Administrative Deviations That We Would Like To Bring Forth To You And Maybe Have A Public Hearing.

Some Of Them Are Granted By You In The Public Hearing When It's Rezoned.

Some Of Them Are Administrative.

So, Um, Just Let Us Work On The Language This We Can Come Back And Then You Can Decide If You Want To Change It Or Not.

I Mean You Can Leave It, You Know, You Can Leave It As Is.

You Can Make It Very Strict Or You Can Make It Somewhere In Between.

So, Wheel Come Back With That.

Steve, A Lot Of The Issues He Talked About Were Also In That News Letter That I Think You Received.

So Some Of Those We Have Already, We Are Already Working On.

The Water And Sewer Issues, We Have Already Worked Some Of These Out.

There's A Couple Of Legal Issues, But There Are Some Things We Can Look At Before We Come Become For The Next Public Hearing With Regard To Whether We Can Change, Fod My The Language On The Consistency Of The Comprehensive Plan And The Nonconforming Language.

One Of The Things That They Didn't Like Was The Land Ajais

Ept To Parks Being Rezoned To 24 Planned Development And That Was Something That The Board Requested That We Do That Came From I Believe Public Works Requested That In One Of The Zoning Cases And You Directed To Us Do That.

We Got Some Blatant Bad Examples Of Developments That Have Gone Up Right Adjacent To County Parks Without Appropriate Buffers And It Really Takes Away From The Integrity And Amenities That The Parks Provide For The Community.

So The Next Example, Some At Gladiolas.

The Intention Is To Make Sure The Developments Provide Appropriate Buffers And Think It's Only Appropriate And We Can Condition That.

Now The Question Was Asked About The Single Family.

In Which Steve Was Correct Because If We Do Adopt The Language That Parks And Public Works Suggest Then A Single Family Residential Development Would Be Required, A Lot Would Be Required To Do A Planned Development Which You Know The Only Other Option You Have Would Be To Increase The Buffers But I Think In The Zoning Cases You Said You Wanted To Look At Them Case By Case Basis.

So That's The Only Way You Can Do That.

So I Think You Are Just Going To Need To Decide On The 26th Do You Want To Do That Or Not.

We Can Go Back And Look At -- Look At The Threshold.

We Can Go Back And Look At That.

So We Will Go Become And Look At That R.S.1 Lot Situation Before The Next Hearing.

We Can Do That.

And The Nonconforming Use 25 Language, Think You Got An E-Mail From The Chamber Director Kind Of What They Worried About And Steve Brought It Up.

I Will Just Need To Make A Decision On Whether You Want The Language Or Not On The 26th But The Issue That We Have Is, You Know, People Rezone The Property For Commercial But They Continue To Live In It And Then They Just Live In It And Run A Business.

But It's A House.

So It's Never Brought Up To Building Codes For Commercial Business.

So It's Being Used For Commercial Business But It Doesn't Meet Any Of The Fire Safety Codes, Any Of The Building Codes, Any Of The Parking Requirements For Commercial, Any Buffering And Landscaping.

So That's The Problem That We Are Having That's Become A Code-Enforcement Issue With Kind Of An Illegal Conversion To Commercial Use Without Meeting The Fire Codes.

So That's The Issue And I Think You Just Need To Decide, You Know, Do We Want To Do That Or Not?

And As Far As The Landscape Of The Roads --

Landscaping Issue That Freeman Brought Up, That Was Suggested By Staff.

What We Are Trying To Do Is Retain More, If There Is Indigenous Or Native Trees On The Site Along The Frontage Of The Main Roads We Are Trying To Retain That Versus Just Going In And Scraping Over The Whole Site Like You've Seen Happen For Example In Marketplace At

Daniels And 41 Where You Know 26 The Whole Site Was Practically Scraped Down.

So We Aren't Saying You Have To Go In And Replant.

We Are Saying If There's Indigenous Vegetation On These Larger Projects, We Would Like To See That Be Retained On The Frontage And Like A 50-Foot Buffer Of Indigenous Vegetation If It Exists.

We Can Go Back And Look At Alan's Comments And See If We Can Address His Comments But The Reason It Was Suggest San Diego To Provide More Greenery On These Major Roadways Versus You Know Like A 15-Foot Hedge Where They Go In And Cut Down All The Trees And Then Replant Some Sable Palms.

So That's What We Are Trying To Address.

Cyprus Lake And 41 Are Classic Examples Of How It Improves The Aesthetic Appearance Of The Area.

It's A Good Thing That Hopefully We Will Be Able To Adopt At The Second Public Hearing.

Like Said We Will Go Back And Look.

We Got All These Comments, Some Of These Comments Tonight Are Brand New To Us So Let Us Take, Evaluate Those.

And The Bonus Density Again Is Just, You Know, Going To Be Your Policy Decision I Think On The 26th As To What The Dollar Amount You Want It To Be And You Know If You Want To Do That.

I Just Wanted To Clarify, Too, What Greg Brought Up -- That \$11,000 Is A Small Price To Pay.

It's Small And It Hasn't Been Updated In A While.

Actually I Think The Total 27 Amount That We Are Trying To Accomplish Is Have The Developers Provide For Housing On-Site.

I Know This Speaks To Very Low-Income Housing But Ideally It Would Be Nice If The Developments Themselves Cost Provide For A Cost Of Model Cost Housing On Site.

The Models Were Intertwined With Enforceable Housing Methodology Study That Has Not Come To You Yet.

So These Comments Were About A Little Bit Intermixed.

They Are Saying Look In The Broad Picture We Are Trying To Do That Now.

We Haven't Come Forward With The Affordable Housing Methodology Yet Because It's Been Working Its Way Through Different Committees And Been To Council And We Are Trying To Get Input There.

So That's Just Kind Of A Separate Issue From The Bonus Density.

It's The Bigger Picture Issue.

Commissioner?

Yes.

Can I Make A Suggestion Rather Than We Do This In Two Weeks On June 26 That Maybe We Give Some More Time To Ourselves?
These Are -- These Are More -- They Go Broader And Deeper Than I Guess I Had Just First Thought.

You Know, When I Was Preparing Them.

Wondering If Maybe The 26th Being So Close To Our July Break Might Mind Us Up Here If We Were To Try To Get Too Much Done In The Next Two Weeks.

What Do You Say Mary?

Do You Think More Time To Put

This Into August?

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Well We -- We Have Been Working On It For A Long Time, So We Are Ready To Go.

But --

A Lot Of These Haven't Been, A Lot Of These Are Coming Out Of The Zone Hearings Not That Long Ago.

I Think If We Are Given A Little Additional More Time, Apologize But Legally We Would Have To Go Ahead And Move Forward With The June 26th.

Well I Don't Know If That -- Has It Been Advertised?

Well The Advertisement.

Commissioners, It's Your Pleasure.

If You Want To, We Can Just Terminate And Readvertise In August And Have Two More Hearings In August.

Otherwise, You Would V.

To Go To The 26th And Then Continue That To Another Date Certain.

Why Do We Have To Have The 26th If It's Not Yet Been Advertised?

It Has Been Advertised.

The Advertisement Specifies The Two Hearing Dates.

That's Required.

You Can Make That Decision On The 26th.

Ok.

So We Can Defer It?

Well --

You Have To Meet On The 26th At The Specified Time And Then Continue It To Another Date Certain.

Ok Well We Can See Where We Are On The 26th.

At This Point In Time Should I Entertain A Motion To Move To The Second Hearing Which Is June 26?

Seconded By Commissioner

Bigelow.

29 I Agree With The Commissioner And Hope That On The 26th The Board Will Act In Terms Of Deferring It.

For The Additional Time To Work Out These Differences And Hopefully We'll Have The Final Hearing In August.

Any Further Discussion Or Objection?
Hearing No Objection, Motion Passes.

Thank You, Mary.

Ok.

Folks Have Been Very Patient.

Those Who Were Scheduled Items To Get Through.

Now We Have An Opportunity That The General Public Is Afforded.

Thank You, Greg.

And I Do Have Quite A Few Cards Here.

You Will Be Given An Opportunity To Speak For Three Minutes And You Are Welcome To Hear Your Point.

I Think All Of Them Have To Do With Estates.

Could We Have A Three-Minute Break?
Sure.

Two Minutes?
Two-Minute Break?
Yes.

That's All I Need.

Thank You For Giving Us The Time To Take A Few Minutes For A Break.

We Will Get Start.

You Will Have An Opportunity, We Will Welcome Your Input.

It's Not A Scheduled Item But We Will Welcome And The First Speaker Is Robert McCormick.

Mr. McCormick.

You Have About Three Minutes Each If That Sounds Ok.

Good Evening, Sir.

30

Good Evening.

My Name Is Robert Mccormick.

I Live In Harbor Lane And Waterway Estates.

What I Am Really Concerned With Is People Move In The State Of Florida For The Warmth And The Water.

We Are Taking Prime Real Estate Here And Making It A Sewer Plant.

Now, You Are Going It Say Well That Creates Jobs And There Will Be Plenty Of People Working There.

If You Build It Some Place Else, There Will Still Be People That Have To Run The Plant.

The Marina Had 334 Slips, Ok, That What Happens Was Going To Be Generated There.

The Tax Revenue That We Will Be Losing.

I Can't Believe It.

Before The New Buildings, And Everything Was Done, Nothing Is Done Yet.

Ok?

The Taxes On That Property Were 72,000 Dollar As Year.

Am I Right?

Why Didn't Anybody Do A Study On Us?

Taking Public Input.

Oh, Ok.

All Right.

And The Jobs That Are Going To Be Lost Because Of This, Ok, Cooks, Waitresses, Bartenders, Go On And On And On.

I Can't Believe That Lee County Would Do This.

These Will Be Jobs That Will Never Be There Again.

Ok, If This Is Allowed To Go Forward.

It's Mind Boggling.

I Can't Believe That The Count Has This Much Money So That We

Aren't Going To Promote Business 31 Any More.

We Are Going To Promote Sue Are Plants.

Don't Get Me Wrong, We Have To Have A Sewer Plant.

All Right?

But -- I Don't Think This Is The Right Way To Go About It.

And I'm Sure That There Are Other Alternatives And I Would Imagine Some People Will Have That.

And The Time Period That This Went Down In Is Astronomical.

The One Thing That We Thought We Were Going To Have A Restaurant On The Water, Boaters Were Looking For This.

It's Just Unbelievable.

Where Do These People Go Now?

To Take Boats?

You Want People To Move Here.

You Want To Use The Revenue From The Taxes For Everything.

These Are Males, All 6%, Am I Right?

You Know, And Every Meal There's A Sales Tax.

Ok?

I Just Can't Comprehend The Loss In Revenue.

30 Years From Now What Will This Be Worth?

Never Mind Today.

Ok?

This Will Be Something That You Can Never Bring Back.

That's All I've Got To Say.

Thank You.

Mrs., I Think It's Jan McCormick.

Good Evening, Ma'am.

Good Evening.

I Have Some Literature For You.

Ok.

At A Meeting We Had On The 30th Of May --
I Can Offer You Some Candy.

Thank You.

32

I Got To Offer It Back.

You Have An Extra Copy To Give?

Yes, Do I.

Wow.

Wait A Minute.

Did You Get This?

I Gave It To Commissioner Hall's Secretary.

All Right.

Thank You.

Ok My Name Is Joanne McCormick.

I Live On Water Way Estates.

First Of All, This Is Not In The Lee Comprehensive Plan To Do The Waste Treatment Plant Expansion.

And Also, Permit Applications Was Received On May 31 And Is Under Review.

Due Diligence Was Until The 30th Of May Until The Property.

Aren't We Putting The Cart Before The Horse?

They Have Not Taken Ownership Of The Property As Yet And To My Understanding, They Still Need To Have The D.E.P.

And Bench Approval [Phone Ringing]

Excuse Me, Somebody Has A Cell Phone Ringing If You Could Please Shut It Off.

Ok.

Sorry.

Ok.

To My Understanding They Still Need To Have The Core Of Engineers Approval To Proceed With This Expansion.

Hopefully It Will Not Be Awarded Consent To Proceed Further.

Look At What A Beautiful Park This Would Be For The General Public To Enjoy.

There Are Not Many Places Or Any In North Fort Myers To Enjoy.

Another Question.

What About Sewer Overflows?
Government Regulations Consider

These Violations Of The 33 Clean-Water Act And Proceed As A Utilities Fairer To Provide Capacity Assurance.

This Is In A Flood Category Number One Area.

Is There Currently Any Waterway Estates Overflow Emergency Response Plan?
They Want To Expand The Plant To 3 Million Gallons A Day.

During Some Storms We Get Extremely High Water In This Area And The Sea Walls, The Water Comes Over And Floods Over The Sea Walls.

What's To Prevent Leakage From The Tanks Infiltrating Into The Water?
And Polluting The Pristine Land And The Waterways Which We Desire To Live On?
We Also Manage Our Area, It's A Breeding Ground For Manatees.

I Have Photos That Were Taken From The Backyard Of My House.

When A Restaurant Was Still In Existence And Its Mating Season And You Will Enjoy But You Need It See This In Person Because Photos Don't Produce The Whole Picture.

And I Do Believe We Qualify For The 20-20 Plan.

I'm Not Sure Exactly All The Wording In That Plan But This Is Wildlife.

We Have Otters.

We Have Stingray.

We Have Dolphin.

We Went Fishing, We Have No Salt Water In Our Area Because Of The Drought Season We Are Getting A Lot Of Fish In Our Airy And They Are Catching Multiple Of Fish.

If You Could Please Summarize Your Comment.

Yes, I Will.

Sorry.

We Had A Neighborhood Meeting

May 30.

34 I've Given You The Minutes Of That Meeting And I Would Like You To Enjoy The 56 Pages That I Typed Up Myself.

Ok.

There Was A Meeting At Our House September Of 2005 And It Was In The -- In My Home.

34 People Attended That Meeting.

It Was Stated At That Time, We Have The Utilities Director And Another Consultant With Him That This Plant Was Going To Be Shut Down And Relocated To Another Area.

Well Apparently There's A -- To Her Recollection She Can't Remember It Being Said.

It's One Of Our Commissioners.

Aim Not Going To Name Her.

I'm Going To Ask That You Conclude Your Comments, Please.

As Commissioners, You Need To Bring This To The Table For Further Discussion.

This Is Really Way Too Fast And Not Enough Input Has Been Put Into It By Purchasing This Property To Increase And Expand A Waste Water Treatment Plant.

This Is In My Backyard And We Get An Odor And It's Going To Be Directly In Back Of Me And I Am Going To Be Looking At This And It's Going To, My Property Values Are Going To Be Decreased Immensely By This.

Thank You, Ma'am.

I Think It's Robert Victor?
Mr. Victor, Good Evening.

Good Evening.

My Name Is Robert Victor.

I Live At 1740 Dock Way.

I Live Right Behind The Plant.

Well, Basically Across From It.

I Attended The Same Meeting With All My Neighbors With Our Commissioner.

And Of Course The Only Thing I 35 Got Out Of That Is That This Was A Done Deal And There Was Going To Be No Discussion About It.

That's What I Got From Our Commissioner.

The Thing That We Object To And I Think The Thing That She's Been Sold Is The Fact That They Are Going To Have To Repipe If They Want To Take This Sewer Plant's Facilities And Move It To North Fort Myers And The Cost Of The Repiping Was The Reason That They Spent \$14 Million For Your Piece Of Property That -- That's A Lot Of Money.

\$14 Million To Expand Their Plant When Just Up The Street, There Are Five To 10 Acres For Sale At Different Locations That They Could Have Bought For Half Of That, Maybe Even Less Than That, And Used Only A Mile And A Quarter Worth Of Repiping To Go Up To The New Plant At A Different Area That Wasn't Next To Water, Wasn't Next To Neighbors And Wouldn't Affect Property Values.

That's Really All I Have To Say.

I Was Hoping That Someone -- I Know This Is Just A Hearing, But Someone Would Take The Time To Do A Really Good Study On How Much It Would Cost Just To Go A Mile And A Quarter Let's Say Behind The Publics Up At Hancock And Orange Grove Which There Is Five And A Half Acres For Sale Behind That Utility Spot That Doesn't Affect Anybody.

That's All Have I To Say.

Ok.

Thank You, Sir.

Dave Merrill?

Mr. Merrill, Good Evening, Sir.

Yeah, My Name Is Dave Merrill.

I Live At 1700 Inlet Drive.

About A Seven Iron Away From 36 This Marina.

I'm Really Concerned About The Real Estate Values.

I Have Been In The Real Estate Business In And Out, Broker, International Broker, Investor, For About 35 Years.

I've Lived On Three Different Caribbean Islands.

I Have Never Seen Anybody Take A Marina On Any Of Those Islands And Make A Sewage Plant Out Of It.

[Applause]

Excuse Me, Folks But The Commission Chairman Would Ask That You Refrain From Outburst.

We Allow Everyone To Speak Their Minds.

Thank You.

Another Question I Would Have For Everybody In Here -- How Many Of You People Would Call A Realtor And Say Would You Go Find Me A House Near A Sewage Plant?
I Don't Think So.

You Know, Do You Understand What It Does To The Price Of A House?
And Again, Just Like The Gentleman Before Me, There's More Land In North Fort Myers.

Why Come And Get A Marina?
We Need 'Em.

We Need This.

People Like To Use Them.

We Are Getting Short On Marinas.

That's All I Have To Say.

Thank You, Sir.

Jack Hess?
Good Evening, Mr. Hes.

Good Evening.

Thank You For Listening To Me.

My Name Is Jack Hess.

I'm A 30-Year Resident.

Not In My Backyard.

There's Already A Sewer Plant There.

We Know That.

37 Now Can't We Just Coexist?
Expand The Facility That's There?
Look At It.

Look At The Area.

I Mean Let's Be Reasonable.

Thank You For The Two Commissioners That Voted Against It.

They Have Good Common Sense.

Visit The Area.

Look At It.

Do We Need The Sewer Plant Taking Over That Facility?
It's Just Not Right.

Think About It.

Go Back.

I Hope It's Not A Done Deal.

Thank You.

Thank You, Sir.

Thomas Smith?
Followed By John Campbell.

Good Evening, Mr. Smith.

My Name's Thomas Smith.

I Live At 4610 Macinaw In Waterway.

I Want It Look A The More Practical Side Of This Thing.

I'm Reading From The State D.E.P.

Regulations For Sewage Plants And Expansions.

Whatever You Build There Must Meet A 100-Year Flood Level To Keep All The Facilities
Intact And All Electrical, Mechanical Equipment Out Of The Water.

Furthermore, On A 25-Year Flood Level Basis, Including Surge Waters And Wave Action, That Place Must Be Operational And Available, Accessible.

To Be Operated.

According To Your Own Flood Maps, The All, The Area Of Emma Drive And Everything Else Will Be Under Water In A Storm Surge.

Which Means It Will Not Be Operational.

And You Won't Be Able To Get 38 People There.

So Just By The State's Standpoint, You Should Not Be Building A Sewage Plant On That Piece Of Land That's Only About Six Feet High.

Because That's About Where It's At.

It's At A Low Level From Previous Flood Levels Issued In 1980s And 70s.

And 60s.

That Thing's Been There For 50 Years.

That Plant.

And I Don't Think It Needs To Be Enlarged There.

Thank You.

Thank You, Sir.

John Campbell?

I'm --

Ok.

Thank You For Being Here, Ma'am.

And For The Record, You Are Against The Sewage Treatment Plant?
That's Right.

Ok.

Alec Is It -- Malan?
Followed B Jim Turf.

Good Evening, Sir.

Good Evening.

My Name Is Alec Mylen And I'm The Chairman Of The Land-Use Committee For The North Fort Myers Planning Channel And This Does In The Meet Any Of The Criteria That's Been Set Down For Us.

It Came Out Of Nowhere.

It Does Not Meet The Criteria That The County Is Paying A Professional Planner In H.D.R.

To Review What -- Where Things Ought To Be.

We Are Looking For The River As An Economic Engine.

This Just Wipes Out One Of The

Best Parts Of The River.

39 It Just Doesn't Make Any Sense To Us.

And My Question Is -- What About The Procedures That We Have?
At No Time Did This Ever Come Up In Front Of Any Of The Community Boards.

Certainly Not Ours Or Anybody Else.

And It Doesn't Meet Up With Anything That We Are -- That The County Is Actually Paying A
Plan Tore Put Together A More Comprehensive Plan.

So We Are Sticking Our Thumb In Our Eye.

And At This Time, I Don't Know Of Any Current Need For This In North Fort Myers.

Kid Ciewrl Might Have Some Issues But That's Not What This Station Is Supposed To Be
Supporting If The Information I've Gotten Is True.

I Just Ask That We Follow Our Own Plan For Reviewing Change In Our Community.

We Have Pushed All The Builders Into Having A Buffer Zone Of Coming To Our Community
Action Committee Before They Go Through Zoning And It Seems Like It's In The Early
Stage And It's Working.

But Yet Here This Kind Of Change Goes Right Around Everything That's Gone On.

And If You Think That They Are Going To Have Some Support From The Community For
This, This Is The Kind Of Thing That Really Blows Up And Can Cost A Lot Of People Their
Political Careers.

Because This Hurts People.

And We Will Come Back Fighting.

Thank You, Sir.

Jim Toth?

Followed By Scott Bennett.

40

Good Evening, Sir.

Good Evening, Commissioner.

I Appreciate The Opportunity To Speak With You.

Obviously It's Past My Bedtime.

But -- Forgive Me While I Try To Keep My Eyes Open.

I Am -- My Name Is Jim Toth And I'm A 21 Year Resident Of Six Lakes Country Club In North Fort Myers.

Also Chairman Of The Infrastructure Subcommittee Of The North Fort Myers Planning Committee.

In The Course Of Doing Some Of The Studies That Our Committee Has Been Wishing On, We Have Had The Opportunity To Speak With The Folks At North Fort Myers Utilities.

And Based Upon The Information Which I've Gotten From Them As Recently As Yesterday, They Assure Me That They Have The Present Capacity To Handle The Sewer System Service That Might Be Required Or Is Required By The Waterway Estates Community.

In Addition, They Are Presently, I Am Sure You Are Aware, Planning And Working On An Extensive Expansion Of Their Existing Facility.

The Message That I Am Trying To Convey Or That I Think You've Got A Great Alternative And A Great Opportunity, To Take The Waterway Estates Problem, Eliminate The Existing Troublesome Plant In Its Entirety, Convert That Property To What Was Originally Planned And That Is A Marina With All Of The Entertainment Facilities That Go With It, Thereby Allowing Our Panel To Achieve At Least A Part Of Its Mission, To Provide A Better Place For

People Living In Our Community, 41 And At The Same Time, Put A Sewer Plant Where It Needs To Be In Environmentally Friendly Part Of The County.

The North Fort Myers Utility, As You Will Know, Is Located In An Area Well Away From Most Of The Population.

Certainly Is Not As Subject To The Flood And Storm Problems As The Waterway Estates Plant Is Currently.

And I Would Certainly Urge You As A Commission To Rethink This Thing.

One Last Thought, Obviously Somebody Has Done Some Homework In Order To Come Up With This Recommendation.

I Would Hope That Somewhere Along The Line That If Not -- At Least Some Of Us Can Share The Wisdom That Led To The Conclusion That This Is The Smart Way To Go.

And Thank You So Much For Your Time And Your Patience Listening To Me.

Thank You, Sir.

Scott Brenner?
Followed By I Think Debbie Jacca.

Mr. Brenner, Good Evening.

Good Evening.

I'm Chairman Of The North Fort Myers Community Planning Panel.

Jim And I Before Me.

The Question -- Why The Sudden Urgency For The Additional Capacity When We Already Have The Other Facility Out More Isolated And Newer, Better Location.

I Agree With Frank's Decision And Brian's And Really Kind Of Question The Rationale Between The Other Commissioners On How They Came To This Judgment That

This Was The Highest And Best 42 Use For This Piece Of Property When It Affects All The Property Owners And Takes Away From New Commerce, Everything That We Have Been Working The Last Year On Trying To Promote In North Fort Myers On A Future Vision Statement.

And The Panel Wants To Get This Rationale Out To Where We Can Understand It.

We Feel Like The County Has Been Cooperating On Coming Forward With Builders, Developers, Rezoning Requisitions, Everything Else To Help Us Get A Handle On What's Going On Now.

But Then When It Comes To You Purchasing This, We Are Left Out.

So We Kind Of Feel Blind Sided On This In One Sense.

But -- That Being What It -- What I Am Here To Ask You To Do Is Revisit This Deal Before It Is Done And At Least Have A Little More Time For The Public To Give Their Complete Input.

With That, That's All I Have To Say.

Thank You, Sir.

If I Have It Correctly, Debbie Jecca?
Followed By John Garner.

Good Evening.

Hi.

Good To See You.

You've Been Here Before.

Oh, Many Times.

Hi, My Name Is Debbie Jacco.

I'm The Environmental Subcommittee Chair Of The North Fort Myers Community Planning Panel.

I Have Several Issues That Bother Me About This.

Number One, The Surprise Factor.

There Were No Public Hearings At 43 All.

There Were No Public Hearings With The People That Live In Waterway Estates And Here We Are A Group Trying To Make Our Comprehensive Plan And We Were Totally Left Out Of The Loop On This And The County Is Funding A Consultant To Help Us Form Our Plan And This Was Totally Left Out Of The Loop.

This Vote Was Two Weeks After The Fact When We Met With H.D.R.

And We Still Did Not Know Whether H.D.R.

Still Knows, I Don't Know.

I Have An Issue With The Fact That In 19 -- In 2005, This Property Was Purchased For \$3.3 Million And The Real Estate Market As Far As I Can See Has Gone Down And Yet, This Was Appraised For \$10 Million And You Are Giving Them All Almost \$14 Million For This Property.

That, I Don't Understand.

The County Funds For This Was Transferred Two Weeks Before The Vote Before The County Commission.

That, I Don't Understand.

I Don't Think It's Smartest Peshly After Seeing Hurricane Charlie And The Devastation That That Did, Having Something Like This That Could Be Such An Environmental Disaster Sitting On The Water.

I Mean We Are Always Hearing About What A Mess Lake Okeechobee Is Because Of The Sugar Because Of The Releases.

Well If This Breaks Loose Into This River And Completely Contaminates The Beaches, You Are Going To Have More Of An Environmental Disaster Than You Have Ever Seen In This County.

And They Just Had A Leak, Hair,

Up In Tampa, It Was In The Paper 44 This Past Week.

The Overflow Going Into The Water That They Still Put Water From This Plant Into The Water, Have You To Realize Now That Years Ago When They Were Testing For Things, They Were Mainly Concerned About Back Teary And Other Things Like That Being Killed Off Before The Effluent Was Put Into The River But Now These Drugs And Medications That People Are Taking Which Doesn't Have To Be Dumped Down The Toilet By Bottles Of Pills, It Goes Through Your System And Through Your Body And All This Stuff Is Now Being Detected In The Fish.

So We Are At The Point Now That It's Going To Be A Catch And Lease.

Nobody's Going To Want To Eat Anything That's Of Come Out Of This River Because Now They Are Finding Antidepressants In The Fish, Now They Are Finding Estrogen In The Fish From Birth Control Pills And Stuff Is Not Being Taken Out.

God Knows It's About Cleaning Chemicals And Everything Else.

This Stuff Isn't Being Taken Out When It's Being Sanitized And Put Into The River So You Are Also Adding All Of These Elements Into It.

And So To Generally Summarize All This Up, There Was No Public Hearing.

Had You No Public Input At All And I'm Surprised About Some People And How They Voted On This That Are Supposed To Be The Protectors Of The Environment And Have Been The Protectors Of The Environment For Years That This Was A Smart Plan.

There's Much Better Use For This

Property Like Other People Have 45 Said, This Was One Of Our Major Economic Benefits That We Were Having Here On The River And To Put A Sewage-Treatment Plant There Is, It's A Disaster Waiting To Happen And I Hope You Somehow Get To Change Your Mind And Put It Some Place Else.

Thank You.

John Banet?
What About Teresa Mitchell?
Good Evening, Again.

Good Evening.

Thank You For Allowing Public Input And Hearing What Is Obviously A Very Sensitive Issue With Most People.

I Don't Know That There Will Be Anybody Here In Support Of This And I Would Encourage The Board To Bring This Back And Review This.

I Can't Think Of A Worse Use For This Land For North Fort Myers Considering You Know The Impact That The River Has For Us.

And That's One Of The Key Things That We Are Looking At With The Planning Panel.

There Was A Leak Saturday Before Last Of Over 200,000 Gallons At A Tampa Plant That Did -- It Was Runoff.

It Did Go Into A Water Area.

We Can't -- We Can't Consider That As A Viable Option.

I Don't Think You Can Make That Plant Safe Enough In The Event Of A Tropical Storm, Let Alone A Hurricane Event Or A Storm Surge.

The Speed At Which This Thing Was Processed And The Fact That Public Records Show That \$13.8 Million Were Transferred For This Land Acquisition Two Weeks Before The Board Saw This Just Does Not Sit Well With Most

People.

46 The Public Was Not Offered Any Options.

I Know There Have Been Options Released After The Vote Of Which You Need To Consider In My Opinion And Most People's Here, Purchase Of Another Location, Move The Current Facility, Shut It Down, And Go Somewhere Else With A More Safe Facility At Little F Any, Additional Cost Over What The Proposed Expense Is On This.

Also Understand That In Order To Do This Facility, Other Than Permitting And Regulatory Issues That May Still Be A Problem, There Will Have To Be Two Deep-Well Injection Sites At A Minimum Of Two.

I Don't Think That Pumping Sludge Into The Ground Where Our Water Supply Comes From Is Any Better Than Letting The Current Facility Continue To Leak Into The River.

I Really Hope That You Will Bring This Back And Not Move So Hastily On This.

Thank You.

Thank You, Sir.

Teresa Mitchell?
Followed By Bob Tanes.

Good Evening, Ma'am.

Thank You.

I Have Been Involved With Commercial Real Estate For The Last Two Years And I Am Shocked At This Poorly Planned Spending And It Truly Is Not The Highest And Best Use For This Property.

A Couple Of Notes, The Appraiser That Did The Appraisal On The Property For The Sale Was Chosen By The Seller Which Is Odd.

It Was Appraised As A Marina, Not A Sewer Plant.

The Land Purchase Just Two Years Ago Was \$3.3 And Additional

Money Was Spent For The 47 Building.

It Has No Buildings.

It Is Flat Land And They Just Paid \$13.8.

So Within Two Years Looking At Real Estate, It's Just Not Just Fie Able.

Just Want It Reiterate, There's Many Blighted Areas That Could Be Considered That Would Not Be Adversely Affected About Like This Prime Waterfront Property That We Have.

I Lived In The Neighborhood Two Years Ago And I Watched Real Estate Values Decline.

We Were Told The Plant Would Be Gone In Five Years.

I've Heard Up To Eight Years.

I've Heard Many Stories In The Two Years I Have Been There.

Two Things That Are Affecting Local Businesses That I Want To Point Out.

I Did Join The Local Boat Club At The Marina For \$18,000 Just A Year And A Half Ago.

I Have Now Lost This Benefit That Added Value To My Community And My Property.

Secondly, I Moved Over Here From Fort Lauderdale Because Of The Waterways, The Deep Water Canals.

The Opportunities.

I Have Been Developing My Business For Two Years And The Last Year, I Have Focused By Bringing My Yacht To The Downtown Fort Myers Yacht Basin To Further My Plans For Business Out Of The Restaurant That Was Planned To Be There.

That's Another Thing That I Lost.

We Even Went As Far As Purchasing 100 Feet Of That Seawall Along The Marina About A Year Ago Which Obviously We Have

Gotten Our Money Back Because We 48 See That We Can't Really Count On Anything That's Being Told To Us.

We Get One Story And Then A Few Months Later, You Hear Of Another One.

So I Just Would Like You Guys To Seriously Consider What's Going On In Our Community.

We Are Growing.

A Lot Of People Moving Out Here.

A Lot Of People From The Other Coast.

We Have To Give Them What They Are Coming For And Make This A Better Community.

Thank You.

Thank You, Ma'am.

Bob Tannes Followed By Donna Oberth.

Good Evening, Sir.

Thank You For The Opportunity To Speak.

My Name Is Bob Tannes.

Lived In The Community For 20 Years Now And I Would Just Like To Make A Couple Of Points And Maybe Offer A Suggestion For You.

I Request That You Don't Use A Band-Aid Approach On This Issue.

And That's In Essence What You're Doing Is Throwing A Lot Of Money Into A Situation Where You Could Be Putting This System Up On The 40 Acres That The State Road Department Owns Off Of Pine Allen Road.

Now If You Talk Nicely To The Governor, He Would Probably Be Willing To Do A Trade Since You Are Going To Have To Cut Back So Many Dollars, Tax Dollar Was This Tax Issue That We Are Facing.

Keep Our Money Here In The County And Maybe Get The Governor To Get Some Of That

Property Up There.

49 And That's Right Behind Home Depot.

The Second Issue I Have Is We Are Polluting The River As We All Know.

The Sanibel Lighthouse We Couldn't Use The Beach This Past Weekend And It's -- Can't Blame It On The Lake Any More.

Water's Not Coming Out Of The Lake.

It's Dry.

So It's Got To Be A Problem Coming From What We Are Dumping Into The River.

So -- You Know We Need To Look At That Situation.

It's Not Only Our Sewer System There.

I'm Part Of The Problem.

I Flush My Toilet, Too.

But You Know I Like For You Guys To Help Solve The Problem.

That's Why I'm Trying To Give You Suggestions.

I Informed Fish And Wildlife And The Other State Departments On February 9 That We Had A Broken Line And The Sewer Line Going Out To The River.

It's Broken Right There Where The Gazebo Used To Be.

Every Time They Have A Surge Of The Water Going Out, It Bubbles Up A Foot In The Air And It's Just Not Even Going Out To The Center Of The River Where We Are Trying To Send It.

So -- I Don't Know Who Else Have I To Notify To Get That Corrected.

Maybe Have I To Do It In E-Mail Format Or Something.

But --
You Already Have.

Excuse Me?
You Already Have.

We Have?
Ok.

You Already Notified Us.

50 We Appreciate It.

Thank You.

In Conclusion, I Would Like To Thank You For Helping Us And Help Us Preserve The Value Of Our Homes In The Area.

Thank You.

Thank You, Sir.