

September 11, 2007

Today Our Invocation Will Be By Pastor Clint Cockwell From Cypress Lake Presbyterian Followed By The Pledge Of Allegiance.

Mr. Chairman, I Apologize But Obviously The Anniversary Of 9/11 I'm Sure We Will Hear -- We Have A Whole Resolution Coming Up On That.

Friends, Let Us Pray.

Gracious And Loving God We Gather Together This Morning To Seek Your Blessing On This Yet The Start Of Another Day, We Pray You Would Tend To The Concerns Of Our Family And Friends While We Concentrate On The Work That Is At Hand, We Pray For Our Board Of County Commissioners As They Gather To Do Your Work.

The Agenda Is Quite Full From Routine Of Utilities And Budget To Issues Of Public Safety, May Every Decision Made Today Reflect Your Will And Guidance.

Father On This Special Day We Ask Your Particular Blessing Upon The Families That Suffered A Horrific Loss Six Years Ago.

May Your Love And Presence Be Felt By Those That Continue To Mourn And May We Never Forget The Tragic Events Of September 11th 2001.

Further, May We As A Nation Work To Preserve The Freedom And Liberties That Were Challenged On That Very Day.

Lastly, Lord We Pray For The Commission That You Bless Them And Their Families, And The Sheriff To Protect The Community And The Many Civil Servants That Serve You By Serving Our County.

For Our Residents, Our State And Nation.

May Your Loving Hand Be Felt In A Numerous Ways, Be It In A Commissioners Meeting Or In The County We Call Home, Lee County.

Amen.

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

Thank You Very Much, Pastor.

The Next Item On The Agenda Will Be A Reading On The Resolution, Patriots Day.

It Will Be Read By Commissioner Mann.

Thank You, Mr. Chairman.

I Take Particular Pride As A Member Of The Caloosa Chapter Of The Sons In The Revolution And Welcome Three Compatriots.

If You Would Join Us Where We Would Read This Resolution And The Chairman Will Probably Lead Us In A Moment Of Silence Following The Reading Of The Resolution.

Board Of County Commissioners Resolution, Whereas September 11 2001 Was A Defining Moment In American History.

On That Terrible Day Our Nation Saw The Face Of Evil As 19 Men Attacked Us.

On Patriot Day We Remember The Innocent Victims And We Pay Tribute To The Valiente Firefighters, Police, And Citizens Who Risked Their Lives So Others Might Live.

And American Resolved We Would Go On The Offence Against Our Enemies And Not Distinguish Between The Terrorists And Those Who Honor Those Who Support Them.

We Honor The Dedicated Members Of Our Public Safety, Law Enforcement And Intelligence Committee And Thousands Of Others Who Work Hard Each Day To Protect Your Country, Protect Our Liberty And Secure Future Attacks.

And The Spirit Of Our People Is The Source Of America's Strength And Six Years Ago Americans Came To The Aid Of Neighbors In Need.

On Patriot Day We Pray For Those Who Died For Their Families.

On This Solemn Occasion We Rededicate Ourselves To Laying Peace And Confidence With Our Free Way Of Life.

By The Resolution, The Congress Dedicated September 11th Of Each Year As Patriots Day.

Be It Resolved By The County Commissioners Of Lee County We Proclaim September 11th 2007 As Patriot Day, We Call Upon All Units Of Government To Direct The Flag Be Flown At Half Staff On Patriot Day And Call On The People Of Lee County To Observe Patriot Day With Appropriate Ceremonies, Activities And Remembrance Services And Display Their Flags At Half Staff At Their Homes.

People From Around The World Who Lost Their Lives As A Result Of The Terrorist Attack Of September 11 2001, Duly Executed This 11th Day Of September 2007 Board Of County Commissioners, Bob Janes Mr. Chairman.

Thank You.

[Applause]

Let Me Present This To You Gentlemen.

We're Going To Take A Little Picture Here.

Okay, Thank You.

If You Would Like To Say A Few Words, Please Do.

We Also Have The Constitution.

Mr. Chairman.

Mr. Chairman, If It's Not Inappropriate I Would Like To Send Our Condolences And Thoughts To Sherry.

I Know Today Is A Special Day, We Have Local Folks Who Saw That Tragedy And It Came Home To Southwest Florida.

Thank You.

Thank You.

Okay, Commissioner Mann, You Have Another Resolution To Read?

Yes.

On This Patriot's Day We Are Also At The Beginning Of Constitution Week For The United States Of America.

And I Proudly Read This Resolution As Well.

Which Has Been Sponsored By The Sons Of The Revolution And Prepared For Us, Thank You Again, Gentlemen.

Whereas 220 Years Ago This September 17th Delegates To The Constitutional Convention In Philadelphia Signed One Of The Most Enduring Documents In History, The Constitution Of The United States Of America.

And Whereas It Is Vital That All Citizens Fully Understand The Provisions, Principles And Meaning Of The Constitution In Order To Effectively Support, Preserve And Defend Against Encroachment And Whereas The Independence And Freedom Guaranteed By This Cornerstone Of System Of Self Government Should Be Celebrated By Appropriate Ceremonies And Activities During Constitution Week, September 17-23rd As Designated By Proclamation Of The President Of The United States In Accordance With The Joint Resolution Of Congress On February 29th 1952 And By Joint Resolution Of August 2nd 1956 As Amended.

Now, Therefore Be It Resolved By The Board Of County Commissioners Of Lee County,

Florida, We Proclaim September 17th 2007 As Constitution Day And Citizenship Day.

September 17-23 As Constitution Week.

We Encourage Civic, Social And Educational Organizations Such As The Caloosa Chapter, Chapters Of The Daughters Of The American Revolution And Florida Society Sons Of The Revolution To Conduct Ceremonies And Programs That Celebrate Our Constitution And Reaffirm Our Rights And Responsibilities Of Our Great Nation, Duly Executed This 11th Day Of September 2007 Signed Robert Janes, Chairman.

Once Again.

[Applause]

Now We Would Be Pleased To Hear From You, Gentlemen.

Mr. Chairman, Commissioners, We Are Very Grateful You Have Taken These Resolutions To Heart And Adopted Them With Such Enthusiasm And We Call On Our Sisters And Brothers In The Community To Join With Us In Reaffirming Our Commitment To The Values On Which Our Country Was Founded And Which Are Enshrined In Our Constitution And Our Continuing Dedication To Freedom, Liberty And Justice For All.

Thank You.

Thank You.

I Have The Privilege Of Reading Another Resolution On Water Reuse.

Is Doug Here?

There He Is.

Come On Down To The Podium.

Our Utilities Director.

I'm Pleased To Read The Following Resolution.

Whereas Safe Clean And Sustainable Water Resources Are Essential To Florida's Environment, Economy, Citizens And Visitors And Whereas Water Reuse Provides A Means For Conserving And Augmenting Precious Water Resources And Whereas Florida Has Risen To Be The National Leader By Utilizing 52% Of Total Permitted Capacity For All The Wastewater Treatment Facilities And Whereas Lee County Public Utilities Exceeded That Average By Utilizing Approximately 70% For Reuse And The State Of Florida Declared Water Reuse Week In Florida And Lee County Utilities Joined In The State Of Florida, Florida Department Of Environmental Protection And Southwest Florida Water District.

Whereas Lee County Utilities Implemented A Water Reuse Program And Encourages Efficient And Effective Use.

And Whereas Lee County Utilities Is Calling On Each Business To Help Protect Our Precious

Water Resources And To Reuse Reclaimed Water In An Efficient And Reclaimed Manner.

Be It Resolved Lee County Board Of Commissioners Here By Proclaims September 9-15th 2007 As Water Reuse Week In Southwest Florida.

Thank You, Commissioners.

Florida Is Certainly To Be Commended For The Commitment To Reuse.

Reuse Extends The Utilization Of Our Natural Resources, Plus It Protects Natural Resources In The State Of California.

Reuse Is Any Water That Flows To A Wastewater Treatment Plant, Used For Irrigation To Offset The Use Of Potable Water For Irrigation.

Lee County Utilities, As You Have Heard, Exceeds The Florida State Average In Reuse And We Are Certainly Committed To Maximizing And Extending To The Highest Level Possible Our Use Or Reuse Capacity.

It Has Significant Economic And Environmental Benefits For Both The Rate Payers And The Community.

Thank You.

Thank You.

That Concludes The Ceremonial Presentations, We Will Proceed With The Recap.

The First Item On The Administrative Agenda To Defer Item 15-C To The September 18th Board Meeting.

So Moved.

Motion By Commissioner Judah.

Second By Commissioner Hall.

Any Objection?

So Moved.

Next For Approval Is The 5:05 Public Hearing Number One.

It's On The Sheet As Number Two, But It Should Be Number One.

And That Is, To Defer That To The September 25th 2007 Board Meeting.

So Moved.

There's A Motion To Defer That To The September 25th Board Meeting By Commissioner

Hall, Second By Commissioner Mann.

It Should Be 5:00.

Thank You, Good Point.

Motion To Approve.

All In Favor?

Ayes Have It, The Motion Is Adopted.

Carry-Over Number Two.

Want To Add Some Language To The Action Requested In The Purpose Section.

It Should Read Approve Budget Transfer In The Amount Of \$365,500 To T.D.C. Reserve To Sports Complex, And Amend Fy '06-'07 Budget And Then I'll Do Carry-Over Number Two As Well, For Clarification Purposes They Would Like To Revise Funding Source Section.

Motion For Those Changes.

Moved And Seconded.

Discussion?

Objection?

Ayes Have It, So Ordered.

Mr. Chairman?

David I Don't Have A Public Hearing 5:05 2.

I Don't Show Number 2, 5:05 Public Hearing.

You Have Two Sheets.

There's One That Has One Public Hearing For 5:05.

It Is The 5:05 Number One Public Hearing That We Are Deferring Until Your Meeting Of The 25th.

On The Recap Sheet They Indicated That Was A 5:05 Number Two Which Was Incorrect.

So It's The Lehigh Moratorium That We Are Deferring.

Yes.

The 25th With Follow-Up, Second Hearing In October.

Yes Ma'am.

Just So People Don't Come At 5:05 To Think We Are Deferring The Transit Lanes But The Lehigh Issue.

Commissioner Hall, Thank You For Clarifying.

I Misunderstood, I Thought It Was The Lehigh Route.

I Looked All Over For Public Agenda Item Number Two To Defer But Just Couldn't Find It.

We Had Misprints On The Recap Sheet.

We Have One Walk-On And Two Carry-Overs To Take Up Later In The Agenda.

We Are Now At The Public Comment, This Is The Opportunity Where The Public Has The Opportunity To Comment On Any Matter On The Agenda.

We Say If You Want To Talk About Some Item Not On The Agenda You Have To Reserve That Until 5:05 P.M.

Anybody Wish To Speak On Any Item On The Agenda This Morning?
I Have A Bunch Of Cards, Kevin.

As Long As I Have Your Name On The Card, That Should Suffice.

Ron.

Followed By Dave.

Good Morning, Mr. Chairman.

My Name Is Ron Inge, I Would Like To Speak On Administrative Agenda 3d, For The Drgr.

I've Had The Opportunity To Be Involved, First With Harper Brothers Who Commenced The Operations In 1981.

Frankly That's Back Before There Was A Designation.

I'm Here Speaking On Behalf Of Florida Rock Industries And Alico Road Corridor Considering It's Work In The D.R.G.R. Area.

We Have Been Involved In These Issues For Quite A Few Years And Understand The Need And Have Taken A Pro-Active Approach, Some Items We Have Done Just To Point Out Are, First We Own About 10% Of The Land Area In The D.R.G.R.

It's Conducted It's Operations Satisfactory For Over 25 Years.

It's Received Zoning Approvals Back Since 1981 And Forward For It's Harper And Mine Number Two Operations.

It's Also Recently Worked With Lee County Utilities On The Relocation Of Future Well Sites To Make Them More Successful And Move Them Out Of Conflict Areas For Future Mining Operations, In Addition The Companies Plans For Mine Number Two Funded Through Arnold Committee, Many Remember That Committee Was Formed As Part Of Citing For Florida Gulf Coast University.

The Mining Plan Was Crafted With Input From That Committee And Provides For Connectivity, Site H.

It Provides For Wildlife Preserve Areas Connection Of Flow Ways And What Have You.

Many Of The D.R.G.R. Issues Have Been Incorporated Through The Mining Plan Through This Approach.

As You Review This Item We Have Three Points To Make For Your Consideration.

First, Please Be Concerned With Point Number 13 Of The Action Plan That States There Should Be A Limit On Rezoning.

For Operations Such As Florida Rock Who Have Had Approvals For Decades There's Needs To Upgrade And Modify And Address Certain Situations That Occur, Mining Is Pretty Expensively Monitored And Requests Where Zoning Requests Have To Be Made To Alter Things.

Please Don't Disa Law Companies From Going Through Modifications That Make Sense.

Any Effort Should Be Undertaken With The Use Of A Partial Facilitator, Similar For The Construction Blasting Activity.

If You Have A Group Funded By Either The Private Land Owners Or Citizens Group It Doesn't Carry The Indication Of Impartiality.

I Think Impartial Mediate Or Is Warranted.

All Too Often Stakeholder Groups Don't Have Adequate Reputation From Land Owners.

If You Want To Have Buy In And Mailbag It Work Make Sure There's Sufficient Representation Of The Folks Who Own The Land We Will Be Talking About.

Florida's Economic Investment And Future Is In The D.R.G.R. Area.

A History Of Cooperative Effort And Would Like To Continue To Do So In The Future And Wishes To Volunteer And Serve In Whatever Capacity And Basis It Can As You Go Forward On This Study, I Would Like To Present You With A Letter Outlining These Points If I May.

Thank You, Ron.

David, Followed By Neil Montgomery.

Good Morning, David.

Good Morning, As You Know I'm The Immediate Past President Of The Coalition And We Were Deeply Involved With The Arnold Committee And Creation Of The D.R.G.R.

I'm In A Position That You Don't Normally See Me In.

I'm Approving Of The Efforts That Have Been Made By Mary Gibbs And Her Staff And Try To Recognize What Needs To Be Done With This.

We Are Pleased To See This Issue Has Been Attacked And Worked With In A Proper Way.

It's Extremely Important, I Understand.

There's A Piece Now That City Of Bonita Is Trying To Annex From The D.R.G.R.

Timing Is Of The Essence And We Think It's Extremely Important.

I Will Bow To Done And His Group And Not Take Up Much More Of Your Time Which Will Surprise You Also But I Do My Best To Be Concise And We Thank You For What You Have Been Doing.

Thank You.

Neil Montgomery.

I'm Here On Same Agenda Item, 3c.

The Action Plan That You Have Sets Forth A Lot Of Things.

It Tells You To Evaluate, It Tells You To Prepare And Tells You To Implement Things You Have Already Adopted.

Those Are Fine.

The Concern Relates To Item 13 Which Says Limit Rezoning.

You Just Deferred An Action On Lehigh Essentially A Moratorium Because You Have To Do That Through A Public Hearing.

My Concern Is If You Limit People To Rezone, One I'm Not Sure The Public Knows You Are Doing That, Two That Should Be Done Through A Public Hearing, Three You Should Have A Good Reason You Are Doing It, And Four You Need To Re-Evaluate The Fact In The D.R.G.R. When It Was Created It Was Created For A Variety Of Reasons But One It Acknowledged That's Where The Rock Is And Mining Will Kurn.

You Allowed Low Limited Residential With The Idea It Would Discourage People From Moving There, It Hasn't Occurred.

You Have The Interests Of The Folks With The Materials And Minerals And Interest Of The Public.

You Held A Workshop And The Public Came And Mining Interests Came.

They Need To Work Together To Come To Some Form Of Consensus, I Think Everyone Is Committed To Do That, However In The Interim To Tell Them They Can't Submit Zoning Process Creates A Problem.

I Know You Are Aware What Occurred With Lake Bell And Miami.

There Are Land Owners In The D.R.G.R. Who Have F.D.O.T.-Grade Rock.

Thank You.

From Estero Council Of Community Leaders.

I Too Would Like To Compliment The Staff For The Work They Have Done On This.

I Think We Have Come A Long Way Over The Last Couple Of Years In Formulating An Appropriate Plan Of Action For This Really Important Planning Decision.

I Urge You, Commissioners To Move Forward Expeditiously With This Action Plan.

And To Provide The Resources Necessary To Implement It In A Good Professional Way.

I Think As Others Have Suggested, I Know Their Budget Process Is Under Way, It Seems To Me We Probably Need To Instruct The Staff To Allocate Some Resources Within The Budget To Get That Done.

The Process Of Selecting Consultants, I Think, Is Very, Very Important In This Process And I Think It's Important That The Public Have Input In That Process.

So That We Have People Who Have Local Knowledge As Well As Professional Expertise In This Important Work.

In That Regard, As The Proposal Indicates, The Estero Council Of Community Leaders We Have A Foundation, 501 C3 That Received A Grant, We Hired Bill Sokowski To Study Five Major Counties In Florida.

He Is Well Along In That Research And Should Have, For You, Prior To The End Of The Year, And I'm Hoping Even Sooner Information On That.

He Has, I Met With Him Last Week And He Has Already Identified Those Studies Or Those Counties And He Has Compiled, Studied The Efforts Of Each Of Them And Has Identified The Differences In Them And The Unique Characteristics And Approaches They Use To Achieve The Different Kind Of Goals, Given The Different Kinds Of Land Properties.

And Other Sensitive Matters.

It Should Be Very, Very Helpful, I Think, To This Process To Have That Kind Of Information Available To You.

We're Doing It Only To Be Helpful To You And To The Staff.

I Met With The Staff To Try To Be Sure That We Are Coordinated In That Respect.

On The Limitations Issue, It Seemed That Is An Important Matter, It Needs To Be Addressed.

I Would Subject You Ask Your Legal And Planning Staff To Analyze All The Different Kinds Of Limitations That Might Be Appropriate To Assess The Risk Of Them.

And The Compatibility Being Sought.

Hopefully We Are Further Along To Be Able To Do That.

It's Important We Move Ahead Expeditiously Without Getting Too Tangled Up Into What Those Limitations Are At This Time, To Move The Program Along, I Thank You For The Opportunity To Make My Presentation.

Thank You.

John Goodridge Followed By Bill Douglas.

Good Morning, Commissioners.

I Reside At 2077 Pinehurst Greens Drive In Estero, I'm A Delegate To The Council Of Community Leaders Representing My Community Pelican Sound And Director Of The Estero Community Planning Panel.

But I'm Here To Represent My Community Pelican Sound.

My Community Strongly Endorses The Action Plan For The D.R.G.R.

Our Major Concerns Are The Implications Of Mining, Causing Damage To Our Water Quality And Potential Flooding Issues Around The Estero River Which Abuts Our Community.

We Share The Estero Community's Brave Concern Over The Meaning Traffic And Do Not Trust The Mining Interest To Self Enforce Regulations.

Strict County And State Regulations And Enforcement By The County And State Is Required Now.

Let Alone If Further Mining Is Permitted.

We Strongly Agree A Steering Committee Of All Interested Parties Should Be Formed To Assist In The Evaluation Of The Issues And The Recommendations To This Board.

Until, As Far As Item 13 Goes, Until This Action Plan Is Completed And It's Recommendations Incorporated Into The County Regulations Through The Comprehensive Plan And The County Administrative Code, We Encourage The Board To Place A Hold On All Applications For All Types Of Development In The D.R.G.R.

Thank You.

Thank You, John.

Douglas Followed By Jack Meeker.

Good Morning, Commissioners.

First I Want To Thank Mary Gibbs And Daltry For Their Staff For Doing What I Think Is A Superb Job On This Action Plan, As I Focus On The Action Plan I Want To Read From, Just A Very Small Segment.

It Says To Develop A Proactive Plan For The Future Of The D.R.G.R. That Is Based Upon Sound Scientific Information, And Supportable By The State Department Of Community Affairs, If An Amendment Is Considered.

It Seems To Me We Shouldn't Look At One Part Of A Plan, The Limitations On Rezoning.

I Don't See Anything About Moratorium There At All.

What I Think, It's A Reasonable Approach To Take Until We Have A Comprehensive Plan.

The Staff Is Asking That You Hire A Full-Time Consultant.

I Believe That Is A Very Sensible Thing To Do.

You've Got To Have Some Limits While The Study Is Being Undertaken.

The Time Is Now.

Recognizing There Are Competing Interests.

I Have No Problem With The Steering Committee To Work With The Consultant.

We Need An Impartial Person, I'm For That.

But I Don't Want To See Something Torpedoed.

I Don't Like To Use That Word Moratorium.

That's An Unfair Representation Of This.

We Have Ways Of Limiting Rezoning And Should Do That While We Are Undertaking The

Plan.

I Want To Thank Wayne And Mary For Their Hard Work.

I Hope You Will Find The Funds To Hire The Consultant, I Think This Is A Golden Opportunity We Should Not Let Go By.

Thank You For Your Time.

Jack Meeker.

Thank You, I'm Jack Meeker From Estero.

I've Been Here Before.

And Will Be Back Again.

I Am Concerned About This Whole Area Because I See A Creeping Industrialization Of Corkscrew Road.

And I Don't Think That's What Anybody Here Intends.

I'm Concerned About The Effects On The Water Quality And I Would Ask Staff, County Attorneys, To Take A Good Look At Judge's Decision In The Lake Belt Mining Case.

I'm Pete With The Auto Bon Society In Southwest Florida.

The Autobon Society Of Collier And Southwest Florida Florida Strongly Supports Planning Staff 'Recommendation For Evaluating The D.R.G.R. And Drafting The Needed Comprehensive Plan Amendments.

We Believe We Need To Move Ahead Promptly.

We Request The Necessary Funds Be Allocated To Ensure The Action Plan, Including Drafting Of Plan Amendments Is Promptly Undertaken.

The Autobon Society Encourages Lee County And City Of Bonita Springs To Work Closely And Cooperate Closely.

We Appreciate The Board Of Commissioner's Attention To The Protection Of Our Natural Resources And Good Planning Of The D.R.G.R.

We Look Forward To Working With You, Your Staff And All Interested Parties In An All-Inclusive Plan For The Future.

I Have A Copy For The Record.

I Would Also Like To Address Another Item On The Agenda.

While We Are Dealing With The Large Issue It Should Also Be Noted To Protect Estuary And Quality Of Water That Maintain Our Quality Of Life And Economic Vitality.

The Approval Of The Pot Ash Creek Study And Funding Are Important To Make Sure Our Continued Quality Of Life Continues And I Think The Board Should Be Commended For Taking Action That Keeps Their Focuses On Both The Big Issues And The Small.

Thank You.

Thank You, Pete.

Kevin Shay.

I've Got To Talk To Mary Before She Comes Up.

First I Would Like To Thank The Government For Sending Such High Level Executives To The Lehigh Acres Streetlighting District.

Ms. Libby Walker, Department Head Of Public Resources.

And Ms. Holly Swartz Assistant County Manager Who Came And Directed The Deliberations Of The Lehigh Acres Streetlighting Unit Meeting.

I Find It An Increasing Disturbing Practice That You Award Contracts After Public Bid And Then Have Four 1-Year Extensions.

This Is An Attempt To Eviscerate.

This Has A Tendency To Lock In Long-Term Contracts And I Think It Defeats The Purpose Of Open Bidding Encouraging Multiple Vendors To Come Forward And Bid On Government Contracts When You Lock It Up For So Many Years In That Fashion.

Because You Are Postponing This Public Hearing On Lehigh Acres Moratorium At 5:00.

I'm Concerned About The Implications This Moratorium Expires September 29th Or 30th Of This Month And You Won't Be Able To Complete Your Action Until Sometime Next Month And As A Result You Create A Legal Open Window Where Filings Could Be Made Legally In Between The Expiration Of This Moratorium.

If You Choose The Continuation Of This Moratorium, I'm Concerned About Creating This Legal Loophole.

Okay.

Once Again I Want To Thank You Very Much Commissioners For The Opportunity To Address On Public Issues.

Thank You, Kevin.

Mary, Followed By Dan.

Mary, I Need To Have You Understand What It Is, Is This A Hearing You Are Supposed To Be?

No, I Came To Encourage You To Go Forward With This Action Plan For The D.R.G.R.

Okay, Good.

I Live In The D.R.G.R., I Put Two Names Because My Parents Live Next Door And Have A Surgery Appointment And Cannot Come In.

But I Have Been Listening And I Have Been Here When You Had Your Workshop And I've Been To The Stakeholders Meeting.

I'm Really Concerned.

We Are Not Trying To Stop The Mining On The Alico Corridor.

We Are Trying To Encourage You To Look At The Corkscrew Road Corridor And Ask People Not To Mine There.

I've Been Sitting In Meetings And I've Heard That The Line Lock, We Have More Than Enough Already Stock Piled.

And It Is Being Shipped Out Of Our County.

And While I Was Sitting, One Of Your Road Engineers Stated Now They Are Using Something Called Super Paver On Roads And Getting The Aggregate From Canada.

I Urge You Not To Be Pushed By The Mining Industry.

Lee County Is The One That Employs The Most People In This County, It's Not The Mining Industry That Employs The Most That Live In This Area.

They Are Pushing And I Can See It When I Go To The Meetings, County Staff Knuckling Under Saying We Can Live With This.

And I Can Tell On Their Faces The Way They Are Repeating They Are Protesting Too Much, They Feel Pressure Either By Higher Staff Members Or Whatever.

And I Am Concerned About The Water.

It Has Been Proved That One Of The Current Mines That Is On Corkscrew Road Has Been In Violation Of Contamination And They Hid Their Contaminants On Another Property They Own That Is Under Consideration For A Mining Zoning Change.

Appreciate It.

Dan Delisi.

Good Morning, Dan, How Are You?
Good Morning.

Dan Delisi For The Record.

I Am Representing A Couple Of Large Property Owners In The D.R.G.R.

Speaking On That Issue Today.

I'm Also A Resident Of The Estero Community.

I Serve On The Estero Community Planning Panel Like Those Who Have Spoke Before Me And I've Been A Very Active Member Of That Community For The Last Seven Years, I Know The Issues Very Well That People Are Talking About.

I Think We All Agree That A Study Needs To Happen So I Would Encourage You To Move That Forward.

That's An Excellent Step.

We Have Models For Successful Planning Processes.

Look What We Have Been Able To Achieve In Estero, With A Consensus Group Of People Representing All Different Types Of Stakeholders, Getting Together And Coming Up With A Plan.

I Think It's A Great Model.

You Can Also Look At What You All Did With The Blasting Study.

Talk About A Contentious Issue.

You've Got The County To Sponsor A Study That Was Facilitated And It Represented People From All Sides Of The Issue And They Came Together And Came Up With A Solution That Apparently Is Working.

That Issue Has Pretty Much Been Put To Rest At This Point.

So You Have Models To Move Forward And I Would Encourage You To Move Forward Based On Those Models, Set Off A Stakeholder-Lead Committee That Would Work With A Hired Consultant To Come Up With A Plan.

I Don't Believe That Putting A Moratorium On Mining Submittals For Approvals At This Time Will Be Productive For This Process.

And Here Is The Reason.

You Can Do What You Want With Approval Or Denial Of Mining Operations As They Come

In, First Off.

But Precluding Someone From Submitting An Application Really Blocks A Lot Of Information From Being Fed Into The County.

If There's A Lot That Comes Out During The Zoning Process In Terms Of What Type Of Rock Resource There Is.

What Types Of Studies Need To Be Done To Discover That Resource.

And Then What Types Of Things Can Be Worked Out In That Process That You Can Work Through With The Zoning Process.

I Would Really Encourage You To Not Move Forward With That Recommendation Where You Would Limit Zonings, Whatever That Means.

And Go The Route Of A Moratorium On Mining Applications.

I Really Don't Think That Will Be Productive.

But I Do Encourage You To Move Forward With The Stakeholder Consensus-Lead Process, It's Been Effective In The Past And I Believe It Will Be So Again.

Thank You Very Much, Dan.

That Concludes All The Blue Cards That I Have.

Would Anyone Else Like To Speak?
Okay You Get One Minute.

We Don't Ordinarily Do This, As You Know.

I Apologize For Asking, But Neil Montgomery Made A Comment Up Here Which I Felt Needed Clarification.

I Am A Charter Member Of The Rgmc And Dr. Gene Boyd Was Very Involved In This.

The Intent Of Creating The D.R.G.R. Was Not To Create It For Mining.

We Allowed Mining To Continue In The Area.

And I Think Neil Gave The Impression The Intent Was To Create Mining And Try To Control Housing And That Is Not What Happened.

Thank You Very Much.

Thank You.

That Then Concludes The Public Meant Period.

-- Public Comment Period.

I Will Close The Public Comment Period And Proceed With The Consent Agenda.

Commissioner Bigelow Any Items To Be Pulled Off The Consent Agenda?

Yes, I Have Three.

4a.

4b.

And 11a.

Okay.

Commissioner Judah?

8b, Mr. Chairman.

Okay, Is That It?

Commissioner Mann?

3a.

And Commissioner Hall?

4a.

Okay, I Need A Motion On The Balance.

So Moved.

Moved By Commissioner Hall, Second By Commissioner Mann.

Discussion?

All In Favor?

Opposed?

The Ayes Have It, The Motion Is Adopted.

We Will Take Item 4a, Commissioner Bigelow?

Excuse Me.

I Don't Know If The Board Is Interested In Hearing It Again, But I Won't Be Supporting It.

Move The Item.

I Have A Conflict So I Have To Abstain.

Commissioner Judah, You Are Going To Move The Item?

Move The Item.

Is There A Second?

I'll Second It.

Second By Commissioner Mann.

Discussion?

All In Favor?

Opposed?

The Motion Is Adopted By A Vote Of 3-1 Commissioner Bigelow In The Negative And One Abstention By Commissioner Hall.

Let's Do Item 4b.

Same Problems.

I'm Not Supporting The Item.

Move The Item.

Second.

Motion To Approve By Commissioner Judah, Second By Commissioner Hall, Discussion?
All In Favor Signify By Saying Aye.

Opposed?

The Ayes Have It By A Vote Of 4-1 With Commissioner Bigelow In The Negative.

The Motion Is Adopted.

Item 11a Commissioner Bigelow?

Thank You.

I'm Pulling This Item In .

Four Additional One-Year Period, Same Terms And Conditions If In The Interest Of Lee County.

The Price Escalator Cause As Per The Specifications.

You Made So Good The Argument, This Kind Of Short Circuit Our Ability To Moderate The Prices In The Four 1-Year Period If We Don't See It Come Back For Competitive Bid Process.

These Are For A Year And At The End Of The Year, Person Sends Out A Renewal Letter Both Parties Have To Sign Off On, If Either Party Feels They Cannot Meet The Agreed Upon Price In The Escalator They Will Have The Right To Accept, Reject Or Continue The Relationship Or The Arrangement That Has Been Consummated By This Particular Item.

Historically It's The Vendors That Come Back And Say We Can't Necessarily Agree To This Price Anymore Because Business Has Gone Up Beyond Our He Is Skalation.

I'm Not Quite Sure I Necessarily Agree With What The Gentleman In The Audience Is Saying Here, Historically It Keeps The Prices Fairly Reasonable Level.

They Are Tied To What Factor?
C.P.I.

Just The Cost Of --
That's My Understanding.

I Will Support The Item.

I Just Want To Say Too, Contrary To What Was Perhaps Adjusted This Is Not In Essence A Way Of Getting A Five-Year Contract.

This Is A One-Year Contract Which May Be Extended For Four 1-Year Periods.

I Think It's Important To Know This Is Subject To Review And Comment.

Not A Blanket Approval Nor Does It Shut Outcome Tigs For Five Years, That's Not True At All.

But What It Does Help Is To Get At The Problem Of Escalating Prices, One Way To Try To Keep Them Competitively Priced.

Can I Access Another Question?
Sure.

Is It Certain We Will Have To See It Back Here, Right?
We Will Have To Have Another Bid After The Fourth Year?
After The Fifth Year Total?
That's My Understanding, Yes.

As A Matter Of Fact If You Don't Choose To Renew On The 1-Year Extension It Would Go Up For A New Bid Anyway.

It's Possible It Would Come Back Next Year.

Further Discussion, All In Favor?
Opposed?
The Motion Is Adopted.

Item 8b, Commissioner Judah?
I Would First Like To Move The Item.

Motion To Approve 8b By Commissioner Judah.

Is There A Second?
Second By Commissioner Hall.

They Are Entering Into A Joint Participation Agreement To Retrofit A Diesel Engine To Turn Into A Hybrid Engine And Bus.

What Will Certainly Benefit From Is Reduce Consumption So Thank You For Having Lee County Move Ahead Of The Curve And Hopefully Our Entire Fleet Will Be Converted To Hybrid Busses.

With That, Thank You For Your Support.

You Are Also Looking At Price And Cost.

And Cost Savings.

Want To Make Sure We Aren't Doing This Because It's A Nice Thing To Do
If I Can Just Comment On That.

The Hybrid Electric Technology Is A More Expensive Technology Initially To Install.

We Have Been Less Able To Do That In This Area.

This Is Really A Test For Us To See In Our Operating Environment, Which Is Very Much More Suburbans, If It Will Result In Savings.

We Believe We Will Have Result Savings In Engine Wear And Tear But We Are Doing A Slightly Twist In This Retrofit Vehicle We Are Doing.

The It's The First Time The System Is Being Used In Florida, Not The Traditional Battery Pack, We Are Using Ultra Capacitors.

This Results In A Longer Wear Cycle For That Ultra Capacitor.

Batteries Are Wearing Out In 2-5.

So This Is Sort Of A New Technology.

It's A Different Electric Technology It Does The Same Thing As A Battery Pack But It Does It In A Slightly Different Way.

We Are Excited To See If This Works With A Gasoline Engine Attached To This Vehicle We Can Reach Virtually No Emissions, Tailpipe Emissions From The Vehicle Including The Particulate Which, As You Know Has Been The Negative On Diesel Engines For Many, Many Years.

We Are Excited.

Putting In Different Applications And Routes, And Gather Results To See If It's The Technology We Want To Move To In The Future.

Mr. Chairman, Is This For Emission Control?

To Improve Emissions Or For Fuel Efficiency Or Both?

It Is Both But I Will Tell You At The Cost Of The Hybrid Technology The Primary Benefits In Emissions.

However We Do Expect To Result A Savings In Fuel.

We Currently Get About 3.5 Miles Per Gallon On Diesel Engine Bus We Hope It To Go To 5-7.

That Big Blue Cloud Of Smoke That Follows Our Diesel Busses Is What We Hope To Eliminate.

It Will Be Gone With The Gasoline Technology Attached To It.

Steve, On The -- You Describe A Different Electrical Mechanism, The Super Capacitor.

Is That Also The Starting Cycle From The Stop To The Initial Start Up Of The Bus?

Yes, What Happens, Through A Generator Or Through Braking Generates Electricity Into The Capacitors And When You Accelerate That's What Cuts Down Your Emissions And Also Extends Your Fuel Mileage And Engine Life.

Doesn't That Also Make It Quieter, Isn't That Where The Majority Of The Noise.

Absolutely, Got To Be A Quiet Operating Vehicle As Well.

With That In Mind Do You Have An Idea Where You Might Use This One Test?

We Want To Move This Throughout The System Because We Have A Lot Of Different Routes.

I Think The U.S.41 Corridor Is A Place We Do A Lot Of Stop And Go.

Any Place We Have Stop And Go Profile Will Be The Best Use But We Want To Test It In All Our Routes And See How It Operates In All Those Areas And Try To Gather Information.

We May Not Want To Have An Entire Fleet Since It's An Expensive Technology But Certain Applications I'm Sure It Will Result In Some Savings.

I Will Remind You There By The Edison Mall, It's Rattling Windows And Getting Complaints Still.

Maybe We Can Think About That As A Permanent Route For It.

Thanks.

Okay If There's No Further Discussion, There's Been A Motion To Approve And Seconded.

All In Favor?
Opposed?
The Motion Is Adopted.

I Need To Be Reminded By Council One More Time.

We Are Doing 3-4 Of These.

Remind Me What The Legislative Change Was That's Forcing Us To Update These Several Issues.

Good Morning Commissioners, Dawn Leonard, Assistant County Attorney.

The Legislature Adopted A Bill This Year That Allows Extension For The D.R.I., The Build Out, Phase Date And Determination Date, It Was An Automatic Extension, Granted In Recognition Of The Down Turn In The Real Estate Market And Allows The D.R.I.'S Under Active Construction As Of July 1st Of This Year To Be Granted A Three-Year Extension Of The Build Out Date To Continue Development And With The Approvals That Exist Today.

Does That Make Sense?
It's An Economic Issue.

Yes, Sir.

Slow Down, Down Turn.

We Aren't Changing The Standards Or Conditions Or Making It Any Easier, If All The Same Rules Apply.

I'm Okay, Let's Move This Item.

Motion By Commissioner Mann To Approve Item 3a On The Consent Agenda, Second By Commissioner Hall.

Discussion?
All In Favor?
Ayes Have It, The Motion Is Adopted.

That Concludes The Consent Agenda We Will Proceed With The Administrative Agenda.

Item 3a?
Good Morning Commissioners.

This Item Is The Interlocal Agreement We Do With Bonita Springs Every Year For Their Review Of Permitting.

This Year It's A Little Different Because We Are Calling It A Transition Interlocal.

Bonita Is Phasing Out The Services They Are Getting From Us And Actually Doing An R.S.P. To Try To Get Services From An Outside Consultant So We Have Put Together A Transition Interlocal To Help Them Because They Don't Have A Consultant On Board Quite Yet And This Would Allow It To Continue On A Month To-Month Basis.

Dawn, Some Time Back I Asked You To Give Us A List Of The Services We Are Providing To The Various Cities And What Their Amounts Are.

These Are County Emery Kaunauis, That Pay Local Businesses, This I'd I Think Sets A Precedent.

We Worked With The Town Of Fort Myers Beach, But When Is It Transition Time? I Would Like To Get A List Of All The Services In Any Cities Where We Started And What Our Transition Time Out Of Those Services Is, If Not You Just Identified If There Isn't One.

Thank You.

Is There A Motion?
So Moved.

Motion By Commissioner Hall To Approve 3a On The Administrative Agenda.

Second By Commissioner Judah.

Discussion?

Yes Commissioner Mann?

Can You Give Us A Summary What The Personnel Implications Are For The Amount Of Work And Do We Have To Bring On People?

If We No Longer Contract Are We Freeing Up Some Positions Or Doing Away With Positions? We Don't Have A Certain Number Of Staff Number Assigned.

We Have One That's Helping With The Permitting But The Rest Is Based On A Percentage Of Our Work Load.

Bonita Springs Is 11% Of Our Work Load.

When We Transit Out We Are Proposing To Delete 35 Positions, So That Will Take Into Account Bonita Will Be Transitioned Out.

That Is Precisely The Answer I Was Looking For, Thank You Very Much.

Further Discussion.

Mary, Is This An All Or Nothing, 136,000 A Month Regardless Of The Amount Of Work?

Well, It's Based On The Percentage Of Work That We Do For Them, We Have Been Doing This Since They Incorporated So It's Based On, It's The Dollar Amount Plus We Get Permit Fees As Well.

It's Proportionally Based On The Work That We Do.

It Covers The Full Cost And It Covers The Full Cost Of Everything.

We Are Taking Historical Data In Order To Predict The Future, But We're In A Down Market So There's Probably Less Work.

Probably A Better Deal For Us.

It's A Down Market But We Base It On Our Recent Percentages But We Also Look At The Fact That Our Revenues Are Down So We Have To Compensate By Getting Any Deficit.

So The City Is Actually Paying Us For The Fact That Permitting Isn't Covering The Full Cost Right Now, So We Have Recouped That Cost.

They Are Anticipating They May Only Need It To The End Of The Year.

As Soon As They Can Get Somebody On Board And Get A Contract With Them, Then They Plan To Give That All To The Consultant.

End Of This Year?

That's What They Have Told Me, Yes.

Any Further Discussion?

I Believe There's A Motion To Approve, Is There?

All In Favor Signify By Saying Aye.

Ayes Have It, Motion Adopted.

Item 3b.

Okay.

This Is The D.R.G.R. Item That You Have Heard All The Speakers On Today.

This Is A Follow-Up To Our August 9th Workshop We Had In Estero, It Was Quite An Effective Workshop.

You Asked Us To Come Back With A Proactive Action Plan For The D.R.G.R.

Wayne And My Staff And Row Lan Put Together The 14 Items In The Blue Sheet, We Will Need A Decision From You All, Which You Want Us To Do.

I'll Try To Summarize, They Are Divided Into What Are The Shorter Or The Longer Term Items One Thing I Wanted To Mention, Some Of These Could Be Handle In Parallel.

Short-Term Items We Are Really Proposing That The Planning Staff And The County Staff, D.O.T. And Natural Resources And Smart Growth Handle Those Items.

If You Want To Do The Master Plan That Is Probably Where We Will Need Consultant Help

With.

So If You Want To Take A Look, It Starts On Page 2 And These Short-Term Items, We Already Started On Some Of These, What We Already Started Doing Is Looking At What Other Counties Are Doing In Terms Of Mining Best Practices, We Will Do A Little Survey And Come Up With Some Ideas.

The Second Item, And The Estero People Mentioned This, There's Been Confusion, They Have A Grant But They Are Looking At Different Places In The State That Have Innovative Planning For Rural Areas, So They Aren't Doing Any Kind Of Detailed Plan, I Think There's Been Confusion About This.

They Are Looking At What Other Areas Do In Terms Of Other Land Use, They Are Looking At 4-5 Other Counties, That Information I Think Will Be Helpful To Everybody.

The Third Item Is Traffic Enforcement And As You Know, That Has Been Problematic In These Zoning Cases.

This Is Something That Actually Needs To Be Encouraged To Have The Mining People Get Together.

We Have Spoke To Them Before, Told Them It's Problematic, I'm Hoping This Item They Can Handle With Minimal Assistance, We Are Happy To Help Facilitate That.

I Guess Number Four And Number Eight Are The Same And Number Five Are All Similar.

The Planning Staff Is Going To Look At Stronger Regulations For Mines To Make Sure We Have Sufficient Habitat Protection And That We Have The Environmental Connectivity And In Particular The Reclamation Plans.

We Are Concerned We Need To Upgrade Our Reclamation Plans.

Those Will Come Forward, We Have Already Done Some Comp Plan Amendments.

So, We're Going To Look Very Heavily At That.

Item Number 5 Is D.O.T. Really Needs To Look At This.

It's Not An Impact Fee But It Would Be A Damage Fee.

Other Places Do Similar Things.

If You Want To Pursue This Item We Would Need D.O.T. To Look At That.

Number 6, 7, 9 Are Related.

They Are Looking At The Flow Ways Because That Was A Big Issue, If You Want Environmental Connectivity, We Want Smart Growth To Take A Look At The Flow Ways And Natural Resources And See If We Can Do Flow Way Purchase Or Anything Innovative In

That Regard.

That's Just Evaluating, Part Of The Action Plan, It's Not Starting A Program, It's Taking A Look At The Pro's And Con's.

Number Nine Look At Interlocal Agreement, The City Of Bonita And Water Strict District To See If We Can Come Up With Commonalities, We Have One Water Model And The Water Budget Issue.

That Would Be Rowland And Wayne To Look At That Item.

Number 11 Is The Big One, It's The Long-Term Item.

Master Plan If You Want To Do That.

I Tried To List Some Of The Components Of What You Need For A Master Plan.

You Need Basic Data, Of Course And You Need To Look At All The Major Land Uses.

If You Want Us To Look At Environmental Connectivity And Habitat Because We Heard You Say That Several Times.

Clustering T.D.R.'S.

They Get A Little More Complicated And Protecting The Flow Ways And How We Can Achieve The Future Land Uses But Stay Within The Parameters Of The Existing D.R.G.R.

We Heard The Term Overlay Mentioned Several Times At Our Last Meeting.

So I Wanted To Just Explain What I Think My Understanding Of What An Overlay Is That We Would Retain The D.R.G.R. Designation But Keep The Total Density Approximately The Same But Maybe Allow Clustering And Shifting Within That Area.

Overlay Typically Means You Keep The Parameters But You Have Additional Requirements.

I Think There's Confusion Because No One Really Knows What An Overlay Is.

The Reason I Mention This Is Long Term, If You Look At Changing The Density We Will Need To Have The Supporting Data And Documentation, If You Are Doing Comp Plan Amendments.

State Conference We Listened To The Secretary Talk About The Big Initiatives This Year, D.C.A. Will Be Looking At Rural Areas And They Are Very Concerned And They Will Be Scrutinizing So We Want To Be Sure We Have Sufficient Data That If We Do Propose Some Changes That It Can Withstand Their Scrutiny.

Along That Regard I Believe We Will Need A Consultant To Help With This.

If We Just Used In-House Staff, This Year Coming Up In The Comp Plan Amendments You

Will Be Looking At For The Upcoming Year And Paul Will Be Coming Back In A Couple Weeks With That List, We Have At Least 35-40 Other Amendments We Are Processing.

So This Is Just One More In Addition To 35-40 Which Is Placing A Burden On The Staff That I Don't Believe We Can Handle.

I Think The Staff Can Handle The Short-Term Items But If We Have To Do The Master Plan Too, It's A Lot Of Work.

And That Brings Me To The Point, Number 12 And The Favorite Lucky 13 Today.

Do You Want To Limit Comprehensive Plan Amendments And Re-Zonings While This Is Under Way?
We Are Talking.

It Is A Moratorium Or Could Be Partial, Depends On What You Want To Look At.

The Reason To Do It, If You Are Going To Be Planning For The Future Of D.R.G.R. But Have It Coming In At The Process.

But I Think If You Are Considering It, I Think You Should Definitely Look At The Limit On Comp Plan Amendments Because Those Could Be Large Scale And I Think Would Be Difficult To Do The Planning And Try To Deal With The Comp Plan Amendments At The Same Time.

There Are Different Ways You Can Do It.

You Can Look At That As Well.

If You Want Further Information On That We Can Come Back In A Week Or Two If You Want To Pursue That, I Strongly Suggest At The Minimum Limiting The Comprehensive Plan Amendments.

And Then Finally, I Think The Last Item, Number 14 Was The Committee And Do You Want The Committee To Assist With The Project?

If You Do, We Can Formulate It, Something Similar To The Blasting Committee.

I Was A Staff Liaison To That, So I Have A Lot Of Experience With That.

It Was Difficult But It Did Work Pretty Well Overall.

If You Want To Do Something Like That, We Would Need To Follow-Up, We Would Have To Come Back Like We Did With The Blasting Committee, A Resolution That Outlined The Parameters Set Up Ad Hoc Committee For Certain Purposes And It's Advisory And They Meet Monthly And Though Types Of Things And How You Would Appoint People.

So If You Want To Do That We Will Have To Come Back With More Information For You.

We Are Here If You've Got Any Questions, We Are Happy To Answer Them.

Okay.

Thank You Very Much, Mary.

Any Questions?

Yeah, Commissioner?

Mary, On The Master Plan, List Of Parameters If You Could Include A List Of Species.

Right.

This Is Just --

I Know.

It's Not All-Inclusive.

But If You Would.

We Are On Number 11?

Yeah.

Obviously With The Need To Hire A Consultant Not Just The Master Plan, We Will Need To Make Sure The Money Is Budgeted.

But I've Taken Into Account What's Necessary To Hire Consultants.

We Typically Get That Out Of Incorporated Mstbu Fund.

If You Wanted Us To Hire A Consultant That Would Be Where We Take The Money.

That's What We Did With The Blasting Committee.

I Like Item 14, I Think A Steering Committee Is A Good Idea.

Clearly We Need All The Stakeholders And Looks Like You Address That For Providing For The Steering Committee That Would Include All The Steering Committee Holders.

I Don't Want To Restrict The Innovative Approach That Needs To Be Taken To Provide Economic Incentive To Protect Lands So We Can't Acquire And So Within The D.R.G.R. I Appreciate The Comments About The Overlay But The Way I Interpret It, The Overlay Is One We Make Sure We Don't Compromise.

By Having That Overlay It Would Allow You To Incorporate As An Economic Incentive To Perhaps Suggest As An Alternative To Mining.

I Mean, We May, At This Point In Time Limit Mining, But We Will Have To Come Up With A Concrete Plan To Have A Suitable Alternative, So If You Aren't Going To Allow Mining We Need A Mechanism That Will Succeed And Encouraging A Private Property Owner To Do Something, That Would Be Through T.D.R.

If You Have 100 Acres And Own Allow Clustering Of 10 Units That May Not Be Incentive Enough To Protect The Other 90 Acres, It Provides Incentive To The Property Owner To Purchase Or Set Aside The Balance Of That Land To Be Protected In Perpetuity And Gives Them The Revenue Stream Which They Can Put Central Sewer And Water So We Don't Just Have Septic Tanks And Wells.

We Have To Keep That Into Consideration We Provide For The Infrastructure To Accommodate The Area That Will Have Clustered Development And Provide A Way To Incentivize To Protect The Balance Of Those Lands.

Those Are Things We Would Look At In The Master Plan.

But I Think If You Keep The D.R.G.R. You Need To Keep Total Density And Be Cautious About That, Those Are The Things D.C.A. Will Be Scrutinizing.

When You Talk About T.D.R.'S Are You Talking About Only From Units Within The D.R.G.R. Or Are You Suggesting We Could Bring Units From Outside The D.R.G.R. And Transfer Them In?

You Have To Be Careful In The Interpretation Of That.

I Don't Want To Imply We Will See A Wave Of Density Coming In The D.R.G.R. From Outside The D.R.G.R. Boundaries.

What I'm Suggesting Is By Only Clustering Within The D.R.G.R. Envelope You May Not Be Able To Have A Successful Program That Provides For The Incentive Of The Property Owner To Make It Worthwhile For That Property Owner And Developer To Purchase The Balance Of The Other Land That Needs To Be Protected.

What I'm Suggesting If You Only Confine To The Density Of The D.R.G.R. I Don't Think You Will Have A Successful Program.

Plus It Puts You In A Quagmire Where You May Not Be Able To Have A Developer To Pay For Central Sewer And Water.

I Agree.

I Think We Ought To Set Up A Way To At Least Look At That.

I Have Some Problems, Like You Mentioned Yourself We Don't Want To Be A Means Of Increasing Density In There When We Don't Have To.

I Think We Need To Get Somebody Who Really Exudes Independence.

We Want Capacity, Knowledge Of The Area And All That.

But I Don't Want To Limit It Just To Our Area.

This Is So Important, So Critical, I Think We Need -- But I Love The Idea Of A Citizens

Committee.

I Think That's Tremendous.

That Makes The Stakeholders Have An Early Involvement And Brings Them Into The Process All Along, That's The Way To Do Things.

You Used The Word Limit.

We Don't Use The Word Eliminate On Future Re-Zonings.

There May Be Instances This Board Will Have An Item Come Before Staff May Recommend That Provides For The Control You Need But Not Eliminating.

That Depends On What You Want To Do.

If You Use It In The Strictest Term It's A Moratorium.

If You Do Like With Lehigh It Could Be A Partial Moratorium.

You Are Limiting But I Don't Want To Down Play Because If You Were Taking In No Application That's A Moratorium, But If You Say We Will Limit It Because We're Not Taking Moratorium.

And That Depends On What You Want To Do, We Need Some Direction On That.

If I Was Listening Correctly And That's Always A Problem, But What I Think Some Of The People Were Suggesting We Not Have A Moratorium Per Se Because We Continue To Take Applications, At Least.

Is That What We Were Talking About?
Or Do You Want A Flat-Out Moratorium?
I Don't Know The Difference.

If You Said We're Going To Study This And We Don't Want Any Applications Coming In The Meantime Until We Study It, That's A Moratorium.

If You Say We Will Take In Applications And Study, That's A Moratorium, If You Say We Will Take Some Applications And Not Others That Would Be A Partial.

Do You Want To Do Comp Plan Amendments Or Rezoning?

Mr. Chairman?

Can I Ask A Question Of Legal Staff?

Tim?

Can You Explain To Me The Difference Between The Legal Effect Of A Moratorium, My Understanding You Are Setting Up Your Argument For What You Will Have To Fight Out In Court.

It's Almost The Beginning Of A Legal Battle For Sure.

Whereas A Moratorium You Are Basically Saying Up Front And For Everyone's Edification It's Just Not Yet.

We Aren't Saying Yes, We Aren't Saying No.

We Aren't Saying Anything Other Than We Have Some Work To Do Internally And We Are Going, Making A Decision At This Point.

Is That Close?

If I Understand Your Question, It's A Question How To Differentiate Between Action On A Pending Case And Refusing To Take Any Action On Cases.

And I Think I Agree With What You Are Saying.

If We Say We Aren't Going To Approve, Whether We Take Applications That's Beside The Point, We Aren't Going To Approve X-Types Of Rezoning During The Period.

That's A Moratorium.

You Need To Specify How You Want To Do It And We Will Draft An Ordinance To Implement That.

It Needs To Be Done By Ordinance To Public Hearings, Et Cetera.

If That's The Way You Want To Go.

Same With Limiting, Stopping, Not Approving Any Future Comprehensive Plan Amendments During This Time Frame.

If You Have A Situation Where You Are Planning And You Are Not Putting Any Specific Moratorium In Place You Are Looking At Applications As They Come In.

Evaluating Them Based On Our Existing Regulations.

Prior.

I Don't See Any Real Limiting Involved In That.

You Can't Say We Aren't Going To Have Moratorium On Rezoning But If It Comes In We Will Decide On A Case-By-Case Basis Whether We Like It Or Not Based On Some Unknown Reason.

If You Continue To Process, You Must Review Based On Facts.

And Based On Facts Known At The Time, According To Our Process, According To What's Presented.

Now, That Isn't To Say That During This Process, Six Months Into This Process Someone

Makes An Application And We Have Discovered Scientific Information That Means We Need To Put Conditions On That.

You Can Do That.

Hiring More Experts To Review Effects Of The Mining Application More So Than We Do Now.

We Don't Hire Experts Outside The County To Review The Potential Water Quality Or Other Environmental Impacts.

That Would Be The Way You Limit Or, More Carefully, Review Without A Moratorium.

Do Something That Gives A Greater In Depth Perception To The County's Vision And Goals Only In Line With Our Existing Regulations.

Right Now We Depend Upon County Staff To Do Those Reviews.

And Whatever Experts Happen To Turn Up In The Proceedings Hired By The Neighbors Or The Applicant.

So, There Really Isn't Any Halfway Moratorium.

Either You've Got A Moratorium Or You Don't, But You Decide What It Is You Want The Moratorium On.

You Can See Moratorium On Mining, Moratorium On Any Rezoning, No Residential, You Can Say On Any Permits In The D.R.G.R.

No Residential, No Mining, No Commercial Permits, No Nothing.

As Mary Said, You Decide.

Mr. Chairman?

Yes, Commissioner Hall?

Mary, First Of All Thank You For The Action Plan, I Think It's Great, I Like All Parts Of It.

I Want To Thank The Folks Who Have Come To Speak On It.

Want To Thank You For Your Thoughts And Letters.

I Thought They Were Appropriate And Well-Written.

A Couple Of Things, Florida Association Of Counties Has Spent Thousands Of Hours On The Mining Issue And Has A Lot Of Data On Mining Throughout The State And They Will Be A Great Resource For You When You Are Looking At Item Number One And Evaluating Land Use.

There's A Data Source For You There Ready To Go.

Secondly, I Think The Steering Committee Is An Excellent Idea.

I Want To Dove Tail Onto What Everybody Says It Has To Be A Balanced Stakeholders Committee And There's Thoughts Of Identifying Who Those Stakeholders Are And Allowing Those Organizations To Make Their Appointments And You Think That Should Be -- I Think The Board Probably Knows Who Would Like To Point But I Think There Has Been Some Under Current Of Chosen Folks And You Have Heard From Pelican Sound And Different Mining Organizations, Different Other Organizations And They May Have The Individual They Would Like To Represent The Organization.

So I Don't Want To Go Into This Thinking That All These Appointments Have To Be Given By Us, But Maybe There's A Combination And We Can Look At Staff When You Come Back.

I Don't Have A Problem On The Comprehensive Plan Amendment Per Se, But Give Me Your Scenario, I Know We Have Applications Already In, Quite A Few That Are Already In.

And How Many Are Waiting Out There In The Wings To Come In, I Don't Know.

I Don't Think There's That Many, I Think A Lot Of Them Are Already In, When You Talk About Moratorium On Applications Coming In, I Don't Know If That Will Help Us.

I Don't Know If That's Really --

In Terms Of Comp Plan Amendments, The Only One That's In D.R.G.R. Is The Fountains.

That's Been In Process For Over A Year.

If You Want To Say No To Privately Initiated Amendments But You Can Exclude Fountains Because It's Been In The Process, There Are At Least One Or Two Pending That We've Heard Of.

They Have Not Come In.

On The Rezoning You Told Us At Our Last Meeting We Had About Eight Applications That Were In.

I'm Looking To This Board And Staff To See What's Going To Be, You Have An Action Plan That Has 14 Items On It, What Do You Think Is The Best Way To Move Forward Knowing We Have Applications That Have Already Come In, Maybe A Few More That Haven't Yet, One Plan Amendment In The Hopper, Maybe One Hanging Out There A We Move Forward And Maybe You Can Give Us A Time Line What You Feel It's Going To Take.

I Think Blasting Took A Year.

Longer Than That.

The Last Thing When I Look Back At The Committee Actually Met For Almost A Year And A Half.

A Year It Took Us To Do The Blasting Ordinance And Mining Is Certainly A Lot More

Complicated With A Lot More Scientific Data That Needs To Be Vetted Out.

I Guess As Far As Number 13 Goes I Would Like For You Guys To Look At, Evaluate And Come Back To Us With Some Recommendations On That, We Could Look At That As A Stand Alone But I'm Basically Comfortable Looking Forward And Recommend Where You Need To Plug In The Person, The Professional That You Need, I Agree With Commissioner Janes.

I Think That Needs To Be Really Thought Through Very Carefully.

I Don't Want Anyone To Think The County Has A Perceived Outcome.

At Least I Don't.

And I Don't Want The Interests To Think There's One Way Or The Other.

So I Would Hope We Could Get A Really Qualified Person Who Could Get Us Through This Process Efficiently And Positively Because You Know Just Like With Blasting There Will Be A Lot Of Discussion.

Commissioner Judah?

I Want To Underscore The Word You Used Limit Versus Eliminate.

As You Know We Came Very Close Last Legislative Session When The Legislature Almost Passed Legislation To Pre-Empt And There's Such An Overwhelming Need Not Just In The Private Sector But Public Sector For Road Aggregate And Fill.

I Can See If We Take The Position Of Absolutely Prohibiting, Like Perhaps Some Of The Other Counties In The State, The Legislature Will Take That Control Away, There's No Question.

Actually In The State Legislation Which I Forgot To Mention, Just Passed In July, There Is A Limit.

So Any Moratorium That Affects Aggregate Mining Cannot Be More Than 12 Months.

I Agree Commissioner Judah, I Think I Spoke Loudly About That The Last Time We Had That Conversation.

We Fought A Really Hard Battle To Not Have That Pass So They Put The Mining Commission Together Which They Are Getting Ready To Meet During The Next Session.

That's Why On The Re-Zonings I Thought With The Proper Constraints And Conditions, The Proper Data To Justify Protection Of Water Supplies, Public Safety Along Our Roads, Potential Intrusion To Residents.

If There's Some Flexibility As To Where Some Limitations Can Be Imposed, But Not Outright Prohibition Otherwise The State Will Take It Over.

Can I Ask You.

I Can Wait.

I Wanted To Ask Paul.

Sorry To Drag You Out From The Right Field.

You Are A Planning Director, Obviously.

If We Are Going To Commence With A Master Planning Effort, Big Picture, Long-Range Planning Endeavor What Would You Like To See In This Process?

You Will Have A Map You Start With And It's Ever Changing.

Isn't It Appropriate For Me To Conclude That Makes Your Job That Much More Difficult.

Obviously If You Have A Moving Target It Will Be A Lot More Difficult To Deal With That.

There Is One Application I Think Over 6,000 Acres That's Come In For A Pre-D.R.I. Application.

We Have A Deadline For People To Be In This Cycle.

A Lot Of Times We Don't See An Application Come In Until September 30th.

That's Happened Several Occasions In The Past.

But It Would Make The Job More Difficult For Us And For The Consultant If We Have A Moving Target Where There's Applications For Several Mining Applications That Are Being Processed And Large D.R.I.'S That Are Being Processed.

I Appreciate That.

I Want You, Paul And Us To Be As Successful As Possible.

Seems Like If We Are Going To Be Successful And End Up With Something We Are All Happy With, When I Mean All, I Mean Everybody At This Board, Staff And Community, We Might Want To Give Ourselves, Again All Inclusively, We Want To Give Ourselves The Best Chance To End Up In A Place We Are All Happy With.

Wayne Daltry For The Record.

We Had To Repeat To Each Other, The Enemy Of The Good, We Had To Take One Half Step Back To Make Sure We Didn't Push A Particular View, Boy It Would Be Easier To Have Moratoriums Because That Doesn't Make It Easier For You To Do Your Job, When I Point To Point 14 Where We Ask Citizens To Serve In This Effort We Are Also Asking Them Not Just Their Volunteer Time But Sense Of Citizenship They Too Have To Accept The Good.

So I Think We've Got Direction To Come Back To You With All 14 Points With The Sub

Action Plan For Each To See How Far Deep We Should Want To Go In But We Are Going To Launch On This Effort On The Short-Term Right Away And Bring To You The Sticky One's Where The Policy Isn't There.

Because We Did Look At The Concept, The M-Word, The Moratorium.

Something We Wanted To Pursue.

Some Are Already In Playing By The Rules Of The Game.

Other Areas, I'll Draw Your Attention To Point 10, This Evolving Science, We Are Finding In The Water Side, The Human Secondary Analysis So Critical To Have D.R.G.R.

The Tools Are Evolving But There's Not Exactly Closure, So We Can't Say Everybody Use This Model, Give Us The Right Answers But We Know, If We Pick On Mining, Example Of Say 10,000 Acres Of Mines 40-Foot Deep That's More Water Than What's Proposed, Oh Yeah That Will Have A Cumulative Impact And Secondary Impact.

But We Don't Want To Forego The Good Options For Fear Of The Bad Options But Right Now It's Too Soon To Give A Direct Answer.

It's A Tool To Help Us We Don't Know As Much As We Should For Staff Recommendations But We Will Push Through And Come Back With The Tough Points For Further Direction, Not The Least Of Which How Much Is It Going To Cost.

You Are Confusing Me, Wayne.

What I Was Thinking, Depending On What You Want To Do, Sounds You Want To Do Everything, The Contentious Issues Maybe The Rezoning.

We Can Do The Rest, We Will Have To Come Back To You As It Evolves.

We Will Probably Come Back With First The Resolution And Parameters How We Set Up The Committee.

I Wouldn't Call One Single Action Plan, Let's Come Back With The Things We Need Further Approval From You All.

Mr. Chairman?

Whatever She Is Perceiving That We Are Suggesting Here, She Has Read My Mind Because I Haven't Said Anything Yet.

I Would Like To At Least Be On Record With A Couple Of Thoughts Here Before You Leave.

On Comp Plan Amendments I Would Like To Say I Think A Moratorium On New Applications, Would Frankly Be Appropriate.

I'm Uncomfortable Freezing The Fountain Simply Because It's Been In As Long As It Has Been And One Of Those Things The Developer Invested Hundreds Of Thousands Of

Engineering And Planning And Legal And They Are Way Down The Road, That's Going To Still Be A Difficult Project, No Matter What From What I Read In The Paper.

I Don't Know They Will Have An Easy Time With The L.P.A. Or With Us Or With Anybody But I Don't Think It Would Be Fair To Put A Freeze On Them But I Would Be Comfortable Using The M-Word On Any Other Comp Plan Amendment Applications.

During This Process.

I Frankly Don't Know What To Do On The Zoning Issues.

I've Listened To You Guys And Try To Figure Out What Direction We Are Giving You, Whatever You Have Perceived, Mary, Good Luck.

Let Me Know What You Come Back With.

One Thing I Do Want You To Focus Some Energy On, You Mentioned A Restoration, Number Five Road Damage.

That's Sort Of A Major Issue.

I Think Just Getting The Dump Trucks To Go The Right Speed Up And Down Corkscrew Or Alico Or Whatever They Happen To Be.

I Think That's Almost A Pretend Thing.

I Think The Real Thing Is That Drivers Out There Hate Seeing A 10-Wheeled Multi-Toned Vehicle Out There When They Are Driving Along Their Little Toyota Camry, They Know That Thing Is Tearing Up More Of The Road Than We Are, But We Don't Have A Mechanism For Assessing That Road Damage.

And I Can't Believe That We Can't Find One, If We Continue To Look For It.

So I Hope However This Process Proceeds That We Do Look For A Way To Do That.

And Since I've Been Here, I Have Heard Other Commissioners Mention That Even Industry Folks Have Suggested There May Be A Way To Get There.

I Just Want To Make Certain That Dialogue Continues.

On The Consultant, You Can Argue That Either Way.

You Would Certainly Like Somebody Locally That Really Knew What Was Going On And Knew The History, The Demographics, The Growth Patterns, All That Sort Of Thing.

But This Is Going To Be A Very Delicate, Possibly Contention Issue On Some Parts Of It.

And We Need The Greatest Credibility To Be With That Consultant And The Greatest Independence.

So I'm Just Saying Be Very, Very Careful When You Find That Person.

It Might Be A Local Person.

But You Might Need That Classic, Out Of Town, Over 50 Miles Away With A Briefcase, Expert Coming In And Ordered To Bring That Purification Process To It.

So Those Are My Thoughts And Now You Know.

Mary, If We Were To Go Along With What You Had Suggested, How Long Would It Take For You To Get Back To Us With Some Recommendations And Some Suggestions?

It Depends On The Items.

The Way I Envision, We Come Back First With Setting Up A Committee While The Staff Proceeds With The Short-Term Items.

Once The Committee Is Set Up We Would Probably Find Findings To The Committee To Get Their Opinions On That And Try To Work Out Some Of The Issues.

And Then I Haven't Thought That Far Ahead Yet But I Thought Pieces Would Come Back To The Commission, Maybe The Short-Term Items Would Come Back In Some Sort Of Package To The Commission, But I See The Committee, We Will Work On Things But We Will Take It To Them And Get Input Too.

The Blasting Committee, Which Was Just Really One Issue But What We Did With That, We Had The Committee Get The Input, The Consultant Worked On The Items And We Came Back To The Board.

But We Also Had A Committee Recommendation Send Some Things, We Had Staff Recommendations.

So It's Not Like There May Not Be Total Consensus.

Quite Sure You Won't Get Total Consensus But Will Probably Come As We Go Along With Certain Things But I Think It Depends How The Committee Is Made Up And How We Work Out Those Details.

We Still Have To Come Back On The Long-Term Master Plan, With The R.F.P. With The Blue Sheet To Short List Consultants And Elect A Consultant So That Will Be Back Several Times.

There Will Just Be Various Things Coming Back.

What I Would Like To Find Out From My Colleagues Is This An Agreement Way To Go?

I Think It's Been A Productive Discussion.

And They Seem To Have A Sense Of, A Consensus Here.

But They Will Be Back, Of Course.

We Take Step Two.

One Thing I Also Wanted To Add.

Either The Comp Plan Limit Or The Rezoning, Either One Of Them, If You Say Let's At Least Pursue The Comp Plan Amendment Not Taking Any New One's In, We Have To Come Back With An Ordinance Which The Attorney's Office Will Have To Work With Them And That Takes, One Or Two Public Hearings Too, So That Is Another Item That Will Be Coming Back To You, Soon.

So Mr. Chairman, And Maybe My Colleagues, Mary Are You Asking Us To Give You Direction On Item 13 Today?

I Agree With Commissioner Judah, But Are You Going To Need Outside Help To Help You Review The Zoning Cases That Are In The Hopper Right Now?

Are You Going To Look To Outside Expertise?

I Just Started Doing That On Some Of The Environmental Issues With The Little Bit Of Money I Had Left In My Budget That Isn't There Any More.

But I Have Done That With A Consultant For Those Going Through The Process Right Now.

I Want To Make Sure From A Budget Perspective, If That's What We Are Going To Do, I Don't Want Her Not To Be Funded Appropriately To Be Able To Have That Expertise Commenting As These Processes Are Coming Through The Zoning Process, I Don't Want Her Scraping Around To Find Out Where Money Will Come From And At The 11th Hour This Board Finds Out She Hasn't Had Any Money And Then Find We Had 5,000 So Couldn't Get A Complete Analysis On This One.

I Guess I'm Looking At My Colleagues To Say Do You Want Staff To Come Back With Recommendations On Tuesday, Or Do -- Do We Have A Meeting Thursday For Management Planning?

One Item?

It Will Have To Come Back Soon.

I Just Don't Want To Linger.

I Don't Want This Board To Think -- I Would Like Them To Give Us Specific Recommendations Rather Than This General Limit.

If You Think We Should Have A Moratorium, It Doesn't Mean I Support It But What In Your Expertise And Then Let Us Discuss That Recommendation With You.

If We Want To Do I Suggest It Be On Tuesday, Opportunity For Public Community.

-- Comment.

Are You Talking About Re-Zonings?

Yes.

Well Number 13 As A Whole.

I Think The Comprehensive Issue Also.

If We Do It Tuesday.

I Just Want Your Recommendation.

And We Can Go Forward, Legal Can Go Forward Do Whatever It Is We Decide.

Just For Clarification I'm Getting A Sense That The Whole Board Is Interested In Not Accepting Anymore Comprehensive Plan Amendments.

If That Is Likely To Happen, Then I Think It Would Be Appropriate To Give The Staff That Direction Today.

We Will Do Well In Due Time With Appropriate Moratorium Ordinance But We Have The Ability Today To Stop New Applications And We Will Follow-Up With The Ordinance Confirming We Aren't Going To Process Any New Applications For A Certain Period Of Time.

But I Would Hate To See Us End Up With A Dozen New Applications In The Next Couple Of Weeks.

Mr. Chairman, I Will Put That In A Motion If That Will Help Us Clarify, Accept No New Applications.

Second.

And My Understanding This Is For The D.R.G.R. In The Southeast Part Of The County, The One We Have Been Dealing With.

That Is The Intent.

You Heard The Motion And Second, Is There Discussion?
Yeah.

Tim, Actually Would Be Applicable In D.R.G.R. Period, Why Would You Be Exclusive To Lee County.

We Aren't Studying The Rest Of The D.R.G.R. Like In The South.

I Think The Whole Thrust Of This Has Been That Part Of The County, That's The Part Where The Mining Really Is A Potential.

I Don't Think Anyone Is Considering Mining In The Northeast.

Mining, It's The Potential For Increased Residential Development, Commercial Development.

I've Been Trying To Complicate Matters But I Think --
We Need To Broaden Mary's Scope And Give Her Enough Money To Do That.

Then Let's Leave It For Now, It's A Lot To Bite Off.

I'm Not Disagreeing With You Knowing In North Fort Meyers We Have Quite A Bit Of
D.R.G.R.

I Think Phase Ii.

Further Discussion?
The Question Arises On Its Adoption.

All In Favor?
Opposed?
The Ayes Have It.

The Motion Is Adopted.

Does That Take Care --
Let Me Just Make Sure I Understand.

You Want Us To Come Back Next Tuesday With, I Guess A Walk-On For What To Do With
The Re-Zonings?
What Are You Going To Need And What Are Your Recommendations, Mary.

Try To Define The Term Limit.

You Can Do That Tuesday.

I Don't Want To Place An Unreasonable Load On You.

I Think We Can Do That.

It Would Have To Be A Walk-On.

That's Fine.

I Have No Problem With That.

All Right?
Thank You Mary.

I Will Proceed With The Other Items.

Very Good Work.

11a?

Let Me Make A Motion.

There's A Motion To Move On The Action Plan.

Moved And Seconded By Commissioner Hall And Second By Judah, All In Favor?
Opposed?
The Ayes Have It.

11a.

Move The Item.

There's A Motion By Commissioner Judah To Approve Item 11a.

Discussion?
I Just Want To Know What Shares Are.

Is This The One Where --
No This Is A Stimulator.

Never Mind.

All In Favor?
Opposed?
The Ayes Have It, The Motion Is Adopted.

Item 13 A.

Move The Item.

Motion To Approve Item 13 A, Is There A Second?
Second By Commissioner Hall, Is There Discussion?
I Just Want To, Mr. Lavender Is Not In The Room?
Yes He Is.

Sorry, I Couldn't See Him.

Paul Winguard.

D.O.T.

I'm Struck By Why This Wasn't Foreseeable When We Were Planning This Road.

We Knew Where The Developments Were.

Well The Design Of The Project Was Done About Four Years Ago And Some Of The
Developments Were Simply Not In The Gun Sites At That Point In Time.

They Just Weren't Something On Paper For Us To Address, That's Why Several Of Them

Had To Be Added After The Fact, Actually There Are About 7-8 Different Developments That Fall In Since The Design Was Done Up Until The Time We Are At Today.

But You Aren't Saying All Of Them Are New?
Not All Of Them, No.

My Eyebrows Are Raising Because We Didn't Have Them In The Initial Plan, The Decel Lanes.

The Ones That Were Known Were Incorporated In The Design Documents, These Have Come Up Since The Design Was Done, The Design For This Particular Project Is About Four Years Old.

I'm Sorry, You Said Some Of These Were Not Known When We Did The Design, I Thought You Meant Some Of The Ones We Are Now Having To --
The Ones We Are Specifically Addressing In The Change Order Are All New.

All Unforeseeable.

Yes, Sir
There's Been A Motion To Approve, It's Been Seconded.

Discussion, All In Favor Signify By Saying Aye.

Opposed?
The Ayes Have It, The Motion Is Adopted.

Item 15 A.

Move The Item.

Motion By Commissioner Judah To Approve 15 A.

Second By Commissioner Hall.

Discussion?
All In Favor?
Opposed?
Ayes Have It The Motion Is Adopted.

Item 15 B.

Motion By Commissioner Judah, Second By Commissioner Hall.

Discussion?
All In Favor?
Opposed?
The Ayes Have It, The Motion Is Adopted.

15-C.

That Was Deferred Wasn't It?
Indeed We Did To September 18th.

Very Good.

That Concludes The Administrative Agenda.

We Do Have Some Public Hearings, I Believe.

Do We Have Any Public Hearings?
Not This Morning.

Okay, Very Good.

Then We Will Go To The Walk-Ons And Carry-Overs.

Walk-On Item Number One, We Have Taken Care Of.

How About Carry-Over Number One?
I've Got Questions, I Don't Know If You Were Going To Make A Presentation Or To Answer Questions.

This Was Carried Over.

I Believe Commissioner Mann Had Some Questions Last Time.

Then I Would Be Happy To Let Commissioner Mann Continue To Ask Questions.

We Are Talking About The Pay, Cost Of Living Adjustment.

I Just Need To Know What The Figure Is.

And Performance-Based.

The Fact, The Two Separately And Collective.

What Are We Talking About Building Into The Budget.

Good Morning, Dina Lewis, Administrative Services.

This Is On The Consumer Pricing Index To Salary Ranges, Our Recommendation Is Be Awarded At 2.5%.

Commissioner Mann You Were Talking About Our Performance Component In The Budget And Our Recommendation Is That Be Funded At 2.0%.

The Combined Numbers Is 4.5%.

What Action Are You Asking Of Us To do Today?

The Award Of C.P.I. In Adjustment In The Pay Ranges In A Like Amount.

It's Just The Single Issue, The 2.5 Today?

Yes, Sir.

So Moved.

There's A Motion To Approve.

Second By Commissioner Hall.

Discussion?

I Was Hoping For A Chance To Comment.

First Of All Dina, County Administration As Was Required And Certainly Justified Initially Had Done The Due Diligence Of Looking At The Nationwide C.P.I. Index For Cost Of Living.

And That Index Indicated 2.7.

Initial Was 2.7 Cost Of Living And 4% Merit, For A Total Of 6.7.

In The Budget Workshop We Had Included A Paper Performance Item Of 4.0%.

We Have Since Amended That Recommendation.

I'm Just Trying To Talk About It Historically.

At One Point In Time A Few Months Ago It Was 6.7.

And The 2.7 Of That 6.7 Was Based On Statistical Verifiable Data Through The Nationwide C.P.I. Index That The Cost Of Living Would Be 2.7.

It's Since Modified To Be 4.5.

This Board Approved 2.7.

We Have A Sheriff That's Indicated To Us The Difficulty He Is Having With Retention And Also Recruitment.

And Clearly This Is Going To Be A Reflection On Whether Or Not He Will Be Able To Do Just What He Is Trying To Accomplish, Retain And Recruit Officers.

Is This A Make Or Break Situation?

Possibly Not.

But We Are Asking Our Employees To Do More With Less.

It's Quite An Accomplishment That We Actually Have Fewer County Employees For 1,000 Population Now Than We Did A Decade Ago.

One Reason Charlie Green Complains About The Money He Is Investing Is Because We Have Projects That Need To Be Constructed, Completed In This County, Whether It's The Compliance With The Federal Court Order For Expansion Of The Justice Center Or The New Jails Or For New Roads Or For The Expansion Of Waste Energy Facility.

It's Any Number Of Capital Projects That We Are Demanding Of Our Employees To Produce.

Employees Are Being Asked To Do A Whole Lot More.

One Reason They Are Being Invested In Aren't Able To Spent Immediately Is The Difficulty Of Bringing These To The Point Of Being Production Ready Because There Are More Projects Being Thrust On Employees In The Public Works Department.

The Point I'm Trying To Make Is, I Think It's Important That We Send A Message That We Value The Quality Of Work And The Volume Of Work That Is Carried Out By Employees Here In This County.

I Feel We Have Provided Significant Commitment In The \$100 Million We Have Rolled Back From Necessary Projects And Operational Services To Provide For The Kind Of Cost Savings And Reduction In The Budget That Was Expected Of This Board.

I Feel Very Strongly That We Should Maintain The 2.7 Cost Of Living.

Not All County Employees Will Get To The 2.7%.

They May, That's Why I Didn't Want To Include Cost Of Living With Performance Or Merit.

Sometimes Employees Get Treated Differently But I Wanted To Make Sure Everybody Had At Least The 2.7 Cost Of Living.

So To Be Consistent For Those Really Shouldering Tremendous Amount Of Responsibility In A Most Populous Counties In The Nation And In Terms Of Growth Rate, I Would Like This Board To Seriously Consider Retaining The 2.7 Cost Of Living.

Mr. Chairman?

Yes Commissioner Hall.

I Have A Couple Of Questions.

We Will Start With The Easy One First, Why All These Employees Work For You, Why Did You Guys Go And Make Your Recommendation To 2.5 To Us Versus Holding Onto The 2.7? I'm Trying To Go Along Knowing You Are Out There Talking To The Employees, So Explain To Me.

Commissioner Judah I Don't Disagree With What You Are Saying.

Sometimes I Do Like To Listen To The Expertise Of Our Staff So Give Me Your Reasons.

Two Points.

Number One, All These Employees Work For The Board Of County Commissioners.

We Work For You All.

We Are You.

Second Point, I'm The One That Did It.

Removed It From 2.7, To 2.5 And Quite Frankly Commissioner Judah, You Make Me Embarrassed.

You Use The Argument County Manager Did, I Did It Because I Thought It Might Be Palatable To The Board Given The Situation We Were In To Come Off The C.P.I. A Little Bit, Cut It In Half To Try To Make It More Palatable And Easier For The Board Of County Commissioners.

Commissioner Judah Made The Argument I As County Manager Should Have Made.

My Argument Is Much More A Political One Than The County Manager One.

Okay, My Second Question Dina, So I Am Clear.

Paper Performance Is A Growth Percentage.

So Let's Just Say Out Of Our 2700 Employees, Ten Of Them, You Are Going To Authorize And Pay For Performance.

That Whole Number Cannot Exceed 2% Of The Budget.

It Doesn't Mean Capped Giving Someone At 2%, Am I Misunderstanding Or Are You Saying No One Can Get More Than A 2% Paper Performance?

It's The Number That Goes Into Budget Within The Individual Departments And Then Employee Performance Is Individually Rated.

How Much Would 2.7% Cost Of Living Equate To?
Each 1% Is About A Million And A Quarter.

0.2% Is About \$250,000.

Okay.

Let Me Ask Again, 2.7% C.P.I. Will Cost Us How Much?

I Think The Number Is About \$3 Million.

It's About \$3 Million.

I Know That 1% Is A Million And A Quarter.

I'm Doing The Math In My Head.

The 2.7.

Let Me Revise, It's Closer To \$4 Million, The Full 2.7.

2.5 Is A Quarter Million.

The Difference Between 2.5 And 2.7 Is About \$250,000.

Each Is One And A Quarter.

Equals 2.5 Million.

Am I Wrong, The 2% Pay Performance Is 2% Of The Department's Budget?
Yes, Sir You Are Wrong About That.

It's 2% Of Salaries.

Just The Department's Salaries?
Correct.

So That Is About --
That Is \$2.5 Million.

So We Are Looking At If Going With Commissioner Judah's Position Of 4.25 Million, Right?
I'm Sorry, No.

That's 6.5 Million.

I'm Going By Percentage.

4.7%.

We All Know Where This Is Going, It's Going To Pass.

Whether 2.5 Or 2.7.

It Will Pass 4-1.

I'm Not Supporting It.

I Will, Though In An Effort And Spirit Of Trying To Compliment The Staff And Encourage

Them To Perform, I Will Consider A 2%.

We Haven't Voted On The Paper Performance Yet.

Correct.

Today You Are Simply Considering The C.P.I.

2.7% Will Cost Us \$4 Million.

2.5 Is About 3.75 Million.

Okay.

The Second Has Been Withdrawn, No Other Second Offered.

So The Motion To Approve.

Move The 2.7 Cost Of Living Adjustment, Mr. Chairman.

Second.

Motion By Commissioner Judah To 2.7 Cost Of Living Adjustment.

Second By Commissioner Hall?

Discussion?

It's Where We Are Headed In A Trend This Year As We Move Toward The Budget Year Coming In 2008.

And Between Now And Then We Have, If You Saw Today's Local Paper, Big Headline Story And They Are Using The R-Word, Recession.

Also A Separate Story About Layoffs.

Which Are Beginning To Make A Lot Of People Jittery.

We Also Add To That The Fact, Was It January Coming When We Are Going To Be Voting On The Constitutional Amendments That Could Really Substantially Reduce The Revenues That This County Government, All Other Local Governments Will Have To Work With Next Year.

When That Happens And We've Locked Into These Higher Spending Levels, You're Not Going To Be Able To Say No Raises This Year, Let's Continue On, We Will Be Faced With The Very Real Possibility Of Laying Off Live Bodies.

I'm Trying To Be Realistic About Where We Are Now, The Trends We Are Setting And What We Are About To Cause For Ourselves A Year From Now That Will Be Very Painful To Be Required For Us At That Time.

We Are All Going To Be Here, There's No Elections Between Now And Then.

I Just Try To Look Ahead And Visualize Where We Are Going To Be And Tell You Where Ever We Can Be Frugal And Conservative This Year We Will Be Thanking Ourselves This Time Next Year When Things, When All Indications Are Things Are Going To Be Very, Very Tough.

Commissioner Chairman?

Yes Commissioner Hall?

I'm Assuming But As You Heard Mary Talking About 35 Positions She Is Eliminating From Her Department That's Not Freezing, That's Eliminating That You Are Looking At, As We Look At Where We Are Going From A Fee, Our Property Tax, At Revamping A Lot Of The Structure We Had As Of Today.

My Understanding And I'll Say This For Record Was That You And Your Team Are Going In This Year In Each Department And Looking Where We Can Make Efficiencies, Recognizing Where We Can Change But Also At Some Point In Time We Will Be On The Swing Back Up But Probably The Next Three Years We Will Have These Adjustments It Wasn't My Understanding We Were Just Freezing Positions But Revamping Departments To Deal With As We Are Going Into Evaluating The Human Resources We Have And Make Those Efficiencies Even Better And Looking Again At Our Technology And How We Can Do More With Less.

And Less Means Less Bodies, Those Weren't Frozen Positions, Literally They Are Gone, If We Go Into A Swing And Re-Evaluate And Bring On Those Positions Or Something Different Because Of What Times Are Calling For, Am I Incorrect In That Assumption?

You Already Started That Process With \$100 Million.

You Hear Us Talk About The 5.4, The 4.7 Employees Per 1,000 People, If You Did Nothing More Next Year You Will Have A Lesser Ratio Of Employees To Population To This Year Just Because We Got 35,000 More People Last Year.

You Will See That Ratio Of Employees Shrinking More Next Year.

I Want To Make Sure For The Record We Are Looking At Revamping Departments And All Those Things Are Going On As We Go Forward In What We Know Will Be Tighter Budget Years.

Absolutely.

Mr. Chair, I Appreciate You Underscoring That, That What I Have Taken Into Account, The Revamping, Restructuring, No Question, We Will Have Our Employees To Show Greater Burden And Significant Cost Savings With The Elimination Of These Vacant Positions.

I Just Know Full Well We Have Got To Value Those Employees Well For The Expectations We Have Of Them To Further Cost Savings In The Future.

Further Discussion?

This Applies To My Assistant, Right?

Yes, Sir, It Applies To All County Employees.

Not To Us?

Not To The Elected Officials But To County Employees.

So We're Not, Just For The Benefit Of What This Vote Will Do, We Are Not Increasing Our Pay With This, It's Only The Staff, Our Assistants.

Further Discussion?

All In Favor?

Opposed?

The Motion Is Adopted 3-2 With Commissioner Mann And Bigelow In Dissent.

There's A Correction For Carry-Over Number Two, Clarification Purposes It Should Not Read That.

On The Recap Sheet.

Says Revision And Corrections.

Carry-Over Number Two, For Clarification Purposes.

Please Revise The Funding Source Section To Fund Capital Improvements, Tourist Development.

That Should Not Be Beach Projects, It Has To Be Stadium.

The Secunder Agrees With The Modified Language.

To Thank The Tourism Development Council, City Of Davenport Staff, Don Taking The Time To Speak To The Development Council, We Are Certainly Very Respectful Of Their Role As An Advisory Committee And Appreciate The Nexus Between The Youth And T.D.C. Funding For The Stadium.

I Appreciate The Partnership We Continue To Have And Respect We Have For Each Other.

That's Something The T.D.C. Said And Commissioner Judah Is Quite Right.

They Appreciate Very Much The Relationship With The Board And Latitude You Have Given Them And Want To Emphasize With The Second Motion, They Would Just Like To Be In The Loop, They Understand Sometimes These Things Come Up And You Don't Have Time To Include Them.

I Had An Opportunity To Be At The T.D.C. Meeting Friday.

There Was Discussion About This Issue, One Of The Things The Advisory Board Has Asked Is That We Have Capital Improvement Budget Coming Up For Next Year.

It Comes Up Pretty Early.

They Would Like To Have A Joint Meeting.

We Know The Stadium Will Be Sunseted Soon.

Which Means, What Should These Facilities, What Should The T.D.C. Have An Expectation The County Feels Based On The Statute And Law Is Appropriate For These Funds To Continue On Capital Projects?

We Also Want To Look At A Vision With Us On How They Should Look At Outside Projects And Capital.

We Have Helped The Edison Home, The Olympics, Various Other Capital Projects That Fall Under The Stadium Category And Would Really Like To Have Some Discussion As To Setting The Groundwork To Make It More Black And White And Not, You Are The First Person To Ask, Therefore You Get.

I Would Hope Through The Chairman's Office, The Two Of You Can Work With The Advisory Board, We Can Set Up A Joint Meeting And Start Having Those Kind Of Discussions With Them, Thought That Would Give A Better Direction When We Don't Have An Opportunity To Go For Them We Have A Policy That's Been Agreed Upon By Both.

Great Idea.

I Was Told The T.D.C. Was A Little Upset With Us.

We Were Just Considering What You Brought.

It Was Your Suggestion We Take It Out Of C.I.P.

Any Further Discussion?

You Brought It Up And I Concurred.

Further Discussion?

Seeing None.

All In Favor?

Ayes Have It.

We Are Down Now To Commissioner Items.

Commissioner Bigelow?

None, Thank You.

Commissioner Judah?

Thank You, This Board Was Kind To Give Me Time To Draft A Letter.

It Has To Do With The Senate And Congress Looking At Reauthorization Of The 2007 Farm Bill.

As I Mentioned, One Of The Quirks In This Major Colossal Problem We Are Having With Destructive Land Use South Of Lake Okeechobee Based On The Funding That The Sugar Industry Receives Through Price Support, Tariffs, Import Quotas And Even President Bush And A Number Of U.S. Senators Have Expressed Alarm At The Continued Excessive Subsidy That's Provided In The Farm Bill, All I'm Asking Is This Board Concur We Send A Letter To Our Congressional Delegation To Take A Serious Look At The Reform Of The 2007 Farm Bill To Pair Down Or Severely Reduce Or Eliminate The Federal Subsidy To The Sugar Industry.

I Can't Support The Language In This Letter.

No Problem.

I Make That Motion.

I Don't Have A Problem Sending A Letter But The Way This Letter Is Worded, I Don't Feel Comfortable Supporting It So I Will Be Not Supporting The Letter.

If It's Revised.

Which Part?
The Whole Thing.

The Way It's Written.

I Think The Tone Of The Letter When We Are Talking About The United States Farm Bill Is Not Worded Appropriately, That Sends A Message That Lee County Has Interest In Looking At Working At Partnerships And What We Are Doing.

It Pulls Out One Section, It Talks About Wasting Tax Payers' Money And I'm Not Comfortable With The Way The Letter Is Written As We Send A Message To The Efforts We Are Making In These Areas On Trying To Be Partners In The Solution For The Everglades Restoration Project.

The Future Of The E.A.A. And Other Areas.

As A Government Body, I Can't Support The Way It's Written.

Maybe In Order To Hopefully Get To A Letter That All Five Of Us Can Approve --
It Doesn't Matter, Commissioner Bigelow.

It Doesn't Matter.

I'm Not Asking You To Find A Compromise For My Benefit.

I Was Interested To See If We Couldn't Amend The Letter Somehow.

I Think There's Another Way To Word.

Just Trying To Help.

This Is A Revision, Is It Not, Commissioner Judah From An Earlier Letter?
This Is The Final One.

Okay.

Because The Original One Was A Bit More Comprehensive.

This Just Refers To The Sugar Industry.

Is There Any Way We Can Defer This To Think About This Letter?
They Have Already Reconvened.

The House Has Pass It's Version, We Will Have To Rely On The Senate To Take A Look At
What Is Tantamount To Destroying The Southwest Florida System, What Fuels And Funds
This Land Use Practice Between Lake Okeechobee And Everglades Is The Price Support And
Subsidies To The Sugar Industry.

If You Truly Want To Find A Means, This Is One Way We Can Close The Valve.

It's Probably Okay, But I Would Like Some Time To Think About It.

I Want To Consider This.

I Wouldn't Vote To Support This Right Now, Simply Because This Is Plopped On Me.

I Think There's A Motion On The Floor.

I Know Where You Are Coming From, You Have Spoke To This Many, Many Times.

But My Fear Here Is That It Over Simplifies A Colossally Complex Problem.

It's Far Too Complex.

As I've Said Many Times No One Will Pay Attention To This Letter Anyway.

It's Not Going To Get The Job Done.

I Think We Are Wasting Our Time.

You Understand As The Federal Government Continues To Subsidize The Sugar Industry
And --

You Have Already Spoken Twice On The Issue.

All In Favor, Signify By Saying Aye?
Opposed?

The Motion Loses By A Vote Of 3-2.

Thank You, Mr. Chairman.

All I Could Do Is Give It A Try.

One More Thing As Commissioner Item.

The County Commission And Administration Made A Concerted Effort Which I Very Much Appreciate In The Energy-Saving Light Bulbs, But Even In The Packaging It Indicates There Is Mercury In Those Light Bulbs, I Want To Make Sure We Have A Way To Provide Appropriate Collection Of These Bulbs And They Aren't Just Tossed In A Waste Paper Basket.

That Our Employees Know They Need To Be Properly Discarded And Our Own Solid Waste Department Needs To Get The Word Out To The Customers That Likewise Those That Wish To Help Conserve Energy Need To Be Given The Opportunity To Discard These Light Bulbs In A Health, Safe Manner.

That Message Needs To Go Out In The Recycling Program.

We Will Get It Out There And Departments Know They Can Contact Facilities Management.

We Will Take Care Of Disposal Of County Light Bulbs But I Will Make Sure Lindsay Puts A Notice Out For The County-Wide Population.

I Thought At One Point We Had Those Orange Bags For People To Put Their Batteries In.

We Did, But It's An Ongoing Situation.

Commissioner Hall?

Gosh.

I Apologize For Being Sickly Today.

I'm Sick.

Let Me Just Say That I Support All The Efforts We Are Doing In The E.A.A. And I Think It's Extremely Important, The Reason For My Not Supporting This Letter I Agree With Commissioner Mann.

I Have Spent A Lot Of Time Communicating With Senator Nelson.

Other Folks In Washington D.C.

This Letter Does More Damage Here Locally Than To Help Us On A Federal Level And I Want To Make Sure As We Move Forward On The Efforts This Board Has Made And The Reason We Have The Northern Everglades Legislation With The Funding Is We Have Been Willing To Get At The Table With All The Interested Parties, That Includes Agriculture, I Don't Want To Send The Message Lee County Is On A Mission To Eliminate Those Dialogues As We Come Forward, It Will Take A Long Time To Find Solutions And We Can't Stop Talking To Each Other, We Will Go Backwards, That's My Fear Is This Does More To

Damage Us Locally Than To Help Us Federally.

I Will Continue To Work On The E.A.A. Land Use Map And What We Will Do There But I Didn't Find This To Be Helpful On A Federal Level.

I Want To Wish Good Luck To All The Candidates In Cape Coral, They Are Holding Their Elections Today.

We Have Five City Council Seats Up, It's An Odd Time To Have An Election, So If You Are In Cape Coral Be Sure You Go Out And Vote Today.

Thank You.

I Concur With That As Well.

Very Good, I Have One Commissioner Item.

That Is For A Little Bit Now, We Have Had The Opportunity To Approve Amendments From The Community To Attend And Represent Lee County As A Liaison, Babcock Special District Taxing.

I've Had Three Names Submitted.

Matt, Debbie And Scott.

Wonder If The Board Might Be Willing To Make Some Sort Of --
I'll Move We Appoint Matt Smith.

Matt Smith By Commissioner Hall, Second By Commissioner Mann.

Discussion?

All In Favor?

Opposed?

The Ayes Have It, So Ordered.

Thank You.

Committee Appointments?

Commissioner Bigelow?

None.

Commissioner Judah.

Ellen Lindblat To Smart Growth And Herb To Replace On The Coastal Advisory Council.

Second.

Moved And Seconded.

Discussion?
All In Favor?
Opposed?
Ayes Have It, So Ordered.

Commissioner Mann?
None.

Commissioner Hall.

I Have Four, Margaret, Whitney, And Keri To The Smart Growth Committee.

Second.

It's Been Moved And Seconded.

In Favor?
Opposed? The Ayes Have It, So Ordered.

I Have One.

All In Favor Signify By Saying Aye, Opposed?
The
Ayes Have It, So Ordered.

All Right, County Manager Items?
Nothing, Mr. Chairman, Thank You.

Okay Very Good.

County Attorney Items?
Very Good.

Now We Will Stand Recessed Until 5:00.

Elimination Of Route 160.

I've Examined The Affidavit Of Publication.

And Notice Of Intent Published In Fort Myers News Press August 31st And September 4th This Year, As Such I Find It Legally Sufficient As To Form And Content To Continue With The Public Hearing This Evening.

Thank You.

Any Questions?

I Have A Question, Scott.

The Purpose Of This Is Just To Take Public Input?
It's Not An Action
Item?
No, It's To Take Action.

My Agenda Says It's To Gather Input To Consider.

No Further Questions, We Will Proceed With The Public Hearing Portion.

And As I Said This Is A Public Hearing.

I Do Have One Blue Card So Far, I Think.

That's George Thornton.

Okay, Joyce.

I'm Back After Two Weeks.

I'm Speaking Against Closing Mass Transit.

We Need To Increase Routes, Not Eliminate Routes.

One Of The Problems Is The Para Transit Is Fixed To The Fixed Route System.

When You Eliminate The Route 80 You Will Also Be Eliminating The Para Transit For The Handicapped.

And We Have Few Of Those Now.

I Realize That There's A Budget Crisis And Criteria But I Don't Think There's Any Mass Transit In This Country That Makes A Profit.

It's A Public Service.

If You Eliminate You Will Keep Some From Getting To Work.

I Have A Veteran Who Lives On Winkler, He Depends On The Para Transit To Get Him About.

He Has Been Trained To Be Independent In That Way.

He Is In His 80's.

I Object To Eliminate Routes.

Driving Is A Privilege That Handicapped People Do Not Have And We Need To Increase

Routes And Provide More Convenient Transit.

I Talked To Some People On Sanibel That Would Give Anything To Have Some Kind Of Bus Service That Would Get Them Around.

Lee County Really Has To Realize We Need To Expand Our Services.

Pine Island Would Be Left High And Dry If You Eliminate That Route.

We Need To Work, Have Some Sort Of Plan To Increase Routes And Certainly Not Decrease Them.

Thank You.

Thank You, Joyce.

Did You Want To Speak On This One Or The Next One?
Oh A Different Matter All Together?
Okay.

Yes Ma'am, Come Up To The Podium.

And Please State Your Name.

Francis D. Williams.

I'm Here Representing
But I'm Here Representing South Fort Myers High School.

We Are Dependent On The Metro.

From Tommy O'connell.

Notices Have Been Posted To Eliminate Metro Services.

I Don't Think You Have Any Idea The Impact Cancelling The Route Would Have.

It Provides Transportation To Work For Many Of Our O.J.T. Students And Others Who Live In The Area, For Our Life Skills Class, Route 80 Is An Integral Part Of Our Students Education, We Teach Route 80 To Teach Money Management Skills, Purchase Tickets And Use Routes.

All These Skills Are Extremely Necessary In The Determined Desire Of Our Challenged Populations As They Strive To Achieve Their Goal For The Highest Goal Of Independent Living.

I Can't Imagine This Route Won't Grow.

Above All Consider The Individuals Who Need This Service.

Cost Is Obviously A Factor.

But With Building Taking Place On Metro Parkway It Has The Capacity To Become Productive And As This Lady Said Too, So Eloquently, I Don't Think The Transit System Is Designed To Be A Profit-Making Thing.

It's For The People.

Please Take All Of These Things Into Consideration While You Contemplate.

And Another One, I Don't Think You Have Any Idea The Impact Of Cancelling Route 80.

Somewhat Repetition.

Please Consider These Things In Your Considerations.

One Other Thing That We Were Talking, That We Thought Of, With The Cost Of Gas Going Up Everyday, There Are Bound To Be More And More People, Especially In Our Area Who Are Going To Be Using That Particular Route To Get To And From The Hospital, To And From All The Businesses There And The Route Goes To.

We Take It Every Thursday.

Life Skills Every Thursday On A Long Trip Somewhere And Back, So They Become Acclimated To The Community And Buy Tickets And Travel.

That's Their Only Form Of Movement Really.

So Anyway, We Are Here.

Please Take That Into Consideration, There Are More Of Us Behind Me You Don't See.

They Are Doing Other Things Tonight.

But There Are A Lot Of Us That Have Such A Feeling About This Route, Thank You.

Thank You Very Much.

Anybody Else Like To Make A Presentation?

Good Evening.

Gina, I'm Also Here Representing South Fort Myers High School.

I Wanted To Reiterate What Mrs. Francis Williams Said, The Bus Is Really An Essential Part Of Life Skills Program.

And Helps The Kids Assimilate What They Have Learned In The Classrooms Out Into The Community And A Lot Of These Kids Won't Be Able To Drive Ever In Their Life And It's An

Important Lesson To Learn How To Use Transportation In Our Community Additionally If This Route Is Eliminated, They Will Have To Walk An 8th Of A Mile To Catch The Bus.

I Think That's A Safety Issue For Our Students.

Please Reconsider Eliminating This Bus Route.

Thank You.

Thank You.

Anybody Else?

Okay I Don't See Any Other Hands Waving.

I Will Therefore Close The Public Hearing Portion And Bring It Back To The Board For Discussion, Would You Like To Hear From Steve Meyers?

Sure.

Steve?

Good Evening Commissioners, Steve Myers, Lee Tran Director.

I Want To Enter Into The Record Comments We Received Both By Email And Telephone In Our Offices And We Received About 32 Corresponded.

Correspondences.

Many From Fort Myers High School, Constituency, Included Teachers, Students, After School Program Participants And Leaders.

We Also Received Comments From Other Folks Who Use Route 80 To Access Health Care Services Probably On Metro Parkway South Of The Hospital There.

And I Want To Make Sure Those 32 Comments To Support The Continuation Of The Route 80 Are Entered Into The Record And I Will Provide A Copy Of Those To The Clerk.

As You Are Aware The Reason We Are Proposing Elimination Of Route 80 Is Pretty Clear.

We Proposed Elimination Of About 8,000 Hours Of Service In The Community, About A 4.25% Service Reduction.

Of That Amount About 3,000 Hours Are The Combined Totals Of The Route 160 And The Route 80.

The Other 5,000 Hours Were Taken From Many, Many Different Routes.

11 Different Routes We Made Service Reductions Lightly Used Trips, Evenings, Weekends, Where Ever We Could Find Trips We Could Eliminate On 11 Other Routes We Took Those As Well As These Two Service Elimination Proposals.

One Of The Things I Want To Clarify For You In Your Material Handed Out, In Your Packets.

On Pages 4 And 5, You Have Individual Statistics Regarding Each Of Those Two Routes And Ridership Numbers On Those Routes.

I Want To Clarify Because There's An Error On Each With Regard To The 2007 Ridership Numbers.

We Previously Reported Route 80 Had A 1.8% Increase In Ridership Year To Date.

Our Totals For The Current Year Are 14,311 If You Look In That First Little Chart On Your Third Page.

This Year's Ridership, 14,311.

11.32% Increase In Route 80.

I Will Say That Is Probably Mostly The Result Of The Opening Of The South Fort Myers High School.

On The Next Page, Route 160 Statistics, The Same Error Occurred For Fy '07 Ridership.

The Number Actually Is 424 Riders Year To Date.

That Results In Loss Of 13.89%.

I Think You Had A Larger Number, Or Larger Loss Reported On Your Data.

The Public Information Outside The Door Is Correct.

We Corrected These Figures On The Public Information We Put Outside The Meeting Door Tonight.

I'll Be Happy To Answer Any Questions You Might Have.

Thanks, Steve.

Any Questions?

I Understand The State Is Looking At Cutting By 40% Medicaid Transportation In Lee County?

How Does This, Especially Route 80 Service, How Would That Potentially Be Affected?

The Potential For Medicaid Eligible Passengers To Use The Fixed Route System Is Part Of The Community Transportation Coordinators Program Currently, In Other Words Anyone Eligible To Use The Fixed Route System May Obtain A Pass And Use A Fixed Route System, As Long As Medicaid Eligible Using The Service We Have Taken A Position That's Not The County's Position.

Many Are Dual Eligible.

That Means They Can Use The Service For Non-Medical Trips But The Medical Trips We Have Been Trying To Keep Those Under The Medicaid Umbrella.

To Answer Directly We Would Hope Or Anticipate There Wouldn't Be Increase As A Result Of That Reduction But Of Course Those Folks Have To Find Trips Somehow To Get To Their Appointments.

If We Eliminate This Route, And With The State 40% Cut It Doesn't Leave A Whole Lot Of Options For The Folks Who Require The Service.

In Terms Of Medicaid Directly There Are A Number Of Facilities South Of The Hospital And That's Becoming Sort Of A Medical Corridor A Good Portion Of That Corridor If You Look At The Green Around Our Route Map, You Will See Much Of That Will Continue To Be Covered By Our A.D.A. Service Area, The Brown Areas, The Southern Part Of Plantation And Metro Parkway Will Have Service Elimination Of A.D.A. Service.

So Some Of Those Medical Facilities May Now Fallout Side Our Service Area.

In Addition The Plantation Road Area North And East Of Metro Parkway Also Is An Area Where There Would Be A Service Elimination Based On The Route Reduction.

On Route Elimination.

Thank You.

Okay, Commissioner Bigelow?
I Was Going To Ask Steve.

Were Both Of These Routes Proposed For Cuts Last Year To Be Eliminated?
Only Route 80 Was Proposed For Elimination Last Year.

So The Route Was 160 Was Showing Better Performance Last Year?
Actually Route 160 Has Been Declining In Productivity For A Number Of Years.

Because It Is A Small Dollar Amount, Frankly, It Is \$40,000 Of Cost To The County, We Have Sort Of Left That One There As Long As Times Allowed Us To Keep That Service In Place.

But Certainly We Would Hope That It's Just A Very Expensive Route.

Per Trip Cost Is Very High On That Route.

We Did Put That In, We Were Looking For Every Single Least Productive Area Of Service We Can Find This Year.

Do You Use A Smaller Bus For That Route?
Or Did You Use A Smaller Bus, Vehicle?

Pine Island We Use A Para Transit-Type Van.

It Was Running One Day A Week?

It Runs Thursday Only, From 8:00 In The Morning Until 5:00 Or So In The Evening, Yes.

Sounds Like A Lonely Driver.

Want To Ask You About This Pine Island Route.

This Is Something We Might Consider As A Seasonal Service, During Season Rather Than Trying To Do It Full Time.

The Ridership On That Route Does Have Some Seasonality But It Really Has A Core Group Of Riders That Use It Almost Every Week.

But There Are So Few.

So We Have A Few Every Week, It Doesn't Have A Real Pronounced Seasonal Nature To It, As You Can See By The Monthly Statistics, It Does Bounce Around Some.

It Does Appear To Have Seasonality To It But Not So Much That You Would Put It On A Season Only.

I Think You Either Operate That One Or You Don't.

This Is 3,000 You Need To Cut And Then 5,000 Was Trimmed Off Other Routes.

No Other Route Were Eliminated Though?

No.

Last December We Added A Third Bus To The Route 50 Which Serves The Airport And We Put That On Sort Of A 10-6 In The Evening Time Frame And That Route Hasn't Been As Productive As Some Of The New Service We Added Last Year So We Are Proposing We Eliminate That Off Season, Only Run That Route Seasonally.

So That Will Only Run Seasonally.

Then Everything Else Falls Into A Trip Or Two Here And There.

You And Lindsay Need To Get Together And Determine What Kind Of Cost Savings You Are Going To Realize Once You Get The Bio Diesel Up And Running.

It Would Really Be Helpful To Know What You Would Anticipate In Cost Savings With The Utilization Of Bio Design.

Hoping You Can Get Together And Crunch The Numbers And Determine Based On The Gallons You Generally Used On An Annual Basis And Trips.

If There's A Good Projection Of The Costs Per Gallon Coming Out Of That Plant Then We

Ought To Fairly Easily, We Know We Probably Can Use A Blend, Between 5-20% So We Can Sort Of Give A Range Of Savings Based On That Fuel Usage.

Could You In Fact Do Just That, Get Together Lindsay And See What You Can Come Up With?

Certainly Will.

I'm Not Prepared To Eliminate The Route 80.

There's Just Too Much In The Balance.

Okay, Any Other Opinions Or Motions?

I Can't Support Eliminating The Route 80.

There's A Lot About This I'm Still Trying To Learn, I Don't Understand The Pricing Mechanisms And That Sort Of Thing And What Is Available To Us.

On Route 160, For Instance, I See It's \$2 Per Trip.

How Long Has It Been That Way?

Do You Set It?

Are They All \$2 All Over The Community?

Can We Increase It?

Yes We Could.

That Route Was Actually Originally And Still Does Operate As A Dial-A-Ride Service.

Not A Traditional Fixed Route Service, However We Established Time Points People Can Walk Out To But Because It Was Dial-A-Ride We Set A \$2 Fare.

Explain That To Me, Dial-A-Ride.

Door To Door, Make A Reservation 24 Hours In Advance And The Bus Comes To Your Door.

And If You Are The Only Passenger That Day, They Would Come For \$2 And Take You From Boca Grande To North Fort Myers.

\$2 In Each Direction.

And Run Two Other Trips, I Think About Three Round Trips Per Day, Maybe More Than That.

But Yes, It Runs A Regular Schedule All Day Long And People Move Back And Forth From Pine Island To Cape Coral And Back Pretty Much On A Regular Basis.

What Was The Ridership Of That?

Ridership Totals Last Year Were 510 Passengers.

Could You Break That Down Into A Per-Trip?

In A Day.

That's What I'm Trying To Get A Handle.

I Gave You The Hours Of Service, The Actual Passengers Were 564.

We Operated 510 Hours Of Service, 1.1 Passengers Per Hour.

Our System Averages About 16 Passengers Per Hour On The Fixed Route System, You Can See How Much Disparity There Is On That Route And Our Average For The System.

You Are Talking About The Route 160.

Correct.

That's Route 160.

We Can Change That Fare, If We Change Fares That Require A Board Action, The Board Has The Authority To Make Changes To Fares On Any Of Our Service.

Did I Understand This Is Just A One Day Thursday Only?
This Is A Thursday-Only Route, Correct.

You Have Less Than Two People On Average Riding One Trip?
No, On A Daily Basis We Average, I Believe I Also Have Those Numbers.

On A Daily Basis We Are Averaging 10 Passengers Per Day.

You Make Three Trips?
Let Me Clarify The Trips For You, Because I Don't Think I Got That Right.

There Were Actually 8 Trips, Four In Each Direction.

Beginning At 8:00 In The Morning And Ending At 5:50 In The Evening.

It Is Very Light Ridership.

It's Steady But Very Light.

We Aren't Even Coming Close To Covering The Cost Of Fuel.

These Are Not Young People Or Very Active People.

I'm Telling You, It's An Elderly Group.

A Couple Of Them Drag Around Oxygen Tanks With Them.

It's Not A Very Active Group.

We Tried A Couple Years Ago To Close It Down, I Don't Want To Tell You, You Don't Want To Live Through That Experience.

Is \$3 So Outrageous?
Most Of These People Are Social Security.

That's A Very Limited Income.

Most Of The Folks We Do Allow To Use An All-Day Pass And They Basically Buy An All-Day Pass For \$3, That Covers Their Trips In And Out.

We Can Change That Fare.

Mr. Chairman?
Yes, Commissioner Hall?
I So Appreciate Taking Over Commissioner Judah's Chairmanship Taking Over The Medicaid Situation.

You All Know This, Maybe For Commissioner Bigelow And Commissioner Mann's Benefit, Our Transit System Is Outrageous.

Through The M.P.O. We Have Been Trying To Come Up With A Way To Fund Transit So We Don't Have To, And I Forgot The Young Lady's Name Who Came Up And Spoke.

You Are Right, Transit Shouldn't Be Going Backwards It Should Be Going Forward And Our Staff Does A Great Job Promoting Ridership, Cleanliness, The Efficiencies.

But As We Erode The Trips And The Routes, It Erodes The System.

You Are Right, I Wouldn't Want To Be One Of The Ten People Stuck?
-- In Pine Island Knowing That's The One Day A Week I Do Any Laundry, Shop For Groceries.

They Don't Have A Neighbor.

That's Their Only Mode Of Transportation.

While We All Empathize With That, That's Why I'm So Frustrated With The Legislature, They Aren't Seeing Their Faces, We Are.

I Want To Take A Bus Load Of These People To Tallahassee.

They Have Offices In This Building, Stop In And See Them.

They Need To See Your Faces.

We Have To Fix The Transit.

Ray And I Are Laboring With Our Cities To Come Up With A Solution.

But I Can't In Good Conscious And I Know How Difficult The Budget Is, I Can't In Good Conscious Eliminate Route 80.

It's Not Going Down, It's Going Up, Thank God.

Pine Island Is More Difficult For Me, Because It's Going Down In Ridership, Not Even Maintaining A Constant But At The Same Time Chairman Janes, Since I Live Out That Way, I Hear How Important It Is.

And We Try To Down Size The Vehicle.

We Have Done A Lot Of Things.

It Boils Down To How Committed Are We To Transit And How Committed Are The Tax Payers In This Community To Transit?
Because We Have Gone From \$800,000 Subsidy Ten Years Ago To What, \$12 Million?
10.8.

I Look At This One Little Route In The Big Picture Of What We Are Doing And We Have To Trim, I Guess I'm Not Willing To Give Up That One Person's Trip To The Doctor.

We Sat With Good Wheels This Week Talking About The 125 Fixed Appointments To Dialysis, We Will Have To Cut 50% Of Those People.

Who Do We Choose Not To Take To Dialysis Because The State Is Chopping That Budget? They Aren't Seeing These People.

It Disheartened Me.

We Have A Great State Of Florida And Great Community In Lee County.

I've Crunched The Numbers.

But Boy, This Really Gets To Me.

Because I See These People.

As Very, Very Difficult.

I'm Trying To Justify.

It Recognizes The Burden.

With Tax Issues And Wanting A Reduction.

This Eats Up A Bunch Of Your Tax Dollars.

10.8 Million Worth.

So I Don't Know, Guys, Where You Want To Go With It.

Sorry, I Have A Terrible Cold So Excuse My Sniffling And Sneezing.

But I Didn't Want To Miss This Meeting.

I'm Not Hearing A Motion To Approve This.

I'm Not Hearing Anything At All.

Mr. Chairman, If I May.

Again, And I Don't Like Putting The District Issues At The Forefront Because We Are Elected County Wide And We Are Still Accountable To Those Residents But I Would Like To Hear Your Thoughts On The Pine Island Route.

Like I Say, We Tried, I Did Not.

But Steve Tried To Close It Down A Few Years Ago.

And It Was One Of The Saddest Things I've Ever Seen In My Life, These Elderly People All Trooped Down Here, I Guess There Were 10 Of Them.

I Think A Few Are Gone Now, Just Died.

But It's A Matter Of Their Life.

Like I Say, Their Life Around That One Day Period The Bus Is Available.

They Make Their Doctors, Dentist Appointment, Dry-Cleaning, Groceries, All Kinds Of Shopping And Whatever They Do And It's Not A Huge Amount But They Schedule It All In One Day.

They Have It Set Up So They Coordinate With The Busses Where The Bus Takes Them To.

It Really Is Masterful And They Help One Another, But It's Sad.

And We Did Try And Did Bring It Down To A Smaller Bus.

But That Still Just Doesn't Work.

I Wish There Were Some Way That We Could Get Them Some Transportation, Somehow.

Because If We Close This Down, They're Not Eligible For Any Other Transportation.

If I Could Just Comment.

Yes?

There's Two Other Options For Medical Trips Only They Would Qualify For Transportation Disadvantage, Now The Chairman Of The T.T.C. Or L.C.B. Will Tell Us That Program Is Financially Constrained As Well.

But They Are Eligible For T.D. Services And A Group On The Island Known As Fish.

Fellow Islanders Sending Help, I Believe Is Available For Medical Trips Only.

But We Have Tried To Contact Those Folks To See If They Could Pick Up At Least The Medical Needs There But We Haven't Been In Contact.

Mr. Chairman, So We Are Looking At Trying To Reduce Your Budget By \$267,000 By Elimination.

Hard Core Property Tax Dollars Talking About \$267,000.

About That Amount.

There Would Be Some Income From The Route 80 Fares Probably In The \$6,000-\$10,000 Range.

\$257,000.

Route 160 Was Pretty Inexpensive, \$41,000.

A Big Chunk Is Coming Out Of Route 80.

\$216,000 Is What It Would Cost To Operate.

Is There Any Way Pieces Of That 160 Could Be Picked Up By Other Routes So We Could Keep A Somewhat Coherent System Going?

We Studied A Number Of Options On That Route, One Was To Try To Use Our A.D.A. Para Transit System To Jump Out There And Pick Up Some Trips.

I Think The Difficulty For Pine Island Is It's Way Out There, It Takes Time To Get There.

I Guess Where I Would Go Try To Reduce That Trip To Maybe One Trip In Each Direction But I Don't Think You Will Find Significant Cost Savings, It Takes Us 4-5 Hours To Make Those Two Trips Even.

The Eight Hours Put In Won't Be Reduced That Much.

We Have Looked At Every Option We Can Think Of To Make It More Effective And Efficient.

For The Small Amount Of Money It Takes, To Me It Just Isn't Worth Closing It Down.

Motion To Retain The Lee Tran Route 80 And 160.

Seconded By Commissioner Mann.

Further Discussion?
All Those In Favor, Signify By Saying Aye.

Opposed.

The Motion Is Adopted.

Thank You.

Item Number 3.

Scott Kobert Assistant County Attorney.

I've Examined The Affidavit Of Publication And Notice Of Intent.

As Such I Find It Legally Sufficient As To Form And Content To Conduct This Public Hearing And Here By Enter It Into The Record.

Okay.

Here Comes Lindsay, Did You Want To Make A Statement?

Good Afternoon Commissioners, For The Record My Name Is Lindsay Samson Director Of The Solid Waste Department.

Just For The Record, A Few Brief Comments I Have Circulated To Each Of The Board Members A Memo Dated September 9th.

This Memo Follows A Meeting That We Held Solid Waste Division Staff, County Attorney Staff, We Held With Members Of The B.I.A.

And Also Members Of The Horizon Council At That Meeting.

Pursue -- Pursuant To The Board's Request To Look At Potential Changes To Section 5 Of This Ordinance Related To C And B Material.

And In Essence, The Changes We Have Made Were A Matter Of Timing.

And That Is Rather Than Requesting From A Contractor A Deposit Or What We Call A Diversion Fee At The Beginning Of The Permitting Process, And Again Pursuant To Suggestions Made By The B.I.A. We Have Changed The Timing So There Would Be No Diversion Fee Paid Up Front During The Permitting Process But At The End Of A Job, A Covered Project, The Contractor Could, At That Point In Time, When He Picks Up A Certificate Of Occupancy Or Certificate Of Compliance From The Building Department He Can Simply Provide Documentation At That Time, Any Certification That He Has Met The Requirements Of The Ordinance In Which Case He Would Get His C.O. Or C.C., Or His Second Option Would Simply Be The Contractor Could Pay The Diversion Fee At That Time.

Forego Any Documentation.

Any Attempt At Meeting The Ordinance Related To Recycling And Simply Pay The Diversion Fee At That Time.

We Made A Few Other Minor Adjustments On Some Of The Fees In The Exemption Limits.

To Use Your Example Commissioner Mann It Would Now Take A \$10,000 Bathtub Job To Require A Diversion Fee, For Alterations, Remodelling Anything Under \$10,000 Is Exempt.

There Was Also A Few Other Adjustments As Noted On A New Construction For A Single Family Home Or A Duplex.

Previously We Had Exempted Everything Less Than \$150,000 Value.

We Have Lowered That To \$90,000.

And Previously We Had Commercial Construction With An Exemption Limit.

I Don't Recall The Number But It Was In The \$20,000 Range.

We Increased That To \$90,000 Also, So The Exemption Level For New Construction Is Less Than \$90,000.

It Was Exempt, Anything More Than \$90,000 New Construction Pays Fees Depending On The Type Of Construction.

I Think That Summarizes Where We Are Regarding The Changes.

And I Will Certainly Be Glad To Answer Questions.

Mr. Chairman, I Just Want To Thank Lindsay For The Additional Effort And Mr. Wrightman.

And Others Who Participated In This Additional Work.

I Had Mentioned The Previous Meeting I Supported Where We Were Headed On This Thing But I Just Wanted That Additional Dialogue Between The Parties Directly Affected.

Sounds Like You Have Come Up With Something That Gives A Comfort Level That The Industry Can Live With.

As Far As I'm Concerned We Can Move Forward On This.

We Have To Take Public Input On It.

Just Want To Know If There's Any Other Technical Questions.

Want To Move In And Take Public Comments.

Let Me Call First On Dennis Cantwell.

Followed By Michael Wright Man.

Good Evening Commissioners, For The Record My Name Is Dennis Cantwell, Sand Springs Development, I'm A General Contractor In The Area In Lee County.

I'm Here Also To Represent, I Can't Really Represent The Building Over Site Committee Where I Served As Chairman Because We Didn't Have A Meeting To Discuss This.

I Guess Others Knew About This, It Just Hadn't Gotten To Our Committee.

It's Something I Would Like To Address Without The Benefit Of Talking To My Members.

We Meet, I Think Next Thursday.

The Point I Want To Make The Builders In Lee County Had Been Complying With What The County Has Asked Us To Do.

Many Years Ago We Used To Bury Or Burn The Debris, You Said That Wasn't Acceptable.

So We Hauled It And Took It To Landfills And We Pay For That.

We Did Some Recycling, We Separate The Concrete From The Other Material But We Don't Go Any Further Than That.

We Don't Have The Benefit Of Homeowners, We Don't Have Curb Side Pick Up.

Someone Said To Me 70% Of The Residents Use Recycling, And Builders Don't.

Well We Don't Get Curb Side Pick Up.

Right Now As You All Know, The Industry Is Hurting And Us Hurting By Lack Of Jobs And A Lack Of Work Is Causing The County To Suffer.

And Causing Our Workers To Suffer And Commissioner Hall, A Moment Ago The State Imposes Restrictions.

You Would Like To Load People Up On A Bus And Complain.

Our People Who Are Unemployed Would Like To Complain About Extra Fees On Us.

Our Building Industry Over Site Committee Has Acquired Over The Last 8-10 Years About A \$15 Million Surplus.

That Surplus Was Paid For Out Of Builders' Fees.

Rather Than Imposing A New Fee On Us What I Would Like To Take To Our Committee And Bring Back To You All Would Be A Suggestion Every Time A Permit Is Pulled We Take The \$300 Out Of That Surplus And Turn It Over To Your Solid Waste And Further Suggest That

You Take That Money, I Don't Know Where It's Earmarked To Go But I Would Like To See It Go To Education In A Way Of Training Or Teaching And Instructing The Industry Of What You Would Like To See Us Do With That Recycling Material.

How Do You Suggest We Assemble It On The Site And Get It Off The Site And All The Issues Logistically That Hasn't Been Addressed.

In Essence We Are Being Somewhat Blindsided By Saying You Need To Start Recycling Without Giving Us Any Kind Of Benefit Or Alternative Or Ways To Do That.

My Suggestion Let Us Take It To Our Committee And See If The Other Members Would Agree With Me That We Provide You The \$300 Per Building Permit Out Of That Fee.

It's A Way Of Rebating The Builders.

It's Our Money We Just Want To Spend It Properly.

Thank You.

Michael Wrightman.

Thank You.

I'm Michael Wrightman With The Lee Building Association.

We Appreciate The Opportunity Along With The Council And Business Community To Meet With Solid Waste.

I Thought It Was A Very Productive Meeting.

We Got To Remember This Is The Construction Recycling Ordinance Is Just One Part Of The Commercial Building Ordinance.

When I Didn't Have The Privilege To Come Here, The First Public Hearing I Had To Go To Another Meeting, I Felt When The Executive Regulatory Over Sight Community Reviewed, They Were Singled Out.

Commercial Builders Don't Have To Put A Deposit Down, Collecting The Deposit And You Refund The Deposit.

What We Have Committed To, The Building Industry Is Committed To Recycling But It's Going To Take Some Education.

I Think We Really Have To Focus On Education, That's Why We Recommended Why Have The Building Department, A Different Division Collect \$100 And Then Have To Wait Until You Know You Have Complied.

You Have A Plan.

That You Have Recycled And Then You Go And Apply To Solid Waste Division For A Refund.

It Didn't Make Any Sense.

We Have Eliminated One Whole Procedure And I Think Bob Stewart And Mary Gibbs Appreciate That Because We Eliminated One Whole Division That Didn't Have Any Issue With This.

But We Do Agree That When We Apply For A Permit, Solid Waste Is Going To Provide At That Application Time A System On How To Comply With This.

Also Where We Can Deposit This Debris, They Will Provide Us With Information And We Have Said We Through The Organization, B.I.A.

We Want To Be Good Citizens But We Felt We Were Singled Out.

We Don't Even Say That You -- It's Almost, With All Due Respect To Mr. Samson They Said They Could Pay At The End If They Don't Comply.

I Think That Should Be For Those Individuals Who Don't Comply.

I Believe In Our Industry That We Will Comply And Only Those Individuals Who Either Will Not Comply Then They Be Charged A Fee.

If Not, If They Wantonly Disregard Or Falsify Documents I Think You Have The Legal Means To Address This.

The Issue That Mr. Cantwell Is Addressing Is One That Deserves Discussion.

We Have To Have Some Sort Of A Fee Reward, Give An Incentive, Why Not For A Certain Period Of Time Give An Incentive To Encourage Them To Comply.

I Don't Know If Attorneys Will Review Whether We Can Use Though Funds.

But Right Now The Plan That Has Been Proposed And Agreed Upon, I Give You Pledge You Will Comply And Hopefully You Will Consider The Revision.

As Part Of The Commercial Because You Are Not Treating Them The Same Way That Originally You Propose To Treat The Industry.

So Thank You For Your Understanding.

Thank You.

That's All The Blue Cards I Have On This Subject.

Anyone Else Like To Speak On This?
Come Down And State Your Name For The Record Please.

Thank You.

My Name Is Martalia.

I Want To Ask To County Commissioners To Pass The Mandatory Recycling Ordinance Tonight.

How We Choose To Handle It Affects Our Environment And That's My Environment And It's Your Environment.

Everything That's Around Us.

By Now We Know We Need A Healthy Environment For Our Own Health And Happiness.

The Ways We Create Has To Be Carefully Controlled To Make Sure It Doesn't Hurt Our Environment And Our Health.

Also In Order To Ensure The Successful Outcome Of The Ordinance I Recommend That This Program Be Accompanied By A Program To Educate Our Local Community.

It's Going To Benefit Our County.

Okay, Thank You Very Much.

Anyone Else Like To Make A Comment?

Lindsay?

Commissioners, I Apologize, I Wanted To Mention Earlier.

We Also Changed The Timing Related To The Construction Portion Of This Ordinance.

And That Is That It Would Be Effective To The Contractors Related, Again To C And D For Any Certificate Of Occupancy Or Certificate Of Compliance Issued After June 1st Of '08.

And That The Permit For That Project Had Been Applied For After January 1st Of '08.

So Prior We Were Talking January 1st, We Are Still Talking January 1st, But The Fees, If Fees Or Documentation, It's One Or The Other, They Don't Actually Come Into Play Until June 1st Of '08.

I Wanted To Clarify The Timing Issue.

It Did Provide Basically More Time In Essence For The Contractors.

Let Me Make Sure I Understand.

What You Are Proposing Then Is There Is A Delay, That Would Be For The Purposes Of Education And Administrative, To Get All The Wheels Going, Is That The Reason For The Delay?

Not So Much For Administration.

Just Related To The Construction Section.

There Was An Up Front Fee That Could Be Refunded And It Was To Begin January 1st.

Now Since We Don't Have An Up Front Fee We Are Saying If You Make A Permit Application Before January 1st, It Doesn't Come Under The Rules Of This Ordinance, If You Make A Permit Request After January 1st And Don't Apply For A Certificate Of Occupancy Or Compliance After June 1st That's When It Comes Into Play, If You Get A C.O. Before June 1st Again You Aren't Held To This Ordinance.

So We Did What It Provides For An Additional Time And I Would Like To Commit To The Industry That We Will Provide Some Presentation, Some Information.

We Will Go To The B.I. Ai.

The Industry Over Site Committee, The Horizon Council Particularly Related To Business, Provide Information We Have, Some Presentations We Can Do, We Can Talk To Some Chambers Of Commerce.

And I Just Want To Mention We Fully Intend To Become Engaged Related To Education And Information Under All Areas Of This Ordinance Including Business And Multi-Family.

Mr. Chairman?

It Just Sounds To Me The Timing Thing This Will Trigger Still January 1st But Let's Use A Single Family Home For An Example, You Get Your Permit And Start Building Early January You Are Probably Going To Be Completing It By The Time You Are Talking About Getting Your Money Back, So It's All Going To Come Out About The Same.

As Far As Dollars Either Being Paid In Or The Paperwork --
Correct.

It's Not A Whole Lot Different But It Does Allow A Builder To Essentially, The Builder Doesn't Have To Put Any Cash As We Were Talking Before, Up Front.

It Allows Between Now And June 1st For A Builder To Look At Different Ways To Comply With The Ordinance.

I Appreciate It Mr. Wrightman's Comments About Their Willingness.

They Want To Work With It.

I Appreciate That, Mike For Your Comments, Publicly.

Mr. Chairman?

I Need To Ask You A Question.

So If I'm Building My Home, I'm The Contractor, I Pull All The Stuff I Need To Do.

I Do All My Recycling And Meet The Conditions, What's It Costing Me?
Is That The \$300?

Generally Speaking On A Single Family Home I Would Put An Estimate That Current System Would Cost In The Neighborhood Of \$500-\$600 To Get Rid Of All Of The Refuse And Under The Recycling System It Would Be Very Little Different.

It Could Be Slightly Less, It Could Be Slightly More, It Will Likely Be About The Same Price.

I'm Asking Are There Any Other Fees.

That's Where I'm Getting Confused On This Ordinance, I Apologize.

If I Do All Of My Things I'm Supposed To Do, Are There Any Fees Associated?
No, No Fees.

So We Are Asking People To Get Rid Of The Disposal.

Thank You.

Question.

Lindsay.

This Ordinance Pertains To Commercial Construction.

Yes.

All Construction Activities Are Exemptions.

Why Do I Hear We Are Treating Residential.

Maybe I Misunderstood.

I Think What I Heard From Mr. Wrightman Was A Mixing Of Words.

The Commercial Business.

I Think Mr. Wrightman Was Referring To Commercial Businesses.

Okay.

Just To Clarify.

With This There's An Opportunity To Opt In Or Pay A Fee.

Correct.

And With Multi-Family, It's Actually A Great Deal Because You Have Already Included

Within The Contracts With The Haulers Free Service.

It's Just A Matter Of Implementing It For The Multi-Family.

Correct.

For The Construction, The Concern I Have Is The Timing When You Collect The Money.

I Thought You Actually Had Provided A Carrot Approach When You Suggested You Collected Up Front As A Refundable Deposit.

Because I Remember The Days Of Ballinger Restaurant When There Was A Lot Of Controversy With A Particular Shopping Center That With A Waiting To Get A C.O. And They Haven't Fulfilled A Certain Number Of Conditions And Then There Was A Restaurant That Was Ready To Open And The Proprietor Was Pretty Irrate He Was Caught In The Middle And Felt County Needed To Work Things Out With The Developer Of The Shopping Center And I'm A Little Concerned If We Are Going To Do This On The Back End, There's Very Little Incentive Or Likelihood We Will Be Able To Iron Some Differences Out And The Person Wants To Get Into The Home Or Get Into The Building Is Going To Have Their Hands Up In The Air Saying Wait A Minute.

County You Work This Out With The Builder Or Developer Or Contractor.

I Think It's More Prudent, Like We Collect Impact Fees And Building Permits Ahead Of Time.

In This Case I Don't Understand Why We Are Putting It On The Back End When This Money Is Refundable To Begin With, We Are Talking About What \$300?
On A Single Family Home, Yes.

I Guess If It's The Will Of The Board To Go This Way, We Will Need To Closely Monitor How This Progresses.

But I Would Hope Within The Year We Will Determine Whether Or Not It's Advisable To Do This On The Back End Rather Than The Front End.

It's Certainly Our Intent To Monitor This.

The Monitoring Is Certainly A More Onerous, If You Will, Or It Could Be.

We Certainly Understood During Our Meeting With The B.I.A. It Was A Matter From Their Point Of View That The County Was, Again, Quite Simply Laying Out Another Fee To Be Paid During The Permitting Process.

And That They Fully Understand The County's Purpose And Intent With Regard To This, That Is The Building Industry And They Felt The County Can Certainly Provide A Certain Amount Of Latitude If We, I Will Say Entrust Their Operations To Begin Doing Things A Different Way, Given The Chance And At The End Of The Job They Will Either Provide Us With Bona Fide Certification, Or They Will Pay A Fee.

It Is Then Up To The County To Verify --
I'm On Your Side But, Commissioner Judah.

Tell Me If I'm Seeing This Wrong, I Think It All Works Out The Same, Let's Say I Have \$300
In My Hand, I Can Give It Up Front, Go Later And Show My Paperwork I Complied With
Ordinance And I Get My Money Back.

In This Case I Don't Put The Money Up Front, I Still When My Job Is Completed I Have To
Show The Paperwork I Complied With The Ordinance.

Failing To Do That, I Have To Pay The \$300.

The Carrot And Incentive Is All Still There And The Money Works Out The Same, You Either
Comply With The Spirit Of The Ordinance Or You Pay The \$300.

It's The Same Carrot.

You Just Don't Have To Put Up, In A Complicated Manner And Then Go Through This
Mechanism.

If It Were That Cut And Dry And Black And White I Would Agree But There's A Grey Area
And On The Back End, It's Inevitable.

It's Happened To The County Historically.

They Don't Get Their C.O. Unless They Comply Or Pay The Money.

We're Not Going To Hold Up The C.O.

I Guaranty The Homeowner Is Going To Say County You Work It Out With The Contractor, I
Have A Home That's Built And Ready To Move Into, I Have Four Kids And I'm Ready To
Move In.

But Did He Not Say You Don't Get The C.O. Unless You Comply With This Ordinance.

That's Correct.

You Are Going To Hold Up The C.O.?
Exactly.

To Hold Up The C.O., If You Don't Have The Documents Or The Dollars.

It's Not Unlike For Residential Homes Where The Builder Or The Owner, Whoever Is Getting
The C.O. Has To Pay A Prorated Fee For Solid Waste Collection.

If You Move Into A House Six Months Into The Year, Before You Get A C.O. On A Brand
New House You Have To Pay The Rest Of The Six Months For Garbage Collection.

However Something Like A Re-Roof Or A Remodelling Job, Is A Little Different Because They Could Pass Their Inspections And Simply Phone In For A C.C.

I've Talked With Mr. Stewart, The Building Department And We Believe That There Will Be A Simple Method To Handle That.

However, The Burden Of Proof, If You Will Commissioner Judah Is Going To Be On The Builder To Provide Documentation And Then For Verification, It's Going To Be On The County To See If The Documentation Is Reasonable, Appropriate And Along With That Documentation Is A Certification.

Attested To By A Principle Or Executive Of The Contracting Company That The Documents Represent That Project P And Represent And Are Valid For The Waste And Recycling On That Project.

Is That Going To Be In The Administrative Code?
Because That's Not In The Ordinance.

Well, It Is In The Ordinance.

However The Specific Language Of The Certification, The Ordinance Says The Certification Will Be On A Document Provided And Approved By The County.

That Certification Has Not Been Written Yet.

We Will Monitor It.

I Certainly Appreciate The Industry Coming To The Table And Working With Lindsay And I Think We --

I Still Have A Few Conservative Values Left And I Think Less Government Is Better, If We Have More Government It Has To Be A Partnership.

You Have Folks From Our Over Site Committee, I'm Not Trying To Make Things More Difficult For An Industry, Timing Is Everything.

Timing Is Everything, Probably The Timing Of This Ordinance Is The Worst Time Ever From The Industry Standpoint But We Are Committed To An Environmentally Sound Community Where We Are Trying To Balance Our Growth With Our Quality Of Life.

And I Appreciate The Building Industry Recognizing That And Not Saying Hey We Are Opposing This Ordinance.

What They Are Trying To Do Is Go Back Out And Make Changes.

We Have A Lot Of Legislative Authority Here.

Commissioner Judah, I'm Smiling Because I Know Exactly What You Are Talking About, And Michael Knows In Your Barrel Of Apples Darn It If It's Not The One That Changes An Entire Industry If There's Not One That Does It The Right Way.

We Can Always Come Back And Make The Changes.

I Think It Gives Our Staff An Opportunity To See If We Can Work With The Industry And See If It Can Be As Streamlined As Bobby Stewart And Mary Gib Is Saying.

Mary I Appreciate You Working With Community Development To Not Have The Crossing Over Because It Adds More Staff And At A Time To Try To Make Things More Streamlined, Not More Complicated.

I Can Support The Compromises That Were Made And Michael, The Burden Is On Your Industry And I Don't Want To Overreact To One Bad Apple In That Barrel But You Know As Well As I Know They Are There That Will Try To Get Around This Ordinance.

I'm Inclined To Say That The Purpose For Enacting The Ordinance Is Paramount.

It's Very Important We Get Moving On This For A Variety Of Reasons.

So I Think That We Must Do What We Can To Get This Moving.

If There's A Problem Whether The Fee Should Be Paid Up Front.

I Don't Have A Problem.

I'm Willing To Go Along With The Industry.

I Will Tell You If It Doesn't Work I Will Be One Of The First To Say Let's Change This.

And We Can Do That.

But I Think The Main Thing Is To Get This Ordinance Enacted On The Books And Operating And We Can Try To Solve The Problems.

I'm Kind Of Inclined To Agree With Commissioner Judah, I Know What Happens.

I Feel It's Not That Hard To Be Able To Do.

Mr. Chairman, I'm Prepare Today Go Through With It.

What I'm Trying To Do Is Hold Us All Accountable From The Standpoint We Are In A Very Serious Situation.

We Start To Experience A Rapid Decline In The Depreciation Of The Precious Capacity We Had Left At The Landfill.

You Talk About Something That Could Potentially Be Extremely Costly To Deny The Residents But The Building Industry, Why Do We Have To Haul Everything To Other Counties Or Other States?

S As Long As We Are All In It Together.

I'll Make A Motion We Move Forward With The Amended Ordinance.

There's A Motion We Move Forward With The Ordinance Amended By Commissioner Hall,
Seconded By Commissioner Mann.

Discussion?

I Just Want To Get Some Comments On The Record.

There's Only One Aspect Of This I Like, That's The Multi-Family Recycling Requirement.

It's More Of A Recycling Gustapo Situation.

I Do Like The Goal.

I Think We Have Decided To Use A Billy Club To Get People To Recycle.

I Don't Think We're Going To End Up With, I Don't Think We Will Cross The Finish Line We
Hope To Cross, But I'm Going With You On This, Hoping That It Works But I Tell Ya, There's
More To This About The Way We Are Doing This, It's The Stick Versus The Carrot.

We Meet Every Week.

This Is A Bunch Of Sticks.

Any Further Discussion?

Seeing None, All Those In Favor Of The Motion Signify By Saying Aye.

Opposed?

The Ayes Have It, The Motion Is Adopted Unanimously.

That Concludes, We Just Have Two Other Matters.

These Are Cards Under The Public Comment Period.

Klaus Muller.

Good Evening, Ladies And Gentlemen.

I'm Klaus Muller.

I Was Here Before The Board Some Time Ago For A Rezoning Matter.

At The Time I Had Additional Requests So The Consideration Of That Was Continued
Indefinitely.

However, In The Meantime, This Case Was Closed Without My Knowledge.

I Spoke With Mr. Kelner And Mrs. Hogg To Reopen That And They Denied That.

So I'm Here Asking You To Help Me With That.

A Letter Was Sent Out To Me And I Was Not In Florida At The Time.

So The Letter Went Back To Development Department.

And They Closed It.

And I Have Documentation Here.

I've Made Out Documentation For Everyone Of You.

To Consider.

I Think We Have To Refer To The Attorney Or Someone Take A Look At It.

I Was Trying To Give Some Clues Who To Call Or Send It Off To.

We Will Take What You Have And Have Someone Take A Look At It And Be In Touch With You.

I Have Five --

I Don't Think We Can Take The Zoning Information.

I Would Say Give It To The Clerk And To The County Attorney And They Will Comment Because We Have A Quasi Judicial Process.

Thank You, Sir.

Thank You Have Much Mr. Muller.

Wouldn't Want To Hamper Your Case.

If You Have Your Phone Number On There They Will Get In Touch With You.

They Need To Know How To Get In Touch With You.

Okay?

We Can't Resolve It Tonight But We Will Look At It And See What Needs To Be Done, If Anything.

Would You Rule On That, Mr. Chairman?

No, Sir.

I Can't.

Well Not Tonight, But Eventually.

I Don't Know, We Have To See What The Matter Is First.

Someone Will Get In Touch With You And See What Can And Cannot Be Done And What Not.

It Was Continued Indefinitely By This Body.

But We Have No Facts In Front Of Us, We Don't Know.

We Have To Look And Check It Out.

That's Why I'm Addressing You.

It Could Be Something We Will Pick Up, Something We May Not, I Don't Know.

We Will See.

I Don't Want To Get Into Talking About It.

Can I See His Card?

It Just Gives His Name.

It Doesn't Reference A Project?

It Just Says Zoning Change.

It's Just I Thought This With Was The Right Body To Address Because The Original Consideration Was Continued Indefinitely By You.

Did You Leave A Phone Number Where They Can Get In Touch With You, Let's Take That As A First Step, If There's A Second Step We Will Get To It.

Thank You.

I'm Sorry We Can't Do Anything Other Than Refer It To Somebody To Look At And Tell Us What The Problem Is.

Would You Actually Get The Case Back?

I Don't Know.

I Don't Know Until We Look At It.

We Don't Have The Facts.

The Reason I'm Asking Is Because On The Lower Level I Was Denied That, That's Why I'm Addressing It To You.

Well, I Don't Know.

I Can't Answer That, An Attorney Will Answer That, He Will Look At It And Answer It And Let Me Know What The Correct Course Of Action Is, If Any.

Mr. Chairman, I Apologize, There's A Very Narrow Legal Framework We Have To Comply So We Will Have To Wait To Hear From Our County Attorney Before We Can Respond.

Jim English.

I'm Jim English For The Record.

Hi, Jim.

There Are Just Two Quick Points I Want To Make About This.

I Asked The Staff To Go Ahead And Resubmit This Thing And Resubmit It Properly And They Didn't Do It.

It's Now Been Done, I'm A Little Bit Offended About The Remark That Mr. Lee Has Made About Me.

There In The Fact, They Told Me As A Result That The Fact I Followed Through They Have Gone Through With It And Have Now Made This Additional Response A Part Of The Record Which Is All I Asked For To Begin With.

I Would Like To Say That It's Been, For The Most Part, It's Been Very Well Done And I Appreciate It.

The Only Problem I See With It, And It's A Technical Matter But It Involves Whether We're Going To Use 26.9 Or 39 C.S.M.'S As The Maximum Discharge Rate And The Problem We've Got Is It's County Land And Old People's Land Downstream Are Going To Be Flooded With Anyone Of Those Discharge Rates, What We Have Asked.

So It's A Matter Of Record Is That They Do A Study To Determine What Those Streams Can Handle Without Flooding.

And That Discharge Rate Be Used.

I'm In Hopes We Will Be Able To Work With The County.

I Have Contacted Mr. Kits.

And Mr. Kitson Met With The South Florida Water Management District.

We Are Supposed To Meet With Him And We Are In Hopes We Can Work Something Out That Will Resolve For Them, The County And For Us.

One Of The Things We're Going To Need Is The County's Cooperation And Participation As We Go Along.

And If You All Make The Staff Aware We're Going To Need That And We Expect It And Would Like Form To Provide That, I Would Appreciate It.

Thank You Very Much, Jim.

Anybody Else?

Yes, Sir, State Your Name For The Record.

Larry St. Amon In Cape Coral.

I Just Want To Say A Few Things, I Was Here Last Week For The Budget Meeting And I'm Hoping Going Into The Next Budget Meeting You Have Thought Of Some Of The Issues, By The Looks Of Things You Really Haven't Reduced Your Budget Any, Maybe Going Up 1.5%.

When I Was Here Last Time, It Seemed Some Members Of The Body, The County Commission Seemed We Are Throwing The State Under The Bus.

I Think You Guys Really Need To Step Up To The Plate And Do Something.

I Heard Some Comments About State Of Florida This And State Of Florida That, But I Think What It Comes Down To Is You Need To Do Something About The Budget.

I'm Really Surprised.

I Don't Know If Everybody Is At The School Board Meeting, But I Can't Believe There's No More People In This Place To Be Honest.

Because Everybody I Talk To Is Outraged At The Amount Of Taxes, That This County Is Collecting And Spending.

I Mean, Basically You've Got Five Years A 50% Increase In Population And This County Has Had A 300% Increase In Their Budget, You Are Collecting The Money And Spending It Like There's No Tomorrow.

And Basically The Citizens Are Looking For Some Relief And That's Why I'm Here, I Want To Make That Point Known, I Think More Work Could Be Made On The Budget.

The Last Time I Was Here Seemed The Remark I Heard The Most Was The State This, And The State That, When I Think You Need To Roll Up Your Sleeves And Get To Work.

And That's All.

Okay.

Thank You.

That's All We Have To Come Before Us.

We Stand Adjourned.

