

September 9, 2008

Chairman Judah: Good Morning, Everyone.

Nice To Have You Here In The County Commission Chambers.

For Those Listening And Watching In, We'll Go Ahead And Get Started With The Meeting Of September 9th.

We'll Start With The Invocation From Pastor Thurmer From Living Faith Church.

Pastor? Good Morning.

Let Us Pray.

Gracious Father, We Thank You For This Day And For Your Presence With Us In This Chamber.

We Ask That Your Blessing Be Upon All Governing Officials In Our Land And Especially Now Upon These Commissioners And Their Families.

We Pray That You Will Guide Them In Their Work And Decisions.

Guide With Grace And Wisdom Compassion And Justice, Mercy And Truth.

Be With The Citizens Of Our Land And Inspire In Us Love For You And For One Another.

Guard And Protect All Who Are In The Path Of Storms Of Every Kind That Come Into Our Lives.

We Ask That In The Name Of The Father, Son And Holy Spirit.

Amen.

Chairman Judah: Thank You, Pastor.

Please Remain Standing.

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

Chairman Judah: Thank You, Pastor.

We Certainly Were Very Blessed With The Fact That Hurricane Ike Did Not Create The Havoc That It Has In So Many Other Places.

We Certainly, I Know, Have Our Thoughts And Prayers With Those That Are In Harm's Ways And Those That Are Recovering.

We Are Very Fortunate And We Thank Those In Public Safety For All That They Have Been Doing Since Tropical Storm Fay And Making Sure That We Keep The Community Safe.

Thank You To The Young Men And Women Within The Various Public Safety Organizations.

At This Point In Time, We Have A Number Of Ceremonial Resolutions.

The First One -- And I'd Like To Have Dr. Israel Suarez, If He's Here.

This Will Be For The Nations Association's 30th Anniversary.

The Nation Association Has Been A Wonderful Safety Net In The Community.

We All Recognize And Appreciate The Good Work That Israel Suarez Has Done In Being The Founder Of The Nations Association, The Wonderful Board Of Directors, The Volunteers In The Community, The Staff That Take Care Of So Many.

I'm Honored To Read The Following Resolution.

Reverend, If You Would Stand I Would Like To Read The Resolution, If You Could Come To The Podium.

Whereas In 1978 Dr. Suarez Founded Nations Association Charities In Lee County.

Whereas The Association Started As An Informal Group Of Half A Dozen Volunteers Without Assets Or Funding Helping Troubled Youth And Has Developed Over 30 Years Into A Well Established Organization Providing Service To The Entire Family With A Small Staff Of Paid Employees And Some 144 Volunteers Providing Over 7,000 Volunteer Hours Each Year.

Whereas The Association's Unique Operating Structure Allowed It To Adapt To Changing Needs And Circumstances Throughout The Community, It Has Added New Programs And Services As Unmet Needs Are Discovered And Has Phased Out Other Services As Other Agencies Moved In To Provide Them.

In A Typical Year The Oh Combined Programs Provide Services To 6,000 Clients With An Annual Income Of Less Than 15,000 Dollars.

Of Them, Approximately 75% Are Minorities.

The Goal Is Include Providing Services To Those In Need Throughout Lee County And To Develop Consistent, Alternate Revenue Sources So Reliance On Any One Source Can Be

Avoided.

Let It Be Resolved That We Hereby Congratulate The Nations Association Charities On 30 Years And Thank Them For Their Commitment To The Citizens Of Lee County.

The Resolution Is Executed This 9th Day Of September, 2008 And As Chair Of The County Commissioners I Was Pleased To Sign The Resolution.

Reverend? [Applause] Another 30 Years At Least, Right? Congratulations.

Chairman Judah: Reverend, If You Could Stand Up Here.

Comm. Hall: We Want To Take Your Picture.

Comm. Mann: In The Middle.

You're The Main Man Today.

Comm. Janes: Show The Proclamation.

Chairman Judah: Reverend, We Have Another Resolution And This Is For You Personally.

You Have Relied On, As I Said Before, Hundreds Of Volunteers In Dispensing Service To The Community With The Nations Association In The Form Of Shelter, Food, Employment Opportunities, Activities And Programs During The Summer For Children.

You Have Really Been A Wonderful Ambassador For The Community.

We Would Like To Thank You Personally With The Resolution That I Would Like To Read.

Whereas Dr. Israel Suarez And His Wife Ruth -- Is Ruth Here Today? No.

Chairman Judah: She's Probably Working.

Dr. Israel Suarez And Ruth Moved To Fort Myers With Three Daughters In 1976 And Founded The First Spanish Assembly Of God Church In Fort Myers, Florida, Which He Pastored From 1977 To 1986.

Whereas In The Late 80s He Started A Spanish Ministry At First Assembly Of God In Fort Myers, A New Mission In Cape Coral And The Good Samaritan Temple In South Fort Myers.

In 1978 Dr. Suarez Founded The Nations Association Which Offers Help To Troubled Youth And Families.

Among Them Are A Job Readiness Program For The Long-Term Unemployed And Under Employed.

A Food Program For The Homeless, Financial Assistance For Those Unable To Fill Needed Medical Prescriptions.

Special Events Like A Summer Youth Camp.

Thanksgiving And Christmas Day Dinners And Toys And Dinner For Christmas For Needy Families.

Whereas He Directed The Program At The Lee County Jail And Has Allowed Local Law Enforcement To Create A Substation To Create A Partnership Between The Officers And Community.

Whereas The Nations Association And Dr. Suarez Were Honored By President Bush As The 276th Daily Point Of Light.

Now Therefore Be It Resolved By The Board Of County Commissioners That We Hereby Recognize Dr. Suarez For His Contributions To A Better Quality Of Life To The Citizens Of Lee County And Continued Commitment To Helping The Less Fortunate.

He Offers Daily Evidence To Us That One Individual Can Make A Difference.

Executed This 9 Lt Day Of September, 2008.

I Was Privileged To Sign The Resolution On Behalf Of The Board.

[Applause] Chairman Judah: Reverend, We'd Like To Give You An Opportunity To Speak. Please.

Good Morning.

My Name Is Israel Suarez.

My Respect To The Chairman.

My Respect To The County Commissioners.

My Respect To The Officers And My Respect For The Citizens And Friends That Are Here.

We Are Here Making History.

Being Interested In Civil Service Is A Big Job.

I Remember The Time I Came To The County Commissioner To Get Some Money.

And The County Commissioner Was Good And That's Why I Respect The County Commissioner Because In The Time That I Need Help They Were There To Help Me.

When Officials In Government Care For Their Fellow Man, That's Real Government.

Because Government, Being Put In Power To Help Those Who Need Help Through People

Who Care.

For Those People Who Can't Do It For Themselves.

I Really Appreciate That In My Time, County Commission Helped Us.

Now We Go Independent; Not Depending On Government, Depending On People.

Because I Feel Sorry, In A Way -- Service, In A Way, Belongs To People.

And Putting Businesses Putting Money Into Civil Service Makes The County Strong.

We Need \$46,000 Every Month To Operate Nations Association.

We're Making History Here -- The People Who Make Nations Association.

I Was Selected By God To Do Something To Benefit Our County That I Care.

We Have The Best Government In Lee County, City.

We Have The Best Social Service In Our Area Because We Are Combined To Do Something For The Fellow Man.

Another History, The Citizens Who Help Me Doing The History.

And We Have So Many People.

We Do 87,000 Service To 10,000 People A Year.

That's A Lot Of People.

But It Wasn't For The Good And Strong Board Of Directors, It Wasn't For The Good People, Business People, It's No Way We Can Do It.

So My Respect, My Care, My Love To Those People Who Help Me And Help So Many People That Need Help.

Chairman Judah: Thank You, Reverend Suarez.

[Applause] Chairman Judah: Thank You, Sir.

The Next Ceremonial Resolution Recognizes Constitution Week Will Be Read By Commissioner Mann.

Comm. Mann: Thank You, Mr. Chairman.

Before I Read That, I Want To Invite These Gentlemen To The Podium.

I've Got To Add A Little P.S. Suarez, Don't Leave.

Amigo, Acqui.

I Was Present At The First Meeting Of The Nations Association.

I Was Present At The First Meeting Of The Nations Association Where They Met On MIK In A Little Room Where The Board Of Directors And I Was A Young Legislator At The Time And Israel Had His Little Board Of Directors.

They Were Just Coming Together And He Was Explaining To Us All That Day How He Chose The Name "Nations".

He Referred To A Passage In The Old Testament That Referred To Our God Of All Nations.

He Said Our Mission Is Going To Be To All Nations.

He Has Proven That Over And Over Again.

This County Can Never Thank You Enough For Your God-Given Commitment And All You Do.

So This Is A Personal Mucho Gracias, Amigo.

[Applause] Chairman Judah: Thank You, Commissioner.

Comm. Mann: Now It Is My Honor To Read This Resolution Standing Before Us Are Three Members Of The Chapter Of The Sons Of The American Resolution.

The Young Fellow In Front Is 98 Years Old.

He Happens To Be My Uncle.

It's With Great Pride That I Read This.

[Applause] Comm. Mann: Good To Have You And Your Sidekicks With Us.

Body Guards.

Comm. Mann: He Needs It.

He Gets In A Lot Of Trouble, Folks.

Whereas 221 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 It Against Encroachment And Whereas The Independence And Freedom Guaranteed By This Cornerstone Of The American System Of Self-Government Should Be Celebrated By Appropriate Ceremonies And Activities During Constitution Week,

September 17 Through 23rd, As Designated By Proclamation Of The President Of These United States In Accordance With The Joint Resolution Of Congress Of February 29, 1952 And By Joint Resolution Of August 2, 1956.

Now Therefore Be It Resolved By The Board Of County Commissioners Of Lee County Florida That We Hereby Declare This As Constitution Day And Citizenship Day And September 13 Through 20th 2008 As Constitution Week.

We Encourage Civic, Social And Educational Organizations Including The Sons Of The American Revolution, Southwest Florida Chapters Of The Daughters Of The American Revolution And The Florida Society, Sons Of The Revolution To Conduct Ceremonies And Programs That Celebrate Our Constitution And Reaffirm Our Rights And Responsibilities As Citizens Of Our Great Nation.

It's Been My Pleasure As A Member Of The Sons Of The Revolution To Have Read This Resolution.

It Was Chairman Judah's Pleasure To Sign This, Dated This 9th Day Of September, 2008.

Congratulations For All You Do For Our Country.

[Applause] Comm. Mann: Uncle, Come Get Your Picture Took.

Up There With You? Comm. Mann: Come On Down And Do A Little Ceremony Turnaround.

Fred, Good To Have You Here.

Uncle Flip, Keep A Turning.

Roll Him Around Here.

Get Your Other Sidekick Up Here After He Gets Through With This.

Comm. Mann: Now, One Of You Designated Hitters Say A Few Words.

Fred, Terry? Thank You For Having Us Here Today.

On Behalf Of The Chapter, Nevin Was Founding Member In 1974.

We're Honored He's Still With Us Today.

It's Citizen Government Members Like Him Who Used To Serve In Washington, D.C. In The Legal Department It Takes Citizens Like All Of Us To Make It A Great Country.

I Hope We Can All Live To Be As Young As Nevin And Active For Fulfilling The Dreams.

Thank You, Frank Mann.

[Applause] Chairman Judah: We'll Move Onto The Next Resolution.

Commissioner Janes Will Have The Honor To Recognize A Gentleman Who's Worked For The Community For 30 Years.

The Interim Deputy Director Of E.M.S.

I Will Forever Call Him Chief As In Chief Kinsey.

But Rocco Is Better Looking, Younger.

In Any Event, He's A Wonderful Soul, Loved By Everybody And Has Just Been A Rock In This Community For Many Years.

We Appreciate His Diligence And Wonderful Service To The Community.

I'll Turn The Resolution To Commissioner Janes.

Mr. Cranford, Step Forward, Please.

Comm. Janes: Once In A While They Have To Be Reminded That You Can Make A Contribution In A Positive Sense.

Yes, Sir.

Comm. Janes: I'm Pleased To Read This Resolution.

It Reads As Followed.

Whereas Richard Cranford Has Dedicated 34 Years Of Service To Lee County And To The Citizens Of Southwest Florida And Whereas His Career With The County Began In 1974 When He Was Just 21 Years Of Age And Whereas He Rose Through The Ranks Of E.M.S. Proudly Serving As An Emt, A Medic, Lieutenant, Captain And Assistant Chief Of E.M.S.

Whereas He Currently Holds A Position Of Interim Deputy Director Of Public Safety And E.M.S. Chief And Whereas He's Recognized Throughout The County, The State For His Vast And Valuable Contributions To The Emergency Medical Service And Public Safety Fields.

Whereas He's Been Instrumental In Instilling The Core Values Of Lee County Emergency Medical Services In His Employees And Whereas His Caring Nature, Sense Of Humor And Passion For Service Has Affected One And All Who Know Him.

Whereas He Will Be Traveling Throughout The Country Looking For A Tree To Hunt Deer From That He Won't Fall Out Of -- [Laughter] Chairman Judah: Is That In There? Comm. Janes: I Just Read What's Written.

Whereas We Will Truly Miss Hearing Rocco Tell Us "Just One More Thing" In The Briefings.

Be It Resolved That The Board Of County Commissioners Of Lee County, Florida Conveys Our Grateful Appreciation Tori Archdiocese Cranford For His Hard Work, Outstanding

Service And Contributions To Lee County And Thanks For His Commitment To The Public Safety Of Our Community.

Signed This 9th Day Of September By Chairman Judah.

[Applause] Chairman Judah: I'm Going To Have The Support Network Come On Over On Both Sides Of Him.

Chairman Judah: Thank You, Kim.

Give Us A Count Of Three.

Make Sure We've All Properly Positioned.

Chairman Judah: We'd Sure Like To Hear From You.

Thank You Very Much.

[Applause] I'm A Little Red, But That's Sunburn.

Comm. Hall: Settle Down There In The Front Row.

Chairman Judah: Just Wanted To Bring You Down Here.

What A Great Support Team.

Obviously This Means A Lot To Me.

Hold On.

Chairman Judah: You're Fine.

I'm Fine.

It's A Little Bit Of Surprise.

Obviously It's Been A Wonderful 34 Years From The Day I Put This On Until Today.

I'm So Proud Of It.

It's Funny What Happiness Does To You.

[Laughter] I Have So Many People To Thank, I Don't Want To Center Anybody Out.

It's Been A Wonderful Career.

So -- Chairman Judah: You've Got A Great Soul Mate There With You.

I Was Hoping I'd Be Prepared And Wouldn't Get Nervous, But Obviously The People I Work

With -- It's Just Great.

Thank You.

Chairman Judah: You're A Valued Employee.

[Applause] Comm. Hall: Mr. Chairman? Chairman Judah: Yes, Commissioner Hall.

Comm. Hall: Rocco, You're Just One Example Of The Fine Leadership And Management We Have In Preparing The People Behind You.

You Have Very Big Shoes To Fill.

We Are Very Lucky In This Community To Have You And Your Dedication To This Community Goes Unrecognized Many Times.

It's Our Honor To Wish You The Best.

God Speed In Enjoying The Time You Have To Yourself And Don't Fall Out Of That Tree.

[Laughter] [Applause] Comm. Bigelow: Mr. Chairman? Chairman Judah: Yes.

Comm. Bigelow: You Started At 21, Put In 34 Years And You Look 41.

I'm Trying To Make The Math Work.

Bring Some Venison Back.

Chairman Judah: We Have One Final Resolution.

My Gosh, This One's Tough.

Rocco, Over 30 Years.

This Gentleman, 29 Years With The County.

Born And Raised Here.

Been An Absolute Foundation Of Our Entire Lee County Parks And Recreation System.

Has Promoted A Strong Working Relationship With The Tourism Development Council.

Has Provided So Many Family-Oriented Programs For The Children.

A Wonderful Family Man.

I Think With Jy, What I Appreciate Is Not Only His Knowledge, But His Experience And He Just Exudes Confidence.

He Does It In A Humble Way.

I Think Those Of You That Have Gotten To Know Him Over The Years Recognize His Wonderful Demeanor.

It's Been Influential For Those That Work With Him.

This Is Tough, Jy, But I'm Going To Have An Opportunity To Read A Resolution Thanking You For Your Wonderful Years Of Service In The Community.

You Have Family Members Here Today.

If They Would Like To Join You At The Podium We'd Love To Have Your Mother And I Believe Her Twin Sister Is Here.

If You Have Other Family Members -- I See Damian.

This May Be An Appropriate Opportunity Because You Have Always Been A Family Man.

To Have Your Wonderful Supportive Family Here Is Special.

Well, He Told Me I Couldn't Come.

[Laughter] [Applause] Comm. Hall: You Never Know What Your Mother Is Going To Say.

Chairman Judah: I See Where You Get Your Spirit, Jy.

This Obviously Will Be Videotaped And You Can Share It With Your Lovely Daughter After.

Absolutely.

Chairman Judah: Nice To Have You All Here This Morning.

The Resolution Reads As Follows -- Whereas John Yarbrough Has Dedicated More Than 29 Years Of Service To Lee County And To The Residents Snow Birds And Tourists Of Southwest Florida.

Whereas Jy Is Retiring From The County And Will Be Leaving A Legacy Of Diverse Parks And Recreation Offerings Such As Recreation Centres, Parks, Conservation Lands, Greenways, Blueways, Complexes And Beach Preserves.

Whereas He Is A Native Floridian Who Grew Up In Fort Myers And Parks And Recreation Coursed Through His Veins From An Early Age As He Remembers Attending The Fair Before The Civic Center Existed And Breaking His Leg While Sliding Into Second Base As A Boy.

Whereas His Colleagues Describe Him As A Humble And Soft-Spoken Man, A Visionary Leader, A Man With A Can-Do Attitude And A Commitment To Excellence.

Man Of Patience And Determination.

He's Had An Indelible Impact On Lee County Parks And Recreation.

Whereas Jy Is An Example Of The Successes That Can Be Achieved With Hard Work And Dedication To Your Career And Your Fellow Employees.

Be It Resolved By The Board Of County Commissioners Of Lee County Florida That We Convey Our Appreciation For Outstanding Contributions To Lee County And Want To Thank Jy For Hard Work And Commitment To The Community And Unending Dedication.

I Don't Know If There Is A Drum Roll Or Not -- The Lee County Ten Mile Linear Park Will Be Renamed The John Yarbrough Park.

[Applause] This Resolution -- Wait A Second -- Executed This 9th Day Of Support And This Board That's Supportive Of All You Have Done.

There's One More Thing For You.

[Applause] Chairman Judah: If You Would Like To Invite Your Family Up Here.

Comm. Mann: Scoot On Up, Mama.

Comm. Hall: Scoot Them In The Chairs.

Chairman Judah: Now We Need The County Employees That Are Here Representing Your Incredible Team.

Chairman Judah: Thank You.

We'd Sure Like To Hear From You, Jy.

My Gosh, You Have Traveled A Lot Of Miles.

Yes, I Have.

Comm. Mann: He's Not Denying It.

Comm. Janes: Some Faster Than Others.

First Of All, I'd Obviously Like To Thank The Board Not Only For Now But Through The Years.

Administration Has Always Been There.

Very Supportive.

They Understand What We're Trying To Do For The Community.

And They Get It.

And Then Obviously Our Staff.

Our Staff Is Second To None.

They Really Have A Passion About What They Do That You Can't Teach.

Once Again, You Either Get It Or You Don't.

It's Not Just Jobs.

It's Their Life.

So What That Does Is Makes Me Look Good.

I Finally Caught Up To Bill Hammond, I Guess, I Have Something Named After Me.

[Laughter] [Applause] I Guess I Can't Kid Him Anymore About That, But I Will Still Find An Angle, I'm Sure.

Bill And Don And, Of Course, Jim, Pete And Holly, Have Been The Best Of Friends Beyond Work.

So This Is Really A Big Deal.

I Sincerely Appreciate It.

A Hard Act To Follow With Reverend Suarez And Rocco, This Is A Tough Day.

But I Sincerely Appreciate Everything.

[Applause] Comm. Mann: Mr. Chairman, When The Curtain Went Up, I Thought We Were Going To Take Lee's Picture Down And Rename The County John Yarbrough County.

[Laughter] Chairman Judah: Thank You, Rocco.

I Want To Thank Council And Bob Wagner Who's Been On The Parks And Rec Board For Years Working Closely With John And His Staff.

Bob, Nice To Have You Here Today.

Boy, Tough Morning.

Of Course, Mayor Ben Nelson Is Here.

We'll Hear From Mayor Nelson On Another Matter Shortly.

On The Recap It Looks Like There Is Nothing To Be Changed On The Consent Or Administrative Agenda.

We Have Two Walk-Ons And A Carry-Over.

As Folks File Out, We're Going To Open It Up For Public Comment On The Consent Administrative Agenda.

Thank You All Very Much.

We Have Two Cards.

There May Be More That Would Like To Speak.

The First One Is John Saldoabar.

If You Would Please Step Forward.

Happy To Hear Your Comments At This Time.

Just To Let You Know, The Format Is Typically About Three Minutes Per Speaker.

Thank You For Being Here.

Thank You.

Members Of The Board, My Name Is John Saldoabar.

I Own The Mobile Home Park.

We Have Been Living Through This Nightmare And The Families That Rent From Me Have Been Going Through This Nightmare.

They Are Staying In The Refuge Center.

13 Years Ago They Said -- You Know, We Flooded.

They Took A Lot Of My Dad's Land To Fix The Problem.

Paid Us \$1,000 An Acre, \$2,000 Tops.

Water Management Was Going To Take Care Of It.

13 Years Later, Here We Are And The Same Nightmare.

Honest And Truly, I Don't Know What To Do Now.

We Don't Have Any Power.

We Don't Have Any Water.

My Tenants Aren't Allowed To Go In And Get Things.

15 Minutes And That Was It.

If We Do Not Address The Water Issue Flow The Problem Will Be Back Next Big Flood.

We'll Be Back In The Same Nightmare Again.

Chairman Judah: Thank You.

Appreciate It.

We'll Have More Discussion On That, So You're Welcome To Stay And Listen In.

I'll Ask Jiva Leaderma To Step Forward Please, If You Would.

Hi, Good Morning.

And Then Mayor Ben Nelson.

I Was Warned That I Have Only Three Minutes So I Brought A Good Clock With Me.

Comm. Hall: Watch The Lights.

I'm Here Today As A Resident Of Estero.

I'm In Non-Profit Management And I'm Also A Consultant In Strategic Planning And Project Management.

But I'm Here In An Unofficial Capacity.

I Have Been Volunteering With The Red Cross So I'm Here To Tell You About Some Of Those Experiences, But It's Not On Behalf Of The Red Cross Because I Haven't Been With Them For Very Long And I Don't Have Any Authority To Speak For Them Or Anything.

So I'm Just Here To Tell You My Experiences As A Volunteer And A Citizen And A Resident Of Estero.

So I Went To The Red Cross Last Week To The Center And Asked If I Could Help The Flood Victims.

They Said, Well, Great, Since You're Bilingual You Can Do Intakes And Translate For Us.

So I Translated Directly From The Residents Of The Manta Christian Park To The Red Cross Staff.

I Just Wanted To Tell You Some Of The Stories So You Know A Little Bit About The People That You're Dealing With Because I Don't Know If You Have Heard Any Of The Stories Or Know What The People Are Like.

But I Thought I Would Tell You About This Woman.

I Will Call Her Maria.

That's Not Really Her Name.

Maria Has Two Children -- 3 And 6 -- She's Married And They Make About \$150 A Week.

They Were Woken Up About 1:00 In The Morning The Night Of The Storm.

No One Had Told Them That A Storm Was Coming.

I Heard That Repeatedly.

"We Didn't Know Anything About A Storm, Suddenly Our Neighbors Were Knocking On The Door Saying The Water's Coming, There's A Flood".

So At 1:00 In The Morning They Find Out There Is A Storm.

The Water Came Up, But Then It Receded A Little Bit.

So At 5:00 In The Morning The Husband Had To Make The Decision Whether To Go To Work Or Not And He Went To Work.

And His Mother-In-Law Who Lives There As Well, Went To Work Leaving The Family In A Flood Because Jobs Are So Important To These People.

They Are Just Hard-Working People.

So Maria Had To Stay Home All Day With Her Babies.

And They Didn't Have Electricity All Day And The Babies Were Crying For Air Conditioning.

So Anyway, They Came Back From Work And They Went To The Shelter.

They Have Been There For Two Weeks.

And Now People Are Getting Sick.

The People That I Talk To Had Upper Respiratory Infections They Were Developing As A Result Of Being In The Shelter.

Maria Had An Upper Respiratory Infection, An Ear Ache, The 3-Year-Old Has Asthma.

His Inhaler Was At The Park.

They Don't Have A Car To Get Back To Get It.

They Just Want To Go Home.

Something That I Didn't Realize -- These People, A Lot Of Them Own Their Trailers.

So Though They Are Making \$200 A Week, They Saved Their Money And They Own These Trailers, So It's Not Really A Simple Question Of An Easy Relocation.

I Guess What I'm Here To Ask You For Is To Please Take Into Account That It's A Complex Situation And To Please Take Into Account The Needs Of The People.

They Don't Want To Be In That Shelter.

They Want To Go Home And They Want To Keep Working Because That's What They're All About.

They're Just Good, Hard-Working, Humble People.

They Need Help.

And I Would Like You To Make A Careful, Thoughtful Decision And If I Can Be Of Assistance, I Would Like To Volunteer My Time.

Chairman Judah: Thank You For Your Assistance.

It's Appreciated.

Mayor Nelson? Good To See You This Morning.

Thank You, Mr. Chairman.

Thank You For Allowing Me To Speak Today.

I Think Today A Couple Of Things Stood Out.

I Think It's Nice That You Used John's High School Picture Behind There.

That Was Back When He And I Were Both Here.

This Is Very Nice Of You.

The Dedication Is What I Want To Talk About.

I Came To Talk About The Man Ta Christian Problem, But There Have Been So Many People During This Whole Event -- We'll Call It -- Tragic As It Is That Have Been So Helpful.

Lee County Oc, The Police Officers, Fire Department, Salvation Army, The Red Cross, Bony Ta Assistance Office And Countless Volunteers And Organizations Including International, Your Staff.

Lots Of People Involved, Lots Of Time And Money.

I Think It's Necessary That We Are Compassionate To People And That We Need To Focus On That There Is A Social Implication Here.

I Think The Physical, Go Out And Fix Everything, These Are Easy Things To Say And The City Of Bonita Springs Sent You A Resolution Saying What We Think Should Be Done.

We Feel Strongly That You Will Get City Council's Unwavering Support For Making That Decision.

We Hope You Decide That The People That Can Go Back In Their Units Are Allowed To Because They Are Above The Flood Plane.

They Haven't Been Damaged.

Fema Hasn't Declared Them As Damaged Units.

We Don't See A Problem With That.

But The Units That Have Substantial Damage Or Have Illegal Additions On Them, We Feel They Should Not Be Allowed Back.

They Shouldn't Be Able To Build Illegally Again.

I Think That Draws A Bigger Picture Of The Situation.

It's Not Just A Flooding Problem.

There Are Conditions There That Are Intolerable.

That's Where Our Compassion Needs To Be.

It Needs To Be Pointed At A Place That's Not A Short-Term Solution.

I Know People Want To Go Home, But I Don't Think People's Health Is Served By Letting Them Go Back Into A Mildewed Area Or The Conditions They Were In Before.

I Also Want To Point Out That There Are Resources Out There Now For Relocation.

There Is Money Available.

I Talked With Fema And Great People Involved In This.

The Applications Are Being Filled Out.

The Salvation Army And Red Cross And Bonita Assistance Are All Helping.

This Is A Great Team Put Together To Help People.

If We Get People In Better Living Conditions, Three Months From Now We'll All Feel Better About The Situation.

It Will Give The Park A Chance To Stabilize.

It Will Give The Park A Chance To Either Come Up To Code Or For County Commissioners To Do A Buy Out Or Something.

That's In If Future.

For Now, The City Council Doesn't Feel It Would Serve Anyone's Interest To See People Put Into A Dangerous Situation.

Our Fear Is There Will Be A Disaster Out There And It Won't Have To Do With Flood.

It Will Be Fire Or Something That Takes People's Lives.

If We Can Do Anything For You, You Call Us And We'll Be There For You.

We Won't Be Standing Behind You, Ray.

We'll Stand Next To Your Side.

Thank You.

Chairman Judah: Thank You For Being Here.

There Is Another Card And This Has To Do With The Impact Fee Ordinance On The Administrative Agenda.

It's Ira Swartz.

Good Morning, Sir.

Good Morning.

I'd Like To Make Comments To The Impact Fee That The Company I Work For Would Be Against Any Increase In The Fee Due To The Factors Involved -- The Economy And Everything Else.

I Don't Know Where It's Going.

Looks Like You Will Either Approve Or Disapprove A Hearing.

Right.

To Go To Hearing.

That's All I Have To Say.

Chairman Judah: Thanks For Taking The Time.

Anyone Else Wish To Comment On The Consent Or Administrative Agenda? Seeing None, We'll Go Back To The Board.

Items To Be Pulled.

Counselor Wagner, Nice To Have You Here.

On The Consent Agenda, Commissioner Hall.

? Comm. Hall: None.

Comm. Janes: None.

Comm. Mann: 2-B, 13-C.

Chairman Judah: Commissioner Bigelow? Comm. Bigelow: 4-A.

That's All.

Chairman Judah: I'm Going To Pull 6-A.

Chair Will Entertain A Motion On The Balance Of The Agenda.

Comm. Hall: So Moved.

Chairman Judah: Motion By Commissioner Hall, Seconded By Commissioner Mann.

Discussion, Objection? Hearing No Objections, The Motion Passes. Let's See.

Commissioner Mann And I Believe The First Was 2-B.

Comm. Mann: What Struck Me About This Was The Fact That We Had Chosen Somebody Else And We Were Unsuccessful In Our Negotiations To Arrive At An Agreement With Them.

I Have Never Heard Of That Happening.

What Fell Apart.

Good Morning.

Dinah Lewis, Administration Services.

We Had Been With A Company For A Period Of Time.

As A Result Of This Rfp Process We Ranked Them Number One, In Large Part Because Of

The Good Service We Had Been Receiving.

The Proposal They Gave Us On A Cost Increase Was Significant.

We Talked To Them To See If We Could Narrow The Gap Between Their Current Prices And The Proposed Prices.

We Were Unsuccessful In Doing That.

Therefore, We Move To The Number Two Ranked Firm.

We Were Very Comfortable And Competent In Their Capability To Service Our Needs And Their Prices Are Less Than What We Were Paying.

That's How We Got To The Second -- Comm. Mann: There's My Explanation.

I'll Move The Item.

Chairman Judah: Hearing No Objections, The Motion Passes. Commissioner Mann, I Believe You Had Another Item.

Comm. Mann: 13-B -- Comm. Janes: C.

Comm. Mann: 13-C.

This Is One Of Those Things That Many Times You Guys Pull Just To Say Something Nice About The Department Or Something's Going On Here.

Our Dot Has Been Sensitive To The Tremendous Need Accumulated Over A Half Century In Lehigh And The Reservicing Command Out There.

This Year They Have Slipped At The End Of The Fiscal Year.

They Have Searched The Internal Revenue To See What Dollars They Could Stretch.

They Have Added Another 30 Road Resurfacing Projects In Lehigh To The 70 They Have Already Done.

It's Like 101 Or 102.

I Have Asked Them To Research The Records For This Two-Year Period And What They Have Done At Lehigh Is More Than They Can Find For Any Two-Year Period In Memory.

My Hat Is Off To You For The Attention You Have Been Paying To That Need Out There And How Careful You Have Been Internally And Efficient With The Funds Available To Do The Tremendous Job You're Doing.

I Personally Want To Thank Everybody On The Commission For Your Continued Concern About Lehigh And The Things We're Trying To Do Out There.

This Has Been A Great Two-Year Period Unmatched By Any In Memory.

You're To Be Commended And I Want To Thank You So Much.

I Move The Item.

Chairman Judah: Motion By Commissioner Mann.

Seconded By Commissioner Janes.

Hearing No Objections, The Motion Passes. Thank You.

Commissioner Bigelow, 4-A Comm. Bigelow: I Just Have A Question And I Will Move The Item.

Chairman Judah: Seconded By Commissioner Janes.

Comm. Bigelow: This Is To Approve A Change Order For Construction Management At Lakes Park To Further Enhance The Landscaping There.

I Think I'm Correct In The Summary.

Hey, Jim.

Under The Change Orders Listed On The Blue Sheet It Says Number One Is Addition Of Ten-Story Garage -- There's An Electronic Glitch We Caught This Morning.

Somehow Another Project's Change Order Issues Were Electronically Somehow -- There Was A Mistake That These Were Included.

I Believe It's A Typo.

Somehow Two Blue Sheets Got Mixed Up.

We're Taking \$184,000 From Community Development, Using The Unit Prices At The Original Bid Of Lake And Adding More Landscaping.

I Would Ask You To Just Please Disregard Where It Says Co Number And Description.

That's An Error.

Comm. Bigelow: I Just Wanted To Know If We Were Building A Ten-Story Parking Garage At Lakes Park.

No, And I Apologize.

Comm. Bigelow: Thank You.

Chairman Judah: Any Furs Discussion Or Objection? Hearing No Objections, The Motion Passes. The One Item I Pulled, 6-A.

I Would Like To Go Ahead And Have Somebody Move It.

Motion By Commissioner Mann, Seconded By Commissioner Hall.

We All Recognize How Costly It Is For Taxpayers To Acquire Right Of Way.

It's Nice To Recognize Individuals Or Organizations Sump As Brightest Horizons Child Development Center Who Is Donating An Easement For The Slope Widening.

I Want To Thank Them.

Hearing No Objections, The Motion Passes. We'll Go On To The Administrative Agenda.

Comm. Hall: Mr. Chairman? I Would Like To Move The Public -- Chairman Judah: Seconded By Commissioner Mann.

Under Discussion.

Did You Need To Add Anything To The Record? No, Sir.

Chairman Judah: Further Discussion? This Is To Go To Public Hearing.

Hearing No Objections, The Motion Passes. Next Item? Comm. Hall: Mr. Chairman, I'd Like To Move The Road Impact Fee Schedule To Go To Public Hearing Scheduled For September 23 At 5:05 Or Soon Thereafter.

Chairman Judah: Seconded By Commissioner Janes.

Under Discussion? Comm. Bigelow: Yes.

Chairman Judah: Commissioner Bigelow? Comm. Bigelow: Good Morning, Mary.

Why Is It That We Can Deal With The Park -- I'm Sorry, The School Impact Fees At A 9:30 Public Hearing But We Have To Go To A 5:05 Public Hearing For -- I'm Sorry -- For The Roads.

You Don't Have To.

You Can Have Both In The Morning, But We Have Typically Had The Public Hearing For The Impact Fees At Night.

It's Not Required By Statute.

We Typically Have Had Two Public Hearings After 5:00, But You're Not Requires To.

We Suggested The Schools Go In The Morning Because The School Fees Are Decreasing, So

There's Not Really Any Controversy With That That We're Aware Of.

That's Why We Suggested They Go In The Morning.

We Suggested The Roads To Go In The Evening Because We Thought People May Want To Come And Talk About It.

Since You Have Indicated That You're Not Looking To Increase The Fees, We May Just Be Decreasing The Category The Consultants Said Would Be Going Down.

You Could Have Both In The Morning Or In The Evening.

Doesn't Matter.

Comm. Bigelow: Do We Have Other Public Hearings Scheduled That Evening? Comm. Hall: Probably.

Comm. Bigelow: We Could Move This, If It's The Only One.

That Would Make Sense.

Can We Make It Movable? We Have To Get The Advertisement In The Next Couple Of Days.

Comm. Hall: It Also Affords Citizens To Be Heard At 5:05.

That's Just Before The Last Budget Hearing.

It May Be An Opportunity For People To Come Twice To Talk To Us.

I Don't Mind If It Takes Three Minutes Or If People Want To Come And Talk.

I'd Like To Afford The People Paying The Impact Fee A Chance To.

Co Here.

We Actually Were Going To Schedule The Eagle Ordinance For That.

That Was A Continued Hearing For September 23.

There May Be People There For That.

We Won't Be Ready With The Eagle On The 23rd But There Will Be People Here.

What I'm Suggesting With Roads Is One Public Hearing Because People Have Been Used To Two.

It's Not Required To Have Two.

I'm Suggesting One On The 23rd At 5:00.

You Can Always Have An Extra One.

Chairman Judah: It's Gone Through The Committees.

That Starts Tomorrow.

Chairman Judah: Any Further Discussion? Objection? Hearing No Objections, The Motion Passes. Thank You, Mary.

Chairman Judah: 11-A.

Comm. Hall: Mr. Chairman, I Will Move The Item.

The Bid Waiver To Wave Formal Quoting Process And Approve A Helicopter For E.M.S.

Chairman Judah: Motion By Commissioner Hall.

Comm. Janes: Second.

Chairman Judah: Discussion? Comm. Mann: Just A Question.

I'm Still Trying To Figure Out Why This Ends Up On An Administrative Item As Opposed To -- What's The Magic Here? Why Isn't This A Consent Item? Comm. Mann: I Usually Think There Is Something If Not Controversial, At Least Complex About Items On The Administrative Agenda.

What Makes This Special? I Don't Know Wilson, Division Of Public Safety.

I Believe It's Because It's A Waiver.

Comm. Mann: A Waiver From The Normal Bidding Process.

Explain That To Me Then.

I Can't Explain.

That's Normally The Case.

I Have Seen With Our Items If It's A Big Waiver Or Sole Source Normally Placed On The Administrative Agenda For Discussion Purposes.

Chairman Judah: I Think That One Sentence In The Back.

[Reading From Text] Chairman Judah: We're Going To Be There For A Little While Longer.

That's Correct.

Comm. Mann: O.K.

Chairman Judah: I'm Glad We're Moving On.

Comm. Mann: O.K.

Thank You.

Chairman Judah: I Believe We Have A Motion And Discussion? Objection? Hearing No Objections, The Motion Passes..

Item 15-A.

Comm. Hall: I'll Move The Item To Move The Two Public Hearings Of The First Amendment To The North Point Dri Development Agreement To Go To Hearing Date -- The First Public Hearing September 23, 2008.

The Second October 7, 2008 At 9:30 Or Soon Thereafter It May Be Heard.

Chairman Judah: Motion By Hall, Seconded By Janes.

Discussion, Objection? Hearing No Objections, The Motion Passes. O.K.

I Guess We Have A Public Hearing, Don't We? Comm. Hall: That's Tonight.

Chairman Judah: It Is At 5:00.

So We Go On To The Walk-On Items.

The First Regarding The Filing Of The Clerk's Meeting, Local Emergency, Third Extension.

Chair Will Entertain A Motion.

Moved And Discussion? Objection? Hearing No Objections, The Motion Passes. Walk-On Item Number Two Regarding The Discussion We Had Yesterday Concerning Manta Christian Rv Park And I Believe It Was Option Two.

We Need To Take Action Today.

Comm. Mann: Could Mr. Wilson Walk Us Through That Main Point What This Is Going To Mean If We Adopt This? John Wilson, Division Of Public Safety, For The Record.

I'm Sorry -- Comm. Mann: Walk Us Through The Main Point.

If We Adopt This Suggested Item Number -- Proposal Number Two From The Discussion Yesterday, What Are The Main Points.

What's It Saying That We Are Requiring Be Done? Basically, The Proposal Would Be To Take Action By Staff To Return The Park To The Current And Allowed Zoning Classification.

All Unpermitted Additions Would Be Removed.

Allowing Only Residents To Return When All Non-Permitted Additions Are Removed And Electrical Inspections Are Completed.

So That's Basically What That Proposal Is For Your Consideration.

Comm. Mann: Mr. Chairman, One Other Question.

This Park Is Referred To As A Travel Trailer Park.

Not A Mobile Home Park.

It Was Previously My Understanding And I Was Familiar With A Couple Of The Parks On South Trail Near Ten Mile Canal.

Wood Smoke Was One And American Outdoors Was Another.

The Regulations For The Travel Trailer Parks Required That You Cannot Be There Year-Round Anyway.

There Had To Be Six Months Maximum.

Then You Had To Pick Up The Trailer And Move It To Another Park So We Weren't Having People Come In Pay \$60 A Month Rent And Set Up Full-Time Housekeeping In Lee County.

If It Was Designated A Travel Trailer Park, You Could Not Stay There Year-Round For One, Two, Three, Four, Five Years.

Am I Describing What Should Be Going On Where We Are? What We Have Is What I Also Described As Trailers Would Come In There And Stay For Multi Year Periods.

That's My Understanding Of The Zoning Classification, Too, Commissioner.

Comm. Mann: What's Your Understanding? What You Just Said.

Comm. Mann: That They Should Be Moving.

It's A Transient Six Months.

That Was The Initial Zoning In 1976 Or 77.

Comm. Mann: If We Stick To That, It Will Impact What We're Doing.

If We've Going To Be -- With No Exceptions To The Codes Then This Has To Be No Exceptions Across The Board.

The Folks Out There Need To Be On Notice That This Will Apply As Well.

I See The Ghost Of Christmas Past Just Came Up Behind You And Maybe Has Something To Adhere.

Yes, Sir.

Bob Stuart With Community Development.

Just To Clarify One Point With Regard To The Parks You Referred To.

The Requirement With Regard To The Six Months Residency Is Correct.

Having To Move The Trailers Is Not Correct.

The Trailers -- Folks Go North, Leave The Trailer And Come Back Next Winter.

That's Been An Issue With Difficulty Of Enforcement Because The Trailer Gets To Stay.

When Do You Start The Six Months, End It, All That.

So As Long As We're Clear That The Trailers Remain Full Time, People Just Can't Live In Them More Than Six Months.

Comm. Mann: But They Can Leave For A Day And Come Back, So It's Virtually Unenforceable.

Comm. Hall: Tell Him What We Need To Codify.

That's For Any Recreational Vehicle Park.

It's Always Been An Issue.

Comm. Mann: I'm Not Trying To Create An Issue, But If We Were Handling This Differently In Other Parks Than Here, I Thought It Was Something That Needed To Be Addressed.

I Will Live It In Y'all's Capable Hands To Decide If Something Needs To Be Done.

If It Ain't Broke, I'm Not Planning To Fix It.

Comm. Hall: Mr. Chairman? I Think It Is Broke.

I Think That's Part Of The Challenge Is We Go Through And We're Look At Planning And Taking Down, If You Will, Section By Section Of Our Bigger Issues.

One Of The Bigger Issues Is Rv Parks And How Do We Deal With Them So They Don't Become Dilapidated Conditions.

This Is A Bigger Issue Than Letting People Come Back And Forth.

There Are Conditions That Probably In Other Areas Of The Community We Finally Said

"Enough".

And We Have Taken Steps To Correct It And Have Great Success.

These Are Not Short-Term Solutions.

Over Time We Have Been Able To Create An Environment Where People Can Be Proud To Say This Is Where I Live.

Regardless Of The Zoning We Have 300 People Living In A Community Shelter That Was Never Meant To Be There.

It Was Days, Not Weeks.

By Enforcing And Taking Option Two Which Means As Many People As Can Go Back To Their Homes That Meet Health Safety Codes Without The Fear Of Electrical Fire, Without Addressing -- Being Anal To Address The Issues That Bob Banned His Team Will Put Out There Provides Relief To The Center.

We'll Have A Group Of Folks That Can't Go Back.

We Have To Work Diligently With The Agencies Trying To Give Them Assistance To Find Them The Long-Term Rental Opportunity And Making Sure They Can Get Back To Those People.

Of Course We Have Them In An Isolated One-Stop Shop At The Community Center.

We Need To Get Them Out As Quickly As Possible.

Longer Term, I Think Chairman Judah Will Bring Back The Blight Of This Area And Whether It Should Truly Come Back To Be A Residential Community.

Lee County Isn't The Only Wet State That Deals With These Issues.

At Some Point We Have Heard And We Have All Said, When Do You Just Say No To Development In A Flood Plane? Short Term We Need To Get People Into A Healthier Environment To Allow Their Families To Get Back To Normal As Quickly As Possible.

I Support Mr. Wilson And Staff Recommendation To Find The Happy Medium Where We Can At Least Get People That Can Get Back Into Their Homes To Normality And Deal With The Folks We Have At The Community Center.

I Talked With Meg At The Salvation Army Before She Left.

They're Not Looking For Clothing Now But Home Goods.

Pots, Pans, Dishes, Silverware.

If You Can Give A Gift Card To Goodwill Where People Can Do This, There Is A Lot Of Need

For People Getting Back Home.

They Have Nothing Left In Their Homes.

Furniture, Chairs, Tables.

I Hope The Board Will Take The Decisions.

We'll Probably Deal With This For The Next Two Months And Hopefully Continue To Deal With The Short Term And The Families As Individuals Because These Are Real People With Real Names And Real Stories, As We Heard Our Speaker Earlier.

Look At The Long Term Solution So We Can Improve The Habitability Of These Homes And Have That Social Conscience We Need To Have To Be Sure They Are Not Going Back.

We Heard Of A 3-Year-Old Dies In Punta Gorda Living In A Shed From Electrical Fire.

It's Not Safe For Some Of These Folks To Go Home.

We Have To Say No To Them Going Back To Unsafe Conditions.

Comm. Janes: I Need To Make Certain That I Understand The Option We Are Considering Now Includes The Idea That We'll Be Addressing Illegal Add-Ons.

Does It Include Health Issues Apart From Those? In Other Words When You Take Down Illegal Structures We Have A Building That May Be Brought With Weird Things Like Mold And Mildew And Probably It Should Be Leveled And Taken Away.

Are We Going To Be Looking At Issues In That Great Of Depth? I Don't Want To Just Take Down The Illegal Shed They Have Attached To The House Or Lean-To.

I Want To Make Certain The House Is Habitable.

Otherwise, Why Bother? We're Just Keeping Health Issues Alive That Shouldn't Be.

If That's A Direction The Board Wishes Us To Go, We Can Include It As Part Of The Option.

Bobby Stewart Folks Are Going In And Will Use A Structure We Put In Place To Assess Damage.

That Would Certainly Include Add-Ons And Also The Units Themselves.

Again, What I Presented To You Yesterday Was Based Upon Initial Observations.

We Haven't Gone On A Unit By Unit Assessment Yet.

When That Happens, Certainly If There Are Code Violations Or Health And Safety Issues Associated With The Actual Rv Units, They Will Be Also Tagged As Well As Either Being Safe Or Unsafe.

Comm. Janes: For Example, There Is A Moldy Carpet, Out It Goes.

I'm Certain There Are Problems With Vermin That We Need To Address In There As Well.

There's A Host Of Problems We Need To Talk About Within The Building Itself, Not Just Those That Have Been Added On Illegally Or Without Permits.

I Will Hope I Would Have Support In Moving In That Direction As Well.

Which Means Not Everybody Will Be Able To Go Back Regardless Of -- Will Not Be Able To Go Back Even Though We May Have Taken Down The Illegal Lean-To That's Attached.

Chairman Judah: John, If You Could Elaborate On The Program That's In Place, The Agencies That Will Be Working Together To Help The Majority Of These 300-Some Residents Currently At The Estero Community Center That Won't Be Able To Reenter Their Trailers At Manta Christian.

The Reality Is These Trailers Will Not Be Meeting Code.

They Will Be Prohibited From Going Back To Their Homes.

We Have Been Advised That With The Downturn In The Economy There May Well Be Rental Units Available But When You Have Extended Families That We Experience In These Trailer Units, It's Going To Be Difficult To Have The Extended Family All Being Able To Rent At Individual Rental Units.

So It's Going To Create Logistics Problems.

I'm Asking For The Recognition Of What You Witnessed In 1995, What You Know Is A Reality Today And How Effective The Program Is That's In Place That's Going To Help The Residents Relocate To Other Housing.

There's A Lot In That Commissioner.

It's Going To Be A Challenge.

It's Going To Be A Challenge That This Community Is Going To Have To Face Together.

Not In The County But In The City.

The Volunteer Organizations That Make Up The County Won't Be Easy To Accomplish.

There Is No Silver Bullet.

The Decision You Make Today Will Have Consequences And Impacts On The Housing Issue Short-Term.

Yesterday I Presented Some Of Those Options That We May Have To Consider For Those

People Who Can't Go Back To Their Homes Because Of Code Violations Or Unsafe Conditions.

It's Going To Require A Community Coming Together Just As They Have For The Last Two Weeks To Go Through Step Two, If You Will.

And In Addressing Where The Folks Can Go If They Can't Go Back.

An Issue That We Have To Address Is If They Can't Go Back, Taking Their Belongings That They Can Salvage And Find A Place For Them To Locate Those Until They Can Find A Place To Stay.

That's Going To Require Warehousing Or Storage Space.

That's Something We'll Again Have To Look At The Community To Help Us With And Get That Done.

So, Yes, There Are Some Challenges With The Decision You Make Today Whether You Go With Option One, Two Or Three.

I Would Just Hope That The Spirit Of Community That We Have Experienced Over The Last Two Weeks Continues For The Harder Steps.

Because This Is A Hard Step That We're All Taking Today.

Chairman Judah: John, Someone's Perspective Might Be That Some Of These Trailers Are A Trash Heap.

For Those That Own Them, It's Their Greatest Asset That They Have The Possibility To Sell At A Future Date As They Try To Move Up The Socioeconomic Ladder.

If They Are Deemed Non-Compliant Because A Gaping Hole Was Created In The Side Of A Trailer To Create A Side Room Not Compliant With Code And Needs To Be Removed, Clearly Being In A Trailer With A Big Gaping Hole, Is The Occupant Allowed To Put Up A Blanket, Sheet, Plywood To Fortify The Hole? Is That Considered Compliant With Code Or Will The Improvement Have To Be Made To The Trailer To Actually Repair The Hole Or Pull The Trailer Off Site All Together? I Don't Know If Bobby Wants To Answer That Or If You Wish To.

Chairman Judah: I Don't Want To Get Too Detailed -- I Think We Are Getting Into The How And The Devil's In The Details.

Chairman Judah: That's Going To Come Straight Back At Us.

We Also Have The Issue Of Debris Removal.

There Are A Lot Of Logistics That Have To Be Addressed.

Under The Post Disaster Ordinance Some Of Those Types Of Repairs Could Be Considered

Exempt From Permitting.

That's A Decision You Would Have To Make In Enacting The Ordinance And Allowing It To Take Precedence Over Health Or Safety Issues That May Result From Doing That.

I'll Let Bobby -- To Answer Your Question, It Would Not Make The Trailer Inhabitable Or Remove It.

If It's Repairable, Repair Has Go Made.

The Trailer Itself Can Be Fixed And Be Habitable Once The Room The Removed.

That Analysis Will Be Made And It Will Pass The Test And Folks Allowed To Reoccupy And The Trailer Remain.

My Expectation Is A Lot Of Them Won't.

The Addition Will Go, The Trailer Will Go.

That's Probably The Reality Of It.

Chairman Judah: O.K.

A Number Of Them.

Chairman Judah: Thank You, Bobby.

Comm. Hall: Could We Have A Standing Carry-Over Here Every Week To Get An Update? I Think We Need To Go Phase To Phase.

Chairman Judah: Great Idea.

Comm. Hall: Like You Said, We Could Easily Spend Two Hours.

I Want To Be Able To Have A Standing So That We Can Keep Up With The Community Out Reach.

There Is A Web Page On Foreclosures And Properties.

People Are Looking At Those.

Our Staff Is Looking At Trailer Rentals Throughout The Community To See If There Is A Willingness To Put People In That Are -- You Know, These Are Property Owned And Seeing If There Is A Willingness To Work.

As John Said, This Will Be A Massive Public Private Partnership In Getting People Out Of The Community Center.

Short Term And Long Term.

Especially For The Extended Families Because They Have No Resources.

There Is Nothing There For Them.

We Have To Rely On The Salvation Army, Public Housing.

These Groups Have To Come Together To Look At The Extended Families That We Have No In-Place Resource To Help Them.

I See The Groups Stepping Forward, Trying To Find Results.

We Have To Know How Many They Are.

That's What I Think Anne And Everybody Is Trying To Do.

If We Can Have A Standing Update To See Where We Need To Trigger Either Merge Si Ordinances Or Things Like That And I Guess, John, I Would Look At From The State's Perspective When You Put That Post Storm Disaster, Is There Anything There That We Can Tap Into From The State's Perspective? We'll Have To Look At That And See If There Are Additional Funds Available Tee Voee I Can't The State Mechanism.

I Don't Know.

Comm. Hall: I Haven't Seen Any, But I'm A Novice And You Have Been Doing It For Many Years.

Whatever We Need To Trigger To Tap Into The Dollars We Want To Access Them As Quickly As Possible.

That Would Be My Recommendation Is We Have A Standing Carry-Over So We Have Time To Recognize The Challenges You're Having.

We May Have To Amend The Decisions As You Go Forward Recognizing The Severity And The Time Issue We Have With The Community Center.

We Want To Keep People's Health As A Priority So They Are Not Disrupted From School Or Their Jobs.

Chairman Judah: That's A Great Suggestion.

So If Administration Would Do That, Either John Or Bobby, I Want To Make Sure If This Goes Through Today, And It Looks Like It Will, That We Will Be The Ones To Provide The Information And The Notice To The Residents At Manta Christian At The Estero Community Center That It Won't Just Be A Directive To The Landlord But We'll Be The Ones To Notify Residents And Understand That They Will Be Hopefully Back-Up Assistance.

Do You Follow What I'm Saying? It Didn't Go Too Well In 1995 When The Directive Went To The Quinns Who Then Basically Was Very Specific To The Residences To What They Had To

Comply With.

So The Residents Need To Hear From Us -- The County -- With Regards To The Follow-Up With Regard To Having To Comply.

Comm. Hall: The Other Thing That Was Disheartening Is We All Make Assumptions Of How People Get Their Information.

And Not Everybody Has Cable.

Not Everybody Has A Radio, Internet.

It's Hard To Believe No One Knew In A Group Setting That They Were Not Aware Of A Storm Coming.

That's Disheartening That A Property Owner Knowing They Have A Congregation In Looking At The Emergency Volunteers That We Have At So Many Of The Mobile Home And Manufactured Home Sites That There Was Obviously A Large Number Of People Who Had No Idea.

That's Just Disheartening To Me That A Property Owner, Knowing This Is Coming, Would Not Have A Mechanism To Inform Folks That They Certainly Are Aware, Are Challenged In Possibly Getting Information The Way A Majority Of Us Get It And That They Would Take Extra Care In Knowing Where They Are.

So I Really Look At Saying We Need To Know Where These Pockets Are So When Disasters Are Coming We Can Put A Different Volunteer Network Into Place To Go Beyond Our Expectations Of A Property Owner.

I Would Hate To See That Happen Again.

We Have These Pockets.

I Think John Can Identify Them And Maybe We Can Work With Volunteer Groups To Be The Notification Network Which Is Basically Going Door To Door And Knocking.

Chairman Judah: John, Anything Else To Add? Looks Like We'll Go Forward With Option Two For Now.

Comm. Hall: I Will Make That Motion.

Comm. Mann: I'll Second.

Chairman Judah: Seconded By Commissioner Mann.

Commissioner Bigelow? Comm. Bigelow: Under Discussion, I Guess.

This Is Obviously The First Step In The Long Journey Ahead If We're Going To Try To Handle This At The Board Level I Would Much Prefer We Try To Set The Goal And Then The

Executive Head Would Execute A Plan To Get Us To The Goal.

This Is Obviously An Inhabitable Parcel Of Land.

It's Flooded Before, Now And It Will Again.

We're Here At Letter I In The Hurricane Season.

There Are Threats Out There.

Think We Have To Understand That You Can't Allow Humans To Live There Whether It's Through This Rv, Impossible To Enforce Approach.

So I Think We've Got To Set The Goal Line.

I Think We Were In Agreement Yesterday When We Discussed This.

But I'd Like Some More Discussion, If Not Now Then Soon As To, You Know, Where Are We Headed With This? What Are We Going To Do? Where Do We Want To Go With This?
Chairman Judah: After Yesterday's Discussion, We Talked About -- And I Agree -- The Long-Term Solution Is To Acquire Another Site.

I Hope The Direction Would Be Given To County Staff To Proceed With The Appraisals.

Comm. Hall: Oh, Let Me Amend The Motion To Authorize Staff.

You Said Yesterday You Were Meeting With The Property Owner.

I Said We'd Vote On That.

My Motion Includes Authorizing The Chairman To Work With County Lands To Ensure An Appraisal Is Done And Whatever Processes We Need To Do That The Chairman Is Authorized To Execute On Behalf Of The Board Of County Commissioners.

I Don't Know The Details.

Chairman Judah: It Will All Come Back To The Board.

Let's Initiate The Appraisal Process.

Under Discussion? Comm. Janes: Yes.

Chairman Judah: I Also Need To Alert The Board That Salvador Got Flooded.

We'll Need To Entertain A Long-Term -- Comm. Hall: I'm Looking At You To Say When You're Working At This, Evaluate It, Bring It To The Board.

I'm Trying To Give One Commissioner A Point To Come Back And Bring It Back.

I Think We Have To Look At The Long And Short.

Long Term Keep Us Informed.

Short Term I Think It's A Given That Administration Will Execute Our Goals.

Every Week We'll Be Updated To See If There Is Action We Have To Take As A Board To Give Them Tools To Have The Outcome We're Anticipating.

Chairman Judah: I Want To Make Sure Everyone Knows The Challenges Out There.

Yes? Comm. Mann: Mr. Chairman, I Was On The Same Wavelength As I'm Hearing Everybody Else Here.

This Is A Short Two Mid-Term Course We Are Taking Today.

I Don't Think Any Of Us Want To Forget The Discussion Of Yesterday And That There Is More To Come.

Frankly I'm Not Certain That The Only Alternative Is To Buy The Property, But What I Hear You Saying Is That We're Going To Move Forward With An Appraisal.

Several Thousands Of Dollars To Just Take The Next Step When I'm Not Even Certain That The Purchase Of The Property -- I Mean, The Fact That It's Flooded And The Property's Flooded A Number Of Times And It's Been Used For A Use That Never Should Have Been Permitted Doesn't Automatically To Me Force The Next Step That We Should Go Out And Buy It.

I Just Want To Put That Caveat Out There That I'm Not Prepared To Jump That Far Ahead With County Taxpayers' Money.

It May Be That The Owner Just Needs To Find Another Use For The Property That Contemplates Flooding Every Three Years.

Chairman Judah: Commissioner Janes? Comm. Janes: First Of All, I Couldn't Agree More.

Like You Say, Just Because Property Is Subject To Flooding Occasionally Doesn't Mean We Have To Rush Out And Buy It.

There May Be Other Alternatives Available.

Hopefully The Discussions We Have In The Future Will Go Over Or Identify The Options That We Can Look At And Possibly Explore.

I Never Received An Answer To The Question I Posed And That Is -- Are We Also Going To Look At The Existing House Or Structure Itself And Enforce Proper Code Enforcement On Those Issues And Checking For Mildew And Mold And Vermin, Things Like That? Yes, Sir.

Comm. Janes: I Want To Ensure We're Doing That.

Yes, Sir.

Comm. Janes: Let Me Say, Too, It's With A Great Deal Of Anxiety And Nervousness That I'm Saying This, But We Are Engaging On A Long Difficult, Complex, Horribly Expensive Project That None Of Us Wanted To Get Into.

I Can Tell You That If We Look At Whatever Solution We Propose For Manta Christian Will Have Relevance For The Adjoining Properties, Pink Citrus, Err Other Low Income Place That We Have Like This Within Our County.

And Housing For Them.

Enormously Expensive And It Can Only Involve A Public Private Partnership And Not Only Is It With A Private Foundation Such As The Salvation Army And Goodwill And Organizations Like That, But The Land Owners.

They've Got To Be Involved In This.

The People That Utilize In Their Employment Have To Take A Look And Be Welcome To Participate And Ante Up Something To The Program.

We Can't Do It With Lee County Alone.

Because It Is Enormously Expensive.

So I Just Want To Say We're Starting Down A Path That We Need To Be Fortright And Firm On.

I Can't In Good Conscience Permit People To Move Into Less Accommodations Than What We Don't Allow People Moving Into A New House To Move Into Without A Co.

It Should Be The Same With These Houses As Well.

I Can't See Us Going Down That Road.

I Will Continue To Be Concerned About That Issue.

I Wanted To Make A Couple Of Over Points But I Don't Want To Go On Too Long.

If We Can Start Here We Have Made A Significant Beginning And It's Not An Easy One.

Believe Me.

I Sympathize With Commissioner Judah.

We Don't Want To Repeat What Was Done In 1995.

That Was No Answer.

If We Do Less Than That Or About The Same As We Did In 1995, That's No Answer Either.
We've Got To Bite The Bullet And Begin To Seriously Address The Problem.

It's Going To Take Time And Effort And Cost.

Oh, Yeah.

But We've Got To Begin Doing It.

That's All I Can Say.

Chairman Judah: Commissioner Bigelow? Comm. Bigelow: One Other Comment In
Response To Commissioner Mann's Comment.

If You Read The Second Option Here, If You Will, It Starts Out With Return Park To Current
Zoning Classification.

That Was Designated In The 70s.

I Think We're At A Point Where We Have Learned Our Lessons.

It Was A Mistake.

The County Made A Mistake In Allowing This Park To Exist.

We Have To Own Up To The Fact That That's On Us To Help Correct.

I Am Very Concerned We're Not Comfortable Going To The Place Where We Say, O.K., The
Property Owner Has Rights But We Have An Obligation Here, Too.

We Have To Work It Out Recognizing That Sometimes Mistakes Cost Money To Correct.

It's Looking To Me Like Buying It Out In Some Form Or Fashion The Probably The Way To
Go.

I'll Leave It At That.

This Will Move Forward The Appraisals To Evaluate That.

We Have A Motion And A Second.

Any Further Discussion? Thank You, John, Bobby.

Hearing No Objections, The Motion Passes. Let's Go To Carry-Over Item Number One.

Comm. Hall: We Worked Out Getting Our Commissioners On But We Didn't Work Out
Getting Our Individual Appointed.

Comm. Bigelow: Who Were The Commissioners, Jeans And Mann? Comm. Hall: I Volunteered For A Year Hoping I Would Be Relieved.

Comm. Bigelow: I Think I Was Pegged.

Comm. Janes: We Have Had A Citizen Applicant.

I Wonder If We Can Appoint Him.

Comm. Hall: That's The Issue We Had.

Comm. Janes: Exactly.

That's Mr. Velts? He's The Only One That Applied And He Seems To Be Qualified.

We Had Two.

Chairman Judah: I Was All Set To Go Ahead And Appoint Donald Phelps.

Comm. Hall: His Resumé Was Exemplary.

He Has An Enormous Amount Of Experience.

Chairman Judah: Discussion, Objection? Hearing No Objections, The Motion Passes. The Two Commissioners Are Hall And Bigelow? Comm. Hall: That's Correct.

We Voted On That Last Week.

Chairman Judah: O.K.

Comm. Bigelow: We Won't Have To Serve Until 2010, Right? Comm. Hall: I Would Hope.

Chairman Judah: O.K.

Anything Else? Thank You.

All Righty.

We'll Go To Commissioner Items.

Commissioner Hall? Comm. Hall: I Have None.

Chairman Judah: Commissioner Janes? Comm. Janes: None, Mr. Chairman.

Chairman Judah: Commissioner Mann? Comm. Mann: Not Today.

Chairman Judah: Commissioner Bigelow? Comm. Bigelow: I Do Have A Couple.

I Want To Start That I Noted The Board On Before You Had To Take A Vacation, Chairman Judah.

We Hear From Jim English Often.

I Think We Should Probably Expect That We'll Hear More From Mr. English And His Hired Attorney And Engineers.

I Think They Have -- I'm Sure We'd All Agree -- Valid Concerns And Complaints.

I Met With Mr. English, His Attorney And Engineer And County Staff.

It Seems To Me There Is Some Sticking Point Out There That Lee County Could Probably Help Move Beyond.

If You Recognize That Water Coming Off Of Both Charlotte County, Hendry, Glades Counties Even Bauds We're At The Area Where We Call It The Four Corners In Babcock Held Privately By Mr. Kitson.

That's Held Privately.

State Lands, Lee County Lands.

We Have A Lot Of Players Here That I Think Probably Would Do Well To Try To Come Together.

We Have Also Experienced Great Success In The Southeastern Area Of The County.

Through An Ad Hoc Appointment That Was Able To Work Out A Lot Of Conflicting Interests And I Think We're At A Point Where We're Happy With The Process, If Not Yet The Outcome.

I Would Like To Suggest That Maybe We Can Approach This Problem In The Northeast Area Of The County Similarly, Not That We Would Necessarily Have To Go Through As Daunting A Task As We Did In The Southeastern Area, But To Bring People Together.

If Lee County Would Agree That We Would Try To Go Forth And Bring The Players Together Much Like The Tin County -- Is It Tin County Coalition That You Represented Us On So Well, Mr. Chairman? I Think We Might Be Able To Work Out Some Of These Problems.

You Know, I'm Sure You All Are Aware Of The Fact That Mr. Kitson Has Plans For His Land.

But It's What Happens When You Develop Lands That Causes Unintended Consequences Elsewhere Like The Manta Christian Issue.

Water Has To Go Somewhere.

It Has To Seek Its Own Level.

We Have An Opportunity Now To Try To Figure It Out Before We Have A City Up There That's Just Water, Water Everywhere.

Another Problem Such As What We Have Dealt With This Morning.

So If It Would Meet With The Board's Pleasure, I Would Like To Try To Either Contact State And County Representatives And Gauge The Interest To Come Together, Mr. Kitson As Well As State Dep And Agree That We'll Start To Have A Meeting Of The Minds And Work Out Some Of These Problems? Now, The County Attorney's Office Advised That Because We're In A Lawsuit Posture With Him Over The Water Issues, The Permit That The District Is Considering And Has Issued In Some Cases, We Might Actually Benefit The Process Because We'll Be Working Out Or Trying To Address Some Of The Problems That Are Held Up In The Court Battles, If You Will.

So If The Board Is Interested In Discussion Now, I Would Entertain That.

If Not, We May Move It To Mmp For Further Discussion Or We May Just Gauge Through My Office Or Through The District Commissioner's Office -- I Don't Mind Passing It, If That's Your Pleasure.

Chairman Judah: I Think It Would Be Appropriate To Go To Mmp, Get A Briefing From Staff And Take It From There.

Comm. Bigelow: That Would Be Good.

We May Want To Find A Way During The Mmp Process Here From The Virus Entities Other Than Just Our Staff So We Can Get A Sense Of Other Players' Sentiment On The Idea.

So Maybe Mr. English, Mr. Kits And His Representative Just So We Can See If It Will Be Too Big A Mountain To Climb.

Do You Follow What I'm Saying? Chairman Judah: I Do.

I'm Going To Need To Work Around The Legal Parameters And See What I Can Do.

Comm. Hall: Let's Have The Agencies Working On The Permits Available.

If The Property Owners Aren't Appropriate -- They Are Welcome At The Public Meeting But We Hear From The Permit Agencies Minimally.

Comm. Bigelow: That's Why I'm Suggesting We Have To Poke It Up A Little Bit With Mmp Rather Than Just To Hear From Staff.

Chairman Judah: I Will Try To Put That Together Then, The Mmp.

My Second Item Is Another One I Have Noted Recently.

I Think We Have A Wonderful Cooperative Possibility At Brooks Park For Those That May Not Know Is Adjacent To Page Park As Part Of Or Adjacent To Page Field, Too, The Airport

Facility.

Port Authority And Some Land That Is Adjacent To Brooks Park That I Think Would Bode Well For The Benefit Of Brooks Park.

It's Land That For As Long As I Have Lived Here Has Only Served One Purpose That I Can See And That Is To Grow Grass And Then Be Mowed.

Also, In Order To Facilitate Through Traffic Between Metro And U.S. 41, Some Improvements May Be Necessary To Danley And Airport Connector Road.

I Don't Recall The Name Off The Top Of My Head.

And Then South.

Anyway, I'd Like To Seek The Board's Cooperation Here To Move This To Mmp For Further Discussion So We Can Get Port Authority Staff As Well As Our Own Staff, Hopefully Parks And Rec Who Has Great Interest In Doing This As Well To Come Forward And Share What Hurdles There Are.

Chairman Judah: I Think That Would Be Timely.

I Appreciate Your Bringing It Forward.

I Know Parks Is Coordinating With The Port Authority Staff.

Yeah, It Would Be Helpful To Schedule That For Mmp.

Comm. Bigelow: They Worked Through Some Of The Smaller Parking Issues But It's In Limbo.

We'd Do Well To Move It Along.

Chairman Judah: O.K.

Make Sure Administration Coordinates With Port Authority For The Presentation.

Comm. Bigelow: The Three Minority Affairs To Which I Serve As Board Liaison Has Entertained And Agreed To Some Ordinance Amendments To The Three Current Governing Ordinances.

That Would Be For The Black Affairs Board, The Hispanic Affairs Board And Multicultural Advisory Board.

I Think It's Appropriate That We Put These Items To Mmp As Well.

It Provides That The Board Will Have To Review These Bodies Over A Period Of Time.

Best I Can Tell It's Not Happened Very Recently.

There's A Fourth Board That Would Be Created Which Would Be The Joint Affairs Advisory Board.

So When The Boards Meet Collectively, Jointly, Those Actions Can Be Recognized.

So They Will Actually Be Four Ordinances We Would Be Considering.

Three To Be Amended And A New One Created.

Chairman Judah: We'll Bring That Back To Mmp.

Comm. Bigelow: And A Side Note, The Reason This Is Moving Through The Boards Is They Are Having -- Had Difficulty Getting Quorums.

I Think Some Of This Will Help With That Also.

Comm. Hall: Commissioner Bigelow, Have You Talked To Them About Having The One With The Subcommittees Broken Down Into The Three Versus Having Three Separate Boards So They Can Get A Quorum And Have Those Rather Than Having Three Different -- At One Time When We Created The Multicultural There Was Talk To Break Out From Under The Umbrella Subcommittees After They Were Combined.

So At Least The Main Group Could Have A Quorum Because Of The Numbers You Have.

Has Any Of That Been Discussed At All? Comm. Bigelow: Well, I Broached The Subject Of Trying To I Guess Having It Back To Black Affairs And The Hispanic Board Serve As The Board And Blend Multi Cult Rat Into Those Two.

But Once It Was Created The Members Of The Multicultural Affairs Board Didn't Want To See It Dissolved.

I Tested That, I Guess Six, Eight Months Ago, I Think.

Maybe Longer.

I Don't Know.

In Light Of That, You Know, I Yield To Their Wishes.

We Just Decided To Move Ahead And Try To Improve Quorum Through A Process I Think Once You Review It, You Will Appreciate.

The Joint Affairs Board Which Will Not Serve In The Way That The Ordinances Are Drafted Currently Would Not Serve As The Umbrella As The Multicultural Board Had Been Designed To Do.

It Would Just Be Officially Recognized Committee, If You Will.

That Items Could Be Jointly Discussed.

They Have Sunshine Issues Like We Do.

They Have To Meet In A Publically Noticed Meeting In Order To Talk To Each Other.

Comm. Hall: That Was For The Multicultural To Have Members Of The Board And Expand The Multicultural.

That Was To Bring The Organizations Together To Do That And We Added Additional People.

Now We're Saying We're Going From That To Creating Another Group That Would Do What We Perceived The Multicultural Would Do To Address The Issues Of The Two Organizations Being Able To Come Together For One.

Comm. Bigelow: We Can Hash It Out At Mmp.

If It's The Board's Pleasure To Dissolve It Or Make It A Joint Board -- Comm. Hall: Maybe We Need To Re-Read The Ordinances.

Commissioner Janes, Chairman Judah And I Were Here When We Created It.

It's Interesting That It's Shifted To Now They Feel They Need A Fourth To Do What Multicultural Was Supposed To Do.

We'll Look Forward To Seeing It.

Comm. Bigelow: All Right.

That's It.

Chairman Judah: I Have Another Item To Mpp.

The Local Vender Performance That Collier County Went To 10% From 3.

Looks Like There's Interesting Pros And Cons To This With The Back-Up I Received.

Hopefully You Received Copies.

It's Still Worthwhile.

I Know We're Loading Up The Mm Pshg.

We Think Get Through The Issues Quickly.

So If Administration Could Then Include That.

Committee Appointments? Commissioner Hall? Comm. Hall: I Have A Reappointment Of

Whitney.

Comm. Janes: None.

Comm. Mann: I Have Two.

Elizabeth Paul To Smart Growth And Margaret Fineburg To Smart Growth.

Comm. Hall: Second.

Chairman Judah: Motion By Commissioner Mann.

Second By Commissioner Hall.

Hearing No Objections, The Motion Passes. Chairman Judah: Commissioner Bigelow?
Comm. Bigelow: I Have Two Reappointments To Land Development Board.

Stan Stouter And Gary Muller.

Comm. Janes: Second.

Chairman Judah: Hearing No Objections, The Motion Passes. Comm. Bigelow: I Have A
Reappointment Of Michael Coohan To The Whiskey Creek Improvement District, I Believe.

Chairman Judah: Hearing No Objections, The Motion Passes. Comm. Bigelow: Two
Reappointments To The Human Services Council.

Richard Peacock And Teresa Riska Hall.

Chairman Judah: Hearing No Objections, The Motion Passes. Comm. Bigelow: And Debbie
Sullivan To -- Services.

Chairman Judah: Hearing No Objections, The Motion Passes. I Have Two.

David Stallings To The Well Construction Board And Dan Howard To The Well Construction
Board.

Motion By Commissioner Janes.

Seconded By Commissioner Hall.

Hearing No Objections, The Motion Passes. O.K.

We'll Go On To County Manager Items.

I Want To Thank You, Don, And Administration, For The Way You Helped With The
Presentation Honoring John Yarbrough And Richard Cranford, Too.

With Regard To John Yarbrough And The Appropriateness Of Dedicating The Linear Park

After Him.

County Attorney? No.

Chairman Judah: O.K.

We Are Recessed Until 5:00 P.M.

5:00 P.M. Public Hearing

Chairman Judah: Let's Go Ahead And Get Started With The Public Hearing Portion Of The Agenda.

Mr. English, Thank You So Much, Sir.

And We Will Proceed Right To The Adoption Of The Ordinance Amending To Code To Create The New Chapter 12 Pertaining To Resource Extraction.

Comm. Mann: Do You Need A Motion? Comm. Hall: That Would Be Great.

Chairman Judah: Not Just Yet.

Don, Thank You Again.

I Know On Behalf Of The Board For You, Mary And The Team Working Diligently With The Mining Industry On The Regulations On Putting Together Probably The 10th Draft.

Hopefully We Have It Closer Tonight.

Dawn Leonard, Assistant County Attorney.

I Have The Affidavit Of Publication For The Third Public Hearing Regarding The Adoption Of Land Development Code Chapter 12 Pertaining To Resource Excavation.

The Affidavit Is Sufficient With Respect To Form And Content.

I Do Enter It Into The Record.

Comm. Janes: Now You Can Make A Motion.

As You Know, We Have Met Extensively With The Development Committee With Respect To The Adoption Of Chapter 12.

You Have Before You -- I Placed On The Dais Before The Meeting Started, An Eratta Sheet.

These Are Changes From The 9/1/2008 Version Provided To You And Attached And Made Available To The Public For This Public Hearing.

There Are Extra Copies Of This Errata.

Information On The Edge Of The Table To My Left.

If You Have Any Questions -- There Is Also Delivered Earlier And Also Available At The Edge Of The Table A Comparison Chart With Respect To The Current Regulations, The Proposed Regulations And Then Some Highlights With Respect To The Substantive Differences Between The Two.

This Is Provided Based Upon The Requests Of Commissioner Hall At The Last Public Hearing.

I Don't Know If You Have Any Questions At This Point.

If You Would Like To Take Public Comment And Then We Can Address Any Questions You May Have Later Or If You Have Questions Now I Would Be Happy To Answer.

Chairman Judah: Questions Of The Board? Commissioner Bigelow? Comm. Bigelow: I Was Going To State For The Audience In Case Anyone Missed It There Are Two Forms That Are Late Arriving Here.

They Are Over At The County Attorney's Table If You Would Like A Copy.

That's All.

Chairman Judah: Any Questions Of Dawn At This Time? O.K.

We'll Open It Up To The Public Then.

I Have A Number Of Cards Here.

Kevin Hill Followed By Brad Cornell.

Good Evening, Kevin.

Thank You Very Much.

The Messenger, Too.

Thanks.

Thank You, Mr. Chairman, Members Of The Board.

I Appreciate The Opportunity To Be Back Up Here Again To Further This Issue.

I Think These Ldc Amendments The Staff Has Provided And Amended Are Worthwhile To Forward On.

I Think In Particular The Ones That Are Still Up For Question Are Under Some Contention, Namely Wildlife Corridors And The Minimum 100 Foot Wide On That.

The Mine Mitigation Fee For Truck Damage To Road Surfaces And I Think That, You Know, Certainly You're Not Voting On Doing That Tonight Specifically, But Voting On The Authority To Do That In The Future, If That Need Arises.

I Think The Need Exists At This Time.

Also On The Post Mine Uses With Regard To Density And Vested Right To That By Virtue Of Just Having Mined The Land, It Does Not Give The Right To That Density.

I Would Urge You To Accept That Staff Recommendation On The Ldc.

One Thing That Was Softened A Little Bit Or Weakened Somewhat During The Negotiations Between Staff And Industry Had To Do With Specifically The Post Mining -- Or Not Post Mining But The Development Water Levels And Restoring Those To Predisturbance Levels.

That Language Was Softened A Little Bit More Than I'd Like To See.

I'd Like To See When Land Is, You Know, Being Post For Development In The Drgr We Ought Not Be Manipulating That Water At All.

I Think At Least Certainly Not In Areas That Haven't Already Been Significantly Altered Specifically By Mining.

So If We're Talking About A Preferred Mining Area, That Wouldn't Necessarily Be, You Know, A Criteria That You Would Be Looking Closely At.

If You're Looking At A Mining Area That Hasn't Been Mined Before, You're Talking About Changing Water Levels And, You Know, There's Not A Lot That Can Be Done.

You Know, I'm Not A Professional Engineer.

But I Have Seen What Happens To Water Levels And, You Know, Levels Of Inundation And How The Water -- You Know, It Starves Area Downstream And Sucks Water Out From Under Areas Upstream.

I Have Seen It Time And Time Again Despite What The Engineers Say How That System's Going To Function.

So I Hope We Can Get That Language Back In There And Actually Look At Predisturbance Levels, You Know, Based On What Was Out There In The Drgr, Hydrology-Wise Before Development Took Place.

Thank You For The Opportunity To Comment.

Chairman Judah: Thank You, Kevin.

Brad Cornell Followed By Steven Brown.

Thank You, Dawn.

Good Evening, Brad.

Good Evening, Mr. Chairman And Commissioners.

I'm Brad Cornell Here On Behalf Of Audubon Of Florida And Collier County.

I Just Wanted To Point Out A Couple Of Details Of Issues That We Had With The Proposed Amendments To The Ldc On Mining Policies.

One Is That The Wildlife Corridors And Habitat Widths Near Mines Should Really Be A Minimum Of 300 Feet, Not 100 Feet As Is Proposed.

This Is A Generally Accepted Distance To Offset For Various Species Of Wildlife And Impacts To Wetlands.

Really More Is Better But Obviously There Has To Be Some Sort Of Reasonableness To This.

So We Recommend The 300-Foot Minimum.

I Also Want To Point Out A Problem That I Don't See Any Real Language In These Amendments That Address The Issue Of Chain Of Lakes On A Sloping Landscape.

As Land Slopes And You Dig, Lakes That Are Connected Downslope.

The Up Slope, Up Gradient Lakes Get Drained Because Water Goes Downhill.

If You Don't Partition The Lakes And Prevent The Down Sloping Flow Of Water You End Up Draining The Wet Lands Up Slope.

So You Have To Either Mitigate For Destruction To The Wet Lands Or You Need To Put In Partitions To Prevent That Movement Of Water Down.

It Has To Be A Minimum Certain Width.

That's An Issue I Don't See Addressed In Here.

And I Would Also Support Staff Language That Asserts That Are Not To Be Any Vested Rights Post Mining For Density Around Mines.

That's A Big Issue.

We Do Support Staff Position And The Language On That.

Otherwise Audubon Supports The Revisions To The Mining Policies And The Ldc.

They Are Sorely Needed.

This Is A Good Time To Adopt Those With The Expiration Of The Moratorium Coming.

Thank You.

Chairman Judah: Thank You, Brad.

Steven Brown Followed By Dave Depugh.

Good Evening, Steven.

Steven Brown Representing The Conservancy Of Southwest Florida And Our Membership In Lee County.

I Have Given You A Copy Of Our Testimony, So I Won't Go Into It At Length.

I Want To Point Out A Few Specifics.

The First One, We Agree With Staff In Their Assessment Of Section 12, 112 That States In Order For The Applicant To Prove Extraction Of Plant Development They Must Demonstrate The Site Is Designed To Restore The Natural System's Predisposed Water Budget.

You Have Heard Already Comment From Others And You Will Probably Hear More Today About The Need For This To Be Included In These Recommendations.

We Also Agree With Audubon And Others Regarding The Corridors For Wildlife Passage.

The Exact Distance May Be An Issue Of Debate, But Clearly From All The Research We Have Done, 100 Feet Is Just Not Going To Be Adequate Whether It's 300 Feet Or A Half A Mile.

There Is Research We Have Done That Points To The Need For Large Mammals To Have Corridors At Least The Width Of Their Home Range.

Clearly That's Difficult To Accommodate In A Semi Urban Environment.

Somewhere There's Got To Be A Standard Over 100 Feet That Would Be Acceptable.

We Also Take Exception With The Requirement For Five-Year Cumulative Monitoring Report.

We Have Made This Recommendation Before.

We Believe That There Should Be Accumulated Assessment Impact Conducted Prior To The Issuance Of Permits.

Five Years Down The Road Is A Little Bit Late To Figure Out That We Have Had Impacts.

We Think It Would Be Worth Developing The Science And Data To Allow Us To Assess Those Impacts In Advance Of Making Those Decisions About Whether Permits Are

Appropriate In First Place.

We Also Support Staff In Their Desire To Have A Mine Mitigation Fee To Help With The Funding Of Repair And Maintenance Of Roadways And Related Facilities And Just Lastly, Section 12.122 Provides That No Mine Operation Has The Vested Right To Post Mine Density.

The Con Ser Vi Venn Si Supports Staff And Urges You To Retain The Language.

Once The Decision Is Made To Excavate A Property The Resulting Lake Is Unbuildable And The Prospect Of Land Owners Trying To Double Dip To Transfer Development Rights From The Mine Property To Other Areas Of The County Is Unreasonable.

The Removal Of Density From Mine Sites Results In Removing The Incentive From Premature To Land Uses.

This Will -- The Incompatibility Of Residential Developments Within Established Mine Corridors.

So We Agree With Staff.

We Support The Ldc Amendments With Those Comments And We Thank You Very Much For Your Time.

Chairman Judah: Thank You, Steven.

David Depugh Followed By Russ Trout.

Good Evening.

Good Evening .

Thank You.

Dave Depugh Representing Youngquist Brothers And The University Lakes Mine.

Couple Of Very Specific Elements To Address.

Page 37 Talks A Little Bit About Open Space.

It Talks About Wildlife Habitat Areas.

I Would Submit That That Definition Needs To Be Included Of A Habitat Area.

In Terms Of The Transportation Issues On Page 45, Mine Operator Must Install A Permanent Count Station.

That Is In Section 12-116, B-2.

I Would Submit That's Overkill.

Permanent Count Station Is A Fairly Expensive Item And While I Must Admit The Traffic Consultants Will Love It, I Suspect You Don't Actually Need A Permanent Count Station At That Location But Rather Quarterly Counts Would Be Sufficient During Peak Hours And A Regular Counting Machine Would Work Just As Well Instead Of A Permanent Count Station.

The County Uses The Regular Counting Machines In Most Places With Permanent Count Stations Only In A Fairly Small Number Of Locations.

Section 12-119 And That Is In B-9 It Says If Appropriate Organic Soils, Muck, Must Be Excavated From Impacted Wet Lands On The Site.

The Only Difficulty I Have With This Is It's Not Clear If You Have A Five, Ten Or 20-Year Time Horizon For The Mine Whether Or Not Stock Piling The Organic Muck Is Going To Be Much Use When You Start Creating Areas Ten Years Down The Road From When The Area Is Excavated That May Or May Not Be A Difficulty.

More Importantly Though, I Think Given All Of The Various Requirements In Here, It Would Be Equitable To Take A Look At Section 12-115 And That Would Be Paragraph A-3 And B-1.

In Both Of Those Instances A Renewal Is Valid For Five Years.

I Would Suggest To You That A Ten-Year Term Of Renewal Would Be Reasonable Given What You're Asking For In Terms Of Initial Material And Ongoing Monitoring Reports.

That Would Be In 12-15, A-3 From Five To Ten.

The Submittal Requirements Would Require A Ten-Year Cumulative Comprehensive Report That Would Also Engender A Modification In Section -- 12-121, G-8.

It References The Five-Year Comprehensive Monitor Report.

That Would Have To Be Changed To Ten-Year Monitoring Report.

Speaking As A Consult, I Love This, But The Mine Operators, I Suspect, Are Going To Tell You That This Is Going To Make Rock Significantly More Expensive And You Can Expect Your Construction Projects To Rise In Price.

Thank You.

Chairman Judah: Thank You, David.

Russell Straup Followed By David Urich.

Good Evening.

Good Evening.

Members Of The Board, Mr.

Chairman, I'm Russell Schrap Here Representing Florida Rock In Connection With The Mining Operations Off Alico Road.

I'm Sure You're Aware That The Position Of Florida Rock Is That Their Mine Number Two Should Be Considered An Existing Mining Operation Because Of The Previous Zoning Approvals Granted By The County And Florida Rock's Reliance On The Approvals.

Over The Last Month Or So We Have Worked Closely With Staff On The Proposed Amendments To Hopefully Make Sure They Are Workable For Existing Mining Operations.

While We Don't Necessarily Agree With All Of The Amendments That Are Being Proposed Tonight As Drafted -- And It's Likely There Will Be Some Issues That Couple As We Go Through The Processes That Are Outlined There And Surely The New Regulations Will Cost Florida Rock Additional Dollars To Comply With That Are Substantial.

At This Point, Florida Rock's Position Is That The New Regulations Are Essential Workable For Existing Mines At This Point.

As You Know, Now From The Public Hearing On These Amendments A Couple Weeks Ago As Well As The Dover Coal Workshop On Friday There Is Litigation On Going Between Florida Rock And Lee County Regarding Mine Number Two.

If We Can We Hope To Resolve This Litigation So That Mine Number Two Would Be Deemed Or Considered An Existing Mine Under These New Regulations That Are Being Considered Tonight.

Based On The Comments That The Dover Cole Workshop And Other Comments We Have Heard From Staff In Discussions With Them, We Are Optimistic This Can Be Achieved In The Coming Months Between Florida Rock And The County.

But If The Litigation Isn't Resolvable And We Are Forced To Deal With The Regulations That Are Being Proposed Here For New Mining Operations, That's Going To Be A Whole Different Ball Game For Florida Rock And In That Case We May Have To Look At Alternative Remedies, If That's The Result Of What Shakes Out.

But For Now, As I Said, We Are Optimistic About Resolving The Issues Associated With Mine Number Two.

We'll Continue To Work Closely With Staff And Hopefully Bring You Back Something That's Workable For Both Of Us.

I Would Like To Comment In Passing On Dave Depugh's Comments In Particular The Request That The Length Of The Mine Operation Permit Be Extended From Five To Ten Years.

I Would Respectfully Suggest That's A Legitimate Request.

In Particular, The Additional Costs Being Incurred Now For Going Through The Process Of The Mine Operations Per Milt And The Renewal Process Are Significant.

I Think An Extension Of The Time Before You Have To Go Through The Process Again And Again And Again For The Long Duration Mines Would Be Warranted To Extend It Out From Five Years To Ten.

I Think There Was One Other Place Where It Shows Up That Dave Probably Didn't Catch -- And I Could Be Wrong -- But It Was On Page 20, Subsection C-2 Also References Five-Year Period For The Length Of The Mine Operations Permit That I Think Should Also Be Extended To Ten Years.

I Appreciate Your Attention And Your Comments And Look Forward To Continuing To Work With You.

Chairman Judah: Thank You, Russ.

David Followed By Bill Mcdaniel.

Good Evening, David.

For The Record I'm Dave Urich From Responsible Growth Management.

We Have Been Monitoring This Very Closely.

Ellie Boyd Is In The Audience.

She's Even Gone To Some Of The Meetings On This.

I'm Speaking For Us.

Basically We Are In Favor Of Where The Staff Has Brought This To Your Attention.

I Don't Want To Be Redundant With What's Already Been Said.

I'll Try To Be Brief.

The 100-Foot-Wide Wildlife Corridor Is Important.

A Rural Village Has To Have A Green Belt 300 Feet Wide And No Less Than 200 Feet Wide At Any Point.

I'm Confused By A Notation That Might Be Able To Be Mitigation On The 100 Foot From The Industry Position Outside The County.

I Don't Know How You Explain That To Wildlife.

It Has To Be In The Area That They Are, If I Understand What That's All About.

I Think We Also Should Continue With The Mine Mitigation Fee And Have A User Fee Which They Said Can Be Addressed Later.

I Believe Now Is The Time To Address Those Issues.

The Post Mine Use, Again, Is A Very Important Thing Because Once You Have Taken Away A Lot Of Rock And Soil And What Have You, I Don't Know If You're Putting Houses In The Air Or What Have You But The Density To Me Has Been Reduced Because There Isn't As Much Land To Put The Density On.

Thank You Very Much.

Chairman Judah: Thank You, David.

Bill Mcdaniel Followed By Karen Cramer.

Good Evening, Bill.

Good Evening, Sir.

How Are You? Chairman Judah: Fine, Thanks.

For The Record I'm Bill Mcdaniel The Owner And Operator Of Big Island Excavating.

For The Sake Of Repeating I Would Like To Be On The Record To Suggest That You Not Adopt This New Chapter 12.

I Think You're Going To Hear -- You Have Already Heard -- A Sufficient Amount Of Discussion With Respect To Discrepancies, Issues, Concerns, Long-Term Concerns -- Not Necessarily Meant To Have Negative Impacts On Existing Mining Operations, New Mining Operations, But There Is -- Even Though The Preamble As I Have Said In The Past, Leads You Down A Happy Path Of Clarification And Consolidation, It's Not There.

There Is A Tremendous Amount Of Discretion Within This Code Left Up To Your Staff Mining Administrators That Are Going To Come And Go As Our Life Continues Endeavoring To Do Business Within Our Community.

Not Just Your Community.

It's Mine, Too.

If You Do Adopt It, There Are Some Issues Specifically In Chapter 12-116 Revolving Around Transportation That Need To Be Reviewed.

I Have Spoken With Staff And They Have Been Hugely Cooperative With Us With Respect To This, But The Time Frames That Have Been Allotted For Us To Communicate, Get Back And Forth And Discuss Haven't Been Sufficient.

I Mean, We All Have Other Things That We Have To Do At The Same Particular Time And

Haven't Really Been Able To Justify Nor Do The Time That's Necessary.

But Resolving Around With Specificity B-2, There's A Duplication With Those Truck Counting Stations That They're Wanting To Be Installed.

That's A Duplication Of Effort.

There Are Multiple Manners To Collect That Information That Don't Necessitate That Expense And Management From Your Staff On The Other Side To Ensure The Trucks Are Coming In.

I'm Going To Crank Through.

116 Needs Revision.

It Needs To Be Looked At.

As Opposed To The Density Issue, The Post Mining Use, I Think That's Already Addressed Somewhere Else.

That Language Needs To Be Stricken From This Code.

Doesn't Have Anything To Do With The Price Of Chicken In China With Respect To What You're Doing After The Mining Is Completed There Are A Lot Of Us Believe We Are Not Excavators, We Are Creators Of Lake Front Communities And You Can't Build Them On Air, Like The Gentleman Ahead Of Me Suggested, But We Are Providing Post Mining Activities In The Future Development Of The Property Which Does Add To Your Tax Base At A Later Date.

Last But Not Least, The Mining Fees -- There Is A Huge Issue Revolving Around Maintenance With Respect To Our Roadways And Our Road Systems.

It's Not An Uncommon Fact -- Am I Going To Get Beeped Out? The Road Maintenance Issue Can Be Addressed In Other Manners Legislatively, Talking To Legislators With Respect To How They Are Spending The Money We Are Already Collecting In Gas And Sales Tax.

Lee County Is A Deficit-Funded Community.

I Know It For A Fact.

There Are Other Alternatives For Collection Of Money As Well Which Interlocal, Participatory Agreements Between Citizens Can Be Effectuated.

You Don't Have To Put It Back On The Mining Industry Per Se.

Sorry For Running Long.

Chairman Judah: That's O.K.

Thank You, Bill.

Karen Cramer Followed By Dawn Eslick.

Good Evening, Karen.

Hi, How Are You? My Name Is Karen Caminer.

I'm Here For Myself And The Concerned Citizens Of Bayshore.

I Planned To Play A Video But My Day Department Go Well.

Chairman Judah: This Is Regarding The Mining Ordinance? No.

This Is Concerning Stony Brook Development.

Chairman Judah: Oh, How About If I Bring You Back At A Later Time.

If You Would Be So Kind To Be Patient, Hang In There.

Oh, Later This Evening? Chairman Judah: Yeah.

O.K.

That's Fine.

Chairman Judah: Thank You, Karen.

My Mistake.

Thank You.

Dawn Eslick Followed By Chuck Bassinet.

Chairman, Members Of The Board.

I Think What You're Doing Here Is Great.

You Know, Consolidating, Putting This All In One Place.

Moving Ahead On This Thing.

I Believe The Staff Should Be Commended For The Great Work They Have Done On It.

There Are Three Issues That Many Others Have Talked About.

I Would Like To Speak To.

First Of All, It's The Post Mine Use And The Ability To Build A Lot Of Fairly Dense Housing

On The Remaining Land.

What That Does Is To Encourage Not Excavating The Mining Areas Fully As One Could Do.

I Think That It Was Pretty Clear In The Report And Certainly In Discussions Of The Advisory Committee We'd Like To Concentrate Mining In One Area And On A Minimum Amount Of Land.

If You're Going To Save Land Around The Perimeter Of The Mine In Order To Do Housing Afterwards That Discourages That And Pushes You Into Other Areas Of The County Which We Don't Want To See Happen.

The Mine Mitigation Fee Which Has To Do With The Roads Is Very, Very Important.

You Have Had Two Study This Is Year That Have Already Addressed This.

The County Staff Looked At What All The Other Mining Counties Are Doing As It Relates To Fees.

Almost All Of Them Levied Fees For Road Repair And Maintenance.

Then You Have Another Study Done By Dave Douglas, You Know, Specifically Looking At What The Fees Ought To Be Here.

So You Ought To Authorize The Establishment Of Such Fees.

That's Basically What The Staff Is Recommending To You.

And Then Finally In The Wildlife Corridors, I, Too, Have Looked At This Issue And Have Studied Some Of The Internet Literature And Stuff Like That.

It's Clear That 100 Feet Is The Minimum On That Thing And Probably Ought To Be Wider.

Maybe There Ought To Be Standards That Tell You How Much Wider In Various Instances.

I'm Not An Expert By Any Means But Clearly 100 Foot Which Is The Staff Recommendation Should Be The Minimum And The Provision Does Say At Least.

I Would Hope We Would Consistently Be Greater Than That.

Thank You For Your Consideration And Your Time.

Chairman Judah: Thank You, Don.

Chuck Bassinet.

Good Evening.

Good Evening.

I'm With Henderson Franklin Here Representing Alico Agro Limited.

In A Moment Mike Government With Mismar And Associates Will Come Up.

They Too Represent Alico Agro Limited.

They Will Talk About The Proposed Ordinance.

Initially I'd Like To Comment.

I Did This The Other Day At The Dover Cole Discussion.

Your Staff Has An Exceptional On This In Terms Of Spending Time To Sit Down With Us And Work Through Issues To The Greatest Extent Possible.

While I May Not Agree With Some Of The Results We Have Seen, Certainly They Have Been More Than Accommodating In Terms Of Trying To Get To Tend Result Here.

-- The End Result Here.

With Respect To The Reclamation Issue I Talked About A Few Weeks Ago In A Prior Public Hearing On This There Was Only One Property, The Western Property That Was Still Held By My Clients Which Is Just To The East Of Ben Hill Griffin And South Of Alico.

It's An Issue About What Provisions Will Be Implemented With Respect To Reclamation Of The Site.

I Have Been Assured That What They Will Do Is Extend The Existing Ldo Because There Was A Development Order Issued Utilizing The Reclamation Standards In Place At The Time.

They Are Simply Going To Extend That And Allow Us To Reclaim That Site Under The Old Permit.

That's Acceptable To Us.

We Don't Have A Problem With That.

The Only Real Issue Is The Post Use Section 12-122.

There Is An Initial Paragraph That I Think Deals More With The Hydrological And Planning Principles And Mr. Mohair And Gov Will Speak About That.

We Don't Have A Problem With The Conceptual Plan Submittal.

Paragraph Three Is The One That's A Problem.

I Am Going To Read A Couple Sentences To You.

The First Is Giving The Longevity Of Mine Operations And The Economic Benefit Over The Life Of The Mine Post Mining Uses May Be Appropriately Limited To Address Public Health Safety And Welfare Issues.

I Have To Say This Is The First Time I Have Seen Profitability Of A Prior Use Determine Whether Or Not A Subsequent Use Is Granted By The County.

I Don't Know Really What To Say Except I Suppose The Converse Would Be True.

If The Mine Operator Lost Money When He Had The Mining Operation On Going He Would Not Have To Deal With Public Safety, Health And Welfare Issues Which Is Not The Case, But That's What One Leads To In The First Sentence.

The Second Says Subsequent To Use Of The Mining Operations A Rezoning Request May Be Considered In Provision With Chapter 34.

I Appreciate The Effort To Try To Accommodate Our Concerns But Frankly We Could Have Filed The Rezoning Application Regardless.

The Last Sentence Is The One That's Most Problematic.

[Reading Text] For The Life Of Me, I Don't Know What This Means.

If You Look At The Comparison Chart Given To You Earlier Today By Dawn Leonard, It Deals With Post Mine Use On The First Page.

If You Go Over To The Substantive Difference It Says It Reduce It Is Ability To Make Investment Backed Expectation Claim.

I Might Agree But You Have Existing Mines That I Represent That These Folks Didn't Have An Idea That This Regulation Was Coming Through At The Point In Time They Permitted Or Did Their Mining Operation.

It Seems To Me Unfair That Now You're Coming Back In And Saying You Don't Have Any Investment Backed Expectations Though You May Have Thought You Did When You Permitted The Mine.

I Would Suggest That Sentence Needs To Be Deleted.

I Would Also Ask Why This Particular Regulation Or Sentence Of The Regulation Is Beg Applied To Mines And Not Any Other Use You Currently Permit In Lee County.

While We Appreciate The Cooperation And Assistance Of Staff We Have Disagreements.

Principally In The Post Mining Use Of Land.

I Would Ask That The First And Third Paragraphs Be Deleted In Their Entirety.

Thank You Very Much For Your Time.

Chairman Judah: Thank You, Chuck.

Bob Followed By Michael Goff.

Thank You.

Good Evening.

As Chuck Said Here Representing Alico Agro Ltd.

I Will Confine My Comments Generally To Planning Principles.

I'm A Professional Planner By Trade.

The General Comment Section 12-122, I Think, Has A Fair Number Of, In My View, Editorial Comments Which Don't Have Any Benefit To The Regulatory Structure.

Some Examples Are That It Says Increased Vulnerability Of Ground Water Contamination From Over Lying Land Uses In Mining Areas.

This Isn't Substantiated By Scientific Base And Doesn't Do Anything To The Regulatory Structure.

I Guess To Get To The Heart Of The Matter, To Me The Concern Is First Of All This Is An Interim Set Of Amendments.

Perhaps Recognizing That There Might Be Some Very Well Defined Time Frame During Which These Will Remain Applicable.

Maybe There Is A Sunsetting Provision.

To Suggest That Even In The Handout That Was -- I Got This Evening Before The Hearing With The Additional Sentence To Suggest That Subsequent Use Of The Property For Mine Operations Is A Reason A Request May Be Filed And You May Not Have Any Rights For Additional Density Or Intensity In A Post Mining Condition.

I'm Unclear From A Planning Perspective What The Basis For That Would Be.

Let's Assume That The Basis May Be The Environmental Quality Of The Piece Of Land That Might Warrant Limiting Density Or Intensity.

That Should Be The Same Whether There Was Or Wasn't A Mining Activity.

This Leads You To Believe This Is Not Intended To Apply To Areas Where There Is No Mining Activity, Only To Areas Where There Is Mining Activity.

There Is No Basis In Fact For The Limitation.

It Doesn't Make Sense.

I Think That Should Be Struck.

The Other, I Suppose, General Comment Would Be That You Have A Process To Regulate The Mining And In A Reclaimed Or Post Mining Condition To Mitigate Any Impacts And To Restore -- And In Some Cases Restore To A More Beneficial Condition The Hydrology And The Environmental Condition On The Land.

There's Really Nothing That Suggests That Some Degree Of Post Mining Intensity Or Density Would Have A Negative Impact Also If Mitigated For.

It May Be A Fewer Number Of Units.

It May Be Clustering In A Certain Location Which Is Generally Used To Minimize Impacts.

These Can All Be Applied To The Condition.

There Is No Reason To Suggest That -- To Put In The Regulatory Structure That You May Not Be Entitled, I Can't Think Of A Good Reason For That.

Why Isn't That Applicable To All Other Circumstances Where You Would Come In And Rezone A Piece Of Land? What's The Basis For It? Unless There Is A Prejudicial Condition Where There Is An Intent To Limit Future Intensity And Density And No One's Done The Analysis To Suggest At That Level Of Detail That's Appropriate In Any Particular Piece Of Property.

I Believe That Sums Up My Comments.

If You Have Any Questions, I'm Happy To Answer Them.

Chairman Judah: Thanks, Bob.

Michael Goff.

Good Evening.

I'm Representing Alico Agrolimited.

I'm A Licensed Geologist In The State Of Florida.

I Have 20 Years Experience Largely In Protecting Water Quality For Public Drinking Water Supplies.

I'm Here To Speak About Section 12-122 Of The Mining Ordinance, As Chuck Said, Which Seeks To Reduce Future Uses Based On Water Quality Protection.

I'm Here To Tell You That There Is No Environmental Or Hide Logic Reason For Limiting

Future Uses Based On Water Quality Protection.

There Are Methods Available In Storm Water Management And Operational Maintenance That Will Limit And Eliminate Water Quality Threats.

Adjacent Residents To Lakes Show The Greatest Stewardship And Environmental Protection Often.

Concentrating Density Around The Lake Supports The Original Goals Of The Drggr And Is More Environmentally Sound Than Dispersed Low Density Development.

There Are Numerous Existing Developments Around Mining Lakes In Florida That Have No Significant Environmental Problems.

So That Raises The Question Why Regulate Something That Isn't A Problem? Finally The Drggr Is Impacted Land Owner Rights Significantly In Areas That It's Been Applied.

I Don't Think Anyone Wants To Unnecessarily Further Impact Those Land Owner Rights.

Thank You Very Much.

If You Have Any Questions, I'll Be Happy To Answer Them.

Chairman Judah: Thank You, Michael.

That's It For The List Of People That I Have Received Cards From To Speak On The Mining Ordinance.

Couple More.

Leslie Candice.

Followed By Bob Mullhair.

Good Evening.

Good Evening, Mr. Chairman And Commissioners.

I'm From Holland Tonight.

My Colleague Roger Appeared Before You At Your August 26 Board Of County Commissioners Meeting.

I Have Met With Staff Several Times -- Dawn And Mary And All Of The Staff Members I Have Seen Here Today.

They Have Been Very Helpful And Several Redrafts Of The Ordinance.

However, There Are Still Problems.

As You Know, We Currently Conduct Mining Operations In Lee County And The Mines Will Be Directly Regulated By This Ordinance And The Company Will Be Materially And Substantially Affected By These Proceedings.

We Have Serious Concerns About The Application Of The Proposed Ordinance To The Existing Mines And The Potential For Future Mines And Semex Does Intend To Continue To Mine For Construction Aggregate In Lee County.

Additionally Based Upon The Drgr Workshop Held On Friday We Are Concerned About The Application Of This Ordinance To Any New And Existing Mines.

It Seems To Me That Now Adopting This Ordinance Before The Drgr Is Finalized Is Essentially Putting The Horse Before The Cart, If You Will.

That Drgr -- Or The Cart Before The Horse.

I'm Sorry.

The Drgr Information Is Still Being Discussed And Adopting This Ordinance Prior To Then, You Know, Understanding The Fact That The Moratorium Expires Tomorrow Creates Issues.

Some Of The Specific Concerns That We Have With The Ordinance As It Pertains To Existing Mines For Your Consideration Are The Section 122 With Regard To Post Mining Uses.

And The Conceptual Plans Of Those.

It Conflicts With Property Rights And Particularly The Last Paragraph Of That Section 122 Which Was Mentioned Earlier Is Very Onerous.

Additionally, The Vested Rights Are Not Adequately Recognized And Protected As Required By Existing Law.

Section 121 That Staff Generated Recognizes The Footprint And The Depth Of The Mine But They Have Not Included Traffic Considerations And Other Factors That Are Granted.

The Mine Operators And The Applicable Development Orders That Were Granted Prior To The Date Hereof.

Those Should Be Adequately Protected From Our Standpoint.

Lastly There Are No Definitive Performance Or Evaluation Standards Set Forth In The Ordinance.

This Results In The County Staff Having Great Latitude In Evaluating The Data And Reports Required And Imposing Additional Conditions And Restrictions.

It's All Without Defining Any Of The Standards Which The Mine Owners And Operators Will Be Required To Adhere To.

Therefore, In Light Of This Operation If You Must Do It Today I Recommend You Have A Sun Setting Provision To Ensure That It's Re-Looked At After The Drgr Is Finalized, Approved And Implemented In Accordance With The Lee Plan Because There Are Some Onerous Provisions That I Think At This Point We Have Worked With Staff And They Have Done A Great Job, As I Said, But I Think There Are Still A Few Items That Are A Problem.

I Think If We Pass This Ordinance It Will Come To Light In The Coming Weeks.

Bob Will Address Some Other Issue That Is Pertain To New Mining That Semex Has Problems With.

Chairman Judah: Thank You, Bob? Thanks For The Opportunity Again.

This Time I'm Representing Semex U.S.A.

I Also Concur That Staff Has Been Extremely Open To The Process, Accessible.

It's Not An Issue Of Having Access.

It's Just Some Disagreement With Some Of The Regulatory Structure.

My Comments Deal Mainly With Regulations As They Apply To New Mines.

I Agree With Dave Depugh's Comments Including Increasing The Time For Reassessment From Five To Ten Years And Section 12-116, B-2 Relating To Permanent Traffic Count Stations.

It Seems That That's Costly And Onerous And A Regular Monitoring System, Quarterly Counts Should Be Sufficient.

I Think In General There Are Components Of The Ldrs That Are Unclear And Nebulous.

When We Talk About Having A Site Designed To Mimic Or Restore The Natural System And We Know The System Has Been Significantly Disturbed Already.

Who's Going To Be The Arbitrator Of The Design? So I Think -- And Also The Same Holds True With Enhancing Wildlife Habitat Values.

That Kind Of Depends On What Species Your Targeting.

So The Toro Plantings Will Be Beneficial For Wading Birds But For Panther Habitats It's Another Issue.

It Seems There Should Be Flexibility In The Criteria.

I Think Also There Should Be Or Could Be Some Reliance On Technical Assistance From The Various Jurisdictions That Have The Expertise In This Area In Terms Of Design.

That's Really Not Referenced Or Mentioned.

Perhaps It's Understood.

I Don't Know.

I Really Didn't Understand It From The Regulatory Structure.

Also, I Think That Certain Performance Standards Or Evaluation Criteria Related To Hydro Logic Needs To Be More Quantifiable.

I Know This Is Interim.

I Suppose If There Was A Defined Time Frame That These Would Be Applicable That Would Make It More Palatable If That More Definition Could Come As You Prepare What Would Be The Permanent Ldrs.

There Was One Other Comment.

On Section 12-114, The Timing For Providing The Erp Application, I Guess Providing An Application, Just As A Point Of Clarification, Providing A Copy Of An Erp Application Is Probably Not Problematic Because That's The Critical Time Pass.

That Will Take Longer Than The Entitlement Process Through The County, But To Require Some Approval Of That Is Something I Think Would Be Too Costly And Folks Aren't Going To Be Willing To Spend Is Money To Not Get The Entitlement.

That Detail Is Required And So A Lot Of The Information Will Be Available.

I Think The Application Should Be Sufficient.

I Think That Wraps It Up.

Chairman Judah: Thank You, Bob.

I Just Want To Open It Up If There Are Any Other Individuals That Would Like To Speak On The Mining Ordinance.

Seeing None, Mary? Couple Of Issues Here You May Want To Run Down.

Mary Gibbs For The Record.

Let Me Hit Some Of The High Points People Brought Up Tonight.

The First Thing Is I Think Kevin Hill Mentioned It About The Predisturbed Language.

You Have Heard On Both Sides Some People Thinking We Softened It Too Much And Others Thinking It's Too Strict.

What We Did Is We Added Some Language That Said You Have To Return To The Predisturbed Natural Systems As Much As Possible.

That Came Up At The Prior Hearing.

We Didn't Have The Language "As Much As Possible" So We Added It In Because We Know That Of Course Some Sites You Won't Be Able To Restore To The, Like, 1900s.

So We Put The Language In To Give Staff Flexibility Or We Can Get To Something That's Practicable.

We're Comfortable With The Language.

It's A Compromise.

The Wildlife Corridor Or Habitat Language, We Have The 100 Foot.

Some Think It Should Be 300.

Some People Don't Want The Word "Wildlife" In The Ordinance.

I Think We Should Leave It As Is With 100 Feet For Wildlife Habitat.

So We Should Say What It Is.

It Will Be Dealt With At Zoning Case Time When We Work With The People When They Come In For The Rezoning Requests.

Chairman Judah: Would That Be One Of The Issues -- I Apologize For Interrupting -- 100 Feet Is A Minimum So You Would Be Working With Input From The Fish And Wildlife Service.

If Their Opinion Is 300 Feet That May Be Considered? We Were Trying To Compromise.

We Were Trying Not To Be Overreaching But Wanted A Hundred.

You Need At Least A Hundred.

We Were Trying To Compromise And Left It At A Hundred.

You Could Put In More If You Want.

That's Where We Were.

Chairman Judah: I Think The Set-Backs The State Requires Is 200 Feet For Mining Activities.

Maybe I Can Be Corrected On That If I'm Mistaken.

I Don't Know About A 200-Foot Set-Back.

Comm. Hall: Mr. Chairman; If I May Ask A Question.

Mary, One Of The Goals And Objectives We Set Out At The Beginning Of The Year When You Presented To Them Was Again The Concern Of Rural.

While This Isn't Rural Because It's One Unit Per Ten Acres, We Had A Lot Of Conversation About The Work At Babcock, The Work Crews Have Done And How Can We Have Connectivity From Charlotte To Collier County For Habitat, Flow-Ways, Environmental Things That We Give A Lot Of Lip Service To.

Have To Be Public Private Partnerships And The Public Sector Can't Do It All.

What I'm Looking For In Trying To Recognize, I Will Ask You, Is This The First Step In Dealing With Particular Land Uses That We'll Put People On Notice That We're Looking For Corridors And At A Minimum We're Looking For More Than That If Your Property Is Conducive To Connectivity For These And That We're Going To Go To The Rural Land Use And Do The Same Thing? Again, I Got One Little Swath Here And A Hundred Feet Is A Starting Point.

In Order For This To Work And Do What We Envision Over Time It's Just Not The Drgr Land Use That Needs To Be Addressing These Issues.

People Have Said, You're Not Addressing This.

I Hope That As We Spent Half A Day Talk About Planning Objectives And Goals That This Is The Beginning Of Trying To Achieve The Goals.

We're Starting Out With This Land Use In Particular.

Right.

We Talked About When We Had The Planning Staff Came Back With A Discussion Of Rural Lands And In Conjunction With Smart Growth, We Have Had A Few Follow Up Meetings Where We Have Looked At The Rural Lands And The Drgr Lands And Lehigh And Where Can We Connect These.

We Met With The County Land Staff.

We Have Had Several Follow Up Meetings.

Do We Need To Map These? How Can We Get The Connectivity So It Won't Be A Piece Here And A Piece There? So That Is Ongoing.

It Isn't Limited To This Area.

But It's A Big Project.

Years Ago, You Know, Many Years Ago We Talked About Wildlife Corridors And The People That Said The "W" Word.

It Raised All Kinds Of Ire In The Development Community.

It Was Hugely Controversial.

We Tried To Map It At The Time And That Project Got Set Aside.

So, You Know, We're Not Really Bringing That Back.

We Are Trying To Get Connectivity Through Other Ways.

We May Need To Look At Mapping Measures.

But Maybe This Time In Terms Of Providing Incentive So It's Not Just A Regulatory Measure.

We Have Been Following Up On That.

Comm. Hall: I Don't Want People To Think We're Isolating Them.

We Have To Start Somewhere, I Guess.

Thank You.

Comm. Bigelow: Can We Maybe Back Up So I Can Ask A Question About The First Item Brought Up By Kevin Hill That You Went Over.

I Thought We'd Listen To You About It All And Then Take It Back.

Where Is It That Mr. Hill Is Referencing That There Was Language Softening With Respect To Post Development Water Level? I Think It Was On Page 33.

If You Go To Page 33, Let's See -- Comm. Bigelow: It Talks About The Hearing Process.

On Page 33, Number Six It Says The Site Is Designed To Mimic And We Added To The Extent Practicable.

Comm. Bigelow: That Strengthens It? It Makes It More Reasonable.

We Talked Toro Land About It.

Everybody Realizes You Can't Go Back To The Prehistoric Levels.

So Where Are We Looking At? The Circa 1940s Or 50s.

A Lot Of The Questions That Came Up At The Prior Hearings Were "Give Us A Hint" What Are You Looking For.

Give Us More Specifics.

So That's Why We Put The Language In There.

Comm. Bigelow: On That Note I Want To Go To What Mr. Quesnel Was Advising We Not Allow And That's That The Chain Of Lakes Be Connected.

Would That Connection Not Pass That Test Then Because It Could Not Be To The Maximum Extent Practicable? I Think We Have That Covered In The Following Pages.

It's Called Site Design Requirements.

There Are Parameters You Have To Meet.

One Of The Things We Talked About When You Do The Lakes Is That Not Necessarily One Great Big Rectangle Anymore.

That You May Have To Do The Partitions.

It Depends On The Topography Of The Site.

If You Have A Big Slope Then It Becomes More Important Than In If The Sight Is Flat.

So Site Design Requirements Would Be Where We Sit Down With The Applicant In Premeetings And Talk About How To Address Those Issues.

We Have That Covered.

I Don't Know That It Explicitly Says "Partitioning" But That's What We Were Talking About There.

Comm. Bigelow: So You Comfortable? I'm Comfortable We Have It Covered.

Comm. Bigelow: Good.

One Other Question -- Chairman Judah: If I Could.

Comm. Bigelow: I'm Going To The Last Point.

Chairman Judah: No, No.

You Had The Flexibility To Control Weirs, Appropriate Elevations To Make Sure The Drainage That Was Of Concern By Mr. Cornell Doesn't Materialise.

You Can Maintain Ground Water Levels, Surface Water Levels, Right? Right.

And Roland Has More Specifics.

He's Here.

Yes, We Have Language To Maintain Surface And Ground Water Levels.

That Promotes Shelves So They Aren't Making A Long Lake Where The Whole Area Gets Depressed That You Can Cascade The Water Down From The Higher End Of The Site To The Lower End.

And To The Maximum Extent Practicable.

If You Fill Up A Ditch You May Cause Adverse Impacts To Properties.

There Are Homes Intermingled Here.

When You Restore To Historic Levels You Have To Be Sure You Don't Have Adverse Impacts.

Chairman Judah: Commissioner Bigelow? Comm. Bigelow: Then To The Point That Commissioner Hall Pointed Out Or Was Picking Up On.

That's That The Corridor -- Mary, Do We Have Anybody That Could Talk To Us About That From Environmental Sciences? 100 Foot Minimum, That's All We're Going To Get.

Maybe Becky Could Come Up.

I Mean, We're Basically Saying No More, No Less, Hundred Foot's It.

In Some Cases We Probably Need A Water Corridor.

Maybe We Need To Set A Higher Threshold And Allow Applicants To Justify A Lower -- Narrower Corridor, If You Will.

Can I Have Thoughts On That? Sure.

We Put In A Standard Of 100 Feet.

It Can Grow Through The Applications.

There Could Be Discussions For More, But It Was A Standard Trying To Put 100 Feet In There.

Maybe It's Not Appropriate In All Locations.

There Is A Provision In There For Them To Seek A Deviation.

But I Mean We Started With A Standard.

You Can Certainly Request To Increase The Area.

Comm. Bigelow: It Sounds Like We Have Set A Goal.

It's Going To Average 100 Foot, I Think.

It's Not Going To Move To 300.

We Have Some Credible Folks On The Ad Hoc Committee Who We Know To Be, You Know, Well Educated In The Area Of Wildlife Habitats.

I Think The 100 Foot Does Cause Me Some Consternation.

I Was Hoping To Hear Back-Up Support From The Staff That, Yeah, 100 Foot Is Looking A Little Narrow.

That's All.

Thanks.

Chairman Judah: Commissioner Mann? Comm. Mann: I Want To Stay On That Point, Mr. Chairman.

You Had Concerns About It As Well.

Just Off The Top Of My Head, And I Have Spent A Lot Of Time In The Woods In My Life.

A Hundred Feet Is Nothing.

I See Here The Industry Position Disagrees With A Hundred Feet.

Is It That The Industry Wants Less Than That? Yeah.

The Mining Industry Wants Less Than A Hundred Feet.

Comm. Janes: They'd Like No Feet.

Staff Felt This Was A Reasonable Application To Deal With The Corridor Issue.

So You Can Certainly Request -- Comm. Mann: I'll Just Say It And Somebody Can Try To Convince Me To The Contrary, But I Think A Hundred Is Minimal At Best.

I Just Don't Know.

The Staff Has Done A Superb Job At Working With These Folks And Bringing Some Of These Issues Together.

We've Asked You Guys -- We Put It To You, Get Back In The Closet, Work Something Out.

I Appreciate That.

It's An Enormous Task We Have Given You.

And In This Particular Case I Feel Like Maybe You Have Gone A Little Further Than You Needed To Be.

For Me, With 100 Foot You May As Well Not Have Any Wildlife Corridors.

I Don't Know What I'm Suggesting, But I'm Not Comfortable With The 100 Feet.

I Would Like To Kick It Around A Little Bit More.

Chairman Judah: Mary, I Want To Go Back To The State Requirement Of 200 Feet For An Area For Wet Lands.

I Don't Know If That Was Between The Wet Lands And The Mine But Hopefully Somebody In This Room Can Confirm Or Reject What Seems To Be A State Standard Of A 200-Foot Set-Back.

It May Be From Wetlands.

No One Here From The State Either.

We'll Have More Discussion On It.

Just A Couple More Things.

One Of The Things That Came Up Was That From Several Speakers Was Extending The Mining Operation Permit Now.

We Have A Time Frame Of Five Years And They Were Talking About Extending It To Ten.

We Wouldn't Agree With The Ten-Year Period.

We'd Like To Get The Cumulative Assessment.

I Think A Ten-Year Period Is Too Long.

We'd Recommend Staying With The Five, But If You Want To Make It Seven Or Something, That's A Reasonable Compromise.

Comm. Bigelow: Can We Stop There? I Need Help With That.

Can You Take Me To The Section? Comm. Hall: Page 20, Item Two And It's On Another Page.

It's More Substantive On Another Page.

22.

Comm. Hall: 22.

The Five Years For Mining Operation Permit.

Comm. Bigelow: Oh, Five Year Comprehensive Mining Corridor -- It Is On 42, But It's Number Three, The Renewed Mining Operation Permit Valid For Five Years.

But I Think If You Extend It To Ten Like Everybody's Asking For, What We're Trying To Do With The Operation Permit Is To Check A Lot Of The Things Roland Was Asking For With The Monitoring And The Ground Water And The Wells And That Type Of Thing We'll Be Looking At Comprehensively In The Five Years.

I Think If You Want To Make Sure You're Not Having Pollution, You're Not Having Lowering Of Ground Water Levels And If You Wait Ten Years, That's Too Long.

So We Suggest Keeping It At The Five Or Maybe Extending It To The Maximum.

If You're Looking For Trends, Ten Years Is A Long Time.

By The Time You Detect A Trend It Could Be Maybe A Little Bit Too Late For Sufficient Action.

So That's Why We Had A Five.

Comm. Bigelow: Excuse Me, Mr.

Chairman.

If You Say Five Is A Long Time, A Lot Can Happen In Five.

We Still Are Getting Annual Reports.

>> Comm. Bigelow: Annual But Then Five Is A Cumulative? Five Is A Large Cumulative Report.

Comm. Mann: Mr. Chairman, Can I Ask -- Chairman Judah: Certainly.

Comm. Mann: We Have The Hundred Foot Issue, This Issue, Some Others.

Do You Want To Take Them One At A Time To See If We Can Get Through Them? Chairman Judah: We're Just Venting On All The Issues Now.

We'll Get Back To Taking It One At A Time On Decision.

Comm. Mann: I Didn't Mean To Interrupt.

Comm. Bigelow: I'm Satisfied With The Explanation.

Comm. Mann: Mr. Chairman, I Have Met With Industry People Today And Non-Industry

People As Well.

I Think We Have All Heard The Five-Year Argument.

The Industry Saying That Because There Are Going To Be More Regulations And More Reporting And More Expenses Involved With That That There Should Be Some Compensating Value Given To The Five-Year Permit That We Worked With So Far.

And They'd Like To Double That To The Ten-Year.

I've Heard That And I Think There Is Something To The Argument.

Frankly Ten Years To Me Is A Lifetime.

It's Two And A Half County Commission Lifetimes And It's Frankly More Than I Want To Commit To People That -- There's Probably Going To Be A Huge Difference Up Here.

Not All Of Us Serve For 20 Years, Mr. Chairman.

I Would Feel Uncomfortable.

I Would Though Nonetheless And I'm O.K. With A Compromise And I Had Seven In Mind Before Mary Suggested That As A Compromise, But Ten Is Too Long For Me.

I Think The Argument Is Valid With The Additional Requirements We're Placing On Them Annually That They Have To Come Forward W. I Think It's Fair To Think Of An Extension Over The Status Quo.

Great Minds Think Alike.

Comm. Hall: Mr. Chairman, We're Collecting The Data And Asking Them To Go Through The Process And It's Costing Extra Dollars So We Can Have A Cumulative Effect.

You're Asking What Happens If There Is Pollution.

If We Get A Report On An Annual Basis That We're Not Meeting The Requirements Of The Code, Are We Ignoring That? That Scares Me More.

I Recognize The Cumulative Effect Changes Some Of The Issues As We Look At Future Mines Coming Because Now We Have Cumulative Reports And We'll Look At That, But Every Year Are You Not Taking The Data And Using It As A Baseline For When The Permits Come In? You're Going To Have The Five Or Seven Year Window Staggered Based On The Timing You Have Mines On The Permits Out There.

The Bigger Concern Is We're Doing All Of This And You Say, Oh, We're Going To Really Look At The Report.

But There Is An Obligation Annually That They Are Doing This Work To Be Prepared For The Renewal Whether Five Or Seven Years.

I Want To Be Sure We Have The Staff And Ability To Address Things Annually That We Think Aren't Going To -- At The End -- Why Wait For Tend To Have Problems? We're Supposed To Address This, Hence The Reason For The Regulations And Have Them Report Annually.

I Don't Look At It Whether It's Five, Seven, Ten, Whatever The Renewal Is.

There Should Be Safeguards So We Are Addressing The Issues At The End When They Are Renewing.

They Should Be Addressed If There Is An Issue On Any Annual Report.

We Do And We Do Inspections.

We Don't Just Wait For The Reports.

We Have A Mine Inspector That Goes Out Randomly And, You Know, To Different Mines, Kind Of As Almost A Surprise Visit.

So We Do Address That And We Look At The Annual.

The Five-Year One Does Give You An Idea Of Trends.

With The Annual Ones You Have To Examine Each One.

I Think The Five-Year Gives You A Better Idea Of What The Trends Are Versus The Imminent Problems Or The Issues Of The Time.

Chairman Judah: Mary, We Have A Water Resource Guy Behind You.

Roland -- We Look At The Annual Data But Looking At Rainfall Levels, It Can Change From One Year To Another.

We've Come Off A Two-Year Drought.

You Want An Adaptive Management Plan In The Facility So If Things Aren't Working Or It's Being Dewatered Or Overwatered They Can Adapt The Mining Operations To Accommodate It.

We Don't Feel That One Year's Data Is Sufficient To Perhaps Knee-Jerk Change Their Plans And How They're Doing Things.

You Will Have Seasonal Fluctuations Based On Annual Rainfall.

If You Have Pollutants Showing Up You Obviously Want Immediate Action To Take Care Of Pollutant Loading If There Is A Spill.

Even Then Water Quality Data You Get Spikes In Data.

If You Look At Water Quality Data Delivered, It's All -- A Lot Of Times It's All Over The Place.

You're Looking For Trends And If Things Are Getting Worse Or Better.

Some Cases They Will Receive Pollutant Loading From Off Site Going Onto The Property.

You Want To Make Sure What's Coming On And Off The Property.

Are They Contributing Or Is It From Outside Sources? There Is A Lot To Look At.

Having A Comprehensive Analysis Every Year -- We Obviously Need The Data But After Five Years You Can Get An Idea Where They Are Going.

Comm. Hall: This Is Where I'm Going.

You're Asking For Cumulative Data Specific Mine.

I Think We Have Heard From Concerned Citizens And Other Folks.

Are You Taking Each Of The Data -- How Are You Looking At It Cumulatively To All The Impact Of All The Mines? I Guess That's Where I'm Confused.

We Tend To Isolate.

What Mechanism Do You Have From A Staff Perspective That Even Annually, You Have A Guy With Three Years Of Data, This Guy Has A Year, This Guy Has Seven Years Of Data.

How Do You Deal With It As We Go To The New Mine Saying, Here's What We Know? Maybe That's Too Detailed.

But Is This Going To Help You Do That? That's The Beauty Of Gis.

We Collect Data From All Developments And Put It In One Clearinghouse And Have It On The County Website So People Can Pull Up The Information, Both New Miners And New Developers Have The Information Of The Whole Region.

We Have That Tool To Use To Look At It Comprehensively.

Then If We Have A Model That's Easily Used In Five Years Time We Could Perhaps Chug In That Action Every Day And Do A Reassessment Of The Model To See If Their Original Assumptions Were Correct Or Where Are The Trends Going On.

We Can't Expect An Individual Mine To Come Up With The Cumulative Analysis, But We Need Their Data To Do The Analysis Ourselves.

Comm. Hall: So We're Taking The Data And Doing Something With It.

Right.

Comm. Hall: O.K.

Chairman Judah: Thank You.

I Think Commissioner Bigelow, You Still Have The Floor.

Comm. Bigelow: I Think I Have Heard Enough About That For Now.

Chairman Judah: Mary, Did You Want To Continue Then? I Have Two More Items.

Some Of The Speakers Talked About These Being Interim And Putting In A Sunset Provision.

I Would Not Recommend That.

I Think We Have Worked Hard On The Amendments.

I'm Comfortable With The Way We've Got Them Now.

There Could Be Changes Later From Dover Cole Or From, You Know, When We See How Things Shake Out With How These Work.

I Think We Can Come Back And Address That Later.

We Can Come Back Any Time If We Need To Change Them.

I Don't Think We Need To Have A Sunset Date In There.

The Last Thing I Want To Talk About Is You Hear A Lot Of Discussion About The Post Mine Use And The Language.

There's Legal Issues That I'm Sure Dawn Can Address If You Want To Hear That.

I Think What We're Trying To Get To -- And Here's The Dilemma That We Have In The Real World And The Practical Circumstances -- When We Get -- You Know, We Work With A Mine And We Work On Their Mining Plan And Then, You Know, They Kind Of Finish Up The Mining And We Have A Reclamation Plan And The Conservation Areas And Everything Mapped Out And It's All Worked Out And They Have The Development Orders And Everything's Good.

Then We Have A Circumstance Where They Come In And Decide, Well, Now We Want To Do A Post Mine Use, But They Haven't Finished The Mining But They Want To Get The Post Mine Use In.

All The Things You Worked On With The Conservation Areas And The Slew Protection And All The Environmental Condition That Is You Negotiated And Worked Out, All Of The Sudden There Are Proposed Houses There.

So You're Renegotiating And It's A Problem For The Staff To Figure It Out.

If We're Doing Conservation And Preservation And Here's Where The Mine Will Be And Then It's Like, Wait A Minute, Never Mind.

Now We're Doing Houses, So We Have To Start From Scratch.

I Think What We Were Trying To Get At Was When You Come To Do A Rezoning We Want A Conceptual Idea Of What You're Looking At For Post Mine Use So We Can Plan Up Front So We Don't Have Conflicts Later On When We Have Already Set Aside A Preservation Area But Now It's Going To Be Something Else.

So It's Just Been Hard For The Staff To Try To Deal With.

It's An Administrative Nightmare.

So We're Trying To Put People On Notice That, You Know, Hey, Give It Some Thought Up Front To What You're Doing So We Can Kind Of -- You Know, Have A Better Idea Of How To Get There.

Chairman Judah: One Last Item Would Be The Traffic.

Oh, The Permanent Count Station.

Let Me Have Pete Talk About That.

Chairman Judah: Good Evening, Pete.

For The Record, Pete Eckenroad, Development Services.

The Requirement For The -- Well, The Ordinance Makes It Fairly Clear That The County Is Seriously Looking At Implementing A Road Maintenance Fee, Part Of An Operation And Maintenance Fee At Some Point To Address Maintenance On Specific Roadway Corridors.

One Of The Prior Speakers Talked About What Other Counties Are Doing And Most Counties Are Assessing The Fee Based Upon A Per Truck Count.

So The Original Thought Behind Getting The Permanent Count Stations On The New Mines Is Of Course To Be Able To Determine What Those Daily Counts Would Be For The Purpose Of Assessing The Fee If The Board Chose To Go That Direction.

However, There Are Other Ancillary Reasons To Look At Trying To Keep Track Of What The Daily Counts Are.

One Has To Do With If The Board Chooses To Regulate The Amount Of Daily Trips That A Mine Could Generate, For Whatever Reason, The Daily Count Numbers Would Give Us A Good Daily Picture Of Exactly What Type Of Trip Volumes We're Looking At.

As An Example, There Have Been Traffic Impact Statements For Mines Which Have Looked

At Daily Peak Hour Trips Or Daily Trips In The Neighborhood Of, Say, 300 Trips In A Day When We Have Actually Observed Trip Volumes Larger Than That.

Having The Permanent Count Stations In There Are Going To Give The County The Ability To See On A Daily Basis Exactly How Many Trips This Particular Mine Is Generating.

It Has A Direct Impact On If The Board Were To Impose A Condition That Limited The Amount Of Trips We'd Be Able To Address It.

Operating Hours Is Another.

Because Those Trips Are Registered As To When They Occur.

It's Not Just A Total Count.

It's A Time Count As Well.

So If Mines -- And We've Gotten Complaints In The Past About Mines Beginning Hauling Operations Earlier Than What Normal Business Operating Hours Are.

And So We Kind Of Play A Cat And Mouse Game In Terms Of Going Out And Trying To Address The Complaints.

The Permanent Count Stations Will Give Us An Opportunity To Track The Counts And When Hauling Operations Are Beginning.

Lastly, And I Think This May Be One Of The More Important Ancillary Reasons, Is That We Are Requiring For New Mines Now That The Turn Lanes Be Installed Up Front.

We've Not Going To Wait For The Need To Be There.

We Want Those Turn Lanes In Place.

It's A Public Safety Issue.

And It's A Level Of Service Issue Also To Get The Mining Trucks Through The Stream Of Traffic.

If Those Turn Lanes Are Designed To Accommodate The Certain Amount Of Daily Traffic Flow And By The Daily Counts We Can See That The Trips Right Away Are Significantly Higher Than What They Estimated And Upon Which The Turn Lanes Were Designed, You Know, We'd Be In A Much Better Position To Go Back To The Mines And Say, Look, Your Trips Are Far In Excess Of What You Estimated And Upon Which Your Turn Lanes Were Based.

It Would Give Us An Opportunity To Take Pretty Immediate Action To Get Those Turn Lanes Modified.

So There Are A Number Of Ancillary Reasons Why These Turn Lanes Or The Permanent

Count Stations Make Sense.

It's Something We Thought We Should Definitely Put In There.

But The Initial Thinking Was Obviously If There's Some Way We're Going To Account For The Number Of Trips For Purposes Of Assessing A Fee, This Is The Way To Do It.

But There Are Other Reasons As I Just Explained.

Chairman Judah: Questions Of Pete? Good Explanation, Pete.

Mary, One Last Question.

One Other Issue I Want To Make Sure Gets Resolved Because Of The Lake Belt Reason And The Concern Of Benzene In The Water Supply.

Evidently Some Of Those Involved With The Blasting Of Mining Operation Don't Use Diesel Fuel.

They Use A Mineral-Based Product And Don't Create The Benzene Problem.

I Don't Know If That Is Or Isn't The Case, Especially If Something Is Not Come Busted And The Potential Is Benzene Gets In The Water Supply.

I Know The Monitoring Wells Will Assist In Monitoring The Potential Contamination Of Water Supply.

Obviously I Would Like To Avoid It All Together.

I Need To Hear From Somebody About The Possibility That Making Sure Future Mining Operations Involving Blasting Don't Create Benzene By Products.

I Spoke With Roland Earlier About Using Different Products.

Do You Want To -- Chairman Judah: It's My Understanding Of Those In The Industry That Are Already Doing It.

I Just Want To Make Sure If That's The Case We Apply It County-Wide.

I Believe That You Are Correct.

There Are Some Operating In Lee County That Use Something Other Than A Benzene-Related Product For Blasting -- As A Blasting Agent.

For Both The Existing Mines And The Mine Operation Renewal Permits For The New Mines -- For Both New And Existing Mines, We Require Them To Give Us A List Of The Blasting Agents That They Use On Site So We Can Review For Just That Issue And Adjust It If Necessary With Either A Condition Or Negotiate With Respect To What They Can Use.

If I'm Not Mistaken, I Think The Existing -- The Mine That Does It Now Uses A Glycerin-Based Product.

But Don't Hold Me To That.

I Don't Have Independent Verification Of That Yet.

Chairman Judah: Obviously What's So Significant That A Judge Shut Down A Region Because Of The Concern Of Benzine Because It Is A Cancer Agent.

I Want To Make Sure That You Can Have Actually A Charge That Doesn't Go Off And You Don't Have The Combustion That Not Only Perhaps Would Destroy The Benzine.

If You Have Benzine In The System Because The Explosive Didn't Explode, Didn't Come Bust, Even Though You May Have A List That Says If It Come Busts It Will Eliminate The Benzine That Won't Help If There Is No Emission, Combustion And The Benzine Is Still In The System.

I Think You're Correct.

That's The Reason I'm Saying That The Benzine Is In The Blasting Agent.

It's In The Fuel That They Use -- The Gasoline Or Fuel -- It's Not Really Gasoline.

But The Fuel They Use.

It's In The Mineral Oil.

There Are A Lot Of Ways They Can Do The Blasting Agent When They're Setting Off The Charge.

There Are Non-Benzine Ways To Accomplish That.

We Have Discovered Those And I Know -- I Want To Say That It's The Youngquist Mine That's Doing It, But I'm Not Sure.

Chairman Judah: If That's The Case You Would Know -- We'll Know Based On The List Of Blasting Agents They Give Us That's Required To Get A Permit Or Renewal.

That's How We Would Address It.

If It's Not Addressed At That Point We'll Have To Figure Out How To Revise The Ordinance To Get It.

I Think It's In There And That's The Reason We Required Them To Provide Us That Information With Respect To The Blasting Activity Going On Site.

Chairman Judah: Thank You, Dawn.

I Want To Open It Up To The Other Board Members.

Comm. Hall: Dawn, Don't Go Away.

I'm Confused From Our Meetings And Things That Have Been Said And Then Reading This -
- Or Mary.

What You're Saying Is We're Going To Have A Mine And Require A Min 100 Foot.

There's Wildlife Corridors Created.

What You're Saying Is That 20 Years From Now They Come Back And They're Done Mining
And Want To Now Come In And Do Residential There, You're Saying That You Don't Want
Them To Count Whatever They Have Set Aside For Wildlife Or Those Things To Be Counted
In The Density Or You Don't Want To Lose The Easements? If They're Easements Aren't
They Easements In Perpetuity? If We Require Them To Do Easements, That's What They
Are.

If That Property Burned And They Came To Say, We Want To Do Something Else -- I'm
Confused As To What Exactly You Trying To Accomplish With The Non-Vesting Right.

The Post Mining Use Of The Land -- If We Have An Easement And It's Granted To The
County As -- To Support The Approval Of The Mine, When They Come In For The Post Mine
Approval, I Would Suggest To You That Whatever Board Is Sitting Here Is Not Going To
Just Relinquish The Easement To Develop On The Area Set Aside.

From A Conservation Easement, That's Not What The Issue Is With Respect To The --
Comm. Hall: That's Why I'm Confused.

And The Post Mining Use, The Provision Is Here.

It's A Statement Of The Law As It Exists Today.

No One That Comes In Is Automatically Entitled To A Certain Level Of Density And
Intensity.

I Think That Any Of The Attorneys Sitting Behind Me Will Probably Agree Readily With That
Statement.

So What We're Trying To Do Is To Make Sure That The Development Of Community As Thai
Coming In Recognized That They Are Not Necessarily Entitled To The Residential
Development Around The Lake.

We Are Requiring Them To Tell Us What They Think They May Be Doing Post Mine.

And We're Not Saying That We're Not Going To Approve It.

We're Not Saying We're Not Going To Review It.

If The Board Of County Commissioners Wants To Finish With Their Mine -- They Are Finished With The Excavation Through The Reclamation -- And That's The Extent Of The Mine Activity, If They Want To Come In For A Post Mine Use, They Can Do So And They Would Have To Follow Chapter 34 For A Rezoning Unless, Of Course, They Had An Agricultural Land Use Category, Zoning District Or They Would Be Able To Develop Without Having To Obtain Zoning Approval.

If You Have A Planned Development You Have To Come Back In To Do Something.

Once You Have A Mining Plan Development You Can't Do Residential Plan Development Without Intervening Zoning.

All We're Saying Is You're Not Specifically Vested For Any Particular Density Or Intensity That Starts From When -- Before You Mined.

Comm. Hall: Isn't That True Of Any Development? Yes.

Comm. Hall: I Guess My Question Is -- And This Is Where I Guess Maybe Mary's Explanation Confused Me.

It Says Otherwise Attainable To Land That Has Not Been Subject To Mine Activity.

So We're Saying We'll Review Your Density As We Would Anyway.

If You Still Have Mining Going On And If You Have A Thousand Acres And The First 500 Is Done, It's A Planned Development.

It's Post.

Meaning After The Mining Is Done You Get To Come In.

It's Not Like -- Unless They Are Saying They're Going To Phase It.

I'm Confused.

Maybe I'm Not -- Comm. Hall: We Heard People Say We Don't Want Them To Build Out And Have Residential And Then They're Doing Mining On The Overall Plan.

I Agree With You.

That's What We Don't -- We Don't Want That To Happen.

Mary Very Well Explained That To You.

Comm. Hall: Hence The Word "Post".

You're Done.

They Weren't Completely Done.

I Think What The Confusion Is If You Have 100 Acres And You Have A Lake Now That Comprises 75 Acres, You're Not Entitled To Density And Intensity Anymore.

There's No Doubt About It.

We Have A Hundred Acres Of Land.

They Have A Ten Acre Lake In There And They're Going To Come In And Ask For One Unit Per Acre They Get Looked At And Reviewed On 90 Acres.

You Take The Ten-Acre Lake Out? I Don't Know That You Would Do That.

I Don't Know Exactly How That's Going To Look.

That Ten Acres May Be Part Of A Development.

It's A Post Mine -- What We're Trying To Establish Here Is That You're Not Necessarily Entitled To Whatever You May Have Dreamed About From A Mining Perspective With Respect To What The Post Development Was Going To Look Like.

Comm. Hall: It's One Unit Per Ten Acres.

That's The Density Given By Rights For Them -- That's What Currently Exists.

Comm. Hall: That's The Maximum They Can Do.

If You're Telling Me That On A Hundred Acres And They Take Up That, They're Not Allowed To Ask For The Ten Units If They Have A Lake That's 50 Of The Acres, You're Saying We May Actually Say You Only Have A Right To Ask For Five Units.

They Can Ask For Whatever They Want.

That's The Issue.

They Can Still Ask For Whatever They Want.

We Are Not Saying They Can't Ask.

We're Just Saying They're Not Vested.

We're Making An Affirmative Statement Of What The Law Is.

That's What This Is Doing.

Comm. Hall: But Don't Count On Your Mining Pit To Be Included In Your Density.

Correct.

Comm. Hall: O.K.

Don't Count On It.

We're Not Saying It Won't.

We're Just Saying -- Comm. Hall: I'm Trying To Figure Out How It's Different.

We Could Go Round And Round On It.

I'm Confused.

I Usually Try To Be More Articulate.

But Your Explanations Are Confusing Me Further.

Chairman Judah: O.K.

Comm. Bigelow: I Guess I Want To Take A Little Different Approach Perhaps With That.

Mr. Eslick Made A Great Point.

If You Don't Vest The Rights Prior To Excavating The Lake There's More Incentive To Maximize The Extent Of Your Excavation And Therefore Reduce Your County-Wide Footprint Of Mining Throughout The County.

I Appreciate The Explanation Because I Think That's Worth Noting Here.

I Think Our Intention -- And I'm Reading The Tea Leaves On The Board.

We Want To Reduce The Negative Impact Of Mining In Lee County To The Extent That We Can, But Still Recognize That It's An Important Product That We Need To Provide For Ourselves And Others.

I Appreciate That We're Being Ultra Trance Participate With The Regulations.

I Think That's What Ms. Leonard Is Telling Us.

We're Just Stating It -- Black, White, In No Uncertain Terms That This Isn't Something You Should Expect Comes With Your Land Ownership.

To The Extent That Mr. Eckenroad Made It Clear That It May Be Our Intention Later To Try To Put The Road Impacts Or The Cost Of Repairs The Road Impacts Onto The Backs Of The Miners Because They Are The Ones Contributing Mightily To The Decline Of The Roads.

It's, Again, An Up Front Transparent, Hiding No Intentions Here Approach To The Codification.

I Like It.

It's Laying Out The Ground Rules And Not Trying To Muddy It.

Comm. Hall: Mr. Chairman? What You're Saying, Mr. Bigelow Is That We're Trying To -- Maybe This Is Where I'm Confused.

You're Saying We're Trying To Really Eliminate Post Development.

We Want You To Maximize The Mining And Probably Won't Have Any Land Left To Put A Residential Development If We Encourage You To Say We Want Mining Here And Not Here.

So Ultimately We Don't Want You Looking Down The Road 20 Years To Save Land That Would Potentially Have Density On It.

We Want You To Maximize It.

Is That It? Comm. Bigelow: It's A Way To Reduce The Residential Developments In This Environmentally Sensitive And Rural Area And Lands That Are Critical To The Future Of Our Water Supply And To The Extent That Reducing Residential In That Area Because Of Those Important Factors Is Helpful, Yes.

I Think -- Comm. Hall: Is You're Saying We're Basically Encouraging No Post Development.

We Want You To Mine It To The Full Capacity Which Is The Recommendation Dover Cole Gave Us.

They Are Recommending To Maximize This So You Discurrently Residential There And Encourage It In Other Places.

Comm. Bigelow: But Like She Said, We're Not Saying No Today.

Be Aware.

Comm. Hall: You're Ahead Of Me.

I Have Been Taking This In Segments.

That's Another Conversation We'll Have Later.

It's The Same Comment I Had.

I'm Trying To Take It In The Process We're Going In.

That's A Later Conversation.

So You're Saying You're Putting Them On Note To Be Transparent That Our Goal As Was Recommended By Dover Cole Is We Don't Want To See Post Development.

We Want To See Maximum Mining Where We Want Mining To Go.

Chairman Judah: That's The Potential Outcome Of Ensuring That There Is No Vested Development But That We Maximize The Acreage In The Area That's Being Focused On For Mining.

Comm. Hall: That Helps Tremendously, Thank You.

Chairman Judah: Mary, I Want To Clarify With You That If We Were To Consider A 300-Foot Wildlife Corridor, The Mining Property Owner Could Actually Use That Area To Fulfill The Indigenous Requirement.

You Could Count Them For Those Purposes.

Chairman Judah: So There's That Opportunity.

I Have To Say The Hundred Foot -- You Talk About Wide Ranging Mammals Like Bears, Panther, A Hundred Foot Is Really Not Conducive To Allowing For The Purpose For Which It Was Intended To Provide A Corridor.

I'd Be Looking For Something Along 300 Feet.

I Know That Knowing There Is The Requirement For Open Space And Indigenous Vegetation.

We Ought To Focus On What Needs To Be Preserved And Look At That Requirement.

Comm. Hall: You're Saying They Would Include That And Keep The 300 And On Top Of The 300 Do The Other But If Your Footprint Works Out We'll Look At It As A Credit Toward The Other Areas.

Chairman Judah: Exactly.

Comm. Hall: That's A Good Compromise That The Board Will Go That Way.

Otherwise You're Asking Them To Take Big Chunks.

And As Becky Stated There May Be Cases Where They Will Ask For A Variance Because There Is No Connectivity.

I Want To Make Sure We Have The Flexibility Where We Just Don't Have A Big 300-Foot Nothing.

That's Not The Goal.

Chairman Judah: Becky, Maybe You Can Clarify.

I Believe If We're Looking At The 300 Feet For Instance Or 200 Feet That It's In An Area Where It Would Be Applicable To Protect Because Of The Fact That It Is A Corridor With Vegetation And A Historical Use Based On Radio Collaring Or Whatever To Show That

Certain Animal Species Are Using That Corridor.

That's A Fair Assessment.

You Could Leave In There The Provision For Seeking A Deviation If It Wasn't An Appropriate Location.

Chairman Judah: Fair Enough.

Comm. Bigelow: With Well Justified And Proven -- The Burden Would Be On The Applicant To Prove And Provide Information That It Wasn't Sufficient For That Area.

Chairman Judah: O.K.

Comm. Mann: Mr. Chairman, I Appreciate The Suggestion And A Different Way Of Looking At It.

I Don't Have The Degrees Of Our Experts But I Know A Squirrel Needs More Than A Hundred Feet.

You Don't Need A Panther.

A Squirrel -- My Cat When It Has Stomach Distress Needs More Than A Hundred Feet.

That's Nothing.

So I Like Your Suggestion.

Comm. Hall: Mr. Chairman, What About The Extent Of The Permits? We Have Heard Applicants Asking For Ten.

We Have Heard The Staff Say Five But We Would Compromise To Seven.

Chairman Judah: Pete Talked About The Counts.

I Think Roland Gave Justifiable Reason Why.

We're Looking At Potential Pollutant Loading, Trends, Fluctuations.

I Think The Five Years, Quite Frankly, Is Justifiable And A Prudent Approach To Take.

I Do.

We Heard From The Water Resource Man Himself.

We're Looking Here At The Integrity Of The Water Supply.

Comm. Mann: Mr. Chairman, The Point I Was Trying To Make Is We Are Looking At That Water Supply More Carefully Now Every Year By A More Thorough Review Than We Have

Ever Had.

That's Why I Was Willing To Talk About The Permit Being Extended Somewhat.

After We Get Done Here There Will Be More Strict Compliance With Rules And Regulations And Additional Rules And Regs Than We Have Had Before.

That Was A Fair Compromise.

Chairman Judah: You're Right From The Standpoint Except I Thought What Roland Was Keying In On Is You Don't Want To Base Your Comfort Level On A Snapshot.

And The Trends Are Important.

The Cumulative Impacts That We Really Could Better Base Our Decision-Making On To Ensure Adequate Protection Of Water Supplies.

That's Why Roland Was Emphasizing The Five-Year Time Frame.

Comm. Hall: Mr. Chairman? Chairman Judah: Yes, Commissioner Hall.

Comm. Hall: I Tend To Agree With Commissioner Mann In The Sense That We're Asking To Step Up A Lot Of Additional Costs For The Miners.

My Question To Roland Z Was How Are We Taking The Annual Data And Looking At It Year To Year.

You're Putting The Renewal Process, The Challenge To The Applicant Is Then Extending And Showing Us The Cumulative Effect.

We Should Have A Rough Idea By Data We're Putting In On What The Effect Is.

They're Quantifying It With A Lot More Back-Up Because Now They're Going Through A Permit Process.

I Would Be A Little Bit Nervous To Think That I Would Be Waiting For That Ultimate Renewal.

We Have Renewals All Over.

At The Same Time Looking At Other Things.

That's Why I Want To Make Sure In The Data Input We're Tracking This Additionally And Not Just Looking For The New Permit To Come In.

Not Just Looking At This Mine But The Effect On The Whole Area That We Have Mining In, Whatever We Decide.

I Guess I Look At This As Not Being The End All.

It's A Fluid Document Over The Next Year.

We'll Be Back With Additional Changes Because We'll Be Through The Drgr, Hydrology Study And Other Things.

I'm Trying To Find The Balance.

We're Putting A Lot Of Regulation.

I Think The Miners And Applicants Have Really Tried To Work With Us Recognizing We Want To Be Good Neighbors.

How Do We Deal With Incompatibility We Have In An Area We Have Allowed This Use To Be Used.

If I Had To Be More Forthright, I Would Look At That And Make Sure We Contract These Things In A Cumulative Manner And Not Just Look At, Oh, One Year Data Looks Great, But To Look At It As A Whole As The Data Comes In.

Whether Someone Is Doing The Renewal Or Waiting Four Years To Do The Renewal.

Soy Guess That Puts The Burden On Us To Be Proactive And Not Just Reactive.

That's Why We Spent \$1.4 Million And Two Years Getting To This Point.

We'll Have Another Year Before We've Finished.

We Have Sent The Message To Staff And Residents That We Need To Be Proactive, Not Reactive Anymore.

There's Another Funding Issue.

Chairman Judah: Well, We're Having A Wide Open Discussion On This.

Any Further Comments From Board Members? Comm. Bigelow: I Will.

Thank You, Mr. Chairman.

Five, Seven Or Ten As We Talk About The Cumulative Monitoring Reports.

Correct? Or Are We Talking About Extending Permits? Comm. Hall: The Permits.

Reports Are Due Every Year But To Renew The Permit They Do A Bigger Report.

Comm. Bigelow: The Comprehensive Monitoring Report.

It Seems To Me That A Five-Year Comprehensive Monitoring Report Is Probably Going To Mean That You're Talking About The Six, Seventh Year As Far As Making -- Drawing

Conclusions.

Maybe We Could Talk To Roland More About How It Will Work In The Trenches.

But If We Set It At Five, I Think We're Talking About Knowing Comprehensive Cumulative Effects In A Six Or Seven-Year Time Frame.

If It's Ten It's Probably 12 Or Thereabouts.

I Would Suggest We Want To Make It More Frequent, Recognizing We're Probably Not Going To Have A Snapshot Any Less Than, Say, Seven Years In Its Cumulative Analysis.

I Know, For Instance, Monitoring Reports Don't Often Get Filed When They're Due And They Take A Little While To Be Had Sometimes If They Are Ever Had.

I Suspect It May Work This Way, Too, The Monitoring Reports Unless There Are Hard And Fast Rules And Mary, Roland, Somebody Can Talk To Us About What Happens The Day They're Due? How Is It Going To Work? How Do We Hold Their Feet To The Fire That That Work Is Being Done? You Know, If We Don't See It On The Fifth Day They Hadn't Started The Work Six Months Prior, Putting It All Together.

How Much Longer Before We Do See It -- Do You Follow Me? Comm. Hall: Come On, Roland.

Comm. Bigelow: How Do We Know We'll Get It? Comm. Janes: A Thousand Dollars A Day -- Comm. Mann: I'm Confused.

I Need Clarity Before You Answer The Question.

I May Have Misunderstood.

I Thought We Were Talking About When You Issue A Permit For Mining It's For Five Years.

Comm. Hall: Right.

Comm. Mann: Forget Everything Else.

And What The Industry Is Asking For Is To Make That A Ten-Year Permit.

We're Talking About -- And These Are Not The Cumulative Annual Reports We're Talking About Here.

Comm. Hall: No.

Comm. Mann: All That's Going To Be Going On.

That Was My Point That It's Going On More Than It Has Ever Been Before.

We're Going To Have Information We Did Not Have Before.

Because Of That, We're Not At Risk By Extending That Fundamental Basic Permit By Another Couple Of Years.

I Felt Myself Being Confused On The Terminology We Were Using.

Did I Describe Accurately The Fundamental Permit Of A Five-Year? Chairman Judah: My Understanding Was That There Was A Request To Extend Not Only The Permit But Also The Cumulative Monitoring To Ten Years.

Comm. Mann: Let's Talk About That So We Know What We're Talking About.

Comm. Hall: Just To Follow Up, I Would Assume Every Year If You Have To Put In A Monitoring Report, One Year Is The Base Line.

Assume We Stay With Five Years.

One Year Is The Baseline.

Two, You Have That Year And The Cumulative Of 24 Months.

Three You Have That Year And The Cumulative Of 36 Months.

If That's Not What We're Doing We're Not Doing What We Said We're Doing Which Is Building Up To A Basis Of Getting It -- Going One Year, One Year, One Year And Then You Bring It Together For Us.

I Asked Roland Are You Inputting The Data On A Whole Annually So We're Tracking Cumulative Or Requiring The Applicant To Make Sure The Annual Reports Have A Cumulative And At The End They Have To Pull It Together To Renew The Permit.

I Agree With You Commissioner Mann.

That Was My Assumption.

That's Where I'm Getting Confused.

I Confused Myself, But I Have A Thought.

Why Don't We Have The Five-Year Of The Monitoring Reports But Say The Permit Will Be Good For Seven Years.

That Gives Them An Additional Couple Of Years So The Permit Won't Expire.

We Have Already Factors In Extra Time Already With The New Process.

We Have Given Them A Few Extra Years.

We Could Make The Mining Operation Permit Good For Seven Years Instead Of Five, But

We'll Still Get The Monitoring Reports.

We'll Have To Change That Language.

I Have To Think About It, But I Think It Would Give Them An Extra Couple Of Years So Permits Won't Expire.

It Would Be -- We'll Think About It, But I Think That Would Work.

Comm. Bigelow: If They Will Extend Beyond The Seven Years -- I Think That Would Give Us The Information We Want And Give Them Extra Time On The Permits.

Comm. Hall: O.K.

Comm. Mann: I Think That's Where I Was Headed Comm. Hall: And What Are The Penalties For Those That Don't Comply? What Do You Do If Someone Doesn't Get Around To It? If The Permit Expires They End Up Possibly In Litigation.

Comm. Hall: What Happens When They Don't Meet The Annual Date Of The Report? We'd Probably Hold Up On Issuing Any Permits They Had Or We Could Put A Stop Work Order On.

Typically We Don't Do That.

We Typically Say, Give Us The Information And They're Good About It.

If We Have Permits We Tell Them We Won't Issue Your Permit.

Chairman Judah: I Don't Mind Going Ten Years On The Permit As Long As We Get The Cumulative Reports.

Comm. Hall: You're Looking For The Five-Year Mark.

I Agree With You.

The Permit Is Moot If You're Doing The Report On A Timely Basis.

Let Me Ask Peter If There's Anything I'm Forgetting.

Chairman Judah: Sure.

I'm Going To Hate Myself In The Morning.

I Think That's O.K.

Comm. Bigelow: That's Another Day.

Chairman Judah: I'll Still Respect You.

[Laughter] Chairman Judah: I Hope I'm Not Speaking Out Of Turn, But That's Really The Critical Information We Need.

I Think That Would Help Because They Need Extra Time To Get Us The Information And We Give Them Time On The Permits.

That Works.

Comm. Hall: So Ten On The Permit But They Have To Meet The Five-Year Cumulative.

If We Don't Get It On A Timely Basis We Need To Have A Stiffer Issue Of -- Because That's What We're Waiting For.

I Think Somewhere In There, Mary, You Need To Address What Happens If The Five-Year Moves Out Of The Reasonable Time.

I'll Sick Sam Lee On Them.

A Fate Worse Than Death.

Comm. Hall: True.

Seriously, You And Dawn Need To Talk About What Happens When It Goes To Seven Years And We Haven't Gotten It.

I Don't Want To Be Held Up In Litigation For A Cumulative Report We're Trying To Have A Partnership With.

Chairman Judah: The Other Issue Was The Possibility Of A 300-Foot Minimum Buffer Understanding That Could Be Applicable To The Indigenous Open Space Requirements Required In The Amendment.

Comm. Janes: Do You Think It's 200 Feet For The State? Chairman Judah: I Think That's Set-Back From Wetlands.

Comm. Janes: I Don't Know.

Chairman Judah: And The Opportunity For The Property Owner To Request A Deviation Based On Solid Evidence That The 300-Foot Buffer Isn't Necessary But At Least It Puts The Onus On The Applicant If That's What The Board Would Consider.

Comm. Mann: Mr. Chairman, That's Where I Was Headed.

The 100 Was Unacceptable As Far As I Was Concerned.

The 300, If It Has That Sort Of Comfort Language That Allows If That's Absolutely Unworkable The Applicant Can Make The Point Or Deviation Could Be Made From That.

The 300 Should Be The Standard We're Going For.

Comm. Hall: That's What He's Saying.

What About The Permanent Count? Chairman Judah: He Made A Compelling Case To Keep It.

Comm. Hall: That's The Other Issue Here.

Chairman Judah: The Chair Will Entertain A Motion.

By The Way, Peggy Apgar Schmidt, I Can't Take It Because You Came In After The Public Discussion.

Thank You.

Back To The Board.

I Know You're Including The Errata Sheet, Too, That Dawn Handed Out Earlier That Just Had Some Of The Few Changes We Had Worked Out This Afternoon.

Chairman Judah: Whatever Motion Would Include That.

Comm. Janes: So Moved, Mr.

Chairman.

Chairman Judah: That Includes Then The Change To 300-Foot Minimum Buffer.

And The Permit From Five To Ten Years.

Those Are The Changes.

Do We Have A Second? Comm. Mann: Sure.

Chairman Judah: Any Further Discussion? Comm. Bigelow: You Said Five To Ten.

Chairman Judah: For The Permit.

The Cumulative Goes From Five To Ten Because The Reporting Aspect Is The Water Quality Monitoring Data.

We Keep That At A Five-Year Cumulative.

Comm. Janes: They Will Get Back To Us With The Five-Year Period, What Happens If They Don't -- Chairman Judah: Oh, Yeah.

Comm. Janes: Within Five, Six Years, Whatever.

They Will Get Back To Us On That.

Comm. Bigelow: And The Monitoring Stations Are Required.

Chairman Judah: Any Further Discussion? Commissioner Mann? Comm. Mann: I'm Not The Expert, But One Of The Things I Reviewed This Afternoon Were The Powers Left To The County If The Miner When Operating Doesn't Comply, There Is Everything From Fines To Stop Orders To, You Know, Poke Your Eyes Out.

There's Some Heavy Language In There That Requires Compliance With All Of These Standards.

Maybe Not To Poke Your Eyes Out.

Chairman Judah: O.K.

Boy, We've Traveled Quite A Road On This One.

Further Discussion? Objection? Hearing No Objections, The Motion Passes. O.K.

We Go To Public Comment On Matters Of Concern By Citizens.

The First Is Mrs. Karen Camera.

Comm. Hall: She's Waited Patiently In The Back.

Comm. Hall: Karen? Does She Know She's Up? Comm. Mann: She's Coming Now.

Chairman Judah: Thanks For Your Patience.

Thank You.

I'm Karen Caminer For The Record From North Fort Myers, Bay Shore Community.

I Recently Attended The Governing Board Meeting For South Florida Water Management District.

I'd Like To Read Some Of Shannon's Comment Concerning The Development.

When She Says When I Was First Shown This Aerial The Very First Thought In My Head Was This Is The Craziest Comp Planning Thing I Have Ever Seen In My Entire Life.

She Goes On To Say That So Today What We Have Here In Any Experience This Happens To Neighborhoods All The Time.

This Happens To Just Citizens Who Are Moms And Dads And Teachers Where They Have To Become Land Use Experts, Experts In Incredibly Complex Law, That They Have To Hire Attorneys Because Government Is Doing What I Frankly Think Is Piecemeal And Poor Decision-Making.

Then Another Comment Was This Screams Better Big Picture Thinking.

Then She Goes On To Say You Have This Huge Puddle In The Middle Of A Area Dispatching To The Caloosahatchee River Where We As An Agency Are Paying Money To Restore The River And Es Chair.

I Hope The Next Decision Makers Do A Better Job And Ten Years From Now A Board Member Doesn't Have To Look At An Aerial Like This, Scratch Their Head And Go, What In The World, How Does This Happen.

And So I Am One Of Those Moms And For The Past Two Years I Have Pretty Much Abandoned My Family, My Horses, My Animals, My Land And I Have Been Doing Nothing But Reading Water Management Permits And Applications, The Water Management Rules.

I Filed A Petition Against The Babcock Utilities Site.

And Actually Was Accepted Which I Was Thrilled To Death Because, Like I Said, I'm Just A Mom With A High School Education.

I Have Been Reading Some -- I Have Read Part Of The Comprehensive Plan And I'd Like To Read From That Also.

It Says General Surface Water Management Standards.

Policy 61.3.2.

Flood Planes Must Be Managed To Min Mighty Ducks The Potential Loss Of Life And Damage To Property By Flooding.

Flood Waste Should Be Kept As Unobstructive As Possible.

Natural Flow Patterns Will Be Publically Restored Where Such Action Is Of Significant Environmental Benefit And Feasible.

I Can Go On And On.

Basically What I See Happening And What Shannon's Reference Was For Stony Brook Is You Have A Sub Outline Suburban Area Out In The Middle And South Of Rural Wetlands.

There Are Highlands And Other Things.

But Basically When You Study The Aerials It's Almost Similar To The Manta Christian Area.

You Have This Big Area Up North With Lots Of Water And It's Coming Down And It's Just Slamming Into Roads That Are Levies And These Lake Developments.

And That Is What Stony Brook Will Be.

Actually, I Also Have A Letter Here With County Commissioners -- I Can't -- Anyway, It's

The County Commission Letter Head.

It's Written By Brad Vance And Says This Is Between Pop Ash And Bray Shore And Previous Years An Agriculture Berm Had Been Permit Constructed Around The Property To Be Developed Into A Residential Planned Community Now Known As Heritage Creek.

We Have Concerns That The Previous Berming May Have Introduced A Flood Plane Encroachment.

A Disproportionate Amount Of Flood Flows May Have Been Transferred To The Over Bank And Could Have Caused Increase Upstream Flood Elevations.

Well, This Letter, He Asked For A Meeting.

I Called Bill Foley And The Meeting Never Happened.

He Said, They Addressed It This Past Year.

The Point I'm Trying To Make Is All Of These Things Are Being Permitted, But Yet It's Not Making Sense Because You Want Us To Have The Drgr Where We Provide The Service Of Supplying Water To Lee County, But Yet There Are Things Being Done That Are Increasing Flooding And I Have A Letter From Chip Miriam Which Says You Are Increasing The Flooding And It Is Increasing Because Of Resident Building In The Flood Plane.

So My Concern -- And I Would Like To Come Back Next Time Or I Don't Know If We Can -- I'm Still Learning About All Of This.

Chairman Judah: What I Was Going To Suggest, I Know You Need To Wrap Up Your Time Is Let Administrative Staff Put Together A White Paper Detailing Our Perspective From The County Knowing That It Really Is Within The Jurisdiction At This Point In Time Of The South Florida Water Management District Or Possibly Dep And What Corrective Action We May With Able To Take Locally Or What Influence We May Be Able To Impose Upon The District Agencies Or The Agencies That Have Oversight Over This Particular Development.

I Think Give Us The Opportunity Because I Know I Have Met With You And I Have Appreciated The Information You Have Given Me.

I Know You Have Probably Met With The District Commissioner.

Comm. Hall: The Approval Was Prior To Me Coming On Board.

I Came After That Was Approved.

It's Done So That Leaves Me Very Little, But We Can Work With You On -- The More I Research, The More I Find.

We Just Found Out Carter Is Pumping An Area Dry Six Inches Below Ground Level.

That's Coming Down On Conservation 2020 Land.

You Have People Pumping From The North And Damming From The South.

We Need To Figure Out How This Is Going To Work.

It's Not Working And Hasn't For Years And It's Getting Worse.

Comm. Hall: We Have Worked On The Bigger Plan.

I'm Happy To Sit Down With You And Go Over The Master Plan.

We Just Had Another Meeting With The Flooding At North Fort Myers And Are Looking At A Budget I'll Be Talking To My Colleagues About Some Of The Challenges And Where We Need To Boost Natural Resources To Deal Not Only With Bonita Springs But Also North Fort Myers On A Short-Term Basis.

The Long Term Solution Is The Master Plan.

I'll Have Carmen Give You A Call.

If We Don't Call You Tomorrow If You Could Give Me Your Number I'll Make Sure We Call.

Chairman Judah: Thank You, Commissioner Hall.

Thank You Very Much.

Chairman Judah: Thank You, Karen.

Steven Broadkin? Good Evening, Sir.

Thank You.

I'm Here Mostly Just To Support What Karen Has Just Said.

I Know That There Are Other Developments That Are Planned Up For Our Area In Bay Shore And Eastward Out To Al Va.

I'm Just Hoping That The Commission As It Moves Forward Considers These Things As These Other Developments Come Along And Considers Shannon's Comments In Regard To Even Other Projects That They Are Looking At In The Future.

That's Basically All I Had To Say.

Thank You.

Chairman Judah: Thank You For Taking The Time.

Jim English? I Share With Jim A Little Bit This Afternoon About The - The Item Brought Out.

Not My District But I Am Very Concerned, I Guess Just For Jim's Benefit.

What We Might Expect Now Is That -- I Think You Decided Or You As Chairman, Going To Look Into This And See If We Can Put Together A Round Table Approach To This.

Not The Stakeholder Obviously, Mr. English, Flooding Seems To Be The Suit Du Jour.

We're Only Going To Experience More Problems Like This As We Continue To Develop Outwardly.

I Just Want To Make One More Spin On My Opposition To Urban Sprawl.

I Think This Is A Symptom Of How We Developed For Too Long And To Push Our Density Out By Keeping It Low, Develop The Higher Density In The Urban Areas That Are Already Established.

Mr. Chairman, And As A Commissioner Here To Hopefully Help Us Come Together And Fix This Problem In Mr. English's.

Neck Of The Woods, As Well As Mr. Mann's Neck Of The Woods.

I Am Trying Not To Steal Any District Issue, I Hope That's Not The Perception Here.

I'm Not Looking To Meddle In Mr. Lynn's District, As Trying To Lend Support To His Problem.

If I Somehow Got Myself In The Crosshairs With Mr. Mann, No Intention.

We Welcome Your Support, Mr. Chairman.

Yes, Commissioner Mann.

I Just Want To Do A That-A-Boy While He's Here Today, The Flood Du Jour That You Are Referring To.

One Of The Problems We Had Was The Creek Off Of River Road, Which Was Flooded And At Least One Home That Was Flooded In Nearly A Foot Of Water In It.

There Is A Reliever Canal That Goes Along The Edge Of Our County Park Out There That Is -- Does Relieve Part Of The Pitcher Creek Overflow.

It Was Pretty Well Crammed Up With Weeds And Grass From The Last Year.

Within A Few Days Of My Request -- And To Look At That Canal -- They Had A Team Out There.

They Had Completely Dug Out About A Quarter Of A Mile Along There.

It Was A Very Quick Response Time And We're Very Grateful And The House Is Now Not

Under Water Anymore And Probably That Will Make A Significant Difference.

Because That Pincher Creek Is Just Like In Bonita Springs, It's An Issue That's Part Of The Big Picture Of Several Creeks That Intersect Along There.

I Want To Thank You Very Much For The Quick Work On This, That Reliever Canal.

And Something I Learned From Mr. English And His Hired Guns, If You Will, A Big Personal Dream Of Developing But He, Too, Is Taking On A Lot Of Water From Other Properties, You Know, West Of 31 And North Across 74, Is It Jim? You Know, He Too Is Suffering, If You Will, And It Is A Problem All The Way Around Up There.

I Just Think, You Know, We Have An Opportunity Here That We're Not Going To Have After We Move Beyond -- So I'm Just Trying To Underscore And Capitalize On The Moment.

Comm Hall: If I May, I Saw Over Here, While We Are Elected District, We Are Still County Wide.

We Have Relationships With People All Over The County.

I Just Networked With A Gentleman, A Personal Friend Of Commissioner Judah, Because We See Each Other Socially, Probably Get More Information.

But I Have Never Felt - Commissioner Janes Oftentimes Comes To Meetings, I Think We Need To Be Conscience, We Take Point On Issues But I Never Felt, As You Will, Disjointed If Someone Knows Commissioner Janes.

I Am Just Happy We Are Taking Care Of The Issue That People Are Calling About.

I Am Saying, If We're Not Going To Support Single-Member Districts Let's Not Get Parochial.

We Have Friends All Over.

Especially After, You Know, I Have Lived Here 30 Years, You Know ,All Of Us Have Enormous Tenure Here To Know A Lot Of Different People All Over This County.

I Really Hope We Stay Focused.

We Want Results, Not About Who Gets It Done.

We Certainly Share The Information.

I Have Been Copied By So And So, This Is What We're Doing With It, A Mutual Respect.

I Welcome Every Commissioner To Come Into District 4 And Be A Banner Waver And Vote With Me For The Improvement We Need.

As I Will Do In Each Of The Other Districts.

I Hope We Don't Get Stuck In That, Any More Dialogue Along Those Lines.

Anything Else From The Public Wish To Comment? Anything? Good Evening.

Good Evening.

Submitting Your Card, I Appreciate It For The Record.

My Name Is Matt Smith.

I Think One Of The Points That We Would Like To Make With Regard To What The Chairman Was Talking About And So On, We Have Potentially, Well, The Largest Development In Our Area.

It's Probably The Largest Development That Will Be In Our Area And I Don't Think The Water Management -- We Have Been Working With Them Very Hard Over The Last Few Years Has Really Addressed Some Of The Important Issues, I Think -- I Am Hoping That The County Can Help Us Address Those Issues.

Now Commissioner Hall Has Been Very Supportive, The Engineering Study Is About To Be Completed.

And We Feel -- We're Hoping That The Data From That We'll Be Able Use That, Validate The Motto And Make Sure That's What Being Done With Water Management For That Development.

You Know, It Takes To Count That New And Expensive -- We Have Spent A Lot Of Money, Over A Million Dollars To Date So We Can Be Sure It Doesn't Make The Problem Worse.

So My Request Is That We Ensure That, Before We Issue The Development Order, Before We Go Down That Line, That We Know That The Latest And Greatest Data That We Paid For Is Going To Be Used To Look At What's Happening With That -- That Very Large Development That's In A Very Flood-Prone Area.

That's My Request, Is Please Help Us.

Commissioner Hall: We Don't Look Any Different At Their Issue Of A Permit Than We Look At Challenges To Make Themselves Into A County.

We Have Been Working -- Actually Just Today, We're Meeting.

So I Will Put You All Together And We'll Make Sure That Their Process, Just As We Challenge The Permitting In Other Developments, That We Have Approved The Zoning But Don't Agree With What They're Doing.

I Appreciate You Bringing It To My Attention As Well.

I Will Make Sure That The I's Are Being Dotted And The T's Are Being Crossed.

If Not, We Certainly Have - Not Being Shy About Stating Our Concern.

Thank You.

I Will Make Sure This Board Is Aware Of Any Concerns We Have In Working With Staff.

If We Didn't Have The New Study, You Know, I Would Say, Well, Use The Best Data We Have.

Here, We Have This -- It Is Almost Done.

I Think It Is Suppose To Be Due In January Or February.

December.

So Here's The Chance To Use This Data We Paid For And, You Know, Hopefully It Will Help Solve Our Problems.

So Thank You.

Thank You For That.

Yes, Commissioner Bigelow.

Comm Bigelow : And My District - Okay.

(Inaudible) Jim, I Can't -- Don't Comply With They Are Perfect -- Jim, I -- I Am Hearing You Loud And Clear.

Unfortunately Mary And The Troops - This Evening, But Speaking The Modeling As It Pertaining To The Development, I Hope That's Something You Would Coordinate With Marion.

Very Good.

I Just Wanted To Ask A Question.

We Funded Half-A-Million Dollar Study, Did We? \$1 Million.

The District Did Put Up Dollars, I Think \$400,000.

It Was A Partnership Of \$400,000.

We Put \$600,000 And They Put \$400,000 In.

Commissioner Bigelow? We Approved It Half A Year Ago.

Okay.

And The State Maps, What They Have Gone And Done Is Map Everything Between 41 And 31, All Of The Creeks That Go Up Every, I Think, Thousand Feet And Measure The Creeks.

It's A Very Detailed Survey Of The Area So That We Can Look At It And Say, Where Can We Most Effectively, You Know, Work To Achieve, You Know, The Drainage And The Flooding And The Water Quality And The Things That We're All Hoping For.

So That's -- That's This Data That I'm Hopeful That, You Know This Is Really Going To Make A Difference For Us And Provide Us With The Information We Need To Make Good Decisions.

There Is A Partner For You.

Thank You, Matt.

Any Other Of Those That Have Not Spoken That Would Like To Speak To The Board On Any Matters Of Concern? I Apologize For Those That Have Spoken.

You Have A Nice Evening.

We Are Adjourned.