

June 9, 2009

Chairman Judah: Good Morning, Everyone.

We'll Go Ahead And Get Started With Our Invocation.

Pastor, Nice To Have You Here.

Good Morning, Commissioners.

I Thought I Would Say Something A Little Bit Different Here.

As We Look At The Portrait Of Robert E. Lee And Many Of Us Don't Even Know Very Much About Him.

He Was A Big Hero In The Revolutionary War.

And He Was Not Only A Great Military Leader, Probably The Finest General In The Civil War.

Without Question, But Also Was A Man Of Great Spirituality And Depth, And I Thought I Would Read A Couple Of His Short Prayers.

He Was Informed When The Chaplains Prayed For Him, Unlike Many Of You It Came From The North, My Great Grandfather Was An Artillery Officer, With Sherman And With General Logan In The Battle Of Atlanta.

But, Also, Some Of My Relatives Were Ministers, And Two Of Them In Fact Were Chaplains With The Confederate Army.

One Time Robert E. Lee, Said When He Was Informed That The Chaplains Prayed For Him, The Tears Started In His Eyes.

He Replied, "I Sincerely Thank You For That.

And I Can Only Say I'm A Poor Sinner Trusting In Christ Alone, And Need All The Prayers You Can Offer For Me." He Was A Very Humble Man In Many Ways.

The Extent Of His Character Was Quite Revealed.

At The End Of 1865, He Returned To Richmond, And Of Course The Open Wound Of The Surrender Was Still Open And Bleeding.

A Certain Gentlemen, An Officer Of The Union Army Was Requested By The Federal Commander Of The City To Communicate To General Lee The Fact That He Was About To Be Indicted In The United States Courts For Treason.

In Acquitting Himself Of The Commission, The Gentlemen After He Had Informed General Lee Of This, He Expressed The Sentiment Of Violent Indignation At Such A Proceeding.

But Once These Feelings Were Expressed, General Lee Did Not Seem To Share His Vehemence.

Produced No Other Effect Than To Bring A Smile To His Lips.

And Taking The Hand To His Lips, He Took His Hand And As The Man Rose To Leave, Lee Said To Him In His Mildest Tone, He Said, "We Must Forgive Our Enemy.

I Can Truly Say Not A Day Has Passed Since The War Began That I Have Not Prayed For My Enemies." And Then In Closing, There Was A Very Short Prayer That Lee Gave That Was Actually Harry Truman's Favourite Prayer, And That Mr. Truman Had Memorized It And Used It On Many Occasions, And It Goes Like This.

Let Us Pray.

As General Lee, Said, Lord Help Me To Be, To Think, To Act What Is Right, Because It Is Right.

Make Me Truthful, Honest And Honorable In All Things.

Make Me Intellectually Honest For The Sake Of Right And Honor And Without Thought Of Reward To Me.

Amen.

Amen.

I Just Simply Say We Look At These Pictures And We See Lee Written Over Everything, The Police Cars, And On The Doors Of This Building, And It's Good Isn't It, To Remind Ourselves That We Have Inherited.

I Should Be Proud To Serve A County Named After Robert E.

Lee.

I Pledge Allegiance To The Flag Of The United States Of America.

And To The Republic For Which It Stands, One Nation Under God, Indivisible With Liberty And Justice For All.

Chairman Judah: Thank You.

Ok We've Got Quite A Commendation By The 1,000 Friend Of Florida And Mr. Patterson Is Here To Make The Presentation.

And Could Accompany You, I Think It Would Be Appropriate And We Appreciate It.

Don.

Good Morning, Mr. Chair, Commissioners.

Thank You For Letting Us Be On Your Agenda Today.

Thousand Friends Of Florida For Those Of You Who Don't Know, Was A State-Wide Non-Profit Growth Management Organization.

We've Been Around Since 1986.

My Board Today And Since 1986 Believes That The State Can Grow And Prosper And Protect The Economy.

That's Our Mission As It States Today.

And We Have Since 1990 Been Making Awards That Recognize Local Government, Citizens, State Agencies That Have Made Significant Contributions To Better Comprehensive Planning In Florida.

So Today I'm Pleased To Be Here To Present Our 2009 To Lee County Commissioner, And I Would Also Like To Thank You For Your Good Work On Senate Bill 360.

I Know It's Going To Be Something I'll See As A Challenge, But I Think We Can Get Through It.

But We Very Much Appreciate Your Efforts There.

But, Today We're Going To Recognize The Density Of Reduction Ground Order Resource Protection Work That You've Been Doing.

We've Been Very Impressed With The Scale Of The Project.

The 83,000 Acre Area That You've Designated.

We Have Been Following That Since 1990 And Realized The Significance And The Competing Agricultural Mining And Development Uses That You Were Trying To Balance.

We Believe This Does Provide An Important Buffer Between Land To The North And Corkscrew Swamp And Other Environmental Preserves To The East.

So We're Pleased To See Your Good Work In That Area.

We Are Very Impressed To Note That Your Growth Committee Back In 2003 Recommended

A Review Of The Policies Of That Area.

And The Commission Itself Began A 14-Point Action Plan And You Commissioned To Develop That Plan For You We Know Too You've Approved Some Recommendations Last Year To Further Protect This Area.

And We're Aware That You're Now Working On Comprehensive Plans That Further Implement This, That We Will Move Forward As Quickly As Possible.

We Want To Thank And Recognize The Council Community Leaders, And Don For Making The Nomination To Us.

And If I Could, I'll Get Don To Say A Few Words Before We Present The Picture.

Thank You.

Commissioners, Thank You Very Much.

Eecl Is Proud Of The Efforts That You've Made Relative To The Drgr.

That's Why We've Made This Nomination.

We Felt That It Was Incredibly Different And Far-Reaching, And Really Deserving Of This Type Of Recognition.

It Wouldn't Have Been Possible Without The Great Work Of Your Staff And The Consul At That Points That You Have Hired To Help You Do That.

If You Complete The Process Look You Started It, It Will Be A Monumental Achievement, In My Opinion.

I've Been Around Government For 30, 40 Years And Very Seldom Do You See A Governmental Body Have The Foresight To Look Long Term, Rather Than The Short-Term Solutions That Are There Before You.

If You Do That, You Will Have Largely Compensated For The Preplanning Errors That Were Made Half A Century Ago In Lehigh And Cape Coral.

That's Part Of What This Is About, Is To Try To Compensate For That Aspect Of It.

Secondly, You Will Assure The Growing Population Will Have An Adequate Water Supply, Because That's Where It Comes From, And Estero Bay Continues To Be A Vital Incubator For Fish And Wildlife And A Great Tourism Attraction For The Area.

Finally, You Will Assure That The Ever Shrinking Area For Habitat Will Be Preserved In This Area.

So Those Are Monumental Long-Term Objectives That You Will Accomplish Through This Process, And We Thank You So Much For That.

Congratulations On What You've Done, And Best Wishes For The Reminder Of This Difficult Course That You're In.

I Want To Thank Charles And Thousand Friends For Recognizing The Effort That You've Made, So Outstanding As It Is.

Thank You Very Much.

Thank You, Charles.

The Award Itself Is An Original Water Colour That We Had Commissioned.

We Had A Graphic That Don Had Given Us To Work From.

This Was Done By Dawn Mcmillen, An Artist We've Worked With For Many Years In Quincy, Florida.

With That Commissioner Judah, I Would Like To Present This To You, And If You Would Like To Make Comments For The Economy, We Would Like To Do That To.

Before Or After The Unveiling.

Whatever Is Best For You.

Chairman Judah: Why Don't You Go Ahead And Unveil It, Charles.

I Think It's Meaningful Here.

My Gosh, That's Just Gorgeous.

Comm. Bigelow: That's A Water Color? Amazing.

Chairman Judah: We're Very Appreciative That The Council Of Community Leaders Who Have Worked Over The Years With Friends, Have Felt An Important Message That I Believe Needed To Be Delivered.

Not Just To This County, To The Region, To The State, But How Important It Is For The Community To Work With Its Government, As Has The Council And So Many Of The Volunteers, And Throughout Lee County To Try To Provide A Responsible Management Growth.

An God Love You Charles, The Thousand Friends Have Been A Beacon Of Hope Quite Frankly In The State, My Personal Feeling Is The Legislature Particularly, Delegation And The Government Itself Erred In The Passenger Of 360.

All That Is Going To Allow Is Uncontrolled Growth For Years Come Preponderance Of The Evidence And We Are Going To Have Challenges, There's No Question.

But, I'm Very Pleased, This Board Has Been Adamant About I Believe Leading The Way In Terms Of Protecting Our Critical Water Supplies And Our Open Space And This Is A Good Example Of The Work That's Going On In The Denser Reduction Ground Water Research.

A Lot Of Land To Ensure Responsible Stewardship Of And I Believe We're Taking The Major Steps That Need To Be Accomplished To Protect Our Future Legacy And Our Natural Heritage.

The Thousand Friends, We Appreciate Your Support, This Is A Meaningful Award.

We Can't Thank You Enough, Charles.

And Let Me Just Turn It Back Over To You, If I Could.

Thank You, Again.

We Want To Recognize Efforts State-Wide That Can Be Used As Insights And Encouragement To Other Governments To Act Responsibly.

You Certainly Have Done That Here.

And We're Very Appreciative Of Your Much, Your Good Work And We Wish You The Best.

In Finishing Up With The Plan Amendments.

I Know You've Got Coming.

Chairman Judah: If I Could Trouble You To Very Delicately Grab The Frame There, And If Don Could Step Forward, I Believe We Have Stacey To Take A Photograph.

I Appreciate It.

Chairman Judah: Thank You Very Much.

Great Job.

[Applause] Chairman Judah: Thank You So Much.

Thank You, Don.

Ok, We Move On To The Recap And Looks Like We Need To Move Administrative Agenda Item 7-A From Administrative To Consent.

As The Item Is Routine.

Comm. Hall: So Moved.

Chairman Judah: Commissioner Jane, Second, Hearing No Objection, Motion Passes.

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

Stephanie Keith? Good Morning, Stephanie.

Good Morning, Stephanie Keith With The Realtor Association Of Greater Fort Meyers And The Beach.

I'm Here To Talk About The Consent Item 3-A On The Ship, Request For A Ship Extension. Our Association Is Ups The Extension.

We Would Also Like To Continuously Remind Our Board Of County Commissioners And Staff That Our Association Consists Of Over 4500 Extremely Well Trained Experts In This Field.

And Again, We Look Forward To Working With The County On This An Other Efforts.

I Just Received This Morning From The State The New Ship Funding That Will Be Coming Out Of The Special Legislation, The \$30 Million Dollars That Was Appropriated To Create Jobs, Be An Economic Stimulus, That We're Very Excited About.

Again, Lee County Will Be Getting Additional Funds For These Projects.

And I Think That It's Important For Everyone To Recognize That The Purpose Of Some Or Most Of This Funding Is About Creating Jobs.

And Creating An Economic Stimulus.

And Giving The Private Sector Opportunities To Bring Lee County Back To Its Once, Shall We Say Glory Days.

So With That I Would Like To Thank Your Staff.

They Do A Great Job.

And That We're Here To Help.

Thank You.

Chairman Judah: Thank You, Stefanie.

Appreciate You Taking The Time.

Anyone Else From The Audience That Would Like To Speak On The Consent Or Administrative Agenda.

Seeing None, We'll Go Back To The Board.

Commissioner Janes.

Any Items To Be Pulled Commissioner Hall? Comm. Hall: No.

Chairman Judah: Commissioner Bigelow.

Comm. Bigelow: 13-A.

Chairman Judah: And Don't Have Any To Be Pulled.

Move The Ambulance Of The Agenda And That Would Include Of Course Former 7-A Motion By Commissioner Hall, Second By Commissioner Janes.

Discussion? Objection? Hearing No Ax, Motion Passes.

Commissioner Bigelow.

13-A.

Comm. Bigelow: This Is A Request To Award And Project For Emergency Clearance Of Roads And Streets For Lee County To Several Proposers That The Selection Committee Selected.

I Guess They're Selecting Two Out Of Town Contractors, And I Guess The Only Four Local Contractors, Jim, That's Right? There Are Only Four Local Contractors That Submitted? Sorry I Wasn't Involved In This One.

Maybe Scott Can Answer.

Comm. Bigelow: I Think You Were The Chairman.

But Anyway.

Scott Gill Pearson.

Yes, The Commissioner The Local Firms And Then Just The Am Of Equipment And Capacity And Things Like That.

They Wanted A Additional.

Comm. Bigelow: 10 Proposals Were Received.

Of Those 10, Four Were Local.

You Have To Give Me A Minute To Take A Look.

Comm. Bigelow: Because The Word In Here, The Blue Sheet Says That The Four Local Contractors.

That.

Plays That Picked The Only Local.

All Of The Only Local Contractors And Two Out Of Town Contractors.

I Believe That Would Be Correct.

Again I Would Have To Research The History.

It's Been A While Since They've Done This Ranking.

But My Understanding Is That They Selected A Local Firm, And For Additional Capacity They Pick A Couple Of Larger Firms And Happen To Be From Out Of Town.

Comm. Bigelow: Well, I Think You're Giving Me Some Assurance That We Picked All The Local Contractors That Submitted Proposals, Because I Think That's Important To Do.

Mr. Chairman, I'll Just Say, I'm Not Going To Support The Request Here Only Because Of The Selection Question Makeup, Which You've Heard Me Complain About Before.

Chairman Judah: Ok.

Comm. Hall: Move The Item.

Chairman Judah: Second By Commissioner Jane.

Discussion? Objection? Motion Passes 3-1.

We Go On To The Administrative Agenda Item, With Approved 7-A, We Now Go To 14-A And We'll Hear From Doug Miur Regarding The North Fort Meyers Utility.

Good Morning, Mr. Chair.

Members Of The Board.

This Item Is A Request Concurrence From The Board For The Termination Of Further Negotiations For The Decision Of The North Fort Meyers Utility.

We Were Directed By The Board To Re-Enter Negotiations At The M.M.P. In January Commissioner Judah Was Involved In Some Of Those Meetings And Negotiations, And We Were Unable Under The Parameters To Come To An Agreement With North Fort Meyers Utilities For A Decision.

So, Initially We're Just Look For Some Formal Concurrence In Which To Terminate Those Negotiations.

Secondly, We Requesting Authorization To Go Back To North Fort Meyers Utilities, And The City Of Cape Coral And Just Ask For Updated Proposals From Both Of Those Utilities For Inner Connects, And Annual Bulk Service Agreements Necessary To Serve The Waterway Estate Service Area And The Now And In The Future When The Service Area Grows In Their

Capacity Needs.

Chairman Judah: So 30 Million Reasons Why We Wasn't Work Out A Purchase Of North Fort Meyers Utility.

Collect.

Chairman Judah: This Is The Next Step We Need To Take, And We Have A Motion By Commissioner Janes Then, To Pursue The Investigative Follow-Up.

Second By Commissioner Hall, Discussion? Comm. Hall: Yes.

Chairman Judah: Commissioner Hall.

Comm. Hall: Everyone Is Extremely Disappointed Because It Was A Wonderful Opportunity To Investigate This.

There's An Interest On This Company To Sell.

We Couldn't Come To A Price Negotiation Based On Our Structure.

Is There An Opportunity Possibly To Go In And Look At It From A Holding Standpoint, Something That Could Be Approached.

Is That Something We Could Request To Our Board Member To Take Of Them.

Amend The Motion To Include That Also,? Chairman Judah: To Consider Purchase Of North Fort Meyers Utility.

Commissioner Bigelow.

Comm. Bigelow: Just To Ask, Are You Suggesting That A Board Member.

Comm. Hall: We Have A Board Member Here, Mr. Lavender, Go To The Board To Discuss This.

So I'm Asking The Board Member That Represents Lee County Do That.

Comm. Bigelow: I Appreciate The Clarification.

Thank You.

Chairman Judah: Any Objection? Hearing No One, Motion Passes.

Thank You Doug.

We'll Go On To Walk-On Items.

Walk-On Item Number One.

The Edward Memorial Assistant Grant.

Comm. Hall: Move The Item.

Chairman Judah: Second By Commissioner Janes.

Discussion? Objection.

Walk-On Item Number Two, For \$73,000 To Deal With Foreclosures.

Motion By Commercial Janes, Second By Commissioner Hall, Discussion? Comm. Bigelow: Yes.

Chairman Judah: Commissioner Bigelow.

Comm. Bigelow: I Think Of All The Constitutional Offices, Charlie Green Has Demonstrated A Record Of Frugality In The Way That He Operates His Operation.

Operates His Operation.

And I Appreciate The Situation That You Find Yourself In.

I Mean, I Think It's Unfortunate And But I Will Just Ask That Maybe Rather Than Something Like This In A Walk-On, If I Could Have Had Some Kind Of Head's Up To This, And Perhaps Had A Chance To Talk With County Management About It, I'm Going To Support It.

I Think You Know We're Kind Of In A Corner Here, And I Need To Do This.

I Just Wish We Had A Little Time To Kind Of Wrap Our Hands Around It.

But That's For Future Reference.

Chairman Judah: Charlie, Good Morning, Would You Like To Comment? It's An Interesting Situation That The State Of Florida Finds Itself In From The Clerk's Perspective.

This Past Two Months We, As You Did, Trudge Through Legislative Procedures, And When We Got All Finished We Found That We Have Laid Off State-Wide In The Clerk's Offices, In Excess Of A Thousand People.

I Know That The State Is Getting Ready To Lay Off 600 People.

And They Have Like 200,000 Employees.

So, It's We Got Gutted.

A Year Ago We Talked About Funding The Rocket Docket, And We Were Able To Do That Very Successfully, As Best We Could For The First Six Months.

We Have Literally Gotten To The Point Now Where We Are Gnawing The Bone.

I Think The Decision That You've Made To Fund This Quarter Will Be Very Ben Official To The County.

We Need To Have Those Properties Back In Circulation As Quickly As Possible.

We Are Also In The Throws Of Coming Up With Being Able To Put Those Properties On The Internet For Sale.

There's Been Some Technical Difficulties.

So It Should Increase The Sale Price Of Those Properties When They Come Out Of Foreclosure And Hopefully Will Benefit Us In An Increased Assessment.

Sometimes When You Look At What Happens To You, You Could Get Bitter About It.

I Have Gotten Over The Bitterness Of The Gash That We Took Into The Forehead, And Decided That This Is Perhaps Probably An Opportunity To Become Even More Diligent With The Dollars That We Have.

It's Going To Be A Very, Very Interesting Year.

This Past Week, Foreclosure Filings In Our Office Dropped To 277.

Who Would Have Thought Three Years Ago That You Would Have Said They Dropped To 277 And You Were Concerned About That, Because The Revenue They Generate Now, Really Doesn't Have Anything To Do With The Clerk's Office.

It Goes Straight To The State.

That Goes To Fund The Judiciary, Which Is Fine.

I Think The Judges Need A Good Funding.

A Little Humor There.

Comm. Hall: Got The Humor, Which Was Scary.

Thank You.

And It's Going To Be A Very Interesting Year.

If Things Continue To Drop, Case Number Wise In The State Of Florida, We Are Going To See A Contract Again In The Clerk's Office.

I'm Hoping To Avoid That.

But That May Happen.

And While I'm Excited To See The Numbers Go Down For Foreclosures, I'm More Excited To See Felony Continue To Drop Or To Stay At A 20% Off From What It Was Last Year.

Misdemeanors Off, Traffic Is Off.

All Of Those Are Off And That's Beneficial To Us In The Long Term.

However That Is All Revenue That Is Not Coming In.

So, It's Going To Be An Exciting Year Coming Up.

And On Behalf Of All Of Us That Are Trying To Clean This Up, You're Helping Is Great.

Comm. Hall: Mr. Chairman? I Was Up In Recording This Morning And I Noticed That You're Closing The Cape Office On The 26th For Recording.

And Part Of That Was Budget And The Other Part Was Your Recordings Have Dropped Significantly In The Case.

They Have.

Comm. Hall: Can You Give Me A Comparison? What We Used To Have Versus What We Have Right Now? Do You Have That Number? I Don't Have The Exact Number But I Can Tell You Recordings Off 60 Or 70% From What It Was Two Or Three Years Ago.

We Used To Be Able To Use Recording To Fund Almost All Of The Office To A Certain Point.

Not Only Did We Have The Recording Fees Coming In From Deeds And Mortgages Et Cetera But We Had The Trust Fund Money Which Asked The Legislature To Adequately Fund Which Helped Underpin The Technical Or Data Processing.

That Is Dried Up As Well We Are Anticipating That Hopefully This Year, Recording Will Start To.

Co Back A Little Bit.

But We Are Closing The Cape Office For Recording, We're Going To Have Traffic Over There, We're Hoping To Cross Train.

One Or Two People In Our Traffic Department.

To Civil Filings So That We Don't Completely Abandon The Attorney Mark That's In Cape Coral.

He And I Talked About It, But I Think There's A Responsibility For Outlying Areas, Particularly Municipalities, If You Would Like To Have County Services In Your Community.

But If You Would Like The Services In Your Community, You Need To Help Us Pay For

Those Service Services In The Community.

Because It Is Very Expensive.

Just The Land Line That Bridges The Information To And From The Office Over There Is About \$35,000 A Year.

So, I Mean It's Not A Significant Amount, But It Is When You Don't Have Any Money.

So, We're Very Sorry That We Have To Do That.

Cape Coral Is Our Biggest City.

But They Don't Have The Volume To Justify Having A Recording Office.

Chairman Judah: Thank You.

Commissioner Bigelow.

Comm. Bigelow: I Imagine The Answer To My Question Is Yes.

But For The Record, Could You Reassure You This Is This Is All You Will Need To Get Your Personnel Through To The End Of The Budget Year? It Should Be, Yes.

I Don't Think We Have Anymore.

The Court Filled Out A Grant For Us.

Comm. Bigelow: Right.

Which Will Be Used For Hopefully To Help Them With They're Felony Docket.

So, That We Can Continue To Service Them In That Regard.

So We Think That Will Be Enough To Get Us Through Quarter.

In Fact, I Can Assure You, We Will Make It Enough.

Comm. Bigelow: Thank You.

Chairman Judah: Any Further Discussion? Any Objection? Hearing No Objection, Motion Passes.

We Go On To Commissioner Items.

Commissioner Janes.

Comm. Janes: None.

Comm. Hall: I Have One.

I Wanted To Bring To The Board's Attention That On June 19th, The Public Service Commission Is Having A Rate Hearing.

And We've Had Communication From Collier County And Local Residents That The Con Needs To Take A Position That This Rate Increase At This Point Is Not Needed.

And Obviously The Impacts Us Greatly, But It Also Impacts Our Residents.

And I Wanted To Find Out, I Know That Staff Has Been Somewhat Engaged, If This Board Wanted To Allow Staff To Go Ahead And Bring Forward The Concerns That We Have About This Rate Increase They're Not Showing.

I Mean They Showed Quite A Bit Of Statistical Information, I Wanted To Bring It To The Board's Attention.

Collier County Will Be Attending And The Public Utilities Division Will Be Testifying There In Person.

Didn't Know If We Wanted To Send Something Along For The Record Or Have One Of Our Staff There As Collier County Is Doing.

Chairman Judah: I Don't Believe We Have Been Present Or Submitted Comments About Adjustment In Rates, Certainly In This Particular Instance Was F.P.L.

We Of Course Set Our Own Rates, For Utilities, Solid Waste.

I Don't Know If I Will Like F.P.L. Or Somebody Interfering With The Needs To Why Rates Should Be Adjusted.

I Certainly Support The Community Getting Involved.

I Don't Know If Lee County Government Needs To.

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

Commissioner I Seem To Recall That Following The Hurricane Season Of 2004, There Was A State-Wide Initiative With Respect To Subincreases That Were Made By F.P.L., Because Of Their Loss Of Revenue.

As A Result Of The Power Being Down In Large Portions Of The State For A Number Of Weeks Or Months.

And I Believe That At That Point In Time, We Did Join That State-Wide Initiative, If You Will That Was Being Brought To The Public Service Commission.

On A Rate Increase.

That Was Being Brought By Fpl At That Time.

I Think That We Ran That Through Mr. D's Office At The Time.

And I Believe That The Increase That F.P.L. Sought As A Result Of Those Loss In Revenues Was Reduced By The Public Service Commission As The Result Of A Number Of Counts Bringing Forth Some Concerns And Some Issues With Respect To That.

That's The Best I Can Remember At This Point In Time.

Commissioner I Don't Think It's Prohibited Or Anything Of That Nature, But It Is Something That Tends To Be Unique, But Certainly If The Board Is Desirous Of Doing So, You Can Do So.

Chairman Judah: When Is The Rate Hearing.

Comm. Hall: June.

We've Been Looking For A Payment That You Would Save Us A Considerable Amount Of Money.

And That's Still An Issue That We're Working Back And Forth With Them, Also So We Can Bring Back To The Commission.

I Mean, I Want To Bring This Forward Because It Was Given To Me By Customers That The Board Doesn't Want To Take A Position.

I Mean That's Certainly, But I Think There Are Requesting A 30% Base Increase.

That Has Significant Impacts On Lee County Government Knowing What We Pull Out There, Let Alone Our Users, And That Equates To About A 12% Return On Their Investment On Their Utility, So, You're Right.

I Don't Have All The Background On It.

Just This Is An Interesting Time To Be Looking For Those Kinds Of Increases In Base Rate.

Chairman Judah: If It's June 19th, We Have An Opportunity To Have Our Administrative Staff Along With Copy Sill Review The Proposed Request And Get Back To Us For Next Tuesday? I Know There's Issues On Both Sides Of The Ledger Here.

I Respect The Request Being Made, But I Will Like To Go Into This Knowing All The Ramifications.

Comm. Hall: I Would Like For The Staff To Adjust Both.

The Prepay, If We Want To Formally Request That, The Commission Will Encourage To Allow A Government Entity To Do That, And Secondly Do We Want To Address Or Make Any Comments On The Rate Increase? Chairman Judah: Ok, If That Could Be Brought Back

Next Tuesday Then, Administrative Staff Aware And Understand The Request Here? Comm. Hall: Would Come Under Managers' Items.

Chairman Judah: Sure, Anything Else.

Comm. Hall: That's It.

Comm. Bigelow: Under That Item, I Would Like To Ask That Perhaps We Need To Be Looking -- Maybe I Should Say It This Way, Be Mindful Of The Fact As I Look Across The County Management Table, I See Doug Miur Who Is Before Us Just Last Week, I Think Right After Our Board Meeting To Advise Us That He's Probably Having To Come To Us For Three-Year Rate Increase.

We're Contemplating A Toll Structure Change Which Amounts To A Rate Increase, If You Will.

I'm Afraid That What We Might Be Considering Doing Here Is Pointing A Fingered A F.P.L.

And Would Have To Look At Those Fingers That Are Pointing Back At Us Potentially.

We Might Want To Just Kind Of Put That In Analysis, Karen, What Is It That We're Looking At Having To Increase In Order To Make Ends Meet.

Because That's What F.P.L. Is Doing.

Comm. Hall: I Think That We Look At The Facts And What The Return On The Investment Is For The Increase.

It's Not Just Making The Utility Work.

There Is An Actually Very Large Percentage Of Return On Profit For The Increase And I Think There Is A Little Difference.

If We Don't Weren't To Comment On That Increase, We At Least Lead The To Look At Where The County Can Save Money On A Program That Could Save Us Millions On At The End Of The Year.

But Again, Let The Staff Look At It, All The Data Is Out There, It's Significant And It's Readily Available For Us To Analyze.

Comm. Bigelow: I Do Like The Sentiment Of It, And That Is That These Are Some Tough Times.

And A Bad Time To Be Raising Rates.

Comm. Hall: We'll Debate It Next Week.

Chairman Judah: Ok, Commissioner Bigelow.

Comm. Bigelow: I Have One If I Could Just Pass This Down, Commissioner Hall, Thank You.

The Whiskey Creek Residents Have Decided Not To Self-Fund The Replacement Of The Whiskey Creek Wall.

I Think We're All Familiar With It Along Summerland, And As You Also Know We're Increasing The Capacity There From Four To Six.

There Is About A 600-Foot Gap That Had The Residents Free To Self Fund The Replacement Of The Wall.

It Would Have Filled In That Gap.

It's The Gap Created By Where The Existing Block Wall Ends The Northern End.

And Where The New Wall, The Msc Sunshine Fund Is Going To Be Billed Under The Road Improvement Contract, Where That Southerly, Where The End Of That, Where The Southern End Of That Wall Ends.

You Follow Me? So Where The Concrete Block Wall Is, And Where This New, I Guess Precast Concrete Panel, I Think Start, Jim? Is That What The Wall Is Going To Be Made Of, The New Wall? OK, Never Mind.

It's Not Important, I Guess.

Anyway There's A 600 Foot Gap.

That Funds To Pay For That Wall.

That 600-Foot Portion.

Libby Advises Us That We Have To Do This Through An Act Of The Board Or Involuntary Action, Or A Voluntary Action Which Would Require The Residents To Go Back Through The Petition Process 37 Basically If We Could Put This On A June Agenda Item, To Agree Or Disagree With Moving This To A Public Hearing Maybe In August, Then We Could Debate Whether Or Not It's Appropriate To Do This Through An Involuntary Act Or Require The Residents To Go Back To That Arduous Process.

I Think And Just To Give You A Head's Up, There's A Whole Other Issue Of What To Do With That Block Wall.

And We Are Can Being Around Some Ideas As To How To Maybe Reproach That Issue.

Where We Would Replace It With You Know, A Wall Exactly Like What We're Building.

But That's Another Issue For Another Day.

So If We Could, With The Board's Indulgence Here, We Will Put This On Hopefully, You Think We Can Do It In June, Probably? Just A Request For Public Hearing, Or Yeah Request

For Authorization? So We've Got Three More Meetings In June, Right? Commissioner, I Think You Will Bring It On As An Agenda Item, And Then Have That Discussion With The Rest Of The Board.

Comm. Bigelow: Right Health Care Asking This To Go On The General, I'll Support You Whatever Is Time Certain, If You Want To Do It Through The Normal Process On The Blue Sheet Under Yourself, Fine, Then The Public Has An Opportunity To Comment On It And I Would Hope That Someone From The Advisory Board Would Be Present To Comment.

So, However You Want To Do That, Either As A Walk-On Item, Blue Sheet Or In The Process For Two Weeks From Now.

Which Is A Normal Time Frame.

I Don't Have A Problem With You Bringing It On As A Blue Sheet To Discuss Further.

That's Fine.

Chairman Judah: Sure.

Comm. Bigelow: That's It.

All I Have.

Chairman Judah: Ok.

I Just Wanted To Give The Board A Head's Up And I Would Liabe Administrative Staff An Opportunity If The Board Would Give Direction.

We Need To Form It Will A Position, There's Tremendous Movement Right Now As You Probably Know With The Inland Port.

And Where The Ultimate Location Will Be.

It's Not Actually A Marine Port.

It's A Distribution Transportation Center As We All Know With Regards To Combining It Trucking With Rail And There Is An Application Now In By Florida But It's Actually Just South Of South Bay Which Is Right Smack-Dab In The Middle Of The Everglades Restoration Effort.

We've Talked To Henry And Glades County And Indicated That Would Actually Be A More Favorable Location For This Port And For Bolstering The Economy For Henry And Glades County And I Certainly Feel That's A Much More Appropriate Location, With The Glade Versus The One The To Florida Crystals Is Proposing Right In The Everglades Restoration Effort.

So, What I'm Hopeful, Given Administration An Opportunity To Come Back To Us Next Tuesday So We Can Form A Position And Hopefully Stand Shoulder To Shoulder With Henry

Or Glades County, With Regards To State Consideration For The Ultimate Location Of This Inland Port Facility.

Comm. Hall: I Thought We Passed A Resolution Supporting Glades When The R.P.C. Passed A Red Lights, I Thought Right After That You Brought That Back To The Board.

Chairman Judah: If We Have, I Think That's Great.

If We Haven't, Then I Would Like To Make Sure We Do So.

But Also, In Opposition To The Florida Crystals, Proposed Location Which I Said Really Is County To Everglades Restoration Effort.

So Administration To Get Back To Confirm One Way Or The Other.

If You Could Give Us The Information That Crystals Have Provided That Would Be Helpful Also.

I'm Almost Sure That When The Folks At The R.P.C. Came Forward, You Brought That Back To The Board, So They All Went At The Same Time, But I May Be Confusing That Vote With The Vote That Came Here.

But Maybe They Can Check On That.

Chairman Judah: Very Good.

Comm. Hall: If Not We Can Reaffirm It.

Chairman Judah: Thanks.

And Oppose The Florida Crystals Location.

I Appreciate That.

We'll Move On To Committee Appointments? Commissioner Janes.

None, Mr. Chairman.

Commissioner Hall.

Comm. Hall: None.

Chairman Judah: And Commissioner Bigelow.

Comm. Bigelow: Yes, I Have Two New Appointments, Michael Miller To The Community Action Agency.

And Tommy Parilla To The Community Action Agency.

Chairman Judah: A Motion By Commissioner Bigelow, .

Comm. Hall: Second.

Comm. Bigelow: Two Reappointments.

Kristi Smith To The Culture Affairs Board.

And Two New Appointments Of Marshall Bauer To The Human Services Council And Teresa Riska Hall.

Chairman Judah: Hearing No Objection, Motion Passes.

Someone Would Take Up The Motion For Yvonne Hail To The Multicultural Advisory Board, Also Reed Wilson To The Motion By Commissioner Hall, Second By Commissioner Janes.

Discussion? Objection? Hearing No Objection, Motion Passes.

We'll Go On To County Manager Items.

None At This Time? County Attorney? None At This Time.

We Will Recess Until 5:00 And Take Up Our Public Hearing Then.

5:00 PM Public Hearing

Chairman Judah: We're What I've Done Is Distribute Copies Of A Ceremony Resolution That I Will Have An Opportunity To Present To Colonel Paul Groskrueger Who Is Retiring .

With Regards To Water-Related Issues .

So I Think It's Appropriate To Have A Formal Approval By This Board .

We Generally Don't Need To Have A Final Approval, But He Has Meant So Much To This Board And This Board Has Had A Good Relationship With Him, I Would Like To Entertain A Motion To Move Forward With The Resolution .

Comm. Hall: So Moved .

Chairman Judah: Second By Commissioner Mann .

And I'll Present This To Them On Thursday At The Governing Board Meeting On Naples .

Any Objection? Hearing No Objection, Motion Passes .

Thank You All Very Much .

Now We'll Certainly Extend Well Wishes To Him From Each And Every One Of You .

We Go To The Public Hearing Portion An We Go Right To The First Public Hearing On The Land Development Code Amendments .

We're Going To Hear From Don Or Mary? On A My Agenda It Says We Start At 5:00 But With This Particular Item, 5:05 .

Comm. Hall: Do You Want To Take Public Comment? Are They On The Issue? Chairman Judah: They Are .

But I Guess Technically We Have To Wait .

Bob, This Was The Resolution Just Approved .

Appreciation To Colonel Groskrueger .

Oh, Good .

Are You Still There, Why Don't You Bring Me My Committee Appointments We Did This Morning .

Comm. Mann: Commissioner Janes, How Are You? Comm. Janes: I'm Fine .

Comm. Bigelow: Frank, Your Good Minister Was Here This Morning .

Comm. Mann: Did He Embarrass Me? He Was Very Wise And Helped Us Know More About The Good General Up There .

Comm. Mann: Did He Use, He Has Some Lee Prayers .

Comm. Bigelow: He Shared Them .

Where Is He From? Comm. Mann: Sorry I Missed It .

Chairman Judah: Illinois, Isn't He? Comm. Mann: Chicago, Of The Oldest Presbyterian Church .

Mr. Chairman I Have Some Committee, Michael Elgin, Committee District .

Comm. Hall: Second .

Chairman Judah: A Motion By Commissioner Mann, No Discussion? Objection? Motion Passes .

Are We Technically At 5:05 .

All Right, We're Ready To Get Started .

Comm. Bigelow: I Have 5:02 On My Cell Phone .

Comm. Hall: We're Going To Start It Though .

Good Afternoon Commissioners Don Leonard Assistant County Attorney .

The Public Hearing Tonight Concerns The 2009 Round Of L.D.C. Or Land Development Code Amendments .

This Is The First Of Two Public Hearings .

The Second Public Hearing Will Be Held On June 23rd At 5:05 In These Chambers .

I Have Reviewed The Affidavit Of Publication With Respect To Form An Content .

It Is Sufficient To Go Forward With This Hearing .

And I Enter It Into The Record At This Time .

There Is A Memorandum That A Companies This Ordinance .

It Provides A Number Of Highlights, With Respect To The Amendments In The Ordinance .

Ordinance, It's The One That Comes You Every Year And A Half, Or To Two Years .

It Contains A Number Of Housekeeping Items As Well As A Broad Spectrum Of Amendments That Were Deemed Appropriate By The Land Development Code Advisory Committee .

The Executive Oversight Committee And The Local Planning Agency .

The Ordinance Is 150 Pages Long .

I Don't Know How You Would Like To Perceive It .

There's A Members Of Staff Here To Answer Any Of Those Questions .

And What's The Will Of The Board With Respect To Going Forward? Chairman Judah: I Think Initially, If Staff Would Like To Or Department Staff Would Like To Highlight A Few Items, If Necessary .

Otherwise .

Comm. Bigelow: Or Just Read It .

Chairman Judah: Or We Can Open It Up To Any Specific Questions .

This Is To Just Send It To The Second Public Hearing .

A Lot Of Work Has Been Done To Get Us To This Point .

Maybe What We'll Do Is Just Open Up Any Questions .

Comm. Hall: Why Don't We Go To The Public And See If They Have Any Comments Or Questions .

Chairman Judah: We Can Do That .

If Not We'll Go To The General Public, And Matt Uley Is The First Person To Speak, Followed By Martha Pitcher .

I've My Name Is Matt Uley And I'm Here Today As Self-Appointed And Appears I'm The Only One Here Too .

There Are Some Amendments That I Think Are Worthy Of Discussion Today .

I Don't Normally Come To These Hearings Anymore, But There Were A Few That I Wanted To Point Out, And Give You My Opinion Both Pro And Con .

First One I Would Like To Speak On Because When I Get This Off To A Positive Note, Is To Talk About The Last Amendment That You Will Find In My Version, Which Is On Page 152 .

That Is An Amendment To Delete Language Which Deviations From Height Requirements In The Land Development Code .

That's A Very Positive Thing .

To Give You A Little Background On That In 2005, Of The County In Another One Of These Long Ordinances That Nobody Has The Time To Read All The Way Through, Instituted Height Limits, Not Just On Plan Development, But On Conventional Zone Property, As Well .

And Added This Language Thing, No Variance Or Deviations, Period .

That Was A Terrible Idea At The Time .

It Created A Lot Of Hardship .

It Created The Potential For Some Serious Liability On The Part Of The County .

And The Fact That Largely Inspired A Couple Of The Comprehensive Plan Amendments That We Had To Take Through System, Was Not The Only Reason For It, But It Was One Of The Principle Reasons For It .

In Any Event, The Staff Determined It Was A Bad Idea, And That Language Should Be Removed From The Land Development Code, And I Agree There's No Obvious Reason Why The County On A Whole Blanket Countywide Basis Should Refuse To Grant Variance From Height Limits And So We Agree With That Change .

On A Less Favorable Note, I Would Like To Talk About Two Changes That Are Being Made

Relative To Single Family Docks .

These Are Found On Pages 94 And 95 And 99 And 100 Of My Draft .

The First Is One That The Objected To, And I Agree With Their Objection .

It's A Definition Of Single-Family Dock .

The Definition Most Of It Is Unexceptional .

But The Last Sentence Of It Contains A Substantive Regulation Which Talks About That It's Forbidden To Lease Out Single Family Docks To Anybody Who Doesn't Own Their Property Interest In The House That It Goes With .

From A Purely Drafting Perspective, I Think That It's Inappropriate To Put A Prohibition In A Definition, And So, Leave Apart The Substance, I Don't Think That's Good Drafting .

But I Also Believe That The Prohibition Itself Is A Solution In Search Of A Problem .

I Don't Think That It's Designed To Solve Any Real Problem That We Have In Lee County .

It Appears As Far As I Can Tell, To Be Designed To Avoid Bringing In Any Consideration Of Commercialism, Or Whatever Into Single Family Neighborhoods, But The Fact Of The Matter Is That You Can Rent Out Your House, Just As Well As You Can Rent Out Your Dock .

And In Fact My Understanding Is That The Erock Took The Position That You Can Rent One Room Out Of Your House, And You Would Have The Property Interest That Would Be Sufficient To Let You Rent Out Your Dock Too .

So, I Don't Agree With That Particular Proposal .

And As I Said The Erock, As You Go Through Draft, That Should Not Be Included .

A Second Sing-Family Dock Provision In There That I Have A Concern With Is On Pages 99 And 100 Of My Draft .

And It Is Entitled "Interest In Land To Support Residential Dock/Facility Approval." This Language Probably Is Not A Big Problem If It's Applied Prospectively, That Is To Say To Lots Created After The Effective Date Of This Ordinance .

But I Can Tell You That In My Wanderings Around The County For The Last 26 Years Or So, I Have Found On A Number Of Occasions That People Have Designed Lots, Either Through Easements Or By Manipulating Lot Lines, In Such A Way As To Facilitate Their Ability To Have A Single-Family Dock And Appears To Be The Purpose Of This Amendment To Eliminate These People's Ability To Use Their Property For Single-Family Docks, I Think You're Going To Find That Creates The Potential For Burt Harris Liability And Possibly For Inverse Condemnation In Some Cases .

And So, I Do Not Recommend That You Approve That Particular Section Except As To New Lots Which I Think It Would Be A Fair Application To Them .

The Next Concern That I Have Has To Do With Section 34-202 Of The Proposed Amendment .

They Have To Do With The New Proposed Requirements For All Zoning Action Applications For A Title Opinion .

And A Survey That Is Quote, Unquote, Based On The Title Opinion .

To Give You A Little Background On This, In My Experience, Until Probably The Late 90s, The County Had Requirements For Surveys And Legal Descriptions In Zoning Cases That Were In Step With Everybody Else In The Civilized World .

But, Subsequent To That, We Started To Apply A Whole Host Of New Regulations To Survey And Legal Descriptions That Were Much More Stringent Than Anybody Else I Know Of Apply, And Those Have Created Untold Problems In The Zoning Process .

Legal Descriptions And Particular Surveys Are The Single Biggest Problem That We Have Getting Cases Through The System .

And They Have Been For Years .

I'm Not Going To Go Through Each One Of These Changes, But I'll Tell You The Last One, Was A Reinterpretation Of The Existing Regulations .

Not A New Regulation, That Was Not Discussed With The Public .

One Day We Woke Up, And All Of Us In The Business Were Getting Letters Saying That Our Survey Were No Good .

And The Reason Was That They Came With Disclaimers .

And The County After Years And Years Of Accepting Surveys, And Decided That Surveys With Disclaimers Were No Good, And That Your Application With The Survey With A Disclaimer Was Insufficient .

There Was As Far As I Know, No Attempt To Educate The Public And Particularly The Surveyors, As To This Issue At The Time The Issue Was Brought Up .

And So For Years, We Had Problems Dealing With Surveyor, Negotiating With Our Surveyors About Disclaimers, Trying To Find Out What To Do With This Problem .

Finally, The Situation Got A Little Bit Better When The County Wrote A Memorandum, After Some Discussion With Surveyors, Saying Here's What We Want, Here's What We Can't Live With, Things Have Been Bad Since Then, But At Least They've Stabilized .

Kind Of Like The Economy, They're Not Good But At Least We've Hit Bottom As Far As We

Can Tell .

Chairman Judah: If You Can Sum Up Please .

I'm Almost Done .

Bottom Line, Is That Now We Have A New Proposal For Title Opinion, And A Survey, That Is Based On The Title Opinion, Which Means It Has To Be Done After The Title Opinion .

Which Among Other Things Means That Every Single Application That's In The Process Right Now, That's Not Sufficient, If You Adopt This Ordinance, Is Going To Get A Sufficiency Letter Saying That You Don't Have A Title Opinion And Your Survey Is Not Based On A Title Opinion, And So, If You Approve This Ordinance, And You Approve It Without Telling The Staff To Apply It Only To New Applications, The Zoning People Can Go Home For About Two Months, Because There Will Be No Sufficient Applications To Review .

And It Will Cost The Clients A Lot Of Money To Do The Legal, Or The Title Opinions, And They Will Have To Do Their Surveys Over Again .

And I Just Don't See Any Basis For Doing This .

So, I Have A Problem With That .

My Final Issue I'll Just Say Very Briefly, I Agree With Erock On The Issue Of The Deemed Sufficient Language .

I Think It Should Stay In .

I Can Go Into That In More Detail Maybe At The Next Hearing But I Don't Want To Take Up More Of Your Time .

Chairman Judah: Have You Also Submitted Written Comments To Staff? No .

Chairman Judah: There Were The Other Concerns, Including The Language .

The Erock And L.P.A. Both Objected To That Language .

I Have More Of An Interest In It Because I Wrote That Language And I Feel Very Passionately About It .

Chairman Judah: Thank You, Matt .

Good Evening, My Name Is Martha Deter And I'm Here As A Member Of The Historic Preservation Board .

And You Called My Name Before You Called The Name Of The Chairperson's Name .

Chairman Judah: I Can Go In The Other Order, If You Would Like .

I Would Like To Request That You Have Toni First Come Up And Speak, Because She Is The Official Representative And I Would Like To Make Comments After .

Chairman Judah: Thank You To That .

Toni Ferrel .

Madam Chairwoman, Nice To See You .

Hello, How Are You All, My Name Is Toni Ferrel .

I'm Here As Chair Of The Preservation Board .

I Want To Make A Few Comments About The Proposed Changes For Chapter 22 Which Is The Historic Preservation Ordinance .

I Think It's Page 87 Of Your Draft, If You Feel The Need To Look At It .

I Think It's Important Just To Note That Over The Course Of Months, As The County Attorney's Office Worked On This, We Had Different County Attorneys Representing County Attorney's Office Come To Our Board Meetings .

So, At Least Three .

And With Each Different Attorney, We Seemed To Have Different Interpretations About What The Changes Meant .

So We Were A Little Bit Unclear .

Mostly It Was Housekeeping And Mostly We Agreed With What The Changes Were .

The One Exception To That Was A Proposed Initial Proposed Elimination Of Representation By The County Attorney At Our Meeting .

And Because We're An Advisory Board, Sorry, We're A Decision-Making Board And Not Just An Advisory Board, We Took Exception To That .

And We've Asked Numerous Times To Make Sure That That's Not Going To Make, That Change Does Not Take Place .

At This Point We Have Not Seen The Final Draft That's Before You .

And So We Are Not Slur Exactly How That The Language, Thousand Language Is Up To Couched .

There Does Seem To Be Some Lack Of Clarity Because Different Attorneys Have Clarified It Differently To Us .

We Did Make Other Changes .

We Would Like To Go Back To The Second Hearing After We've Received The Final Draft, And If The Language Is We Would Rather That One Section Should Not Be Changed .

They've Indicated Their Intent Is To Keep The Substance The Same And They Plan To Attend Our Meetings, But We're Not Certain .

Chairman Judah: Ok .

That's It .

Any Questions? And Back To Martha .

I'll Make It Easy .

She Did A Wonderful Job In Explaining .

We Agree With The County Attorney's Office Effort To Reduce Staff Where It's Not Necessary .

And That Was To Request County Attorney Office Representation To The Public Hearings And During Items That We Could Anticipate Meeting Legal Council .

That At The Very Minimum Is What We're Looking For .

We Do Need A County Attorney Representative At Our Meetings .

If You Have Any Questions, We Would Be Happy To Answer .

I Think We're Set .

Thank You .

We'll Get A Clarification On The Interpretation .

Chairman Judah: Anyone Else? I Don't Have Anymore Cards That Would Like To Comment On The Proposed Amendments For The Land Development Code At This Time? Jim? Good Evening .

For The Record, Jim Kensey .

I Wanted To Try To Prepare Some Notes .

This Since Many Of You Are Aware, Hopefully I'm One Of The Folks That Serves On Your Erock Committee .

Section 34, 1351 .

Which Is Are Changes With Respect To Certain Uses Including Automotive Repair,

Convenience, Food And Bench .

Restaurants And Car Washes .

I Had Asked The Question At Erock, And I Was A Little Surprised That Was The Development Consulted At All Before We Came To The Changes .

And To The Best Of My Knowledge, The Answer Is No .

And I Think A Lot Of These Things Need To Be More Carefully Considered Before They're Enacted .

I Mean I Would Request That At Least This Section Be Tabled .

At Least For Another Month Because I Think It Warrants Much Further Discussions Than It's Going To Get .

For Instance On The Fast-Food Restaurant .

I Don't Know If Any Of Those Folks Are Here Tonight, But The Way I Read This, You All Are Aware That In That Industry After 20, 25 Years, Some Cases Longer, These Businesses Will Be Completely Torn Down And Rebuilt .

If We Adopt These Standards, My Question Is Will The Folks Be Able To Rebuild A New Modern Building On The Existing Site That They Own? Also, My I Have A Little Bit Of A Concern, I Have Been Working With The Zoning Folks I Think Where They're Headed Will Work, But When All This Will Be Grandfathered In, If You All Adopt This, Shortly After The 33rd .

We Have Process For That Have Been Worked On For A Year .

If Not Very Formal Discussions For A Staff .

A Lot Of Money Has Been Spent, A Lot Of Time Has Been Spent .

We Wouldn't Want That To Go Up In Smoke With The Adoption Of These New Ordinances .

The Other Question I Have, In Without Getting Too Specific, But, I Know That You Know, Being Someone That's Experienced .

Coming Before You In Zoning Quite Often, I Know There Is A Very, There's A Strong Concern On The Board About The Aesthetics Of These Uses .

I've Seen Comments About Traffic And What Not, But It's Been My Experience That These Uses Particularly The Fast-Food Restaurants And The Gas Stations Convenience Stores Are Only Interested In Getting At High Traffic Locations Already, That Would Be Close To What We Used To Refer To As Commercial Nodes, Where You've Got Traffic Coming From All Directions .

So They're At Intensely, They're Looking For Intensely Developed Locations So I Don't Understand The Concern Over Beefing Up The Buffers .

I Can Understand Additional Planning, But Widening Buffers I Don't Know If Those Ideas Have Been Well Thought Out .

So Rather Than Keep Giving You More Detail, I Just That Aspect Of It, I Would Like To See Be Given The Opportunity To The Development Community .

Those In Those Business To Provide Information To Staff Feedback And Carry It Forward At A Later Date .

Thank You .

Chairman Judah: Thank You, Jim .

Anyone Else From The Public Wish To Comment? Yes, Please .

Jim, If You Could Fill Out A Card For Me, I Would Appreciate It .

Maybe Get A Card From Holly Right Here .

Thank You .

Bob? Good Evening .

Fine, Thanks .

Thank You .

Bob Southern Of Project Rec. For The Shell Point Retirement Community .

I Just Wanted To Take A Moment To Left-Hand My Support To Remove The Restriction Against A High Variance Request, Regulations, That The Movement Of That Restriction Will Be Vital To The Shell Point Community, And Other Older Communities That Will Needed A Additional Height To Be Able To Replace Lower Buildings, And Meet The Regulations Or The Regulations That Weren't In Effect .

Back In The 60s .

Our Original Property Was Developed .

That We'll Need The Additional Space To Build Retention Areas .

And Being Able To Go Up Higher And Replace Multiple Buildings With One Taller Building The Vital To That Future Redevelopment .

So Just Want To Lend My Support For That .

Chairman Judah: Anyone Else From The Audience Wish To Comment On A Proposed Amendment To The Land Development? Seeing None, Mary, Would You Like To Step Up? Would You Mind? Or Don, Either One .

Maybe Both Of You .

Look Likes There's A Few Issues .

Good Afternoon, Good Evening I Guess .

Mary Gibbs For The Record .

I'll Try To Go Through Some Of The Concerns And Don, May Want To Elaborate On A Couple .

But First Of All The Variance That Matt And Bob Just Brought Up, We're All In Agreement On That .

So No Problem .

Single-Family Dock Issues That Matt Brought Up, One Of Them Was About Leasing, Leasing Docks In Sing Family Areas .

One Thing We Will Say, We Have Had A Problem With This Before .

We're Somebody Has A Single Family House, They Have A Dock, Maybe A Lease It Out To The Charter .

They Come Pick People Up .

Beer Cans Thrown .

We've Had Code Enforcement Complaints On This Before .

We've Had A Lot Of Neighborhood Issues .

So That's Part Of The Reason That We Have That In There Because There's A Single Family Neighborhood, Once You Start Leasing Out, It's Very Difficult To Control .

So That Language, Matt Brought Up A Second Issue, Of Sing Family Docks That Was Talking About, If It An Glide New Subdivisions, It Would Be Ok And That Was Our Intent To Apply It To New Subdivision So I Think We Can Work On That Language, To Clarify It A Little Bit Before The Second Public Hearing .

We Can Come Back With That, And Work That Out .

The Title Opinion, I Think I Asked Don Leonard To Explain That .

The One Thing With The Title Opinion Is We Have Run Into Problems On Occasion Where

We Don't Get The Easements And So When Somebody Comes In For Zoning, If They Don't Show The Easements, Then They Come In Later And Try To Get A Building Permit To Put Buildings Where There's Easements And Has Created Some Problems, That Was The Intent There, But Don Might Be Able To Elaborate A Little Bit More .

The Other Thing With The Title Opinion Too That Matt Brought Up, And A Possible Compromise For That What We Were Intending Is That People In The Process Right Now, If You've Already Submitted An Application For Zone, That We Would Process You Under The Old Rules .

So, It Would Be A New Applications That We Would Apply It To .

So That Could Also Resolve His Issue .

The Other Issue He Brought Up About The Insufficient Language .

There's Language In The Ordinance Now, When We Review Plan Developments, We Have A 15-Day Review Period .

And We Have Reviewed For The Time Frame, But The Language In The Ordinance Now, But If You Don't Respond Within 15 Day It's Deemed Sufficient .

We Don't Have That Language With Everything Else When We Review Development Orders .

Building Permits .

We Have Our Own Established Time Frames, But We're Not Mandated To Find It Automatically Approved .

So We Had A Problem With Litigation In The Past .

The Attorney's Office Suggested That We Fix That Language .

So That's Why We're Recommending -- We Would Still Leave In The 15 Days, But We Would Take Out The Punitive Language .

It Was Recommended By John .

And Then The Historic Preservation Board Language Brought Up By Martha And Tony, Is On Page 87, The Language That They Would Like And, Our Staff Is In Agreement With The Language, There Will Be Representation At The Historic Preservation Board Meetings For Public Hearings And Those Important Items .

I Think That Language Is Fine .

We're Ok With It .

Representation By The County's Attorney's Office .

I Did For A Little Bit, What The County Attorney Language Says, What We, If You Go To Page 87, We I Think There's Two Proposed Languages In There .

Let's See .

I Think The Intent Is The Same, But For Some Reason, We're Just Caught Up On A Few Words .

So, What We're Saying What Our Staff Recommends Is What The Historic Preservation Board Is Suggesting .

I Don't Think It's That Big Of A Difference Philosophically, But I Think It's Fine The Way What Historic Preservation Board Wants Will Be Fine .

Comm. Hall: Ok .

The Fast-Food Gas Station Issue, That Jim Brought Up, Came From Of Course If You Remember, Pretty Much Every Monday Zoning Hearing When We Have The Issue With The Fast-Foods And The Gas Stations .

What We Were Trying To Do Is Find Some Type Of Balance Or Some Time Type Of Compromise In Lieu Of Saying, You Know, Let's Not Allow The Fast-Foods Or Gas Stations Because We Can't Find A Appropriate Prate Conditions, We Were Trying To Come Up With A Compromise To Say Let's Have More Landscaping .

A Little Bit More Setbacks And Maybe Some Architectural Treatment Of Those Canopies So That They Would Be More Approvable .

I Know Jim Said That Nobody Asked The Development Community, Maybe Not Formally But We Have Asked People Before When They Have These Zoning Cases .

Work With Us, Help Us Find A Way To Make The Gas Station Work .

And Nobody Really Suggested Any Good Ideas Other Than You Know, We Want We Need High Visibility .

So We Did Come Up .

The Staff Did Come Up With These Parameters Because We're Trying To Come Up With A Compromise .

So, I Don't Think It's Extreme, But If You Want, We Can Get With Jim Before The Next Public Hearing, And See If We Can Work Through Language With Him And Come Up With Something .

More Amenability .

I Wouldn't Want To Table It For A Month Because The Whole Package Would Be Nice To

Have It All Go Together, But We Can Get With Him And Work With Him, If You Want Us To Do That .

And I Think That Covers All The Issues That I Heard, And What Don Wanted To Ask .

Comm. Hall: I'm Going To Go To Reverse Order Mary With The Last Comment First .

And Don Did Want To Add A Couple Things, So I Don't Know .

Comm. Hall: On The In Zoning, It Hasn't Been An Issue So Much About Aesthetics As It Has Been About Too Many And The Justification That We've Got How Many Is The Right Number 20 Say, Hey There's Five .

So, That Issue Is The Predominant Issue In The Zoning Hearings On Fast Food And On Gas Stations And Convenience Stores, Not The Aesthetics .

We Get It Eventually, But The Denial Of These Uses Has Been On A Number Of Them And How Many Should Be .

We Have Off The Going Through Generation Of Saying Here's How Many There Are In A Five-Mile Radius, How Many Is Too Many In A High Impact Area, Since They're Only Allowed In Some Areas .

So There's Been A Difference Of Opinion Occasionally On This Board That One On Every Corner Is Too Many, Even At An Interchange .

And Is That -- Again The Market Drives These Issues, But That Has Been More The Crux Of It, So To Respond On The Zoning Issues, It's Not Really Going To Resolve What's Going On In The Zoning Process, Because We're Dealing More Predominantly With How Many Communities Should Lee County Have Within A Certain Parameter Of Space .

And Perhaps Not .

I Think The Philosophy Of The Staff Behind 24 Was, Well If Market Force Drive It, Maybe We Can At Least Make Them Blend In And Be Attractive And Make Them Part Of The Project .

So That, If You Are Going To A Prove One, In This Corner, That It Blends In And You Know Some Of The Older Once Stick Out Like A Sore Thumb .

So I Think That Was Our Attempt And Trying To Address The Board's Concerns Are, Other Than A Couple Years Ago We Did Talk About Should There Be A Separation For Them? And Then We Went Around And Around With The Board And We Couldn't Come Up With A Consensus .

So This Was Just Our Way, When You All Said Can You Please Take A Look At This, This Was Our Thought .

I Mean You Can Do What You Want With It .

Comm. Hall: Let's Sit Down With Mr. Mckenzie And Have A Conversation With Facts, But That's Not Going To Resolve The Issue That The Applicants Are Having .

We Usually Amending These Conditions For Landscaping Around Them Because They're Part Of An Overall Development .

Rarely Do We Get A Stand Alone .

It's Usually Part Of An Overall .

So I Guess That's Fine .

My Only Issue When The Language On The 15 Days, I Have No Problem With It Not Being Punitive, But There's A Reason It Was Punitive To Begin With, And My Short Conversation With Staff, You Weren't Able To Be There, Was What Happens To An Applicant When They Get To The 15-Day And They Haven't Gotten Any Comment Back From Staff? Is There Something In Place That Staff Needs To Justify Why They're Going On Beyond The 15-Day Review Pros .

The Answer Was They Can Cal You As A Commissioner .

That's Unacceptable, I Don't Want Mary's Job Nor The County Manager's Job .

But Again I'm Trying To Look The In There, If We Take Out, There's A Reason It Was There .

What Is Going To Be Your Fall Back Position On Addressing What Going On For 30 Days? Here's The Checks And Balances That An Applicant Can Say, When Will I Be Notified? If There's Nothing To Force You To Look At My 15-Day, What Is To Stop You From Taking 50 Days? We Have An Internal System In Place, I Mean It Did Come Years Ago When We Did Have A Backlog, And Everything Was Taking A Really Long Time .

And There Was No Review Programmers At All, So We Did Establish Review Parameters And We Have An Internal Tracking System Now, So If There Are Late, If There Are People Going To Be Late, You Have To Talk To The Supervisor We Need Know What The Issue Is .

But We Of Course Right Now With The Economy, We're Getting Everything Out On Time .

But, If Things Pick Up, We Have The Internal System In Place, So We Won't Be Having That Problem We Had Before .

Comm. Hall: The Applicants Won't Have To Call Me To Call You To Find Out Why .

No, No, No .

I Have An Occasional Call .

They Will Call Me, And That's Fine .

Comm. Hall: I Want To Stay Out Of Your Business .

We Should Have Policies And Procedures That An Applicant Can Have A Mechanism Been A Timely, To Have A Reasonable Understanding Of That Dispute, Didn't Get Around To It Today, Just Sitting There And Got Busy Doing Other Things .

So I Don't Have A Problem With Punitive But I Want Them To Be Able To Have A Mechanism, Either A Policy Of Your Department, That Gives Them An Understanding Of Why They're Being Going Beyond The 30 Days .

It's Internal Review Times, And I'm Just An E-Mail Away And You Can Ask My Staff, When They're Late, What Happens .

So They Will Be Happy To Explain .

Comm. Hall: All Right .

Chairman Judah: Any Other Issues, Commissioner Hall? No? Any Other Questions? Mary I Would Say That Commissioner Hall Is Correct About The Density And Concentration Of Fast-Food, Convenience Store Uses .

But I Would Also Submit That I Believe Staff Is On The Right Track, Because There Have Been Too Many Fast-Food Convenience Stores That Have Been Located Throughout The County That Are Not Aesthetically Pleasing .

And I Think A Property Owner With An Out Parcel, Or A Chain Of Fast-Food Or Convenience Stores Would Be More Likely To Get An Approval From This Board At The Zoning Stage, If In Fact They Could Demonstrate That It Wasn't Going To Look In A Very Obnoxious Way .

I Real Wise Plan Developments You Can Fold That In With The Rand Escaping, But I Would Like To See What You're Actually Attempting To Achieve .

That We're Going To Beef Up The Landscaping And Buffering Requirements For These Out Parcels .

Quite Frankly Again, I Think It's In The Best Interest Of The Developer .

To Show That It's Not Just Going To Be Something That Looks Like A Stand Alone Use .

But In Fact Is Going To Blend In And Aesthetically Pleasing .

But There's No Question The Bigger Issues With Commissioner Hall Said, It's The Concentration Density Of These Particular Uses .

But, Certainly I Think It's High Time That We Bring These Uses Into Conformance With The Landscape Buffering Standard .

I Understand You're Trying To Provide A Balanced Approach And I Would Be Much More

Favorably Receptive To A Proposed Convenience Store Fast-Food That I Knew Was Going To End Up Having To Comply With Appropriate Landscape Buffer Standards In The Land Development Code .

Again Just Mr. Mr. Kensey Is A Person Who Has Concerns With This .

The Cvs Which Was So Controversial, The Landscaping, The Plantings On There Are Phenomenal .

That Is Probably An Example Of A Best Out Parcel Landscaping Plan .

So, To His Benefit, The Requirements Turned Out To Be What We Thought They Would Look Like In Reality .

And So I Wanted To Say Thank You, Because That Is A Very Key Corner, And A Lot Of Opportunity For Commercial Development, And I Think That's Going To Be A Corner Offer Intense Commercial, That's Going To Look Really Nice And Blends Very Well Into That Transition From Suburban To Rural .

So I'm Not Disagreeing That There Needs To Be, But Within The Balance So That We Can Actually, Because Sometimes We Have These, You See Them And They Never Grow .

And You See, You Know Some Of The Examples That You've Shown Us Over The Past, Here's A Better Isn't Quite Cutting It, And It Seems To Be Spotted In Certain Areas Of The County Where Some Do It Really Better, And So, I Appreciate You Trying To Pick Maybe More Foliage Type Vegetation As Requirements Versus Maybe Having More Setbacks Or Something Like That, Maybe There's A Balance In Talking With Mckenzie Where That Works .

Because You're The Current Code That Turns Out Really Nice .

Chairman Judah: Any Other Questions .

Yes, Commissioner Bigelow .

Comm. Bigelow: I Point I Wanted To Make That I Think Is Interesting, That You Might End Up With The Same Problem You Have Running Out Docks To A Commercial Entity, If They Just Grab A Hold Of The Possibly Loophole Where They're Going To Rent A Room In The Home .

So I'm Wondering If This Is The Problem .

Erock Brought Up That Issue, But Seemed To He That Was The More Extreme Loophole Case, It Just Seemed A Little Bit You Know What I Mean? I Know Everybody Is Trying To Consider Every Possible Scenario But To Me That Wasn't As Likely .

As The Problem Of You Know People Living In A Single-Family Neighborhood With Commercial Uses Going On .

Comm. Bigelow: So We're Going To Ban The Rental Of Docks To A Boat Owner Who Wants To .

It's Actually Not Allowed Now, So We're Not Really Changing Anything .

I Mean You Can't, You're Not Allowed To Lease Out Your Single-Family Dock To Other People And Your Single-Family Dock Is For You To Use, It's Not For Leasing Out For Other People .

So We're Not Changing The Way It's Been .

Comm. Bigelow: Is It Prohibition Currently .

That's With A Way We've Always Interpreted, Yeah .

Comm. Bigelow: So What's The Purpose Of This .

Well, We Were Updating The Dock -- Go Ahead .

Dawn Leonard Assistant County Attorney .

Part Of The Reason This Definition Is Being Placed Into The Code At This Time Is Because Of The Protection Provisions .

And It Requires Us To Understand And Define The Number Of Docks That You Can Have At A Single Family Home .

Single-Family Home Has Always Been The Pry Hair Use .

The Dock Is An Accessory Use .

You're Not Allowed To Separate From Your Primary Use, Which Is Why This Definition Has Always Been Interpreted The Way It's Actually Written .

And I Don't Know If That Helps You A Little Bit More .

Comm. Bigelow: Sounds Like It Just Clarifies What We Thought We Had Done Previously .

It's It Has Been Interpreted And Permitted Over The Years .

Comm. Bigelow: Ok .

All Right, That's All I Have .

Comm. Hall: I Will Move The Item To The Second Public Hearing .

Chairman Judah: Second Public Hearing At 5:05 On June 23rd .

Do We Have A Second? A Second By Commissioner Mann .

Discussion? Objection? Motion Passes .

Thank You All Very Much .

Gosh, We Go To Yeah, Matters Of Concern By Citizens .

Anyone Wish To Discuss Items Of Concern? In The Community? Seeing None, We Adjourned .