

June 2, 2009

Comm. Judah: Good Morning, Everyone, Those Listening And Viewing In.

We'll Go Ahead.

We've Got Quite An Agenda Before Us This Morning, Both The Public Meeting, County Commission Agenda And The Overflow From Yesterday's Meeting At Management Planning.

We'll Get Started.

Unity Of Fort Meyers, If The Pastor Would Please Step Forward.

I See We Have A Representative Of The Clergy.

Putting You On The Spot, Father.

I'm Sorry, But Thank You.

We Welcome You This Morning.

We Won't Make You Give Your Name.

That's Ok.

Heavenly Father We Give You Thanks And Praise.

We Ask You To Bless All Of Us That Are Here.

May You Guide Us With Wisdom And Knowledge And May We Continue To Proclaim Good News For The People Whom We Are Called To Serve In This Community.

We Bring You These Prayers Father For You Are Our God Of Love Who Is Always With Us.

Amen.

Comm. Janes: Thank You So Much.

If You Could Remain Standing.

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

Chairman Judah: The Term Pinch Hitter Is Appropriate.

We'll Go Ahead And With The Recap, And We Have A Couple Of Items On The Consent Agenda.

One To Be Rescheduled For A Later Date.

Consent Idea 11-B, A Motion To Defer That Item.

Motion By Commissioner Janes.

Second By Commissioner Hall.

11-B, That's Emergency Operations Center, And Jim, If You Want To Comment As To Why.

Comm. Mann: I Was Going To Pull That One, So I'm Curious As We're Moving Quickly Here.

Chairman Judah: John Wilson.

Give Us A Reason Why We Need To Defer.

Good Morning, John.

Good Morning.

Good Morning Commissioner.

John Wilson.

The Reason For The Move, Commissioner, Is We're Combining Two Modifications Into One Blue Sheet.

We've Got A Modification To Extend A State Grant For The E.O.C. Construction As Well As A Federal Grant.

And In Going To You Twice With The Two Modifications, We Thought We Would Come To You Once With Both.

And They Were A Little Bit Of A Timing Issue.

So We Wanted To Make It One Package Rather Than Two.

Comm. Mann: I Don't Have Any Problem With Continuing This Mr. Chairman.

If I May Comment, What I Would Have Said Earlier, This Is Moving Towards A Significant Expenditure That's Going To Require Some Dollars Other Than The Federal And State

Grants That Are Available.

That Will Be A Part Of It, But The Lion's Share Will Fall To Us, And I Just Want To Make Certain We're Not Moving So Swiftly On This Particular Project, When We're Talking Yesterday About Our A New Approach To Prisons And Our 300 Something Beds There.

We've Got Enormous Challenges Ahead With Less Money Than Before.

And I Don't Know Just Plain Business As Usual, Moving Forward On Getting Their Foot In The Door And Becoming Reality, When We Have To Be Reviewing Everything In The Middle Of This Recession.

So, Even Though These Are Grant Applications.

Modifications.

Comm. Mann: Or Extensions Of, I Just Want Us To Be Aware As We're Reviewing Where We're Going On The Precious \$100 Million Fewer Dollars That We Have This Coming Year.

Chairman Judah: Jim, Would You Like To Respond? I Wanted To Inform You Of The Current Status As We Have A Design Contract That's Ready To Come Forward.

We Can Bring It Forward This Month Before The Break, Or We Can Wait Until Your June 17th C.I.P. And Budget Deliberations And See What Happens There.

The Money Is In The C.I.P.

Which Is Why We Have The Design Contract Ready To Go, But Whatever You Decide, We'll Certainly Wait.

I Don't Want To Bring A Blue Sheet Forward For A Design Contract With Something You're Not Sure You Want To Build, So.

Comm. Mann: I Just Think It's Important For Us To Be Looking Ahead On Everything That Comes In Millions Of Dollars At A Pop, That Those Thing What's The Find Ourselves Obligated To.

Because The Budget Doesn't Get Adopted In September, Pretend These Thing Aren't Happening Right Now And That We Don't Have In Reality A \$100 Million Short Fall This Year.

I Think We Need To Be Reviewing The Entire Building Program Structure.

Everything That Uses A Penny Of Taxes, And Some Of This Will, Committee Can't Just Each Week Here Because It Was In The Pipeline Just Routinely Be Taking On Things That Are Going To Be Dog Us Million Of Dollars Later Without A Review Of The Whole Peculiar.

I'm Repeating Myself.

Since This Is Just Being Continued, This Will Give Us Time To Think A Little Bit More About It.

Chairman Judah: I Would Like The Design Contract To Come Forward To Us As Soon As Possible.

We've Been Working Out Of A World War Iii Bunkers, Putting Our Safety Personnel At An Extreme Disadvantage.

And Attempting To Keep Our Community Safe.

We Owe Them A Good Working Environment.

We Have The Funding For The Construction Of The New Building.

We're Not Talking About Additional Operation Costs.

If We Are, I Need To Hear That.

But From The Standpoint Of Public Safety Many This Community, The Fact That We've Been Plan For Years.

Unfortunately We Were Unable To Work Out A Settlement Agreement With Lee County Mosquito Control.

That Has Been Worked Out With A Previous Direct Err And Previous Board, That Fell Through.

We Really Do Need To Move Forward.

This Is A Safety Issue For This Community.

Knowing That The Dollars Are There, Knowing The Importance Of This Project I Would Hope At Least At This Time They Will Stay On Schedule And Bring This Project Design To This Board.

Comm. Mann: Mr. Chairman, I Heard That Sermon Before.

Chairman Judah: And I Have Heard Yours Before.

Comm. Mann: This Is One Of Safest Buildings In Lee County.

And It Also Went Through Four Hurricanes In One Year, And Passed With Flying Colors.

I'm Just Asking That We Review All Of Our Capital And There You're Talking About At-Risk Public.

We Just Want To See The Whole Picture Rather Than A Single Capital Project.

Since We've Got A Couple More Weeks.

When Do We Want To Continue This Until.

Chairman Judah: This Request Is For Referral For A Unspecified Date.

It Should Be Within The Next Two Week.

Just A Question Of Putting Them Both On One Blue Sheet.

Comm. Mann: Ok, Thank You.

Chairman Judah: All Right We Have A Motion On That, I Believe A Second Suggestion.

Objection? Motion Passes.

Thank You, John.

That's Just To Defer An Item.

Carryover Item Number Two Is Going To Be Deferred To June.

Motion By Commissioner Hall, Second By Commissioner Janes.

Discussion? Objection? Motion Passes.

We Have Consent Item 17-B, To Read The Information Given Right There.

I Guess We Do Need To Make Sure That That's Amended Appropriately.

A Motion By Commissioner Janes, Second By Commissioner Hall, Objection? Discussion?
Motion Passes.

Please The Following Language On The Blue Sheet.

Discussion? Objection? Motion Passes.

We Have A Walk-On Item.

We'll Now Take The Public Comment On The Consent Administrative Agenda.

I Have Two Cards And A Third Coming My Way.

Jeff Green Follow By Richard Purcell.

Thank You Jack.

How Are You? My Name Is Jeff Green For The Record I'm A Resident Of Lee County.

I Sent Each Of You A Letter Last Week With My Concerns Regarding The Financing For The Red Sox Stadium.

Really Two Main Concerns.

Number One Was Tying Up The Reserves For A Long 30-Year Period.

And The Second Was The Interest Rate That Was Going To Be Charged By That Loan.

I Attended The Meeting And I Was Encouraged By Commissioner Hall's Comments.

I Think That Makes A Lot Of Sense.

It's Not Common To Do An Internal Loan For The Period Of Construction.

I Think That Would Be A Good Way To Get You Down The Road.

Put You At A Point Where You Can Look At How To Do The Finding For A Longer Term Basis.

That Being Said, I'm Still Not Convinced That The Revenues Are Going To Be Sufficient To Support A Long-Term Financing.

As Far As I'm Concerned, The County Has Not Done A Financing At Less Than 4.5%.

I Heard Mr. Dunlap Yesterday Say The Current Market Is Around 5.5%.

So I Would Subject Probably The Best Course Of Action After Today's Meeting Would Be To Have Mr. Dunlap And Staff, Together You Have The Projection Of What Revenues Are Available From Have To Be Paid Out Of That 20% Allocation.

So There Should Be A Number Available For Him To Sit Down And Do A Calculation Of Some Sort Of Long-Term Financing At The Conclusion Of The Construction Of The Financing Of The Stadium That He Could Bring Back To You And Show What The Capacity Is, Or The Ability To Do An Outside Financing At The Conclusion Of That One Or Two-Year Period.

Those Are My Comments.

Chairman Judah: Thank You, Sir.

Richard Purcell? Followed By Jack Nichols.

Good Morning, Sir.

Good Morning.

Mr. Chairman, County Commissioners, My Name Is Richard Purcell.

I Reside At 135 Meadow Street, Lee County, Florida.

I'm Extremely Appalled, But Not Surprised, That This Commission Is Voting To Go Ahead With The Red Sox Statement.

At The Time When We Are Facing A Revenue Crisis And Budget Cuts Involving Furloughing County Employees, And Reducing And Or Eliminating Necessary Services.

It Seems Decisions Made By Governments, Be They Local State Or Fed, Always Serve Big Business And Corporate Interests.

Over The Needs Of The Average Citizens.

Why Should We Were Row Heavily To Finance An \$80 Million Dollar Baseball Statement That We Don't Feed While Thousand Of Lee County Residents Are Struggling To Find Their Next Meal And Stay In Their Homes.

Do You Think Lee County Needs Another Stadium In Addition To Hammond And The City Of Palm Statements.

The Tourist Bed Tax Is Supposed To Be Used To Attract And Build Tourism.

People Vacation In That County So They Can Go To The Beach, Go Boating And Fishing Or Play Golf.

Few If Any Are Coming Here To Watch The Month Of Bush League Baseball.

The County Is Still Making \$825,000 A Year Until The Year 2016 On Hammond Stadium, And That.

Cos From The Bed Tax As Well.

I Suggested If Lee County Is Going To Spend Money On Any Project It Will Be More Widely Spread In Other Areas Including Infrastructure In Need Of Repair And Other Projects That Would Enhance The Quality Of Life Of The Citizens Of Lee County.

As Well As Not Cutting Back On The Services To Our Citizens.

I'm Strongly Opposed To Taking Money From My Reserve Fund And Using It For The Purpose Of Laying Purposes.

For This Project That Does Not Directly Benefit The Citizen Of Lee County.

Suggesting That We Borrow Money From The Reserve Fund And Then Repay It By Floating Bonds And Repaying The Reserve Fund With Tourist Tax Revenue Is Insanity.

Tourist Tax Collection Since March Of 2008 Have Shown A Decrease Of 11%.

To The First Four Months, Compared With Last Year.

Bed Tax Receipts Are \$900,000 Less.

The Bond Market Is Tough Right Now.

Relying On A Penny From The Five Cent Bed Tax Will Generate Millions Each Year, But The Annual Amount Will Not Be Consistent.

In Closing, I Reiterate This Is For Any Other Project Of This Nature Is Not In The Best Interest For The Citizen Of Lee County.

Jack? Good Morning.

Good Morning Be Jack Meeker From Estero.

I Couldn't Disagree More With The Former Speaker.

I Look At This Statement As An Investment For Lee County, And I Look At The Revenue Stream It Will Generate.

I Think You Said It Yesterday Mr. Chairman, We Look At An Economic Impact Of That \$40 Million Dollars A Year.

I Think It Takes A Lot Of Courage, And I Commend You For Your Courage In Going Forward With This Project.

As I Stated Before, I'm A Yankee Fan.

It's Good For Lee County.

It's Good For The Whole Ambiance That We Have Here.

Not Just The For The Swimming Or The Golf, But For Everything.

And It Produces A Lot Of Activity Off-Season.

I Recollect In 2007, The Number Was Something Like 20,000 Dollars Of Extra Economic Activity That Generated To The Red Sox Stadium Alone In Lee County.

I Think With This New Facility We Will Solidify Florida As A Place For Baseball.

And Not Give It Up To Arizona.

So, When You People Make These Tough Decision, It's Up To People Like Me To Stand Here And Commend You For Doing A Good Job.

And That's What I Want To Do.

Thank You.

Chairman Judah: Thank You, Jack.

I Don't Have Anymore Cards But If There's Anyone Else That Would Like To Speak On The Consent Agenda, You're More Than Welcome.

Seeing None, We Will Go Back To The Board.

Items To Be Pilled.

Comm. Mann: None.

Comm. Janes: None.

Comm. Hall: I Don't Have Any Either.

Chairman Judah: Commissioner Bigelow.

Comm. Bigelow: 4-A.

Anything Else.

Comm. Bigelow: No.

Chairman Judah: Of Course, 11-B Was Deferred.

So The Chair Does Not Event Any Items To Be Pulled.

Motion By Commissioner Janes.

Second By Commissioner Hall.

Discussion? Objection? Hearing No Objection, Motion Passes.

Item 4-A The Boat Ramp Improvement.

Barbara Manzo Here? Jim Lavender Is On The Blue Sheet.

Chairman Judah: We'll Have Barbara And Jim To Answer In Any Questions You Might Have.

Comm. Bigelow: I Don't Have Any Questions.

Chairman Judah: I'm Sorry.

Barbara, Have A Seat.

Comm. Bigelow: This Is An Approval Of An Award To A Contractor For Construction Manager Agreement For The Boat Ramp Improvement.

I Will Like To Compliment Compass Construction Because They're Using Competitively Bid Subsidies, And That's A Good Thing.

But This Is A Long Standing Opposition Of Mine, That The Selection Can Be Made Up And There's Undue Influence Health Care So Moved.

Chairman Judah: Motion By Commissioner Hall, Do We Have A Second.

Second By Commissioner Janes.

Motion Passes 4-1.

It's My Understanding Under The Administrative That We Want To Take In Reverse Order The Way It's Specified.

We Want To Do The Consideration For The Purchase Of The Property First And The Signing Second? That's What Administration Is Requesting Of Me, So That's What We Will Do And We Would Like To Hear From Administration Whether It's County Lands Or Administrative Staff With Regards To The Purchase Of The Pinnacle Site.

Yes, Sir.

That's My Understanding, Administration Would Like To Cover It.

Whoever Wants To Start It.

Ok.

Very Good.

And I Understand We Have Representatives Here From The Boston Red Sox Also.

They're All In The Back.

Chairman Judah: Robert, Good Morning.

We Brought Forward I Think We Finalized It About 5:30 Last Night.

Earlier Around Afternoon Time We Sent You All Proposed Contract.

There Was A Minor Change In That.

I Think It Was In Paragraph One Of Special Conditions.

Where If We Need To Purchase Four Additional Acres That Price Changed From \$250,000 A Year, To \$275,000 A Year For Any Additional Lands.

Comm. Janes: Beyond The 106.

If We Need Anything Above The 106.

What We're Looking At Now Is 10 Acres At A Purchase Price Of \$20 Million.

The Nominated Price For That 10 Acres Was \$22 Million.

The Appraised Very Well Is 200 Mill, 500,000.

Comm. Janes: Excellent Work, Robert.

Does That Conclude Your Comments At This Time? Let Me Turn It Over To Jim.

I Want To Make It Clear The Board Decided This Would Be The Preferred Parcel To Acquire, But There Were A Lot Of Reasons For The Advance Of Moving Forward On This Particular Parcel.

A Lot Of The Permitting And Site Preparation Done In Advance But Ultimately As A Savings To This County And Perhaps You Could Touch On This Particular Site.

This Had By Far The Most Entitlements Approved On It.

We Have To Do Modifications.

It Is Without Question A Site That Moves The Project Forward In A Timeliest Manner.

Coupled With The Road Widening, It's A Huge Benefit To The Area.

And We'll Have The Road Design Under Way Soon, So We Will Meet The Owing Day Of The Stadium With The Road Widening.

I'm Thrilled.

This Is Absolutely The Best Site We Could Pick.

If Everything Comes Together With The Red Sox, We Should Have Achieving Efficiencies On This Site.

I'm Very Pleased And I Would Like To Thank Robert As Well.

He Did A Yeoman's Job, And The Committee Who Sat Reviewing All The Sites, It Was A Long Delivered Project, And I Think We Got The Best Price.

Chairman Judah: For The Benefit Of The Community, Listening, Watching In, Could You Go Over The Entitlement As Well As The Various Site Approvals That Make This An Advantageous Site.

Well, The Water Management Permit Is In Place, Although It Will Need To Be Modified Based On The Plan We Come Up With.

There's A Rezoning In The D.R.I. Modification But The Site Was Brought Up To Sufficient Elevation That We Could Just Do The Building Pads, The Water Management System Is In

Place.

Item Far Along.

Chairman Judah: Commissioner Bigelow.

Comm. Bigelow: I Would Like To Ask Questions About The Requirement On This Parcel.

If That Doesn't Occur, Because I Think That Depends Upon Another Government Body, Is That A Deal Killer On This Site? It Complicates Things, Although The City Fort Meyers Security Council Passed A Resolution To Go Forward With The Deannexation.

And I Believe The Waterman, Has Already Applied For That And There Are Two Public Hearings That Have Already Scheduled, And The Issue Should Be Resolved Within A Couple Of Months.

You Will Still Have Public Hearings And The Decision Will Come, But There Is Or Isn't.

Is It Then Is It A Legal Question? Is There A Problem? I Don't See Why We Condition Just Build It In The City Of Fort Meyers, And Go Through Their Building Permitting Process.

Good Morning, Commissioners.

Commissioner Bigelow, It's Not A Deal Killer But Does Make It More Complicated For Us.

What We're Trying To Keep Our Eye On Is The Timeline For The Construction Of The Facility.

By Doing Most Of The Internal Regulatory Things, The D.R.I.

Chang And Zoning.

Remains With The County, We Feel We Can Expedite That.

This Is A County Project, And Our Preference Is That The Project Be Within The County.

The Project Was Annexed Back When The Current Owner Was Desirous Of Doing A Project Within The City Of Fort Meyers.

Our Preference That It Remain With The County.

Comm. Bigelow: Sounds Like It Would Be Easier For Us To Take It To Fruition, But It's Not A Deal Killer.

That's Good.

If It Stays In The City Of Fort Meyers.

The City Of Fort Meyers Has Taken, Made A Commitment To This And As Jim Mentioned,

The Paperwork Has Already Been Filed.

I Believe The First Public Hearing Is In A Couple Of Weeks Towards The End Of June.

And The Second In Mid-July.

Comm. Bigelow: And I Have Another Financing Question Here.

Maybe Diane Lewis.

If We Approve This, Go Forward With The Decision Approval That's Been Requested By The County Management, The Funding Sources, The Loan From The Mstu Fund That's A Decision We've Decided To Make After This.

What If We Don't Move Forward With That Loan Mechanism? Does That Action Then Kill This Anxious? Dinah Murphy.

On April 29th The Board Made A Decision To Approve A Loan From The Mstu To Cover Three Items.

The Design Contract, The Cm Contact So I Believe The Board Has Already Taken An Action Approximately The Other Item On The Agenda Today Is The Remaining Estimated Cost For The Project To Complete That Loan.

East Coast So That \$20 Million Isn't Coming Out Of That \$76 Million Dollar Loan That We're Contemplating Later.

It Is But The Board Directed On The 29th Of April That The Site Decision Would Come From This Source.

Chairman Judah: Construction Manager Contract, The Design Review Construction Is.

I Thought That Was.

Comm. Hall: We Didn't Know The Amount At The Time.

That's Why She Didn't Have It There On The Resolution.

We Didn't Have The At Of What The Land Action Was.

And We Said We Will Wait, Plug That Number In, But We Knew What The Start-Up Cost Was Of Half A Percent And What The Because That Was A Set Fee.

Comm. Bigelow: Well, Yesterday Was \$6.9 Million.

That The Action Totaled.

Not.

Thank You For Bringing That Up.

I Would Like To Correct The And That I Gave You Yesterday.

The Resolution That Begins With \$6.9 Million And Adds Another \$70 Million.

That 6.9 Reps The Finds Already Put Into A Discrete Fund.

It Includes A Balance Of Taxes That Have Been Allocated To This.

So 6.9 Does Not Represent The Total Costs.

It Reps The Fund Balance That Has Been Put Into The Particular Fund Which Is The Revenues That Have Been Put Into That Fund.

We're Still With The \$75 Million Dollar Cost In This Project, So The 6.9 Was The Total Of The Design And Construction Management? No, Let Me Correct That.

The \$6 Point 9 Represents The Revenues That Have Already Been Allocated To The Fund From Which All Of The Project Costs And Represents The 20% Of The Bed Tax.

So, \$35 Million Of It Is The Original Loan That's Been Made For The Design Contracting The Balance Of That 6.9 Reps Revenues That Have Already Been Collected, That Represent The 20% Of The Bed Tax, That Put Into This Discrete Find.

So The Fund Balance Should You Approve The Rest Of Loan Today Would Be At 76.9, But The Project Cost Is Still At 75.

And From That Loan, Which According To The Bank Is \$76.9 Will Come To \$20 Million And We Will Be Down To \$56.9 Million For Construction Costs, Right? What Will Be For Construction Costs, The Remaining Cost Will Be \$55 Million.

You've Allocated Five For The Design, If You Approve This Action, And The Total Loan Is \$75 Million, Which Means You Have \$50 Million Left For The Remaining Construction Costs.

Comm. Bigelow: County Management, Is There Any Surety You Can Give Me That This Is It.

This Is The Top End? This Is All We'll Spend.

I Don't Think So.

Yesterday, Right You Said Too Many Factors That Are Unknown Yet.

I Commented On That Yesterday, We're A Year Away From Taking This Project Out To Bid On The Street.

Depending On Market Conditions And What Happens There.

But It's A Year Out.

I Can't Predict Who Will Happen In The Next Year.

Comm. Bigelow: All My Questions For Now.

Comm. Hall: David, And I Apologise.

I Didn't Get A Chance To Get All This Back To You.

On The First Page Of Contract, It Talks About That We Acknowledge We're A Property That's 126 Acres Owned By The Property Owner, And That We Have An Option For An Additional Four Weak Up To A Specific Per.

What Happens If The Property Owner, The Seller Sells Those 20 Acres, Does That Option Carry Over? Or Is He Encumbered To Not Be Able To Sell Those Four Acres That We Have An Option On Through? I Think I Forget What The Dat E Was.

Are You Referring To The Additional Acreage? Comm. Bigelow: Yes.

The Option That We Hold That Provides For Us To Acquire Another Employee At The Price Of \$7,200.

That Would Be Page One Of The Special Conditions.

The Seller Agrees To Sell To Buyer, To Accommodate The Project As Determined By The Buyer For \$275,000 Per Acre.

So That Date Is A Year And A Half, Or Six, Seven Months Out.

So Is That Land Encumbered Now? For That, Is The Seller Agreeing To Encumber That Parcel And Help January 1st Of 2010.

For So Long As He Owns It.

Comm. Hall: What I'm Asking Though, David, If He Sells That Parcel, Does Our Option Go Away? We Have No Contingency Then That He Has The Right Obviously To Sell His 20 Acres That We Don't Own.

Right.

Comm. Hall: If He Sells That 20 Acres For Which We Have An Option On Until January 1st, 2010 Does Our Option Go Away.

Does Not.

Comm. Hall: He Can Sell The 20 Acres If He Chooses To Do So Before January 1st, But That Option Is Placed For The County.

That Would Be A Condition Of Sale By The Owner.

That There Would Be Four Acres Available To The County Between Any Sale Between Now And June.

I Can't See That As A Condition Of Sale, To See We Hold The Option With The Seller.

Say It's Presumed Condition, Yes, Ma'am.

Comm. Hall: Presumed, Not Assumed.

Yes, Ma'am.

Comm. Hall: To Wary Over That Option To The New Seller Until January 1st, 2010.

Yes, Ma'am.

Comm. Hall: Ok, I Want To Make Sure The Seller Understands That Also.

Then We Have On Page Two, Specific Government Approval As Innumerated Through A Through E.

And One Of Them, And David What's Difficult When You Read This, Is That We Don't Specifically Put Out Lists What Those Government Approvals Are.

We Say They Will Do Government Approval, But Not Beyond Development Or And Permits.

I'm Assuming For The Construction Of The Penalty, But They're Required To Do The Approval For The Site.

You Can Assume That If You're An Attorney.

If You're A Lay Person It's Difficult.

And I'm Making A Big Assumption Asking You To Clarify That.

Is That What's Happening In This A Through E That This Is All Fight Related.

That The Seller Is Responsible For Getting The Government Approval? That's Correct.

Comm. Hall: So When We Say Here That The Buyer Will Have A Right To Approve This Election And Provide The Mean Of At Least Three Traffic Consultants To The Seller That Are Acceptable To The Buyer For The Seller's Selection, And Then We'll Also Do The Same With Their Attorney, You Know We're Basically Saying To The Seller, We Want You To Get These Things Done For Us, But You Have To Use The Consultant We Choose For Them? And They Have To Pay For It? They Will Be Paying For That, And Item Not So Much An Approval Of The Selection Inasmuch As It's A Right To Approve Or Disapprove If There's Somebody Brought Onboard That We're Not Comfortable With.

And Let Me Explain A Bit.

For The Most Part We're Comfortable With The Team That The Waterman Folks Have.

But We Did Have To Make A Few Points With Respect To Particularly Traffic Consulting.

And That Was Brought Up By Members Of Our D.O.T. Staff.

And That's Pretty Much Where That Came From.

But We Thought It Would Be Best If The County Still Had A Right To Have Input With Respect To The Consultants That Will Be Used In Obtaining These Permits To Make Sure They Will Be Done Exeditiously.

This Is A Great Benefit To The County.

Comm. Hall: I'm Not Questioning It, I Want To Make Sure I Understand It Because Again I'm Going I've Only Had Less Than A Half A Day To Read This, And I've Had No Time To Meet With Any Staff Other Than The Tint I Had Right Now.

And So, I Want To Make Sure That I Understand It.

So, Five Months From Now, I Don't Have To Wonder Why I Didn't Ask These Questions.

And I Apologise For Taking The Time.

Chairman Judah: No.

I'm Going To Go Through This Contract, So I Apologise To The Public But These Are Questions I Would Ask David If He Were Sitting In My Office.

The Other Concern I Have Is Why Do We Have A Signoff On Your Attorney? Do We Have Problems With The Attorney? We Do Not.

Comm. Hall: You're Someone To Have An Attorney-Client Privilege And We Specifically Say By Us Approving The Attorney Doesn't Relate To Any, They Have No Client Privilege With Us.

That's Correct.

Comm. Hall: But We Have To -- I Just Think That's A Weird Clause In There That We Have To Sign Off On Their Attorney, But If You're Comfortable With It, And The Seller Is Comfortable, We Will Hold That Judgment Appropriately To Not Incumber The Seller In Trying To Move Forward With His Approval.

By Saying We Don't Like That Attorney Or We Don't Like That Attorney.

These Have Been Mutually Discussed And Freed Upon.

Some Is To Protect Both Sides.

It's There To Give Us What We Feel We Deserve From The Seller By Way Of A Good Solid Consulting Team To The Seller For The Purpose Of Getting The Permits That We're Going To Need In Order To Construct The Facility.

I Think That's The Best Way I Could Phrase It For You.

Comm. Hall: Now To The Bottom.

The Seller Is Responsible For The Cost Required By The Water Manage District Permit Modification.

But The Seller, So We Are Deal With Any Of The Structures That They Have, That They Require.

But The Selling Will Have To Do That Within Lee County, Is That Correct? Yes, Ma'am.

Can I Ask A Favor, When You're Citing Something, Can You Tell Me The Photograph.

Comm. Hall: I Did.

The Very Last Sentence At The Bottom Of Page Two Under Especially Conditions.

And Goes Up To Page Three Of 11 At The Top.

Yes, Ma'am, You're Correct In The Statement That You Made.

Comm. Hall: Ok.

Then We Put Restrictions On The Parcel Of What Can Be Used.

I'm Assuming Item C Of The Same Page Three Of 11 Says No Remaining Parcels Will Be In Exhibit D.

So That Becomes A Deed Restriction When The Seller Sells The Remaining Parcels That We Have No Ownership On, He Has Agreed That Would Be A Deed Restriction On Any Future Sales He Would Have On The Balance Of The 20 Acres.

That's Correct For Purposes Of The Contract, Keeping In Mind That We're Going To Be Coming In To The Board To Go Through A D.R.I. Modification, Zoning Modifications And Those Type Of Things For The Purposes Of Putting Our Facilities In There.

What We Used In Exhibit D Is What's On There Now.

Comm. Hall: I Want To Make Sure Though, David, Let's Say Before We Come In For A D.L.I., Before We Come In For Zoning, This 20 Acres Gets Sold.

I'm Asking You, Is That List Of Conditions And Uses Going Along As A Deed Restriction With

The To Acre.

If It's Just For Our Purpose, That's Fine.

But Ewe Got A Seller Who Has 20 Acres That We Have No Ownership On That We're Putting Restrictions In.

Assuming That He May Or May Not Retain This Ownership Within The Next Year.

That Remain On That Property Until Changed By This Board.

Comm. Hall: Ok, So Item Not Restrictive In The Sense Of We're Not -- They Could Come In, The New Own Could Come In And Expand Those Uses Through A Zoning Process.

They Could.

Comm. Hall: That's What I'm Asking You.

You've Got A List Of, You Didn't Put It That Way In Here.

You Didn't Say These The Rights That Are Invested In The Property As Its Conditioned Now.

You Put This In And Said Here's The Condition Of Deed.

These Are The Uses You're Going To Have, So I Could Assume We're Not Going To Go Beyond These Uses And This Is Going To Be A Deed Restriction.

I Want To Clarify That We're Just Identifying The Existing Uses He Has By The City Of Fort Meyers.

But That Use Can Be Ex-Pant Or Reduced Upon A Zoning Request An We're Not Going To Bar Him From Making Adjustments To Those Uses.

Via This Contract.

That's Correct.

But The Approved Uses On The Property Now Are Actually Your Uses.

I Understand, David, But The Remaining Parcel Will Be Restricted To The Uses Identified On Exhibit D.

Doesn't Say The Remaining Parcel Are Identified As The Following Uses, So Means You're Restricting The 20 Acres, By Means When It Comes Over To The County, If They Want To Expand That, I Have A Contract That Says We Restricted It.

I Want To Clarify, If We Go Forward On The Property Owner Says I Want Xyz Other Thing On There, And Our Land Use Allows Him To Go Beyond This List Of Uses, Is He Going To Be Able To Come Forward With The Zoning Ask Or Does This Contract Precede That Legally

Because We Have The Term In Here Restricted.

It Would Not Prohibit The Current Owner Or A Subsequent Owner To Come Before The Board To Change The Zones For That Particular 20 Acre.

Comm. Hall: My Question To You Would Be, Why Don't We Say That In Here? Because It's Just Concerning To Me That We Have The Term "Restricted" Which Implies To Me, We're Not Going To Give Them Any Other Uses Than What They Have.

I Guess On The Record, We've All Heard It, When Zoning Case Comes Forward, Let's Not Hole Them To This Contract As A Legal Document, And When The Public Cools To Say I Don't Want That Use And They Have Their Meeting And Use This Contract As That Club, I Don't Want Us To Not Be Fair Because We've Got A Legal Document That Says, This Restrictive Uses.

If You're Telling Me That's Not Going To Encumber This Property, Ok.

Comm. Bigelow: On That Note.

Let Me Ask You Something About That.

It Says Modification Of The Existing C.P.D. Zoning To Accommodate The Project In Accordance With The Site Plan, This Is In The Of Fort Meyers, This Speak To Current City Zoning, Right.

It's Your Zoning.

None Of The Zoning Classifications Have Been Changed By The Annexation.

The City Hasn't Gotten That Far.

When You Annex A Piece Of Property, Commissioner, The Zonings And The D.R.I. And Those Things Remain The Same Until The City Goes Through A Comprehensive Plan Change And Then Puts Its Zoning Categories On To That Piece Of Property.

That Had Not And I Think The Waterman People Could Speak To That If That I Needs Further Clarification.

Comm. Bigelow: No, Now I Have This Question About That.

This Is Our Zoning Which The Owner Will Be Responsible For Requesting The Modification Will Be Requested By The Owner.

Yes.

We Have A Development Agreement With The Red Sox That Says We Will Accommodate This Project.

This Is Sounding Contract Zoning To Me, Where We Have Agreed By Some Vehicle, The

Development Agreement To Do Something To Affect The Zoning On A Parcel Of Land.

So, That Development Agreement Of October Of '08 May Actually Have Contracted Us To Modify The Zoning.

Which Flies In The Face Of Due Process And Evening We Serve As A Quasi Judicial Board In A Zoning Here.

So Isn't The A Problem.

It Is Not, In My Mind, Commissioner.

This Is The Time Of Thing That Happens When You Have One Type Of Stoning.

The County Then Buys The Property For Another Particular Use, And We Go Through The Pros.

Now What Is Happening Here Is We Have The Seller Who Is Working With Us.

We Will Be Working With Them In Order To Bring These Thing To You.

It Will Not Void Or Bypass Any Of Your Process's In Order To Put The Stadium On The Site.

We Will Have To Rezone The Property.

We Will Do That With You, The Same Way We Do Any Piece Of Property.

We Will Be Work With The Red Sox In Conjunction With That, But We Have Not Committed Nor Promised Anything That Is Not Beyond What The Normal Legislative Authority Of This Board Is On Any Zoning Or D.R.I. Matter.

Comm. Bigelow: Sounds To Me Like The Development Agreement Taints The Due Process Of The Zoning Hearing.

Because We As A County Commission Board Have Signed An Agreement With A Third Party To Third Beat In The Sense Of The Project, Or The Owners Of This Parcel Will Be The Applicants.

We've Signed An Agreement With A Third Party To Accommodate A Project On This Property.

That Just It Sounds Like Contract Zoning To Me.

And Therefore I Think This Is A Possible Pitfall, That Could Be Something That Someone Would Challenge Later, Potentially.

But Sounds Like You're Perfectly Comfortable.

I Am.

No Promises Have Been Made By Your Staff With Respect To The Zoning.

It's.

Coming Through Processes.

Different Than It Is Now, And Within The Parameters Of Your -- The Airport D.R.I. Area, And For A Sports Authority Or For A Sporting Facility.

I Mean That's Something That's Approved.

That's Allowed On That Type Of D.R.I.

Comm. Bigelow: All Right.

Thank You.

Comm. Mann: David Then On The Same Page, Under On The Last Paragraph After E, Says The Buyers Here In After Final Plans For The Project That Has Sufficient Information And Specifications To Allow The Seller To Prepare And Submit In Necessary Applications To Approve Appropriate Government Agencies And Maybe This Is A Better Question For Jim Lavender.

The Final Plans For The Project To Seller On Or Before June 26th Of 2009.

Now, I'm Looking Out There In The Audience And I'm Assuming That Waterman Has Some Super Hero Consultants That Can Take At A Plan That We Haven't Seen And In A Day Or Two Whip Up A Site Plan That's Going To Give Him The Ability To Go Through The Process.

I'm Asking You Jim, How Do You Plan On Meeting A Deadline Of June 26th? We're Going To Work As Expeditiously As We Can.

However June 26 Is Ambitious.

And What Will Happen Is Just As Soon As We Can Get The Plans The Proper Plans To The Waterman Group, You Know They Can Begin To Apply? And It's Just Going To You Know, One Thing Has To Happen Before The Other.

And We And The Red Sox Are Going To Work On A Site Plan So They Can Go Forward As Kick Quickly As It Can.

I Can't Say It's Going To Top By June 26th, It's A Lot Of Work.

But We Understand That As Soon As We Get It To Them, They Will Begin The Process And We'll Both Act As Expeditiously As Possible, So We Can Get The Modifications In Place.

And Close As Soon As We Can.

Comm. Hall: Here's Where I Guess I Would Is A Little Concern To Get Through Our Zoning Process.

The Seller Will Be Obligated To Obtain Seller's Government Approval By May 1st Of 2010.

That's 11 Months Away.

In Our A And E Contract, We Have No Time Frame For Anything.

So, Are You Going To Amend The A And E, Because This Is What Concerns Me.

We Can In Here It Also Allows For An Extension So That June 26th Date But I'm Uncomfortable Knowing Up Front We Can't Make It But I'm Putting It In Here And I Had To Approve An Engineering Contract Prior To Approving My Site Contract So I Have A Set Figure Regardless If They Work 50 Hour Or 5,000 Hours, That Have No Time Frames To Push Them.

And I Have A Deadline Of Having To Do A Grand Opening On The Stadium.

Now The Architect And Engineers Do Not Deal With The Same Channels The General Contractor Does Because Of Weather And Everything Else And All The Challenges When You're Working, The Multiple Things That Can Go When You Get Into Mother Nature.

I Don't Want To See This Thing Back Ended, Where Trying To Make Up Time And Deal With The Challenges They Have Out There Because I Didn't Put Deadlines And Conditions.

So All This Part Right Here Concern Me In The Sense That We Approve That, Not Having The Full Scope Of Work.

I Got This Over Here.

I've Got The C.M. And The Proposal That Gave Me A Range, That's Over That We Have To Modify.

I Have Dates In Here.

So It's Difficult And I Can Appreciate Commissioner Mann's Comments Yesterday, When You Look At All These, When You Bring Them All Together They're Not Mirroring Each Other In A Way That This Board Can Feel Confident That If We Have Deadline, If We Don't Make Them, Something Is Going To.

Can Back To Us.

But Because There Are No Deadlines, Nothing Is Coming Back To Us And Somewhere Someone Is Going To Extend The June 26th To Whatever, And At The End Of The Day, The Red Sox Still Have The Sign Off On All Of This Too.

The Only Answer I Can Give You Is That We Are All Together As A Team.

Everybody Understands The Goal That Weir If You Thinking Under.

Including The Red Sock.

The Red Sox Already Let The Project Preliminary Budget Slip Because We Didn't Have A Firm One.

And We All Understand There Are Simply Variables That No One On The Team Can Control.

I Think Waterman Understands That.

The County Understands That.

Red Sox Understand That.

But We All Are Committed To Move To Meet The County And Goal.

And I Don't Think Anybody On The Team Is Going To Deliberately Let Time Slip So That We Have Some Kind Of Failure On The Red Sock.

I Think The Fact That We're Here Today Given Everything That's Happened In The Last Seven Months Is A Tribute To Our Energy And Determination To Have This Thing Go Forward.

Our Track Record For The Last Seven Months Has Been Darn Good, Evening And We're Going To Keep That Track Record Going Until May, And When We Get Started On The Site.

Everybody Understands That Love Things Have To Happen Concurrently On This.

And I Can Put Time Frames In The A And E Contract But I'm Not Sure They Would Mean Anything, Because They Would Then Be Held To Variables That They Can't Control.

And That's Purposely Why We Don't Have, We Have An Overall Time Frame In There But We Don't Have A Time Frame For Each Task Because A Lot Of It, Is Out Of Their Control.

So, We're Doing The Best We Can Absolutely Do Right Now.

And I Don't See Any Weak Links Or Any Faults In The Pros.

And I Think The Team Is A Superb One And We'll Go Forward.

Ian Sit Here And Tell You There Won't Be Variables On The Way, But We're All Going To Work As Quickly As We Can.

And With The County Being The Applicant, I Think We Will Get More Consideration From The Agency Than Just The Private Developer, Because There's A Public Purpose Behind This Whole Project.

Comm. Hall: Jim I Don't Have Any Arguments, If I Don't Have Dates In Other Contract,

Why Do I Have Them Here? If This Is All Going To Be Done By May 10th, But You Put An Unrealistic Date, Someone Said To David, Go Ahead And Put June 26th In There, You're Not Going To Have Final Plans By June 26th.

We're Trying To Make This As Transparent As Possible.

We Want The Public Engaged In This Process, And When Things Don't Start Happening The Way It Should, What's The Extension.

If The Ultimate Deadline Is May 10th, As Soon As You Don't Make June 26th, Then You Need Another Time.

In The Proposal They Gave, They Gave Us A Construction Schedule.

I Understand All These Variables Play A Role In There.

I'm Trying Not To Put Unrealistic Dates In Here So That Again, We Have To Keep.

Coming Back And Making Modifications Because That's Where Then The Perception And Again, We Don't Deal With Reality In These Change Bears.

We Do Here, But The Public Gets It's Very Confusing For Them.

I See E-Mails That Come Back, I Don't Know Where They Got Some Of The Information They're Asking Me To Explain To Them.

So, Every Time There's A Modification, Every Time It Comes Back Because Of Silly Date, We Know We Can't Make June 26th.

If We're Going To Keep That Date In There, And Say We're Going To Do Everything We Can To Get You Final Plans, And Everyone Has Got To Sign Off On The Consultant, Our People Have To Get That Information To The Seller's People, The Seller Has Their Own Site Guy Who Has To Prepare Everything For The Site Based On Our People.

So You've Got Two Set Of Consultants Working Here, And Everybody Gets Buy Off I Want To Give Them An Unrealistic Opportunity.

If You're Telling Me You're Going To Give Us Updates And We're Not Going To Have Any Behind The Scenes Stuff Going On, And Petty Innocence Going On, And Issues With Consultants And I Think This Like That.

We're All Going To Be A Great Team Together, And We're Going To Work With' Other, I'm Thrilled Red Sox, Waterman, Lee County, That Makes Me Very Happy.

So Obviously The June 26th Date I Look Forward To Finding When That Date Is Going To Move Forward.

I Guess, David, The Rest Of The -- We Have Issues On The Road Access.

Which Is On Page 5 Of 11.

That The Seller Is Going To Use It, Good Faith Efforts.

I'm Assuming In Here It Says They're Not Required To Buy That Easement.

They're Just Going To Use Their Ability To The Best Of Their Ability To Create That For Us?
And That's To The Commerce Lakes Drive.

And If They Don't Acquire That Easement, Is That Up To Us Then To Facilitate Trying To
Get That Ease.

We Would Have To Do That, Yes, Ma'am.

But We'll Let Them See What They Can Do, I'm Assuming They've Already Had Some
Discussion On That.

They've Had Ongoing Discussions.

The Problem Has Been Changes In Management With The Folks That Own That Property.

Comm. Hall: I Understand, That's Why We've Put It Over To The Sellers.

Chairman Judah: If I Could Commissioner Hall, David Just And Jim Just For A Point Of
Clarity, The Easement Would Connect The Amberwood, Which Would Connect To
Commerce Lake Drive, Which Would Connect To Tree Line.

Comm. Hall: Doesn't Say That Here.

That I Can't Answer.

Chairman Judah: Well Dave May Be Familiar With That.

Comm. Hall: He's Climbing Over Chairs To Get To The Front.

Chairman Judah: If I Could.

That's I Want To Make Sure We Haven't Missed Any Point.

Lee County D.O.T.

The Connection Would Actually Be To Commerce Leaks Drive.

It's A Portion Of Commerce Leaks Drive.

Loops Up And That Connects To Amberwood Parkway Which Connects Out The Tree Line.

Chairman Judah: It Goes To Commerce Lake, Amberwood Then Tree Line.

So We're Good.

Thank You, David.

Then In This Contract We Talk About The Seller Agrees To Cooperate With Regard To Shared Park Waste.

That's Also A Condition Of Sales To The Balance Of The 20 Acres If We Are Not Working With The Original Seller, That Will Be A Deed Restriction And Understanding If That 20 Acres Gets Sold, That We Have That We're Sharing In Signage.

We're Sharing In Parking.

We Certainly Are Providing Water Retention Benefits To The Front 20 Acres.

So That's Understood That We Have A Relationship, And That Will Be A Deed Restriction If That Parcel Sold.

That Would Be Correct.

It Would Be Anybody Who Will Purchase Would Purchase Stepping Into The Shoes Of This Owner Which Would Carry These Conditions Over To Those 20 Acres.

Comm. Hall: How Do We Assure Those Conditions Are Carried Over To A Sale.

Nowhere In Here Did I See Where Lee County Has The Opportunity To Review Any Sale Of Purchase Over 20 Acres To Ensure These Conditions Are There.

Because As We Saw When We Were Doing Some Of Our Road Projects That When Land Got Sold The Understand That Lee County Had Did Not Go With That Property.

Where In Here Have We Provided The Opportunity To Review A Sales Agreement, That These Conditions That Were Assuming To The Deed Of The Property.

We Would Have To Obtain That Commissioner And We Could Get That Added To The Contract.

Comm. Hall: Old Like That Because I've Seen Too Many Tombs When These Conditions Somehow Fall Off Because We Have A Contract Here And I Don't Want To Go Back And Sue Them And End Up In Litigation Over The 20 Acres To Make Sure That These Conditions Are Written As They're In Our Contract With The Seller.

I Don't Want To Impede The Seller From An Opportunity To Either It's Obviously Not An Issue If We Work With The Seller, The Original Seller, But If He Wants To Go Ahead And Take Advantage Of His 20 Weeks And Do Something Else, I Don't Want To Have An Issue With The New Purchaser.

Ok.

And That's It.

Chairman Judah: Thank You Very Much, Commissioner Hall.

Let Me Open It Up For Any Other Questions Or Comments By Other Commissioners.

David You Have The Amended Language That Commissioner Hall Requested? I've Written It Down, Yes, Sir.

Chairman Judah: Ok.

Any Other Questions Of David Or Jim Lavender Or Any Other Administrative Staff.

Comm. Mann: I'm Sorry, I Missed Something Here.

Amended Language To This Contract That We're Voting Often Just Now.

Comm. Hall: Yes, Because I Want To Make Sure If The Seller Decides To Sell, The Additional 20 Acres That We Have No Ownership On, That These Conditions That We Have With The Seller Carry Over.

Comm. Mann: Details But As The Other Side Has To Agree To This Too They Would Have To.

Yes, Sir.

But All This Has To Be Done Today.

I Mean We've Got Another Party Here That's Agreeing To Hold Up And Say Yeah, We're Ok With This.

Comm. Hall: We Have The Seller Here, Yes.

Chairman Judah: To Confirm They're In Agreement With The Amended Language.

I Don't Want To Amend A Contract Before Us That Must Be Accepted Today, Without Knowing That The Other Side Is Comfortable With This.

I Would Suggest One Of The Seller Representatives Could Come Up And Make A Statement.

Chairman Judah: Or A Representative Of The Seller.

Comm. Hall: Within Of Those Attorneys We've Approved Going Forward.

Chairman Judah: You're Obviously Privy To The Suggested Language And The Tent.

Thank You Mr. Chairman.

An Yes, We Were Privy To The Discussion.

An But Yes, That Would Be Acceptable With Us To Make The Modification As Suggested.

Chairman Judah: Thank You, Russell.

Comm. Hall: Thank You Very Much, Russell.

Chairman Judah: Anything Else, Commissioner Mann.

Yes, Commissioner Bigelow.

Comm. Bigelow: Back Up To Page 5 Of 11 About The Road Connection To Commerce Lakes Drive.

It Looks Like If That's Going To Happen, It's Going To Happen Because We Build It, Right? Although The Seller I Guess We Use Good Faith Earths To Acquire Road Easement.

But At No Cost To Seller Or Buyer.

So, They Have To Use Good Faith Effort To Acquire The Access Easement But At No Cost.

I Don't Think He's Going To Work For Free.

But Anyway, That Road Connection I Think Is Rather Vital.

Man I Need To Turn To Jim Lavender.

Is This Road Connection Being Contemplated As Part Of The \$55 Million That You're Hopefully Going To Not Exceed? I Think The Road Connection Is Something That Will Happen In The Future And We Would Do A Site Plan To Accommodate It.

It May Happen In The Future.

Not Within This Existing Budget.

Comm. Bigelow: Because Item One Of The Attractive Elements Of This Site, Because Of The Ability To Disperse Traffic.

Not Just Forcing To It Daniels, But To Allow It To Go North.

Ok.

Thank You.

Chairman Judah: Ok.

Any Further Questions.

A Motion Or Decision.

We Have A Motion By Commissioner Janes To Move The Amended Contract.

And A Second By Commissioner Hall.

Under Discussion? Let Me Just, If I Could, Try To Do The Best I Can To Put This In Perspective For Those That Are Here Today And Listening And Have Been Watching, And Observing What Has Gone On Over The Last Eight Months.

We All Recognize That Lee County Has Been Struggling With No Less Than 12% Unemployment.

Probably More Like 15% For The Last Eight Months, At The Time This Process Is Going Forward.

And I Want To Thank Not Just Mr. Eddie Garcia Who Is Here Today And It's His Property We're Looking To Acquire.

But Also The 16 Other Property Owners That Actually Made Available To Lee County The Possibility Of Their Interesting Of Land For A New Boston Red Sox Training Site.

The Ones That Were Short Lifted, Those Property Owners Extended An Amount Of Money, Environmental Consul Taps, Transportation Planners, And I Can Assure You What We Intended Purpose For Those Property Owners Wasn't To Provide An Economic Relief Act For Those Businesses And Companies That Ben Pitted That Work To Help Mark And Promote Their Piece Of Property.

It Meant A Great Deal To Those Companies That Worked On Behalf Of Their Client In Trying To Make That Site The Number One Priority By The Lee County Commission For The Ultimate Location Of The Boston Red Sox Stadium.

And I Want To Underscore The Fact That We Really Do Owe A Debt Of Gratitude To Those Property Owners, While They Were Not Selected, They Still Provide Critical Jobs At A Very Critical Time In This County.

And You Can Talk To Those Consultants Today And They're Very Appreciative For The Work They Received, And Those On The Team With Waterman Pinnacle.

And They Obviously Did A Terrific Job.

But I Want To Thank Eddie Garcia.

Receive A Fair Am Of Money For The Sale Of His Property, But As You Heard From Robert Clemons, Mr. Garcia Has Been I Would Say Beaten On To A Great Extent.

Not Only By Lee County To Get The Price Down.

But Also By The Boston Red Sock.

It's My Hope The 20 Weeks Were Purchased By The Boston Red Sox To Provide The Quality Control Of The Development Around This Stadium, And We're Enrich That Partnership We're Going To Enjoy In This Community With The Boston Red Sox And Co-Development With The Family.

But, To Mr. Garcia, Thank You.

And Working With Our Staff, Selling The Property For Less Than The Appraised Value, But There Is Recognition That You Were The Underdog Quite Frankly.

And Came Out In The End As The Preferred Site, And It Did Work For The Benefit Of Lee County.

And I Say That Because What This Does Is Not Just Open Up The Site, Thank You Very Much, Mr. Garcia, I Appreciate It And For You To Be Here To Answer Any Questions That The Board Might Have, But As I Look At This Particular Site, And The Synergy That Will Develop.

And It Pains Me When I Hear From Certain Individuals, Who I Have A Lot Of Respect For, Whether It's E-Mails Or Telephone Calls About Potentially Spending Some \$75 Million Dollars When There Are People That Are Out Of Work, When There Are Children That Are Perhaps Not Getting The Adequate Meals They Should Receive Every Day, We Need To Understand What We're Trying To Put In Place Here Is A Recognition That Yeah, There Is Certainly Apparently Some Funding An Financial Assistance At The Federal Government Level With The Federal Stimulus Package.

That's Not A Whole Lot Going On At The State Level.

If It Were Up To Us Lee County To Stimulate Our Own Local Economy.

And We've Received Valid Information At The Very Least.

You're Looking At An Average Baseball Team That Generates \$25 Million Dollars To The Economy Many Terms Of The Revenue.

Hotels And Motels And Restaurants And Our Tourism In Economy Is 2.5 Billion Dollars To This Community.

And Creating Over 40,000 Jobs, This Is No Small Effort.

On Behalf Of Keeping Many Of Those Employees With These Hotels, Motels, Restaurants And Retail Stores Employed.

It's Not Just The Six Week Out Of The Year That The Boston Red Sox And Minnesota Twins Have Brought Hear The Impact Into This Community.

It's One Of The Few Business That Provides A Positive Cash Flow To This Community.

This Is Actually A Good Business Decision To Put The Very People That Need To Have The Jobs To Receive An Income To Be Able To Feed Their Families.

This Gets Us Not Only To A Point Where We Need To Be With Regards To Positioning Ourselves To Enhance The Synergy With The Red Sox And Twins And Quite Possibly A Third Inning.

That's An Incentive In And Of Itself For The City Of Fort Meyers To Work On This Particular Piece Of Property, Because They Would Like Our Continued Support And Partnership To Provide A New Occupant For The City Of Palms Park.

So It's Going To Be A Good Partnership All The Way Around.

But What Comes Into Focus Is The Also Of This Site, With The Widening Of Parkway.

That's An Incredible Commercial Corridor.

It's The Corridor That Mr. Garcia Came To See Me Months Before We Talked About Major League Baseball Team.

Before We Talked About Relocating The Boston Red Sox.

As To The Importance Of This Quarter Base There's So Much In The Way Of Commercial Development Wants To Go Over, Made Available To Handle The Very Well Of Traffic To Be Consistent With Concurrency Requirements And Our Own County Level Service Standard.

This Is A Tremendous Economic Boost When You Think About The Research Development That He Going To Be Breaking Ground This Year.

Right Across The Street.

In Fact Interesting Enough, There's An Article Here I Have Before Me That The Leonard Technology Incorporated.

Lanco Are Actually Moving To Palm Beach County.

Right Next To The St. Louis Cardinals Baseball Stadium, And They're Doing That Because The President Of Lanco Technology Pat Leonard Is A Die-Hard Cardinals Fan.

It's A Mating The Inner Connectivity Of What Baseball Does Bring To A Community In Terms Of Its Economic Prosperity, Mr. Leonard Actually Decided Instead Of Going To La Jolla, California, Choosing Palm Beach Coin.

An He's Going To End Up Moving In With His Technology Company Into The Scripps Research Institute.

And Of Course, Being It's Closely Located To Max Research Institute, Is Just A Wonderful Partnership There Between Baseball And Biotechnology And High-Tech Development Corporation.

We're Trying To Do The Same Thing And With The Madden Group, Once The Decision Was Made To Purchase This Site, It's Amazing How Madden Got A Client Who Now Wants To Move In To Their First Building.

For 300,000 Square Foot Office Space.

What Item Going To Do Is Provide Jobs And Truly Bring In A Stronger Economic Base To These Biotech Development Company.

But Again, It's All Intertwined.

An Evening I Thank The Boston Red Sox For Making The Decision To Stay Here In Lee County.

Many Biotech Companies In The Northeast Are Connected To The Red Sox Organization.

You Can Understand Why The Corporations Would Want To Enjoy Our Weather And Schedule Of Life.

So Hopefully People Will Go Away Today Once They Understand The Importance Of The Client And Keeping The Red Sox Here In Lee County, And The Opportunities Of This Particular Piece Of Property, And Where It's Located.

So Having Said That, I Just Want To Thank All Those That Have Been Involved In This Phenomenal Effort Over The Last Eight Months And Particularly To Our Administrative Staff.

I Don't Know If There's Any Other Comments? Commissioner Mann.

Mr. Chairman We Have Spread An Awful Lot Of Words On The Men Of This Meeting Today.

And I Will Just Take A Second To Spread A Couple More.

This Site, That's What We're Talking About, Is To Buy This Land To Put The Stadium On, Is I Think All Thing Considered Was Clearly The Least Controversial And The Best Overall Site.

As You Recall, I Was The One That Made The Motion Several Week Ago When We Chose This Site.

So I'm Ok There.

What Troubles Me And I Mentioned This At The Meeting Yesterday Is The Funding Next Year We're Outlined To Finance This Whole Operation.

So I Just Want To State For The Record Once Again, Approving This Or Not, My Reluctance To Vote For This Based Solely Not Only The Location, But Solely On The Mechanism The Way We're Approaching This.

We Are Using Taxes And I Had Stated Publicly Many Months Ago That I Would Support This

Project.

It's Great And I Love The Sox And My Mother Was From Boston, And That Sort Of Thing.

The Concept That Appealed To Me, Is We're Going To Use Our Snowbirds Money.

Tourist Tack Dollars To Fund All This With.

And That He Seemed Like The Way To Approach This, Particularly When We're In The Middle Of A Recession Here And Things Are Tough.

As You Properly Pointed Out.

We Have In Reserves Here Well Over \$100 Million.

Well Over \$25 Million, We've Committed To Economic Development.

And 75 Or Thereabouts We're Going To Commit A Date For This Mechanism.

That's Are Dollars That Have Accumulated In Our Treasury Over The Year, Because We've Been Taking In More Money Than We Had Been Having To Use For The Basic Core Services We Provide Our Citizens Out Here.

My Choice For Those Dollars Would Be To Use Them.

There's No Really Fair And Easy Way To Return Them.

But Since We've Taken Them From The Taxpayers, I Would Like To Use Them For The Taxpayers And Spend Those Dollars Not For This Scheme.

But, For Instance, Homestead Road And Lee High Improvements, We Have A Dire Need To Do The Other Six Miles On Estero Boulevard, Which Is Our Road Where There's Always Work Needed On.

And The Other Projects Would Be Taken Of The Taxpayers Money That They Have Committed.

Our Local Taxpayers And Using Their Money On Projects That Immediately Benefit Them.

And Secondly It Would Put People To Work Immediately.

Comm. Hall: The Reality Of The Business That The County Does And How We Fund These Big Projects Has Traversing Been Done This Way.

I Don't See Why We Can't Do Both.

I Think That We Absolutely, We'll See What Happens At The Next Item After Going Forward.

It's Imperative That This Board Sit Down In A Workshop, With Staff And Have The Financing Plan.

So That We Can Pay Back That Mstu Unincorporated Reserve As Quickly As Possible.

Not In 30 Year, Not In Three Years And We Heard Yesterday From Our Financial Consultant, Who In My Opinion Should Have Been Engaged At The Beginning Of This Process, Not At The End Of The Process, To Give Us More Of A Confident Level How The Financing Plans Are Going To Work, So Some Of Us Understanding And Some Of Us Assuming And Then Again The Perception As A Whole, But All Five Of Us Would Have Been On The Same Page.

How This Was Going To Go Forward.

Some Of Us Ask More Questions, Some Of Us Don't Have The Time.

I Don't Think This Process Has Been Fair To This Board, All Five Of Us Individually Nor To The Public And Where We've Gotten To Where We Are.

Comfortable As You Said With Our Process As We've Gotten Here.

But On The Financing Side, It Has Been Dodgy At Best, In Any Opinion.

And I've Had To Do A Tremendous Am Of Work To Understand How We're Financing And How We're Not.

I'm Completely Comfortable That The Taxpayers Will Not Be Paying For The Stadium.

At The Closing Of This Property.

In That We Can Move Forward With The Dollars Covering This.

But There Is A Lot Of Discussion That Needs To Occur On How We're Budgeting And I'm Hoping That Once This Goes Through, And Then We Talk About The Next Item, That The Board As A Whole Will Have An Opportunity To Sit With Our Financial Consultants Our Bond Consultant.

Pete And Dinah, The County County Manager, The Whole Team And Talk About What The Timetables And What's The Plan? Because This Idea That It's Ambiguous Is Disconcerting For Me, But I'm Confident That There's Three Votes To Forward, A Financial Plan That We Could Be Comfortable With And That We Can Share With The Public And They Can Be Comfortable.

And I Say That Because I Chair The T.T.C. Right Now, I See Where We're At.

I Spent Countless Hours With The Clerk Of The Courts And Their Investment Strategies And What They're Doing, And I've Taken It Upon Myself To Do That And To Try To Understand, Is There A Solution That Guarantees We Will Not Have To Count On The Taxpayer To Fund Any Of This And That We Are Just Moving Money Around.

An I Don't Disagree With You That We Need To Take Those Reserving With Public Benefits.

As We Get Into Our Budget Workshop On The 17th, I Have Got To Get On That, And People Sure Each Of You Will Also.

And I Don't Want The Stadium To Come Between Any Projects That We Can Get Out Next Year That Are Going To Benefit This County.

That There Is No Reason Why We Can't Get Them Out The Door, And We Should Have A Plan On How To Do That While We're Not Taking Away From The Operating Budget.

So Commissioner Mann, Again I'm Sure You're Amaze.

, I Agree With You, But, I Also Again Have Taken A Lot Of My Time That I Don't Know If Is Appropriate To Me.

To Truly Get An Education.

Him And I Had Countless Hours On The Phone.

I've Gone Out Even Beyond Our Bond Counsel.

Beyond Our Financial Consultants To Talk To People In The Business.

So, I Feel Very Comfortable That Our Solution Here Is Really A Short-Term Like We Do All Our Internal Loan And No Projects Will Be In Jeopardy Of Not Going Forward Because Of The Stadium.

I've Got To Compliment This Board.

We've Created A Thousand New Jobs To Lee County By The Incentives We Put In.

That's Over A Thousand Jobs New Coming Here.

In The 65 And Above Age Core.

I'm Proud Of Those Jobs We've Created In The Market When Jobs Are Being Lost.

So We Have Tried To Work On Parallel Paths For This County's Economic Recovery For This County's Level Of Service.

An Just For The Record, We Have No County Employees On Furlough.

This Is No Furlough.

The Karen, Do We Have People On Furlough? I Didn't Think So.

At Least I Wasn't Aware Of It.

We Don't Have Any Problem Or Core Leaves Of Service Being Reduced.

I Know Other Agencies, Fire Departments Are Having To Cut Services.

That Cannot Lee County.

I Want To Make Sure When I Don't Read And Hear The News Reports, Make Sure You Understand What Agencies Having To Do That.

That Is Not Lee County Government.

I Understand Lee High Fire Department All These Other Agencies But We Are Separate And Apart.

We Do Not Control Their Budget.

Lee County Is Not Reducing And Is Not Got Its Employees On Furlough.

We Just Got Notification That We Will Not Have To Make Any More Budget Cuts Because We're In Better Shape With The Things That We've Done Prior To Getting Down To The End Of Budget.

So I Am Proud Of Our Staff And What They've Accomplished Our Year In Very Tight Fiscal Times And Commissioner Mann, We Need To Look At That Whole Capitol Improvement Project As A Whole And Decide How Weather Watch To Move Forward In The Typing Of These Proms.

All These Projects Need To Be Done But How They're Done Is Important.

So When We Come Back, We Have The Operation To Operate Them.

And Where Do We Need To Set The Priorities As We Did Today.

Even Some Of The Priorities Have Changed Regarding What's Happening To Our Economy.

What Should Come First, What Should Come Second.

I Completely Support Your Thoughts On That And I'm Looking Forward To A Very Long Day On The 17th That A Half A Day Is Probably Not Going To Be Enough, And Even This Public After The 11th Will Feel More Confident In The Direction That We're Going In, What's Coming And How We're Going To Get Through This Crisis That I'm Hoping We'll Seeing The End And We See Light At The End Of The Tunnel.

Chairman Judah: Thank You Commissioner, Hall.

Any Further Discussion.

Comm. Bigelow: Yes.

I'll Make This Brief And I See The Tea Leaves Here.

There's Some Pitfalls In This Particular Agreement.

I Want To State Them Again For The Record.

I Think We've Set Up A Scenario For Contract Zoning That Troubles Me Significantly.

As I Said Before I Believe It Will Taint Our Due Process In A Quasi Judicial Forum.

Secondly, I Was Sold On This Parcel For Various Reasons.

One Of The Significant Reasons, I Believe, That Tipped Me Towards This One As Opposed To The One Near Fdcu, Was This For A Road To Connect This Site To Commerce Lake Boulevard.

And Yet, Here It Is.

This Especially Condition Number 14 Doesn't Really Make It Anyone's Responsibility, And Its Harley Worth Mentioning, It Seems Given What It Says In Its Entirety.

And Then If You Look At The Spring Training Complex Conceptual Site Plan A That's In Our Packet Here, This Load Isn't On Any Site Plan, As Mine.

He The Connection That I Can Make Out Here.

So I Don't See That Happening.

That Doesn't Appeal To Me.

I Guess I'll Just Summarize My On Decision To This And The Funding Source Is The Biggest Problem I Tried To Do Some Research.

I've Tried To Do Some Work In Order To Become Informed.

I Had To Attend The Working Group.

Within Of Five Citizens Of This County Couldn't Attend A Work Group, And Yet I Was Told Tuesday, The Day Before Work Group, That We Decided Commissioners Couldn't Attend.

So I Was Barred From That Avenue.

That Avenue Would Have Provided Me The Possibility To Seek Information And To Become Better Informed.

That's Disconcerting.

I Think That It Is In The Final Analysis For Me, Impossible Just Impossible For Me To Go Out And Justify To The Voters In The Unincorporated Areas Of This County, That They Paid

Their Property Taxes 24 Years Prior To Fund A \$77 Million Dollar Wish List For The Boston Red Sox.

Which As We Heard Today Is Just A Number That Has Every Reason To Believe Will Grow In Its Size.

As If \$77 Million Isn't A Lot To Begin With.

So I Cannot Go Out And Sell This Funding Scheme Commissioner Mann Calls It.

Just Cannot Defend It.

So I'll Have To Vote Against It.

Chairman Judah: You Tape Time To Come Here This Morning And Certainly Has Been Involved In This Whole Process Over The Last Eight Months.

Like To At Least Afford You An Opportunity To Comment And Welcome.

Good Morning.

Thank You, Good Morning.

Commissioners, Nice To Be With You This Morning.

County Staff.

Finally Nice By The Way To See You Commissioner Hall And Commissioner Mann To Agree On Something.

I Was Holding Out Hope For Commissioner Bigelow, But Peace In The Middle East Is Still Evading Us.

It's A Pleasure To Be Here With You This Morning.

I Wanted To Take An Opportunity Just To Make A Couple Of Comments, And Disclose A Few Developments That Are Going On That I Think Are Very Helpful To Your Consideration On The Decision Of The Waterman Property.

First Of All The Earlier Dialogue Commissioner Hall, That You Had With Jim Lavender With Regard To A Deadline In Our Agreement, As You Know We Have Consummated The Development Agreement Last November, That Were Assessed Of Milestone Dates In That Agreement.

The It Is Of Which Mr.

Lavender Popped Out The Share Of A Preliminary Cost For The Project.

We Collaborated With County Staff At That Time And Agreed To Let That Date Go Because

It Was Premature In The Time Schedule, And The Timeline That Had Been Established To Have Anything That Would Be Material And Something That We Could Consider.

So We Grouped With County Staff, And With You, To Let That Agreement Go.

But At That Time, We Did Say That The June 1st Milestone Dating We View As Being Much More Important And Fundamental To This Process And Staying Within The Timeline Of A Spring Training 2012 Opening And We Stand Here Today On June 2nd, And I Just Want To Extend Our Appreciation To The Board And To The County Staff For Hearing Us.

When We Had That The Dialogue Throw Or Four Month Ago And Meeting These Milestone Date.

There's Been A Tremendous Am Of Work Put In The Only On Site, Site Due Diligence On The 16 Proposals Commissioner Judah That You Pointed Out, I Think That Process Speaks For Itself.

It Was Very Fair And Comprehensive, The Work On Financing That Has Taken Place, To Work On Construction Management, Selection, Design Selection.

There's A Serious Amount Of Momentum And Wind At The Back Of This Process The From The County.

They Acknowledge For The Hard Work They Put In Today In Bringing Us Today To Meet The Schedule 1st Deadline.

So Thank You Very Much For That.

Also Want To Thank And Acknowledge Eddie Garcia And The Waterman Group.

It Has Been A Difficult Negotiation.

It Was Going On In A Spirited Way Over The Last Week.

But We Have A Saying Around Fenway Park, All Is Well That Ends, And I Think That I'm Happy To Say This Process Has Concluded And I Think It's A Very Favorable Deal For The County.

As Contemplated In Our Development Agreement With The Site Orientation On Whatever Parcel Is Selected.

Specifically Thousand Site Laid Out, But Also To The Extent There Was Additional Property Available, What Would Happen On That Property.

And I Think That's Concern Knowing The Red Sox Should Have, But The County Should Have.

Because You're Making A Significant Investment In The Community.

We Should All Know That Whatever Happens Around That Ballpark Is All Leaned With The Ballpark Uses An Interest.

We Felt Strongly Reserving Our Right Through This Process That As Part Of This Negotiation With Waterman, That The County Should Secure As Part Of The Decision Of 106 Acres, The Frontage On Daniels Parkway.

That Was Fundamental To The Ballpark Project To Have Direct Access Off The Main Corridor That The Address Would Reside On.

As The Negotiations Unfolded, It Was Clear That The Economics Of That Site Design And Layout Would Make The Decision Of The Site Unattainable For The County.

Because Of The Need To Be Able To Average The Per Acre Cost With The Seller, The And Be Able To Monetize The Benefits That The Ball Partial Would Bring To The 126 Acres, Simply Stated, The Deal That Robert And Clemons And His Team Negotiated Will Not Have Been At \$20 Million Or \$188,000 A Year.

It Would Have Been Considerably More When That Was Unattainable, The Red Sox Quickly Took Action And Jumped To The Negotiation.

And Immediately Became Active With Waterman In Negotiating To Acquire The 20 Acres That Would Be Adjacent To The Ballpark Preserving The Development Activity Around The Ballpark, Make Sure That We Had A Seat At The Table On That, But Also Making Sure That The County Could Acquire Its 106 Acres For The Best Possible Price And I'm Pleased To Report Today That We Have Reached An Agreement With Waterman.

As Of Yesterday On That 20 Acres.

An Agreement Is Subject To Documentation And Putting It All On Paper Which We Hope To Do Later This Week.

But We Would Own The Adjacent 20 Acre, The First Time The Red Sox Would Own Property Here In Lee County.

I Was Kidding With John Yarborough In The Back, First Time We Would Be A Home Owner And In The Rent.

This Is A Big Commitment For Us To Acquire This Property.

We're Paying A Sizeable Premium Over And Above What The County Is Paying For Its 106 Acre Decision.

And You Know Amount Here To Tell You As A Result Of This Agreement, We Will Approve Push Student To The Right We Have In The Development Agreement, We Will Prove This Site And The County's Decision Of This Site Subject To The Closing And Documentation Of The Decision Of The 20 Weeks.

So That's Why There's A Seven Acre, Or Seven-Day Grace Period In The County's

Agreement With Waterman That Will Give Us The Time To Memorialize Our Agreement On The Adjacent Property.

I Believe This Is A Win-Win.

It's A Public Private Partnership.

We're Putting Our Money Where Our Mouth Is.

This Is Something That We Felt Is Important To Preserve The Integrity Of The Project Moving Forward.

And We're Thrilled And Think It's Going To Make For A Much Better Project And A Much Better Ballpark And Structure And Something That The County Can Be Proud Of Moving Forward.

So We Will Prove This Agreement If You Are Willing And Able To Approve It Today, As Soon As We're Able To Work A P.N.S. Agreement With Waterman Later This Week.

Furthermore, There's A Lot Of Talk Here About The \$75 Million Dollar Number As Part Of This Financing Plan.

We Talked About Our Willingness To Let That Initial Estimate Slide And The Deadline For That Initial Estimate Slide.

I Think Mr. Lavender Was Correct Earlier To Point Out There Has Been A Lot Of Design Work Completed On This Project.

So There's A Lot Of Questions To Be Answered.

Even From A Red Sox Point Of View, This Project Has Never Been About A Number.

Never Been About 75 Or 80 Or 85 Or 60.

Pick Whatever Number You Would Like.

When We Executed The Development Agreement, We Attached And Negotiated Very Specific Program Reform That We Were Lobbying For.

Ever Listen To Believe Those Rumors And To Treat The Specific Need Of The Program As We've Laid It Out And We Have Every Reason To Believe, That Mr. Lavender And His Staff Can Build This In A Very Efficient Way.

It's Our Hope That It Costs Less Than \$77 Million Dollars.

However If The Cost Is More, We Want To Certainly Go On The Record Today To Say That You Know This Is Not About The Number That's Being Presented.

But This Is About A Program Requirement And We'll Review An Approval A Final Budget.

But That Won Be Today Or Any Time Next Week.

I Would Close In Saying That, By The Way, We Also As It Relates To That Number And Financing There's Also Talk I Know About The T.T.C.

Certainly We Have Respect And We Rely As You Do On Miss Lewis, And The County Staff And Consultants Working On The County's Financing Plan.

I Can Tell You That Being This Row As We Are, We Have Run Our Own Set Of Numbers As You Might Expect.

Based On That One Pen In And We're Confident Based Upon The Historical Run Of T.T.C. Ran The As Well As The Fact That This One Pen In Has Contemplated In Our Agreement Is Pledged To The Red Sox Project By Any Other Restriction To Fully Fund The Ballpark Project.

And We're Here Today To Support The Financing Plan With The Caveat That Item Going To Cost What It Costs, We're Certainly Going To Be Cooperative With Mr. Lavender And His Staff To Make Sure It's Built As Officially And Low Cost As Possible.

I'm Happy To Take Any Question.

And Then I Just Have A Quick Closing Remark.

Comm. Hall: Who Is Replacing You? Who Is Going To Be Our Contact Person As Of Tomorrow? I've Been Told I'm Irreplaceable.

I Don't Doubt That.

Commissioner Mann Told Me That.

Comm. Hall: That Person Here? He Is.

Sure.

Comm. Hall: We Can Get His Phone Number And I See That Legal Council Here.

But, Their Attorneys And You're On The Operation Side.

I Would Like To Know Who Is Going To Be The New To Work With Jim Lavender That Will Cost What Eye Going To Cost.

The Person Possible For That Would Have Been The Same Person Had I Been There Or Not.

Designing Ballparks Are Not In My Skill Set The Business Operations, Has A Long History Despite Fact That He's Not Terribly Wrong, Here Look Like He's 21 Years Old But He's In Fact Been Working For The Last 12 Year On Projects Such As Petco Park And San Diego.

And Undertake Fenway Park Have Been Under Jonathan's Direction.

Tonight's A Table Setter Tonight To Say Thank You, So Item Probably My Official Last Appearance Before You Not Just This Past Year Which Has Certainly Been Interesting And Intense.

And A Lot Of Fun.

I Think For All Of Us.

But, All The Years That We've Been Dealing Dating Back To Our Original Lease With The County Back In 2003.

Working With Bill Hammond, And The Commissioners At That Time.

The Reason Why The Red Sox Will Be Here For The Next 30 Years, Is About This Relationship.

And, We Don't Take That Lightly.

We Appreciate It And The Only Thing I Had Ask, Having Been Part Of This Type Of Processes Before.

Is That Will Have Today, It Probably Won't Be Unanimous Enough But I Will Quote Commissioner Mann Again, You're Very Quotable, When An Agreement Is Completed, And The Appears That Have Agreed To The Terms And Element Of Those Agreements Have To Execute, So I Hope After We Get By Today And You Approve Both The Finding As Well As The Site Selection, That Everybody Can Don Their Rose-Coloured Glasses For A Minute, And Forget About The Spirit Of Debate And The Differences Of Opinion With Regard To This Project, But Focus More On The Vision And The Excitement That This Project Will Bring To Lee County He Long After These Debates Are Over, There's Going To Be New Jobs Created.

There's Going To Be Economic Stimulus In The Community With A New Project Takes Place, Not Just The Ballpark Project On The 20 Acre Around The Ballpark That We're Buying At The Research Center, The Daniels Road Improvements, This Is Evening You're Right To Point Out Commissioner Judah, This Is A Near Term Shot In The Arm.

With An Economy That Desperately Needs That Top Of Shot In The Arm But More Than That.

If You Look Over A 30-Year Period, This Is A Cycle Where We're Currently In The Valley, Not On The Mountaintop.

But Over A 30-Year Period, There Are Going To Be Peaks And Valley.

This Is Going To Be A Project That The County Will Look Back On For Many, Many Years To Come And Perhaps Generations As We Can Hit The Ball Out Of The Park The Way Developers Did Nearly 100 Years Ago And Point To Something Like The Edison Home, Like Other Architecturally Significant Structures Around The County

And Point To It And Say With Pride, This Was Something That Was Worthwhile And Transcends Baseball.

So, I Have My Rose Of Coloured Glasses On.

I Can't Wait To.

Come Become As A Fan And Enjoy It And Lodge Forward To Seeing You All In The Future And Thank You Very Much For All Your Support.

Thank You.

Chairman Judah: One Second, Mike, Commissioner Mann.

Comm. Mann: Before He Leaves These Chambers I've Got To Say Mike, That You Have Brought A Huge High Level Of Class To This Entire Negotiation And Discussion Since It Began.

It Has Been Indeed A Joy Working With You Personally You Have Been A Stellar Representative For The Boston Red Sox, And I Do Look Forward To A Very Productive And Joyous 30 Years Ahead That I Know Will Be A Huge Benefit Here.

The Technicalities I Get Hung Up With Are Important To Me, And I Think You've Understood That.

But I Do Have Great Hopes For A Very Successful 30 Years Adventure Here Ahead Of Us, And As To You Personally, What A Joy You Are To Work With.

Boston Red Sox Have Been So Fortunate To Have You During This Time, And The Other Capacity That You've Spoken On Their Behalf.

But They're Going To Miss You.

It's Going A Gaping Hole, But I Wish You Godspeed And The Best Of Luck With The Doll Again, That's Also A Team We Care About.

Lee County Is Dolphin Country, At Least It Is As Of Today.

I Look Forward To Being Here Frequently Wearing A Helmet, Not A Hat, On Behalf Of The Dolphins.

Thing Very Much.

We Thank You, You Henry For Giving Us The Chance Here In Lee County To Continue To Cultivate And Enrich Or Relationship.

The Fact That You're A Property Owner And Will Be A Taxpayer In Lee County Means A Great Deal.

In Term Of Your Commitment To Our Partnership.

And The Multiplier Impacts That We've Already Discussed It Will Be Huge.

We Appreciate You Deeply.

We Wish You Well, With The Miami Dolphins And We Expect To See A Whole Lot More Of You.

Thank You Very Much, The Pleasure Has Been All Mine.

Thank You.

Chairman Judah: Any Further Discussion? Any Objection? Motion Passes 3-2.

Commissioners Bigalow And Commissioner Mann Dissenting.

We're Going To Take A Two-Minute Break And We'll Get To The Next Item Which Regards The Financing.

To Pass That Now Quickly? Chairman Judah: The Next Administrative Agenda Item Has To Do With The Financing.

And We'll Hear From Staff.

Comm. Mann: I'm Ready To Make The Motion.

Chairman Judah: Are You? Comm. Mann: Yeah.

Chairman Judah: What Kind Of Motion You're Going To Make.

Comm. Mann: I Make It To Pass It.

We Probably Should Quickly, Really Quick Briefing, We Went Through This To A Large Extent Yesterday.

Good Morning? Good Morning Mr. Chairman, Member Of The Commission.

Craig Dunlap, With Dunlap And Associates.

Comm. Hall: Commissioner, Judah.

I Appreciate David Bringing Forward And Answering The Questions That Commissioner Mann Brought Forward To Us.

We Do Get A Memorandum.

I Hope Everyone Got A Chance To Look At This And On The Request, The Final Paragraph Which Talks About That This Loan Will Be A Short, Will Be Review Annually And I Want To

Make Sure That What He Did In Here Was Basically Assured Us That We Can Look At This Any Time.

And I Want To Make Sure That And I'm Ok With This Because We Can Always Amend As We Go Forward, But As Part Of This Motion I Would Like To Have Within The Next 45 Day Before The Final Budget Hearing, A Workshop With This Whole Board With Our Financial Folks To Really Lay Out Specifics Of The Options That We Have On The Financial Plan.

And The Teaming Of Those.

I Think I Really Appreciate Craig Bringing To Our Attention The Build America Bonds, And The Opportunities We Have With That.

We've Heard Different Comments From Different People Saying How Terrible The Bond Market Is.

It's So Volatile.

That's Not The Case Today.

And We Have To Have Discussion Of What It Is Today And What It's Going To Be In The Future.

If We Want To Do This In More Than One Bond Issues At The Time.

But The Goal For Me Is To Get This Repayment Of The Mstu As Quickly As Possible Back Where Any Project That We Wanted To Bring Forward That We Would Want To Use These Funds Would Not Be In Jeopardy Of Coming Forward Because They're Tied Up With The Stadium Funds.

With That Understands I Can Make A Motion To Move Forward, If The Board Will Agree To Again Have This Workshop, Because I Want The Public To Understand The Details, As Complicated As They Are On The Record, And I Want All Five Of Us To Have The Opportunity To Talk Amongst Ourselves But At Least Be All On The Same Page With The Financing Process And The Timing So It Doesn't Have To Come Up As A Commissioner Item And Doesn't Have To Keep.

Coming Become To Haunt Us.

If I Had To Say One Thing That I Wish I Would Have Dealt With Better Seven Months Ago Would Have Been That Part Of The Deal.

But, Again You Know, I'm Not Going To Look Back.

I Feel Confident The Taxpayers Will Not Be Pay For The Stadium.

But There's Issues.

Can Give Us An Option, This Board Can Take Control.

How You Want To Do That And The Public Will Then Have A Very Clear Understanding Of What The Process Is Going To Be.

I Want To Be Able To Communicate.

I Know! What You Have To Say Is Right On Point, Commissioner Hall And If What You're Suggesting That Motion Would Include All That You Just Discussed With An Approval Of A Fund And The Related Budget Resolution, Budget Transfer.

So That's A Motion.

Comm. Hall: Yeah.

Chairman Judah: Do I Have A Second.

You Want To Second The Motion For The Finding.

Comm. Janes: I'll Second It.

Chairman Judah: And Discussion.

Comm. Bigelow: Just A Quick Question To Get On The Record.

I Don't Believe What We're Contemplating Here In Any Way Forecloses The Option For Future Board To Forgive This Loan, Is That Right? So This Loan Could Be Completely Forgiven, Right? In Theory, Commissioner, Yes.

It Could Be.

A Subsequent Board At A Later Point In Time Can Make A Decision Not To Continue To Repay The Fund, That's A Mix Of Financial And Political Will Of The Board.

But The Potential Is There, Yes.

Comm. Bigelow: Ok, Just Wanted To Make That On Record.

Chairman Judah: I'll Make Sure It Includes The Final Paragraph Backs On The Blue Sheet, From David Owen To The Board Of County Commissioners.

Commissioner Hall.

Comm. Hall: Again, What I Have I Understand, But I Have In My A Request For The Transfer Of Funs In This Blue Sheet.

So I'm Lost On Photograph 10.

I'm Just Looking At What's In My.

Chairman Judah: You Can Go Over It, David? Comm. Mann: I'm Just Trying To Look At.

Chairman Judah: June 2nd Memo.

Comm. Hall: Right.

I Have For June 2nd Memo But When It Refers To Paragraph 10, I Don't Know Of What Document, David.

What I Was Referring Is The Blue Sheet, Commissioner And If You Like.

I Have The Blue Sheet.

What I'll Give You Is The Additional Verbiage Health Care I Have It, I Just Don't Have Paragraph 10 Of The Blue Sheet.

It's Section 10 Of The Blue Sheet.

You See On The Top Left It Stars One, Two, Three, Four, Five, Six, Seven And Across, Eight, Nine, And 10.

It's In The Background Section And To Typically Fill Out The Details For Number One, Which Is The Action Requested.

What I Wanted To Do Was To Just Further Explain What Is The Now Current Final Paragraph Push Student To Our Discussions Yesterday, So That The Board Would Have A Little Bit Of Comfort With Reason To What As You Can Take In The Future.

The Last Paragraph Although I Think It Says That, I Think What I Provided You May Have A Little Bit More Clarity To It.

Give You The Flexibility I Think You Were Looking For Commercial.

Thank You.

Comm. Bigelow: Didn't Chang Your Prior Opinion.

It Does Not.

Comm. Mann: I'm Not Going To Beat The Same Horse I've Beat Before, But I Want To Know This Loan Will Be At 1.5%, So We're Borrowing If Ourselves And The Tourist Development Tax Will Be Paying Back At A 1.5% Interest.

Am I Saying That Right? Yes, Sir.

The Intent.

Comm. Mann: What Are We Presently Receiving In Interest In Our Deposited Surplus Dollars? I'll Have To Ask Dinah Lewis For That.

A Response.

Comm. Mann: I'm Wanting To Hear A Difference.

It's A Blended Rate, Commissioner.

At Various Durations.

But It Is Below 1% Right Now On The Blended Rate.

Below Overall On The Durations.

The 1.5% Was As Part Of A Discussion In Which We Originally Recommended That The Rate Be Reviewed, Not Less Than Every Three Years And At That Point The Treasury Bill Rate Was About 1.3 And That's The Relationship.

Comm. Mann: What I Want To Hear, I Don't Want Any Time To Pass And Here Again Commissioner Hall.

Are We On The Same Wave Length, Or What.

Comm. Hall: Professionally We're Very Much Alike, It's Just Personally.

[Laughter] Comm. Mann: We Don't Need To Go Any Further There.

Comm. Bigelow: That's A Quote.

My Great Scheme In This Thing, Is That We Lock Into These Things.

Government Has A Way Of Doing That.

And We Don't Review It, And It Gets Stuck In There And We're There Years Later.

Because It's The Easiest Thing To Do Just Maintain The Status Quo.

The Minute The Bond Number Starts To Look Better, We Need To Get Out Of This Scheme And Get On Direct Dependence From The Tourist Development Tax And Have Our Dear Friends From The North Help Pay For This.

Comm. Hall: That's Why I Want This Budget Workshop.

I Want It In Writing, I Want Resolutions To Go Forward, And Then We Can Assure, Because I'm Not Committing To A 30-Year Loan At 1.5% To Be Reviewed Every Three Years.

I'm Committing To Move This Money Over At 1.5% And After That Workshop I Think We Can Come Back And Blue Sheet Exactly What We Want To Happen In A Time Frame That Will Assure That No Future Boards Or This Board Will Ever For Give This Loan From The Mstu And We're Here For A Very Short Period Of Time.

Nothing Unusual Than We've Done In The Past With Large Probabls.

And That's All Doable And We Have A Great Team Out There Racking And Coming Up With Different Solutions But We All Need To Hear It At The Same Time And Be A Part Of That Decision Process.

Evening Before Our Budget Is Adopted We Could Have A Resolution How We Want This Loan To Go Forward With Specifics.

Chairman Judah: Ok, Any Objection? Motion Passes, 3-2.

Ok, We'll Go On To The Public Portion Of The Hearing With Regards To Vacation Requests.

Comm. Hall: Oh, Yeah.

Public Hearing.

Chairman Judah: Mike? Good Morning.

Good Morning, Assistant County Attorney.

I Have Two Public Hearing Items For You Today.

Both To Vacate.

I've Reviewed The Publication And They're Legally Sufficient, Entering Those.

The First Item Is Vac-2008-00019.

This Is A Petition To Vacate A 60-Foot Wide Adjacent To 2,300 Trailside Drive Estero.

Comm. Janes: .

Comm. Hall: Move The Item.

Chairman Judah: Move The Vacation Request Before Us.

Second By Commissioner Mann.

Motion Passes.

The Next Resolution.

0003.

This Is Request To Vacate A Two Six-Foot Wide Located At 1610 Trail.

Any Members Of The Public Wish To Comment On This Vacation Request, Seeing None, Back To The Board.

Comm. Hall: Move The Item.

Chairman Judah: Motion By Commissioner Mann To Move The Item, Second By Commissioner Hall.

Hearing No One, Motion Passes.

We Go On To The Code Of Ethics Policy, Car Len Did You Want To Comment On This Or Are We Ready To Roll? Maybe David? Ok.

Good Morning Again, David Owen With The County Attorney's Office.

Commissioners We've Gone Through Several It Rights Of Revisions To Your Ethics Policy.

I Had Asked For A Little Bit Of Additional Time So I Could Speak With Each Of You About This Which I Have Done.

I Have Put Together And Presenting To You Today For Your Consideration What I Think Is In Line With What I Call The Common Threads Among All Of You With Respect To The Design For This Particular Revision To The Employment Manuals.

Portion Of The Ethics Code.

I Provided You A Memo Last Week On May 26, If You Would Like Me To, You Can Touch On The Paragraphs That I've Given You There.

High Points Are And I've Discussed This With All Of You, At One Point In Time The Board Wanted To Have The Commissioners In The Personnel Manual, And I've Deleted That, And Have Really Dealt With The Personal Side.

That Is Your From Your Contract Employees All The Way Down Through The Ranks.

I Think That's Appropriate From The Standpoint There's A Difference Can Be Readily Articulated Between The Elected Officials And The Appointed And Hired Members Of The Community.

Quite Candidly Commissioners, You Have More Than Sufficient State Laws That Would Cover Anything That We Were Putting In The Personnel Manual.

I Think What The Objective Was As A Result Of Several I Want Deputies We Had Over The Last Year Would Be Addressed On A Personnel Level, Not On The Elected Officials Level.

Comm. Mann: Question.

Before You Leave That Area, Is There A Break In Our 2,000 Plus Number Of Employees Where We're Talking About That This New Language Would Apply To A Management Level, And Or Where Did I Get Confused? Applies To All Employees.

The Difference The Break Point Is Who Are Form One Filing Employees.

Comm. Mann: That Was My Question.

You've Got About 150 Plus Employees That File Form One, The Same Way That You Do Which Is Financial Disclosure, And That's By State Law Because Of The Particular Job, The Duties You Have, Those Types Of Things.

There's A List Of All Those Employees That Is Updated Annually By The Supervisor Of Elects.

And In That You Have To Disclose Your Interests In Land As Part Of That Disclosure Other Than Your Personal Residence.

Weren't Acquiring Lands That May Conflict With Your Employment.

This Is Why With The Decisions, To Section 2063 We Specifically Addressed That.

And That Applies To Everybody In The County.

Commissioner And What We've Got Is Really A Two-Tiered Process, One Of Which Deals With Your Contract Employees And Also Employees That Are Obligated Under Chapter 112 To Be Form One Filing Employees Where We Have To Disclose Anyway.

You Would Know That.

It's Easy To Find.

It's On The Web Page For The Supervisor Of Elections.

And Then For New Hires, Commissioner Hall Had Indicated There Was An Interest.

When We Bring In New Hire In From The Private Sector, That We Have An Accounting For Those Properties To See If There's An Issue With Respect To Any Properties That Are Held By The New Hire.

Coming In At Whatever Level.

And Finally For The Individual, At Whatever Level Again, Who Is Seeking To Acquire A Piece Of Property Or Who Has Acquired A Piece Of Property, Seeking To Apply To Acquire A Piece Of Property, The Individual Can Go To Administration To My Office Or Both.

Has To Make A Decision, Divest Themselves In The Property.

Whatever, If It Goes Through That Property And Reached A Situation Where The Individual Is Not Satisfied With The Decisions Of Either My Office Or The County Manager's Office Then The County Manager Becomes The Soul Of That Decision If It's An Administrative Employee Then I Would Do That For My Employees On My Side.

I Think That's The Sum And Substance Of It.

We Put In The Verbiage With Respect To Taking Into Account What The Individual's Job Is, What Their Span Of Control Is, What Their Span Of Authority Is.

And Covered Just About Everything With Respect To The Contract Employees.

Whether That Would Be Handled By My Office And If They're One That Came From My Office I Would Go Directly To Either The Attorney General Or The Floor Commission On Ethics To Get A Termination If I Had A Conflict Or Not.

I Can Tell You That's Not Going To Happen On My Part.

Chairman Judah: Commissioner Bigelow.

Comm. Bigelow: Can You Tell Me If I'm Looking At The Right Exhibit.

Because You Seem To Be Indicating That You're Taking The Board Out Of The Prior Drafts, And The One In The Backup, The One I Printed Out Is Under 2061, There's No Board Member Local Officer Or Employee.

No.

Where Are You Looking, Commissioner? 20611 Under General, Page One.

Comm. Hall: The Whole Thing.

The Sentence Reads, "No Local Officer Is Defined Or Employee Of Lee County Government Including The Board's Contract Employee Shall Have Any Health Care." Comm. Hall: That's Not The Copy I Have Either, David.

It's Not What Was Posted.

I Apologize, I Think What You Have In The Backup Was Probably The One That Was Leftover From April, If You Can And If You Have It, I Would Prefer That You Work Off The Memorandum That I Provided To You, And I Apologise For That.

I Probably Should Have Had That Incorporated.

Comm. Bigelow: I Don't Have That.

Comm. Hall: I Don't Have That Either.

I'm Sorry, I Had Sent You A Memorandum On May 26th That Had The Proposed An Additional Revisions To Policy Number 206 The Code Of Ethics.

And If You Don't Have That With You Right Now, I Can Get That To You.

If You Would Prefer To Defer It Until Next Tuesday.

Comm. Hall: No.

Wherever It Says "The Board." The Board Members Are Out, Commissioners.

I'll Tell You That Categorically.

I Took You Out.

Chairman Judah: Instead Of State Law.

You Are Sub Of State Law.

The Concept Is This Is The Personnel Manual For Your Employee And It's An Appropriate To Have The Board Members Fold It In To The Employee Personnel Manual.

You're Covered More Than Sufficiently With State Law.

The Only Thing We're Trying To Do Here And I Think I've Condition It Correctly, Is To Include A New Provision In There That Deals With Personal As Wells That Can Conflict With Official Duties.

Any Personal Investments The Board Maybe May Have, You're All Subject To Form One.

There's No Need For You To Do That.

Part Of The Reason Why We're Doing This Is You Have A Small Percentage Of A Number Of Your Employees Who Are Form One Filing Employees And Then A Huge Amount That Are Not.

And What This Does Is It Gives Us A Process To Have The You Want The To Examine Review And Deal With Issues Where If Someone, Who In D.O.T. Wants To Buy A Piece Of Property That's On A Road Align.

And Have The Opportunity For That Individual To Go Through A Process With County Management And Determine Whether Or Not That's A Conflict.

If It Is A Conflict, To Deal With It.

That's About As Simply As I Can State It.

By Sending The Memo To You.

I Got The Memo, But.

With The New Text That Would Cover That.

Comm. Bigelow: I Have A Couple Other Things.

Just Minor.

On Page 207, Number Three Under Gifts.

It Says No Person Busy Or Organization Shall Be Allowed To Give Nor Shall Any County Employee Accept A Gift In The Value In Excess Of \$100, And Approved In Advance By The County Manager.

This Doesn't Apply To Us, But It Would Apply To Hearing Examiner Employees, Your Employees.

Contract Employee.

Yes, Sir.

Comm. Bigelow: Could We Or Would You Recommend We Maybe Make That Approval Subject To The Contract Employee.

So Hearing Examiner Employees Have To Get Approval By Hearing Examiner.

County Around Attorney Employees, Because I Don't Know That It Makes Sense For The County Manager Who Has No Management Daughters Or Authority Over Hearing Examiner Employees Should Have To Go.

Why Not Just Change County Manager To County Contract Employees.

Comm. Bigelow: Do You Follow Why I'm Suggesting That.

Yes.

Comm. Bigelow: And Following That Same Line Of Logic On Package Four Of Seven, This Is The New Language.

It Says The County Manager's Decision Will Be Final.

This Is With Respect To Any Review Of Personal As Wells.

But Again I Think A Hearing Examiner Should Be Responsible, I Mean County Attorney.

So That You Are The Final Of Your Employees, Karen Hers, And Diane Packer Of Hers.

I Think Though That It Does Allow For Appeals To Go To The Board, Am I Correct? Any Appeal Of That Opinion Will Be To The Board? Oh, No, No, No.

We Have To Do A Little Bit To The Text But I Understand Where You're Coming From.

I Can Adjust That.

Comm. Bigelow: That's All I Have, Mr. Chairman.

Chairman Judah: Any Other Questions, Comments.

Motion By Commissioner Mann To Move The Ethics Policy Code With The Acceptable Amendments.

Discussion? We Have A Second By Commissioner Janes.

Any Further Discussion? Any Objection? Hearing No Objection, Motion Passes.

Thank You Karen.

We'll Go On To Walk Ons And Carryovers.

We Now Have The Walk Of On Item Regarding The Hiring Of The Executive Search Firm.

Karen If You Would Like To Take It Over.

Governing Before You Have The Recommendation From Staff.

To Select The Firm Collin Bassinger And Associates And I Want To Thank Chris Brady And Her Staff And Also Andrew Of Fraser Who Assisted In Doing The Telephone Interviews Of The Three Firms, But We Are At This Point Recommending Associations.

Motion Bu Commissioner Jane, Second By Commissioner Hall.

Discussion? Thank You For All The Work.

Hearing No One, Motion Passes.

We'll Go On To Commissioner Items.

Commissioner Mann.

Commissioner Janes.

Well, Commissioner Items Yes.

But Do We Not Have A Carryover.

Comm. Hall: That Was The Carryover.

Chairman Judah: I'm Talking About The Transfer Of To The Lee County.

Chairman Judah: That's Been Deferred.

Comm. Janes: I'm Sorry.

Chairman Judah: That's Ok.

Comm. Mann: I Missed That Too.

I Guess I'm Ok.

Chairman Judah: Let Me Make Sure.

I Thought At The Outset I Asked For A Motion Be Received For An Extension Of Carryover Number Two To The End Of June.

Comm. Hall: Yeah.

Chairman Judah: We Did Do That Commissioner Hall? Comm. Hall: I Had A Request From Folks In Cape Coral Who Take The Veterans Who Take The Van Up To St. Pete For Their Care.

To Look At A Second Drop Off Point And Pick Up Point.

In Talking To Staff Who Ride That Van, We All Know The Veterans Administration Is Going To Be Located In Cape Coral In A Year And A Half, And It's Staff's Recommendation That We Maintain Our Pickup Point To A Building Because Of The Parking, The Liability.

Open To Concur With This Board That You're Ok.

We Will Not Set Up A Second Site And A Lot Of This Has To Do With Efficiency Of Getting These Guy Up There.

All The Drivers Are Volunteering.

So I Had To Make Sure If You Want To Bring This To An M.M.P.

And Have More Discussion On It, I Would Like To Do That.

I Would Like To Keep That As Our Policy For Right Now.

Comm. Janes: Stop At Fort Meyers As Well.

Comm. Mann: No, What I'm Saying We'll Have Taken The Drop Off And Pick Up Point.

Right Now It's In Fort Myers.

But It Is Going To Be Moving To Cape Coral In A Year And A Half When They Build The New Buildings.

The One Will Be Abandoned.

So There Won't Be Two Buildings, It Will Be Just One.

This Comes Up Pretty Much Every Year.

We Go Over To The Cape And Do Two Or Three Pickups.

And Staff Has Recommended That With Maintain Our Pickup Point As A Veterans Administration, No Matter Where The Building Is.

We Won Set Up Another One In Fort Myers Either.

I Wanted To Make Sure The Board Was Ok With That, And If Not, I'll Set It Up For An M.M.P.

Meeting Or If We're Ok With That Policy, Go Ahead An Have John Send Out That Is Still Our Policy.

Comm. Mann: It's A Single Health Care It's A Single Pickup.

Comm. Mann: There's No Cost Implications There.

Comm. Hall: Not At All.

Comm. Hall: I'm Cool I Want To Make Sure That Everyone Is Ok.

I've Talked To Several Folks And There Is A Small Handful Of People That Did Have A List Of The Numbers That Come From Fort Meyers And All The Other Places.

We Have About 129 Folks That Ride This Van.

And So, Again Address A Percentage That Comes From The Cape, But This Will Be Moving Out Of The Cape And Majority Will Be Coming Over To The Cape To Get Their Pickup.

We'll Probably Have The Reverse Situation In A Year And A Half.

I Want To Be Consistent And How We're Approaching This From A Policy Stand Point.

Comm. Janes: Make One Trip An Puts All One Hundred.

Comm. Hall: No, It Makes Multiple Trips.

They Go At Different Times.

It Depends On Your Appointment.

But We Have 129 Individuals That Use It At Different Times.

They Don't All Go At Once.

That's Fine, I'll Go Ahead And Have John Send That Out.

Chairman Judah: Commissioner Bigelow.

Comm. Bigelow: No, I Just Want To Commend Karen.

She's Really Taken On The Chin A Lot And She's Doing A Yeoman's Job.

I Appreciate What You're Doing And In Tremendous Time Frames.

Comm. Janes: She Still Smiles, So Can't Be That Bad.

Chairman Judah: Ok.

Just A Couple Items I Wanted To Bring Up.

I Think Because Today We Can Actually Take Some Action, I Brought To It The Attention To The Board Yesterday And I Think We Agree Given The Fact That The District Staff Is Going To Request An Extension Of The Water Ship Management Modeling Study, That We Request That The June 11th Governing Board Meeting That We Ask For That Extension.

So Motion By Commissioner Hall, Second By Commissioner Jane, Hearing No Objection, Motion Passes.

We've Got A Situation That Is Not Going To Direct Itself Unless We Take A More Proactive Role With Request Has To Do With A Couple Weeks Ago, The Agricultural Sugar Fields Are Tied Into Drainage System For South Guy, For Instance.

South Of Lake Okeechobee, And When There's Potential Flooding, The Sugar Industry Use That As An Excuse Suggesting That There Is Going To Be Urban Flooding.

The System Is All Tied In Together And There's Lack Of Storage To Be Able To Provide Other Than Discharge It Into Lake Okeechobee.

You Allow Me To Proceed To Work To Request A Change In District Policy, So That We Don't Continuously Get Inundated With The Successfully Polluted Water Because Of Lack Of Storage On The Part Of Sugar Cane Industry, South Of The Lake.

As I Said They're Using It As An Excuse With Regard To Their Tie-In Of The Drainage System Of The South Bay.

I Can Have That All Put Together With Staff's Help As A Letter That Can Come Back To This Board For Formal Approval.

Comm. Mann: How Is This Different This Last Heavy Rain From The Entire Discussion That's Going On.

Chairman Judah: I'll Tell You What's Happened.

Comm. Mann: What Makes This One Unique.

Chairman Judah: The Ag Growers Are Keeping Their Canals, Their Ditches At Maximum Capacity Because Of The Drought.

That's One Of The Reasons Why We Didn't Get The Fresh Water Releases We Needed.

We Had To Argue To Give Us Our Minute Mum Flow.

When Those Canals Are At Capacity There's An Ability To Provide For Drainage Relief So What They Do, Because The Canal Can't Take The Extra Water, They Dump It Into Lake Okeechobee.

With The Way It Currently Is Conducted.

Comm. Hall: Wasn't There Movement On The District To Say No Back Pumping This Time.

That Was A Request.

This Is Policy That Allows For When The Fields Are Flooded And Use That As An Excuse Suggesting South Bay Is Going To Be Flooded.

Comm. Hall: Do They Have It In Their Permits What They Are Able To Back, So We Would Be Challenging The Permits, The Industry.

Chairman Judah: That'll Have To Provide For Storage.

Right Now They Use Public Resources To Do So.

Comm. Hall: Again, I'm Not Interested In Going Through A Lot Of Legal, I Don't Mind Having The Conversation Of Where We Can Find A Compromise, But I'm Not Prepared To Enter Into A Lawsuit To Challenge These Permits And Spend Hundred Of Thousand Of Dollars Challenging The Permits, Certainly As They're Coming Up For Renewal And We Know Some Permits Are.

Coming Up For Renewal We Need To Address That Policy.

So If There's A Combination How We're Doing That, I'm Ok With That.

But I'm Not Interested In Going Forward And Legally Challenging Existing Permits.

Chairman Judah: I'm Not Suggesting Do Legally Challenge The Existing Permits, But I'm Suggesting That We Ask Of The District To Chang Their Policy Because The Impacts That Are Created Downstream.

Comm. Hall: I Don't Have A Problem With That.

I Don't Know If They Can Pull Something Up, But If There's A Mechanism There, So We Have Tried To Work With Them On Some Policy I'm Ontario With That, But I Don't Know To Challenge Any Existing Permits.

Chairman Judah: I Think There's Room For Change In Policy But I Need To At Least Write The Letter.

Appreciate That.

Committee Appointments, Commissioner Mann.

Comm. Mann: No.

Comm. Janes: I Have One.

Kathleen Ruker To The Coastal Advisory Council.

Chairman Judah: Discussion, Objection? Motion Passes.

Comm. Hall: Wayne Johnson To Street Lighting Unit.

Chairman Judah: Do We Have A Second, By Commissioner Mann, Discussion? Objection? Hearing No Objection, Motion Passes.

I Have Two Reappointments Larry Hall Of The Lighting Unit And David Morrow.

Motion By Commissioner Jane, Hearing No One, Motion Passes.

We'll Go To County Manager.

Any Items? County Attorney? No Thank You.

What We'll Do Is We're Going To Take A Half Hour Break.

Comm. Mann: Lunch? No For The Minutes To Get Set Up Because Wore Going To Take That Overflow Of Management Planning, So I Would Ask Of You If We Could Be Back Here In These Chambers At 12:30 And We'll Recess Until Then.

Thank You.