

December 1, 2009

Comm. Judah: Commissioner Hall Is On Business In Washington D.C.

Commissioner Janes Is Not Feeling Well. We'll Get Started With Our Board Meeting. Hope Everyone Had A Good Thanksgiving And We'll Start Off With Dr. Gerald Weiss To Give The Invocation. Please Rise. Let Us Pray. Dear Lord We Thank You On This Beautiful Day That We Can Come Here, You Who Are The Creator, The Sustainer And The Redeemer Of The Whole Universe And As Commissioner Mann Knows Quite Well, Even The Very Trees Will Clap Their Hands In Joy. We Come As County Commissioners We Ask Your Blessing Upon Them Today. Knowing We're Living At A Time When Unemployment Isn't As High In Lee County. As We Enter This Holiday Season, We Know The Struggle For A Lot Of People Just To Keep On Living And Feeding Their Families And Is We Ask Your Blessing Upon Us To Give Us The Strength And Encouragement Knowing That As County Commissioners, We Have A Shrinking Tax Base, And Lack Of Revenues, And Then We Have To Make Some Very, Very Hard Decisions. And Sometimes No Decision Simply Means That Someone Is Not Going To Like It On I Her The Side. Very, Very Difficult. We Also Think About Our President Today Who Has To Send Many, Many Troops To Afghanistan, And We Ask A Blessing Upon Him And The Troops And The Whole Administration Knowing What A Struggle That Is To Make Hard Decisions About Very Difficult Problems. Your Blessing We Ask Upon These Commissioners, Fire Their Decisions That Affect So Many People In This County. Give Them Your Strength And Wisdom And Your Intelligence And Your Imagination, That They Truly Might Be Blessed, And That This County Might Be The Kind Of Place People Would Live And Thrive, The Way You Meant Them To Live And Thrive. All These Things We Pray In The Lord's Name And All God's People Said Amen. I Pledge Allegiance To The Flag Of The United States Of America. An To The Republic For Which It Stands, One Nation Under God, Indivisible With Liberty Justice For All.

Comm. Judah: Thank You, Appreciate It.

Comm. Mann: Mr. Chairman, Let Me Just Thank Him For Being With Us This Morning. He Is My Pastor. And We Entertain Each Other From Time To Time. But He Made Reference To The Very Trees Clapping Their Hands. That Was From Me And It Needs Some Explanation. I'm In Our Church Choir And We Recently Sang An Anthem Which Included The Words, And The Very Trees Will Clap Their Hands And Joy. So That's What That Was About. And It Was A Joy Having You Dr. Weiss. Go Back An Take Care Of Our Church. Thank You.

Comm. Judah: Thank You Commissioner Mann. We'll Go Ahead And First Of All We Have Some Ceremonial Presentations, And Very Honored To Actually Have Samira, And If She Has Others We Would Love To Have Them With You At The Podium. This Is Honest To

Goodness The Mother Teresa Of Southwest Florida. We Are Proud And Honored To Have You Here, And To Recognize Your Almost Two Decades Here In Lee County Giving So Much Of Yourself With Your Staff To Those Really In Their Greatest Time Of Need. It's An Honor To Read This Resolution This Morning. Whereas 18 Years Ago, Samira Beckwith Became Executive Director Of Hope Hospice, Operating Out Of A Storefront In Fort Meyers, Florida. Whereas Today Miss Beckwith Direction Has Grown To Over A Thousand Residents Any Given Day And Provides Support Services To Their Families. Whereas Miss Beckwith Encounter With Fellow Patients While Undergoing Treatment For Cancer Herself, Directly Influence Her Desire To Offer A Better Life For Everyone In A Place Where Dying People Would Find Comfort And Dignity. Whereas Former Governor Jeb Bush Described Her As Passion Of Quality And Service, And With That Vision With Her Extraordinary Leadership And Innovation Has Steered Hope Positive Into An Agency Which Provides Services Extending Beyond A Patient And Family And Into A Community. Services Such As Hope Life Care, Which Offer An Alternative Placement In Nursing Home Facility, And Was The First Program Of Its Type In The Country. Hope Connections, Which Provides Personal Care Services To Frail Elderly Residents And Rural Areas. Hope Healing Hears Which Offer Bereavement Counseling And Rainbow Trails Which Assists Children Coping With The Death Of A Loved One. Whereas Miss Beckwith Was Recently Honored With A Special Award, The Ohio State University Award Presented To Alumni Who Have Not Only Gained National Distinction But Brought Benefit To Human Kind. Now Be It Be Resolved By The Board Of County Commissioners, On Behalf Of The Citizen Of Lee County, We Honor Miss Beckwith And Honor Our Grateful Appreciation. The Resolution Was Duly Executed This 1st Day Of December 2009, Signed By The Chairwoman Of The Board Of County Commissioners, Tammy Hall. Samira, Please. Oh, No.

Comm. Mann: Not Allowed. I'm Not Done Yet. Thank You So Much.

Comm. Mann: We're Going To Take Your Picture.

Comm. Judah: Thank You. And We Would Love To Hear A Few Words From You. First Of All I Would Like To Say Thank You, And That I'm Overwhelmed By The Personal Recognition Today. It Really A Great Honor To Be Recognized This Way Personally.

I Have Dedicated Most Of My Professional Career To Wanting To Be Sure That People Had The Care That They Deserve During This Very Difficult Period Of Their Life. And I Accept This Personal Recognition Really On Behalf Of Our Staff And Volunteers, And Many Other People Who Have Worked So Diligently Over The Years To Make A Difference. And As Wonderful As This Is, Personally I Really Accept This On Behalf Of So Many Other People. We Do Want To Mike A Difference At This Very Difficult Time For Each Person Who Is In The Final Stage Of Their Life, Whether That Be Days Or Weeks, Months Or Years. And We Want To Make A Difference For The Family Members, And The Friends And People In The Community Who Are Left Behind To Hold The Memory Of That Person With Them. And To Just Be Sure That They Are Remembered. So Thank You So Much For My Recognition But There Is Recognition Of What We Do For People In The Community. Thank You.
[Applause]

Comm. Bigelow: Mr. Chairman, I Would Like To Make A Few Comments. I Am One Of Those Citizens Who Have Fortunately Or Unfortunately Had To Be In The Position To Take Advantage Of The Services Proud By Hope Hospice. And It's Interesting Because It Was In

This Month Of 2003 That My Grandmother Went Despondent.

I Had Been Caring For Her For Many Years. It Happened That She Had To Go Into Hospice On Christmas Day Of All Days. It Was A Tough Time. It's Been A Tough Time Ever Since. But, Not Only Was The Process Alleviated To The Greatest Extent Humanly Possible, Given The Situation, What Was The Best Part About It For Me Personally Speaking Was That The Bereavement Ofs That Were Provided To Me Afterward That Were There For As Long As I Needed It Was Incredible To Process The Brief And The Trauma. And I Want To Thank You For That Personally, Even Though It's Been Many Years. I Think It Is Also Safe To Say That My Family Thanks You For The Services And Appreciate It.

So Keep Going And I Understand This Is Just The Beginning For You. This Is Not An End. Good. Thank You For Your Kind Comments, Commissioner. And I Was Remiss In Not Thinking The Entire County Commission For The Support Over The Years Of Our Organization. In That We Have Looked To The County Commission For Support For Our Tax Exempt Bonds So We've Been Able To Build A Hospice Houses, To Care For People, And They Can't Be In Their Home. And We've Taken A Lead In That Across The Country. And I Know That You're Well Aware Of The Fact For Hospice House Is Now Under Construction In Lee Heights, And We Appreciate That Support. And Commissioner Mann Was With Us For The Ground Breaking And I Hope You Will All Be Able To Be With Us When We Open In March Or April Coming Up Very Soon. But Thank You So Much For Your Comments.

Comm. Bigelow: Thank You For Being Here. Comm. Judah: Absolutely Commissioner Bigelow. Nice Personal Touch. Thank You Very Much. We Have A Couple More Resolutions And The Next One Commissioner Mann Will Be Reading, Presenting Regular Employee Learning Week.

Comm. Mann: Is Mr. Ingram Here? Charles Ingram? Take The Podium Please While I Proudly Read This Resolution Honoring Your Organization And Its Good Work. Board Of County Commissioners Resolution, Whereas The Organizations Of Southwest Florida Are Committed To Creating A Highly Skilled Workforce, That Is Critical To The Growing And Sustaining A Competitive Advantage. And Whereas They Recognize That Having A Knowledgeable Skilled Workforce Improves The Performance Of Those Organizations, And Whereas Learning Develops Individual And Organizational Knowledge And Expertise And Whereas The American Society For Training And Development, The Astd, Dedicated To Workplace Learning And Performance Professionals Has Declared December 7 Through 11 As Employee Learning Week And Designated The Type Of Organization To Recognize This Strategic Value Of Employee Learning And Whereas Workforce Development Is Everyone's Business. And Whereas The Astd Southwest Florida Chapter Whose Members Are Workplace Training, Learning And Performance Professionals. And The Organization In Southwest Florida Have Dedicated Their Commitment To Workforce, Now Therefore Be It Resolved By The Board Of County Commissioners Of Lee County Florida That We Do Here Proclaim The Week December 7 Through 11th, 2009 As Employee Learn Week In Lee County, Duly Executed The First Day Of December And Kind By Our Chairman Tammy Hall. Congratulations. And Come Get Your Picture Taken. [Applause] Good Morning. A Word Or Two, Please. Thank You Very Much Commissioners And On Behalf Of The American Society Of Training And Development, And Our Regional Chapter, Southwest Florida Chapter, It Is Wonderful To Be Here Again With You. This Is An Annual Week-Long Event That We Are Able To Celebrate. And I Guess I Have Said This, Being That I've Been The Chapter's Vice

President For Community Outreach And Affairs, So Each Of The Last Couple Years. And I Think I Recall Each Time Saying Probably No More Than Now, Has It Ever Been More Important For Companies To Use The Current Situations In Business As A Time To Sharpen Their Tools. And That Is As Important For The Employers As For The Employees. And Ultimately I Think Will Be The Greatest Harbinger Of The Success In Getting Out Of Our Current Situation As Well As Weathering Storms That Will Appear Down The Road. So, Once Again I Appreciate Your Having Taken The Time Out To Recognize Us In This Way An We're Grateful For This. Hope To See You In Many Water Years To Come. [Applause]

Comm. Judah: Thank You,

Commissioner Mann. The Final Resolution -- Before I Ask Those Involved In The Acceptance Of Our Appreciation, Before They Step Forward, I Wanted To Give A Little Background. This Has To Do With The Symposium Donation Held By The Estero Agency Of Management An For Those Of You That Are Not Familiar With The Agency, In Fact It Was Commissioner Mann's Former Colleague In The Legislature, Keith Arnold, That When The Florida Gulf Coast University Was Selected To Be Built In Lee County And In Its Current Location, There Was Concerns About The Overall Impact To The Estero Water Shed And Estero Bay, As The Habitat For Our Thriving Multimillion Dollar Fin And Shell Fish Industry, And Certainly Recreational Amenity For The Thousands, If Not Million Of Visitors That Visit Lee County, And Those Who Are Local Here To The Area That Enjoy Estero Bay.

But The Agency On Estero Bay Management Has Since Been Established To Ensure The Protection Of That Bay With All The Development Around The University. They've Done A Remarkable Job And Held A Symposium On The Importance Of Protecting Estero Bay. They've Raised A Significant. Of Money That They Now Wish To Donate Towards The Conservation Of The 20/20 Program In Light Of That What I Would Like To Do Is Recognize Those People And Ask Them To Step Forward. Dr. Jim Beaver With The Regional Planning Council. Nora Demeras, Paul O'connor. Heather Stafford And Sara Larson. And For Those That I Missed And Were Part Of This Effort, Please Step Forward. We Would Love To Have You Join The Group Here At The Podium. And Meran From The Estuary Thank You, And It Is An Honor To Have You Here This Morning.

Where As The Health Of Estero Bay, Whereas The Event Was Sponsored By The Charlotte Harbor Estuary Program. The Estero Bay On Bay Management. And The Fgcu Environment, Whereas To Acquire Conservation Land. Whereas Lee County Established The Program To Acquire, Restore And Maintain Environment Sensitive Lands. Where As The Symposium Checked \$2,255 In Donations For The Lee County Conservation 20/20 Program To Acquire Conservation Land In The Estero Bay Water Shed. Where The Donations Came From An Anonymous Donor, Detecting Their Interpretation Of The Estero Bay Water Shed. Which Highlights Many Environmental Issues Of Concern In Southwest Florida. Now Therefore Be It Reed That The Board Of County Commissioners Of Lee County Florida Would Like To Take This Opportunity To Honor The Generous Contribution, Made In Behalf Of The Estero Bay And Presented By The Water Shed Public Symposium For The Purchase Of Environment Sensitive Land In The Water Shed, Duly Executed This First Day Of December 2009 And Chairwoman Of The Lee County Commissioner Tammy Hall. And The Rest Of You We Would Like To Shake Your Chance An Thank You. [Applause] Thank You Very Much. Very Generous. Thank You. Good To See You. You Do Great Work. Thank You Very Much. Linda Thompson? Conservation 20/20. You Need To Step Up Here,

Please. Linda, Good To See You Linda. Linda Before They Take Pictures, Let Me Just Shake Your Hand. Thank You For All The Good Work. OK, Good. All Right? One, Two, Three. Perfect. Thank You All. And Dr. Beaver, We Would Love To Hear From You. On Behalf Of All The Partners That Worked Together To Do The Estero Bay Symposium, We Would Like To Thank You For This Honor. All Of Our Organizations Who Have Worked Together On This Have Been Very Interested And In Protecting The Natural Resources In The Beauty Of The Estero Bay And Water Shed And Countless Hours Have Been Spent In Veer Time, Expertise. The Skills And Abilities Of Many Different Public, Private Partnership Of Everyone In This Water Shed That Really Wants To Protect This Resource. And As A Result, I Think We've Moved Forward Toward Better Solution In The System. And To A Large Extent Provided Some Opportunities Where We Can Realize Some Of The Benefit Was Come From A Standard Living That's Based Upon Living With The Environment, Rather Than Against It. And So, You Know I Really Appreciate This Opportunity To Participate In One Of The Finest Land Decision Program That Exists In The State Of Florida. Conservation 20/20 Has Been An Outstanding Example Of What People Working Together Can Do And We Enjoy The Opportunity To Participate In This. Thank You Very Much. Very Generous, Thank You Doctor. Thank You. Thank You All Very Much, You're Wonderful Advocates For Our Environment. We'll Move On To The Recap And The One Item On The Recap Is A Walk-On Item We'll Take Up After The Administrative Agenda. Richard, Good Morning. Good Morning. Give You A Copy Of The Letter. I'm Attorney Rush Pringle And I'm Here On Behalf Of Reliance Bank. Owns A Piece Of Piece Of Land Next To The D.O.T. Facility In The Billy Creek Commerce Center. We Have Been Talking For Some Time With Lee County About Lee County's Purchase Of Our Property. Which We Acquired Through Foreclosure. For The Expansion Of The D.O.T.

A Few Comments About Agenda Item 5-8 And I Presented A Contract Offer To Sell The Property To The County. It Was At The County's Appraised Price And As I Indicated In My Correspondence, Our Appraisal Was A Little Bit Higher And I Believe Your Appraiser Started Out At A Higher Value Of \$1,470,000, As I Recall.

And Then Made An Adjustment To Reduce The Price Even Though There's Some Question As To The Applicability Of That Methodology. Ian Way, Long And Short Of Is We Agreed Reliance Bank Agreed To The Lower Purchase Price Of \$1,335,000. However I Wanted And Reliance Bank Wanted To Have That As A Net Sales Price Which Would Mean The County Would Pay The Cost Of The Transaction. What I Didn't Do, And Stuck To His Guns An Stuck To Your Appraisal Number, And What I Did Not Do In Discussing The Matter With Him, Was To Define That Cost Of The Transaction To Make Sure That He Understood That It Was A Net Sales Price That I Was Talking About. That Being The Real Estate Commission. That Is Involved In This Transaction. When I Prepared The Offer From Reliance Bank, I Included The 36,000 Dollar Number Real Estate Commission Number As A Cost Of The County. So, That We Would Net, So That Reliance Bank Would Net Out A \$1,335,000. Your Appraised Value Mr. Gomez, One To The Inclusion Of That \$36,000 Real Estate Commission As A Cost Of The County. And That's Why Tough Item Before You Today With Two Offers. Which Concludes \$36,000 And Then As A Cost To The County And The Other Being Mr. Gomez' Version. I Believe That Even If You Pay, The \$36,000 As A Cost Of The Transaction, The County Is Going To Be Very In A Very Good Position. Far Ahead Of Where It Could Be.

I Think It's A Very, Very Fair Deal For The County, And I'm Just Asking The County To Also Be Fair With Reliance Bank, By Allowing Reliance Bank To Net Out Its Cost. As I Indicated

Earlier. We Foreclosed On This Property, And At The Time, We Have An Add Exposure Of Over \$2 Million. We've Already Taken A Significant Hit. What I'm Trying To Do Is Just Avoid Us Taking A Further Hit, And Minimize Our Exposure. And I Would Ask For Your Consideration In Approving The Offer I Made To The County On Behalf Of Reliance Bank. So That We Can Move Ahead With A Closing On The Transaction.

Thank You, Richard. John, Where Is John? Hey John, How Are You Doing This Morning. Good Morning, Commissioners, I Just Wanted To Speak And Rise In Favor Of Items 7-A, That's Coming Before You, Meeting Agenda Or The Record, My Name Is John Sibley.

If You Don't Mind Bearing With Me As I Read A Little Bit Of This. As President Of The Florida Native Society And Chair Of The Lee County Overall Extension Advisory Board I've Been Working With Lee County Landscape. First Removing, Reducing Lawn Areas By Extending Plant Beds. Incorporating Native Plants And Placing Exotic With Natives. Initially Plans Were To Do This In Increments With Each Facility. Since The County Funding Project Had Lakes Library And The Extreme, Where It Was So Very Well Received Of Patrons Of Those Facilities And Sparked Extensive Public Interest In Natives, We Decided The Best Approach Would Be To Focus On One Site, And Chose The Pine Island Library. We Have Overwhelming Support From Everybody In The Library System To Proceed And Support From Several Groups That Will Assist In Planning And Follow-Up Maintenance Including The Members Master Gardeners And The Bind Island Garden Club And Members Of The Caloosa Land Trust. So, I'm Seeking Your Support, And I'm Favorable Vote And In Favor Of This, And We're Looking Forward To Proceeding With This Project, And Once We Have An Hopefully Once If You Do Approve, We Will Get Further Funding That We've Had Verbal Approval From The Florida Wildlife Federation Foundation, And The South Florida Water Management District. They Will Provide Further Funding, If We Get County Commissioners Approval. So Thank You Very Much For Your Attention. I Appreciate It. Comm. Judah: You're Very Humble. You've Had A Tremendous Back To This Community. Thank You For Your Project. Thank You. Comm. Judah: Anyone Else Who Would Like To Comment. Seeing None, We'll Go Back To The Board. Items To Be Pulled. Commissioner Mann. Comm. Mann: I Don't Have Any. Comm. Bigelow: I Have Two. 7-A Item That Mr. Sibley Addressed And 5-E.

Comm. Judah: Ok, And Any Others.

Comm. Bigelow: That's All. Comm. Judah: I Have No Others To Be Pulled So To Entertain A Motion To Move The Balance For The Agenda.

Comm. Bigelow: So Moved Second By Commissioner Mann, Hearing No Objection, Motion Passes. Commissioner Bigelow, Item 5-E.

Comm. Bigelow: Actually Both Of These Items I Pulled Today Are Feel-Good Items So I'll Go Ahead And Move This Item To Accept. Comm. Judah: Motion By Commissioner Bigelow, And Do We Have A Second? Second By Commissioner Mann.

Comm. Bigelow: This Is To Accept A Donation For A Bus Stop Shelter Easement For Decision Of Parcel Blah, Blah, Blah, Blah. This Is To Realize A Goal That I Think The Board Recently Agreed To, And That Is That We're Going To Start Providing Bus Shelters, At Bus Stops. So I Just Want To Say To Karen, You Don't Need To Take The Podium, But Atta Girl,

And Thank You For Doing This.

Please Let's Do More Of This And Quicker, But Thank You So Much. Comm. Judah: Any Further Discussion? Any Objection? Hearing No Objection, Motion Passes. Item 7-A. Comm. Bigelow: This Is The Item Mr. Sibley Addressed. Of Course We're Going To Accept A Donation, I Think We Would Be Fools Not To. This Is To Authorize The Acceptance And Installation Of A Donation Of Approximately \$35,000 In Native Plantings. And As John Explained For The Pine Island Library. I Guess In Specifically This Is Just To Accept The Donation. But, As I Understand, Mr. Sibley's Concerns And I've Talked To Him Before On This, We Want To See That We Make A Model Of The Pine Island Library So That We May Be Able To Realize A Future Opportunity To Incorporate Native Landscapes Or Native Plantings. To The Greatest Extent Possible. I Think It Would Be A Wonderful Opportunity For Us Now Or Some Future Point Very Soon To Go Ahead And Set A Policy That All Landscaping Projects At Libraries Shall Be 100% Nay I Have The. Evening It Can Be Done. I Think John Would Swear By That Statement. I Certainly Know It To Be True, From My Own Personal Experience. So, If I Didn't Move The Item, I'll Move It Now And Just Put In The Caveat If We Can Look At This And Maybe Make Our Libraries A Model For All Future Libraries.

Comm. Judah: On That Request Of Commissioner Bigelow, Concerning All Native Land Scaling, Can Bring That Back At M.M.P. For Discussion And On The Item Before Us, A Motion By Commissioner Bigelow To Move The Acceptance Of The \$35,000 In Plan Donations, Do We Have A Second? Commissioner Mann Seconded. Our Discussion, Well Said Commissioner Bigelow And I Wanted To Thank Sheldon Kay, You've Been Really I Think Proactive Working With John And The Native Plant Society. An All Its Wonderful Organizations Involved In This, But The Gift That Keeps On Giving. You've Been Doing This Now In Cape Coral, And It's Making Such A Wonderful Statement. In Term Of Water Conservation. Nice Landscape As You Said Commissioner Bigelow With Native Plant Material. And It's Just A Wonderful Community Effort. So, Thank You All. Any Further Discussion. Hearing No Objection, Motion Passes. We Move On To Administrative Agenda And I Think We Will Need To Hear From Karen. Item 5-A. Good Morning, Karen. Good Morning Commissioners, For The Record Karen Forsythe, Division Of County Lands. Commissioners What We Have In This Particular Negotiation Is Where We Had Reached A Verbal Agreement With The Seller's Representation, When The Contract Came In As The Attorney For The Seller, The Commission, The Real Estate Commission Had Been Added In, And Had Never Been Discussed With Your Staff As A Cost That The County Should Pay. So, It Really Caught Us Off Guard As To What Had Been Verbally Agreed To. The Contract Or Arrangement Between The Broker And The Seller Is Between The Broker And The Seller. It Is Not With The County. The County Did Not Hire A Brokerage Firm To Represent The County In This Transaction. We Don Know What The Term Of That Agreement Is. And The County In Our Opinion Should Not Be Paying The Real Estate Commission In This Regard. The Broker Acted On Behalf Of The Seller. As Far As The Appraisal Methodology, Mr. Pringle Indicated In His Letter To You In His Discussions This Morning That The Use By The County's Appraiser Of The Income Approach Would Not Be Necessarily Appropriate On This Property. I Would Say To You Not Only Is It Appropriate But It Is Required. An Appraiser Is To Consider Three Different Approaches To Value. The Income Approach, The Sales Comparison Approach And The Cost Approach. If Those Approaches Are Not Applicable To The Type Of Subject Property, Then They Are To Identify They Are Not An Appropriate Approach To Consider. I Cannot Imagine Anyone In The Real Estate Mark Who Is

Considering A Warehouse Type Of Building Not To Consider The Potential Of A Leasing Opportunity That Could Exist As A New Owner Of That Building. Now Is That The Intention Of The County To Acquire This Property To Lease It Later On? No. But The Market Recognizes That You Would Have An Income Approach That Should Be Considered, Along With The Sales Comparison Approach, Which Our Appraiser Considered Those Two Approaches Reliance Banks Appraiser Considered The One Approach And Gave Weight Strictly To The Sales Comparison Approach. Our Appraiser Considered The Sales Comparison Approach. The Income Approach Reconciled Between The Two To Come Up To The Value Of Which Was Agreed Upon Verbally By The Seller. When The Contract Came Into County Lands, You Will See That The Dollar Amount Was Not Changed. The Dollar Amount Of 1,335,000 Which Was The County's Appraisal Which What Was Agreed To. What Was Added As It Came Into Our Office Was This Real Estate Commission Of \$36,000. So That Is Why I'm Recommending Rejection Of The Seller's Offer To The County, And Asking The Board To Consider Us Making A Formal Counter Offer Of The \$1.355 Million Dollars, Subject To Which We Have Agreed Upon The County Paying For The Title Insurance, The Survey And The Environmental Audit Which Were Costs Originally Identified To Be Paid By The Seller, But Your Staff Felt Those Costs Could Be Negotiated To Be Paid By The County. Not The Sales Real Estate Commission.

Comm. Judah: What If There's A Concern Or A Problem That Stems From The Environmental Audit, Clean Up Cost. The County Would Pay For The Actually Audit. If There Was To Be A Contamination Identified, We Wouldn't Go To Ward With The Purchase. But If It Was Something We Felt We Can Go Forward On, The Net Cost We Would Look For The Seller To Pay For. Fellow Board Members. Comments, Questions? Commissioner Mann?

Comm. Mann: Do You Have A File With You? I'm Curious To Know About What Comparables Were Used To Determine Even On The Sales Cost Whatever That Number Was. Because In My Mind There Aren't Any Recent Comparables, And This Is In The Billy's Creek Industrial Area? The Location Of The Property? Yes, Commissioner Mann. I'll Look Up Those Comparables.

I Don't Thoroughly Analyze The Appraisal. There Aren't Many Commercial Comprables Going On Right Now And Haven't Been In Lee County For Two Years. However, We Have Been Able To Identify That Within The Billy Creek Area, There Are 45 Listings For Sale And Or For Rent For Leasing. So, In This Soft Mark Place Right Now, Appraisers Are Also Recognizing Some Validity And Are Using Those To Support Their Valuations. Commissioner Mann, If You Would Like To Ask The Same Question As Richard Pringle On The Other Side Of The Ledger. I Know You Would Be Interested In Answering.

Comm. Mann: I Would Be Happy To Have Any Backup Information. Yes, Commissioner Mann, Our Appraiser Used Five Sales Comparisons. They All Came From The Billy Creek Commerce Center. These Where Are Actually Sales.

Now They Did Range In A Period Of Time, One Sale Was May Of '07, April '08, July '09. Ok And The Other Two Are Listings. I'm Sorry, Three Sales And Two Listings Were Used To Come To The Reconciliation On The Sales Comparison Approach. Also, It Would Be Interesting I Think To Note That The Seller Had An Appraisal Prepared For Them By The Same Appraiser In November Of 2008. They Had Indicated The Value Of That Property At

That Time Prior To For Preparing To Go To Auction. Of \$2.485 Million Dollars. \$2,485,000 What Their Appraiser Said What The Property Was Worth In November. They Came Up With A Reconciliation Value Of \$1,570,000. When You Cal Violate A Monthly Adjustment From The \$2.4 Million To The \$1.5 Million Amount, You Come Up To About \$80,000 A Month Of Reduction In The Time Adjustment. You Calculate That Out, August, You Calculate That Out Now For October, I Mean, September And October. And You're Coming Up Right About To The Number That The County's Appraisals Add At \$1.335 Million.

Comm. Mann: One Question More How Did The Negotiations Begin? Simply, Did We Approach The Bank And Ask Can We Buy Your Property, Or Did They Approach Us And Say, We Have This Deal? The Property Was Listed On The Market By The Bank. Our D.O.T. Officials Had Made Some Inquiries And They Contacted County Lands. We Did Meet One Time With Well, The First Time We Met Was With The Bank Representative Mr. Jasper. And The Realtor At That Time. And Got Particulars And What They Were Looking For I Believe They Were Asking \$1.9 Million. Comm. Mann: You Don't Have To Go Into That Detail. That Was The First Contact.

Comm. Mann: Was This Parcel Or Expansion Of That D.O.T.

Facility Included In Any Of Our Recent C.I.P.S, Maybe Somebody Else, We Were Going To Do This Anyway Expand This Facility And Move Or What? There Was About \$8 Million In The C.I.P. For The Decision Of A Parcel And A Design And Construction Of A Building. Of A New One So That By Doing This, We Won Have To Do That? That's Correct. So We'll Save Money. But We Want To Still Buy It, Right. Yes.

Comm. Mann: Of Course, The Answer Would Be. Ok, Thank You. Unless You Can Add Something On The Three Comparables That She Indicated. Comm. Judah: You Can Stay Close. Sure, If I May, Hanson Did The Appraisal For You, And When Woody Hanson Did The Approach, He Came Up With A Value Of \$1.471 Million, That's Based On Sales Comparison. That Was As Of September Of 2009. Then, He Made An Adjustment To That Number Using A Rental Or Income Approach. And He Took That Rental Income Approach And Adjusted The \$1,471,000 Number Down To \$1,335,000. Just With That Income Approach.

My Appraiser At The Same Time In His Report Said, Don't Use The Income And A Approach. It's Not Appropriate To Use The Income Approach. The Seller, Excuse Me The Previous Owner Had Not Used The Property As A Rental Property. There's No Rental History For The Property. The Bank Didn't Rent The Property Out. And Lee County Is Not Going To Rent The Property Out So The Income Approach Is Not To Be Used At All. The Bottom Line Being A Comparison Sales Comparison Approach Was What You Talked About By Your Appraiser Indicated The Value Of \$1,471,000, More Than At Least \$100,000 More Than What We're Asking The County To Pay In The Current Transaction That We Prime Ministered. So You're Still \$100,000 Ahead Even Under My Scenario. You're \$100,000 Ahead Using A Sales Comparison Approach. So I Would Say, I Would Also Say Just Because There's Been A Question Raised In The Last Confidence That Was Had On This Matter, I Was Present. There Was A Realtor Involved Early On. And The Realtor Had The Listing For The Property, And Yes, Miss Forsythe Is Correct. We Had The Property Appraised In December And Everyone Knows Property Values Have Gone In The Toilet In Lee County For Commercial Properties. And What Happened Was The County Was Saying

Their Appraisal Said Before The September Appraisal, Their Appraiser Said \$1.2 Million Was The Value.

I'm On Board Of Directors At The Bank And I Get Involved In The Negotiations. I Said To Keith And To Others, Listen, Let's Reappraise The Property. We Know The Values Have Changed, Let's Reappraisal It And See What The Appraisals Say. That's When We Came Up With Our August Appraisal Value Of \$1,570,000. Woody Anson Appraisal It For You And Your Appraisal Came Back \$1,470,000 With The Adjustment Down On The Income Approach. That's What We Discussed At Our Last Meeting. And In That Last Meeting I Said, Mr. Jasper Was There. Mr. Jasper Was Applying Pressure On Me To Take The \$1,375,000 Sales Price And I Said Ok, If The County Will Pay The Cost Of The Transaction. If The County Will Pay The Cost, Then We'll Agree To That.

There Was Not A Mention Of The Real Estate Commission. There Wasn't A Mention As I Recall Of Anything In Particular Closing Costs. I Just Didn't Say It. And I Made Mention Of That In My Letter That I Sent To You That I Did Not Say My Definition Of The Cost Of The Transaction. But I Told You Today, That I Wanted To Net Out And The Bank Needs To Net Out The Sales Price Of \$1,335,000 Because It Is So Much Lower Than Even Our Most Recent Appraisal Of \$1,570,000. An The Reference To Reduction Of Monthly Basis Of \$80,000 A Month Doesn't Hold Water If You Want To Go Out And Get It Reappraised, Then We Can. But That's Not Relevant In My Opinion. So Again, The Offer Is \$1,335,000 Net To The Seller, And The Way To Get There Is The Contract Offer That Are Presented You.

Comm. Judah: Any Follow-Up Questions, Comments. Karen? Commissioners, Again We Can Go Back An Forth Here, But There Is Something I Think You Should Be Aware Of On Clarification. Mr. Pringle Is Correct On Stating That Our Appraiser Had Come Up With A Sales Comparison Number Of \$1.471 Million. However, He Did Not Bring The Appraisal Down Automatically To The \$1,335,000 By Just Saying Well There's An Income Approach Here That Needs To Be Considered Without Coming Up With A Number For That. But The Appraiser Did What Mr. Hanson Did, Is He Reconciled For A Sales Comparison Approach At \$1,471,000. Through His Methodology That Is Very Well Detailed. On The Income Approach. He Reconciled The Value Of \$2 Million. Now, He Came To The Conclusion Of Which We Agree That He Reconciled Considering Both Of Those Approaches And That's How He Arrived At The Final Reconciliation Value Of \$1,335,000. Again, Commissioners. We Had A Verbal Agreement, Those Costs That The County Staff Were Recommending Be Paid By The County Were Clearly Stated At That Last Meeting. And I Would Say That We Should Not Take The Position Of Starting To Pay Real Estate Commissions Of Which The County Has Not Participated Or Agreed To In The Beginning To Do So.

Comm. Judah: Thank You, Karen. Follow Board Members. Comm. Mann: Mr. Chairman, Let Me Share Some Thoughts And Perhaps A Motion. Mr. Pringle Hadn't Had The Advantage Of Being At Some Of These Meetings Where I Have Stated My Feelings That The County Commission Or The County Of People Of Lee County Should Be Able To Take Advantage Of The Same Market That The Private Sector Has Taken Advantage Of Right Now. And For Us To Fail To Do That, We're Not The Place Where You Come Get Fixed After You've Been Hurt, And I Appreciate Your Comments That Your Client Already Take A Hit. Your Bank Has Taken A Hit On This Property And Thousand Of Banks Across This Nation Have Taken Huge Hits For Various Reasons. But, Seems To Be Collectively The Banking Industry Was Loaning Money While Everyone Was Making Money And It Was A Fun Thing

To Do, And Now The Bubble Broke. And From Time To Time Folks See The Government As The Safe Home To Come To, To Get Fixed. It Started In Washington And Maybe The Counties Have Done It. As Investments, And I Support Those Efforts. But This One, The Bottom Line Is I Think It's A Good Deal At \$1,335,000 Without A Commission On Top Of That. Economics Of The Land Values Right Now Being What They Are. I Think That's A Fair Deal. It's Land We Can Use At What Seems To Be A Fair Price And My Motion Would Be To Make That As The Offer To Reliance Bank. At \$1,335,000. Period. Comm. Bigelow: Take - - Comm. Mann: No The 36 Would Have To Be Added To That. Comm. Bigelow: Well There's Other Costs That She Says She's Willing To Pay. Comm. Mann: I'm Looking For Staff Recommendation, I Thought It Was Stating It. Our Recommendation Is That The County Counter Offer At The \$1.335 Million And Agree To Pay For The Title Insurance, The Survey And The Environmental Audit.

Comm. Mann: That's My Motion.

Comm. Judah: Do We Have A Second.

Comm. Bigelow: The Cost Of Close Do Not Include The Brokerage Fee? Ok. Second.

Comm. Judah: Second By Commissioner Bigelow. I Can Understand The Presentation, The Approach,, But I Think The Board Is Pretty Clear On The Direction We Want To Proceed In. So Hopefully Things Can Be Worked Out. Any Further Discussion? Any Objection? Hearing No Objection. Motion Passes. Ok. Comm. Mann: Thank You, Mr. Pringle. Comm. Bigelow: Thank You, Richard.

Comm. Judah: We Now Need To Move To Item 14-A. The County Attorney's Office Has Briefed All Of Us, And I Know That John Turner Is Here.

Comm. Mann: I'll Move The Staff's Recommendation.

Comm. Judah: Motion By Commissioner Mann Then To Move Legal Counsel's Recommendation.

Second By Commissioner Bigelow.

Discussion? Anything Else On The Record There, David? Ok. Hearing No Objection, Motion Passes. We'll Go On To The Walk-On Item, And This Has To Do With, There's Going To Be A Special Session This Thursday Holly? So This Is Timely With Regards To Supporting The Resolution For Existing Mass Transit In The State Of Florida. Making It Eligible For A Certain Am Of Funds For The Federal Government With Regards To Rail. Board In Special Session. We'll Just Add A Little Support To The Effort. Chair To Entertain A Motion.

Comm. Bigelow: Yeah.

Comm. Judah: Motion By Commissioner Bigelow.

Comm. Mann: My Heart's Not In It, But.

Comm. Judah: Second By Commissioner Mann. Discussion. Commissioner Bigelow Under Discussion.

Comm. Bigelow: I Don't Want To Step On, Actually His Heart's In It. [Laughter]

Comm. Bigelow: If We Could Just Maybe Explain This A Little Bit Better As To What We're Approving Here. Its A Resident Lights To Support Existing Mass Transit And Future High-Speed Rail In Florida. Request Of This Board To Ask The Legislature To Look Kindly Upon Finding A Designated Dedicated Funding Source For The Existing Tri-Rail System. And Hopefully Finding Federal Money For The High Speed Rail Process.

Comm. Judah: Holly If You Want To Elaborate But The Special Session Is Needed For The State To Make Its Commitment To Fund Its Own Rail System In The State Of From Florida. It's Become Eligible For Federal Fund From Greater Expansion Rail In The State Of Florida.

Comm. Bigelow: Right. That's Good. I Think We've Got It Out There Now. And I Agree With It. Frank You're Not Comfortable?

Comm. Judah: Oh, He Is. He's Going To Take The First Rail. We Do Have A Motion, A Second, Discussion, Objection? Hearing No Objection. Motion Passes. Thank You, Holly. Thank You Administration. We Now Move On To Commissioner Items. Commissioner Mann.

Comm. Mann: Mr. Chairman, A Quick Update On The Our Favourite Historic Oak Tree Out Front. We've Had A Nice Lady Tammy Kovar Who Is An Expert, And Her Name Has Come Up. You've Seen It In The Paper. She Took Our Project To A National Convention In Chicago Last Week And Shared It With The Greatest An Best Known Most Active Arborist In The Country. She Attracted Quite A Bit Of Interest In It, Including The Company That Makes This So-Called Resistograph As We've Come To Know That Word. And Another Company Out Of Charlotte, North Carolina Who Is Willing To Come Down Here On Volunteering Their Services So Give Us That So-Called Second Opinion. So That And He's Also Told Us That The Value Of This Tree. There Are Ways Of Values These Trees. She Said Your Tree Would Be Worth Clearly Well Into The Six Figures, Somewhere Above 100,000. So, I'm Just Asking You To Continue Wearing With Me To Get These Second Opinions, And She's Going To Come Down And Use An Air Knife Which Run Off A Compressor And Clears Areas Around The Root System, Because We Haven't Examined The Health Of The Roots Yet. So We'll Have A Top Look And A Bottom Look And She's Going To Do That For Flee, And We Can Use The County's Own Compressors At No Expense, But There Might Be A Couple Of Thousand Dollars In Transport For The Representatives From The Company In Charlotte, North Carolina. We've Set Aside 100,000 To Do The Relandscaping Of The Entire Campus Here. And I'm Suggesting That's A Small To Ken To Make Certain We Feel Right About The Direction We're Going. I'm Just Asking Our Continued Support This That Second Opinion. I Think We Can Have This Work Done In A Couple Of Weeks. The 10th Of December Was The Earliest They Could Come? What Was That. Commissioner We're Still Trying To Confirm With The Two Scientists In North Carolina And The Whole Entire Thing. Comm. Mann: But The Travel Expense Is Still Going To Be An Issue At Some Point. I Just Want To Be Able To Deal With That So We Know We've Done The Fair Thing. If We're Ok With That, I'm Looking For.

Comm. Judah: Worth Pursuing.

Comm. Mann: That's All, Thank You Very Much. Comm. Bigelow: Appreciate The Update.

Comm. Judah: Commissioner Bigelow.

Comm. Bigelow: I Have Bad News, A Request For Information And Great News. Ok,.

Comm. Judah: Bad News First?

Comm. Bigelow: Yes, Unfortunately Dan Moser Has To Resign From Both The Bicycle Pedestrian Advisory Committee And The Caa/Dnc Committee. Services Through Contact With Lee County Emergency Medical Services. This Becomes Necessary, So Some Good News A Silver Lining. My Request For Information Is Pete, Can You Tell Me Do We Have The Scheduled A Joint Meeting With The City Of Fort Meyers? In Fact I Just Spoke To The City Manager Yesterday, And He Was Going To Get With Counsel To Come Up With What Their Issues Were, And Some Proposed Dates Which Is Always The Most Difficult. So I Toll Him January, February Time Frame.

Comm. Bigelow: Good, As Long As We're Moving Forward, I Appreciate That. And The Great News Is That The Gators Beat Fuller State. [Laughter] I'll Leave It At That. Comm. Judah: Even After This Coming Weekend. Thank You Commissioner Bigelow.

Comm. Mann: I Know That Rule Of Order Prohibits Any Personal Attacks Of Any Types, So I Would Never Want This To Be Considered That, But I Would Hope That The Individual Member Of This Commission In The Future Perhaps Would Take Into Consideration The Pending Resignation Of The Coach From The Opposite Team And The Great Sadness That Brings To So Many F.S.U. Fans When They Make Remarks Of A Braggadocious Nature. Comm. Bigelow: Ok, My Fault.

Comm. Judah: I Won't Ask You How Vanderbilt Is Doing This Year. [Laughter] All Right, Committee Appointments, I Have None.

County Manager Items, Assistant County Manager, Bill Hammond. We Have A Couple Just One Issue, Manager Haas Contacted Chairwoman Tammy Hall, And As You Know, January 4th Will Be The First Day Back From Our Recess. And They Talked About Considering Having M.M.P. On January 11th, And If That's Ok, We'll Bring It Back For Discussion Next Week At Full Board.

Comm. Judah: January 11th Instead Of -- Yeah.

Comm. Bigelow: From The 4th To The 11th. If You Want To Do That At This Time Without The Rest Of The Board.

Comm. Judah: That's Fine. Do We Need A Vote On That? Just Direct Us.

Comm. Mann: A Meeting On The 4th. That's Our First Day Back. January 4th.

Comm. Mann: Break Until The 11th.

Comm. Bigelow: That's Not A Break In Until The 11th. M.M.P. Would Be Kicked To The 11th. Which Is A Tuesday.

Comm. Judah: Fine. Ok. Anything Else? That Will Be It.

Comm. Judah: Ok, David Owen. Ok. Well, It's Been A Great Day. We Are Adjourned.