

October 6, 2009

Comm. Hall: If We Could Rise, I Would Like To Ask Reverend Joseph Gabriel To Do Our Invocation And We'll Remain Standing For The Pledge Of Allegiance.

Heavenly Father, We Come Before This Morning To Thank You For Everything You Have Done For Us.

And We Can Praise You For The Many Blessing And Nevertheless For The Trial You Lead Us Through.

We Know Your Mighty Hands Will Guide Us Through Every Huddle That Comes Our Way.

And Our Country, Our State, Our Economy Our City Faces, Please Lord, Give Us Leaders Enough Wisdom, Knowledge To Lead Us.

In The Name Of Jesus We Pray, Amen.

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

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

Comm. Hall: We'll Go To The Recap, And We Have On A Revised Administrative Item 12-A.

Can I Have A Motion To Accept That Revision This.

Yep.

A Motion By Commissioner Mann.

A Second By Commissioner Janes For The Discussion.

All Those In Favor? Opposed? Motion Carries.

Next We'll Go To Public Comment.

On The Consent And The Administrative General.

An I Have A Few Cards.

We'll Start With Paul Schmidt.

If You State Your Name For The Record, Please.

In Reference To I Believe The County Attorney Wants To Have The Board Approve Them To Move Forward And Possibly Exercise Imminent Domain On My Property.

I Sent Each Of You A Letter Yesterday.

For The Record, I Would Like To Read Into It The Record.

Afterward I'd Be Happy To Take Any Questions, Comments.

The Matter Will Be Presented On The Agenda Tuesday October 6th Regarding The Potential Imminent Domain Of My Private Property On A Private Road.

I Was Just Made Aware Of This Agenda Item Friday October 2en, 2009.

I Fine It Rather Strange That I Was Not Made Aware Of This Agenda Item By The Folk At County Lands.

I Was Told I Would Have Been Informed After Your Vote Which Hardly Seems Proper.

Perhaps There Was A Fear I Would Their The Following With You Before The Vote On This Issue.

Since The Meeting On March 18th, 2008, We Were Assured The Entire Victors Creek Restoration Project Would Be Confined To The County Property Upstream Of Victor's Creek Lane.

On More Than One Occasion I Expressed Concerned That This Project Could Evolve Into The Taking Of Private And The Down Stream.

The At The Above Meeting Explicitly Told Staff To Stay Off Private Property, Unquote.

Also On A Meeting On My Problem On July 27th, 2009, I Was Told By Pat Fisher Of County Land That This Project Did Not Meet The Requirements, It Is It Was A Natural Resources Project Not A D.O.T. Issue.

To Quote Him, A Want, Not A Need.

Mr. Fisher Assured Me, If We Could Not Come To Terms They Would Just "Pack Up And Go Home." It Has Changed From A Want To A Need Target According To Mr. Fisher.

He Sites The Three Neighbors To The North Which Could Be Stranded.

After 30 Years Of Contribution This Is Suddenly An Issue That Affects Lee County.

I Have Often Heard The County Tell Folk They Could Not Help Them With Drainage And

Pavement Issues On Private Roads On Private Property.

It Certainly Seems Inappropriate To Change In This Junction.

The Restoration Project Involves County Land.

There Are It Is Not A Public Need To Take My Property.

As Shown In Exhibit A, Page Two Of Two.

They Can Access The Project From The Berm They've Already Planned To Construct On County Property.

It Will Seem To Be Much Easier For County Lands If They Could Take Our Private Road That We Have Installed At Our Expense.

This Is Not Right And Constitutes A Want, Not A Public Need.

This Is Setting A Precedent For Using My Public Property.

We Do Not Want The Loss Of Privacy Or The Liability That Will Arise From This Taking.

The County Parks And Recreation Department Has For Many Years Attempted To Gain Access To The Park Northwest Corner By Using Victor's Creek Lane, Our Private Road.

On Several Occasions I've Had To Remind Them This Is Not County Property, One With The An Stance Of The County Property Himself.

Victor's Creek Lane Is A Private Road Paid At The Expense Of The Residents, Not The County.

Please Consider The Matter And Be Aware I.

And Attorney Law Firm Should Not Fine It Difficult To Disprove This So-Called Public Need.

Such A Proceeding Shall Bring An Expensive Endeavor At Exactly The Wrong Time In Light Of Our Current Budget Condition.

Litigation Will Also Push This Project Out Further Into The Future And Add An Unnecessary Burden To Its Already Ballooning Cost, A Cost That The Media Has Been Made Aware Of, Paul Schmidt.

Any Questions.

Comm. Hall: No, We'll Wait Until The Issue Comes Up.

Our Next Speaker Is Jeff Avery, Who Will Be Followed By William.

My Name Is Jeff Avery.

I've Lived Here For Over 20 Years.

I'm The Owner Of Hurricane Cycle And In An Effort To Become A Member Of My Community An Help Out, I Volunteered And Was Pointed Of A Member Of The Nuisance Abatement Board A Year Ago.

Imagine My Surprise At My First Meeting To Sit Down And Find Out That In The Eight Years Of The Nuisance Board Not One Citizen On This Case Has Been Brought Before The Board.

In That Time I Did A Little Research And Found Out That The City Of Fort Meyers Has And Does Use Theirs Fairly Aggressively Throughout The Years.

Did Some Asking Around To Try And Find Out Why, And Why The I Had The County Commission Create An Appoint A Board That Has Nevada Been Used.

To This Day I Have No Logical Answer To That.

I Attended The Lee Grow Program Which Is An Outstanding Program And While I Attended That Program, One Of The Presenters Was A Lee County Department Of Human Services And At The End Of The Presentation I Raised My Hand And Said, Does Your Department Ever Have A Use For Or A Need For A Knew Sense Abatement Board? I Got A Very Long Answer And Ensuing A Great Number Of E-Mails, The Short Answer Was Yes, Thought There Was A Need For It But Thought It Didn't Exist Anymore.

In The Last Year Or So, I've Asked Or Paid Attention To The Media Asking The Question To Deputies On The Street, Have You Ever Her Of The Nuisance Abatement Board.

Of The 14 Deputies That I Asked Or The Media Has Asked In My Presence, Only One Had Heard Of The Board.

He Was A Lieutenant And He Wasn't Sure Exactly What It Did.

My Question To The Commission Is Why Did It Take Eight Years For The Sheriffs Office To Suddenly Decide, Which The Issue Before You Donald, To Dissolve The Nuisance Abatement Board.

What Is The Situation Tells Us That Volunteer Our Valuable Time To Assist On Advisory Committee For The Board.

And Lastly If The Sheriffs Office Is Willing To Publicly State That All Issues Of Public Nuisance Have Been And Will Be Resolved In A Manner That Has And Will Satisfy The Citizen Of Lee County And The Board Of County Commissioners, By All Means I Recommend Dissolving The Board.

Thank You.

Comm. Hall: Thank You Mr. Avery.

Our Next Speaker Mr. Marcord.

I'm Bill Marcord, I'm Here Today To Speak In Favor Of Consent Agenda Item 2-B Which Will Increase An Existing Grant By 6,121 Dollars.

We Need These Funds Of The Historic Ruby Gill House.

The Billion Is County Owned.

It's Leased To The University Of Florida.

As Offices And Laboratories.

Five Year Ago As Damaged By Hurricane Charlie, All The University Addressed Immediate Issues The Storm Revealed Serious Structural Issues That Needed To Be Addressed A Combination Of University Money Have Funded The Project So Far Including Some Low County Grants Or The Which We Are Grateful.

So, We're Nearing The End Of A Very Long Project, Aim At Not Only At Repairing The Damages, But Making The Building Stronger, And Safer For Its Visitors And Occupants.

Specifically These Funds That I'm Asking You To Approve Today Will Be Used To Address Concealed Structural By The Sum Of \$36-553.

The Copy Money Represents Less Than 17% Of The Amount We Need To Bring The Project To 100% Completion.

The Balance Of \$30,432 Or 83% Will Be Paid Through Private Donations And Donated Services.

We Anticipate That Project Will Be 100% Completed By December Of This Year.

On Behalf Of The Research Center, I Thank You For The Previous Support And I Hope You Approve This Additional Addition To The Historic Preservation Grant.

Thank You Very Much.

Comm. Hall: Thank You, My Last Card Is Carl Mann On Questions To Consent Of A.

Did You Want To Make A Statement Or Just Want To See If There Are Questions? Just Questions.

Comm. Hall: All Right.

Anyone Else You Would Like To Address The Board On Consent Or Administrative Agenda.

Councilmen, Anything To Be Pulled? No.

Comm. Hall: Commissioner Janes.

No, Ma'am.

Comm. Hall: Commissioner Bigelow.

Comm. Bigelow: 16-B.

Comm. Hall: I Have A Motion By Commissioner Janes, All Those In Favor? Opposed? The Motion Carries Unanimously.

Commissioner Bigelow, 14-E.

Thank You Madam Chair.

This Is A County Attorney Consent Agenda Item.

Actually There's Several Of These Requests I Guess To Partner With Public Defender County Attorney's Office, State Attorney's Office And I Just Pulled This One For A Quick Question.

David, This Is To Fund Roughly -- Sorry, Let Me Get To The Right Item.

Made Some Notes Here If I Could Find Them.

I Guess 12 Positions With The State Attorney's Office.

And Item Been Taking Place Since 1978.

And This Time Item 777,000 Dollars Coming From General Fund, Also From Recording Fees.

Tell You What, Ma The Dam Chair, I'll Go Ahead And Move The Item, I Just Going To Ask A Question.

Comm. Hall: I Have A Second By Commissioner Janes.

Further Discussion, Commissioner Bigelow.

Comm. Bigelow: Thanks Madam Chair.

Will These Employees Work And Have They All Worked Under The State Attorney, But We Are Funding Them And They're Therefore Not County Attorney.

They're State Employee.

They Are Employee Of The State Attorney's Office.

If You Will Recall, We Do These Agreements Once Every Year For The State Attorney, The Public Defender Et Cetera.

The Employees Report To That Office.

Ok.

Very Good.

And I Guess This Is Probably Like A Lot Of Government Programs, And Especially In Light Of The Fact That The State Has Been Under As We All Are Some Fiscal Pressure.

This Number Has Been Growing Over The Years, I Imagine, \$777,000.

Can You Agree With That? I Think That's True But I Think The Budget Folks Would Be Able To Answer That Berth If You Will Like To Go Through History.

Comm. Bigelow: Ok.

Well Let Me Ask You This, When We Budget For This, Is This Under Your Budget No? General Funds.

Oh, This Is Under General Funds, So That's How It's Budgeted As An Idea Under General Fund Budgets And Then This Is Just A -- Ok.

Comm. Hall: Would You Like Lewis To Explain That? Comm. Hall: I Have A Question, I Don't Know If It's You Or Karen.

What Would Happen If You Didn't Fund This.

Like Many Of The Municipalities And Counties Around The State We Just Simply Didn't Have The Dollar To Fund It? Are We Mandated To Fund This Or Is This A Voluntary Action On Our Part.

We Are Mandated.

There's A State Statute That Lay Out The Specifics Of The Funding.

So Up To What Amount Are We Required To Fund? There Is No Dollar Amount Attached To It.

They Wanted 15 More Stores.

We Would Have To Cut Services To Meet The State Mandate.

Budgets Get Tighter And Tighter, This Is A Large Concern.

That Reality Is Going To Have To Set In.

Because Next Year We're At A Million Dollars Next Year.

Commissioner, I'll Let Diane Answer This.

We Fund A Few Programs Specifically In The State Attorney's Office That Help With Not Only The Case Management, But Early Intervention Of Cases So We Can Reduce The Jail Population So Those Are Discretionary To A Certain Extent.

If We Didn't Fun Those There Would Be A Cost On The Jail Side.

Good Morning, Dinah Lewis Budget Services.

This Is A Combination Of Some Mandated Services And Our Expanded Case Management Program.

So, We Would Be Able To Reduce These Funds If That Was The Direction We Were Given But Those Prime Ministers, Would Be Affected By That.

I Think Later On Under Commissioner Items You Will Hear A Challenge, What Budget Cuts Are Creating With Safety Issue And The Choices We'll Have To Start Making.

And These Are Going To Be Difficult Choices That We Made For A Period Of Time Have To Put Some Pressure Somewhere Else, As Public Safety Prevail.

Appreciate It.

Any Further Discussion? Commissioner Bigelow: Just A Couple Points, If I May.

The Item Before This Which I Didn't Pull, Apparently There's Nine Positions We're Funding For The Public The Defender As Well.

That Price Tag Is \$411,000.

Health Care We Don't Need Any Comments, This Is Discussion For The Boards.

These Are Very Have Already Been Passed.

One Point Or Something I Will Like To Make Clear, It Says Here Under What Action Plan.

The Copy May Have Cribbed Additional Funding By Contract.

Which Might Be In Conflict Greg With What You Were Saying With Another Point That I Didn't Point Out, There's Actually A Service To The County That We Receive As A Result Of These In That The State Attorney's Office Designates An Attorney, Who Is Hired Through This And The Support Staff To Enforce County Ordinance, There's There's A Criminal Component To Some, That Gives Us The Opportunity To Eye That Enforcement Capability And On The Other Side So Do, It's Not Just A Benefit To Those Offices.

The County Does Receive Benefits As Well.

Comm. Bigelow: Ok, Well, Let Me Just Say To The Three Position Here, The Cost Of Communication Services.

One Is To Support Staff For The Final Room.

And That Comes Out Of Statue.

Commissioner With The Public Defender It's The Same.

There Are Costs, But Costs Which The County Has All Paid For To To Reduce The Jail Population.

There's An Early Intervention Docket And The Case Has Been Hugely Successful In The Past Few Years.

Comm. Bigelow: Excellent.

If The Blue Sheets Could Make Separate For Us What Is Mandated And We'll Go Through Strategic Planning.

There's The Must 4-Do And The Might Do.

And We're Looking At Some Stuff Times Ourselves.

I Think It's Only Fair That When The State Tries To Push It On Us, We Have To Push Back Sometimes Say We Just Condition Do It.

Comm. Hall: All Those In Favor? Opposed? The Motion Carries You Unanimously.

We Go On To 16-1.

I Know We've Asked That All The Advisory Boards Be Railroaded.

We Have Boards That Have Been In Existence For Many, Many Years.

We Have Several Of Them And That The Ordinance, That Be So That We're Forced To Make Sure They're Operating Efficiently.

And The First One That Came Up Was Nuisance Abatement.

By Dissolving Nuisance Abatement What's Disappointing Is That It Hasn't Been Functioning.

What's Going To Fall Between The Cracks, What Is It That We're Not Getting By Having It? Are We Losing Anything By Dissolving It? Let Me Go Over A Little History.

The Knew Sense Abatement Board Was Created Under Sheriff Show, And For About Three Or Four Or Five Years, The Sheriffs Office Would Bring Cases That Were Abated.

There Are No Cases That Ever Went To The Nuisance Abatement Board But The Threat Of The Board Being There Was A I Believe To Get Certain Businesses To Help Us, I Guess Play Certain Criminal Activity That Were Going On At Their Location.

And The Last Couple Years, The Sheriffs Office Has Liked To Use Other Tools.

It's Been Basically, The Board Hasn't Really Done Anything, Any Issues Coming Before The Board.

And It Was Brought Up By One Of The Board Members At Last January's Hearing.

Do We Really Need This Board? And That The Sheriffs Office Representative Looked At It And Came Up With The Conclusion.

We Don't Really Need This Board At This Time And There's No Use In Having A These Committees Coming To Ward When There's Nothing To Re.

What We Would Like To Dissolve The Board At This Point In Time And As Well Down The Road Whether It's A Couple Years From Now, If The Sheriffs Office Wants To Use This Tool, We Can Create Another Committee An Move Forward At That Point In Time.

So If That Answers Your Question.

Comm. Hall: I Just Want To Make Sure That Nuisance Abatement Has Some Issues With It That Are Separate.

If None Of The Criminal Activity Were Able To Use Other Tools To Fend That Off, I'm Ok With That.

I Just Want To Make Sure That We Are Not Throwing Away A Tool That We Can Use In A Different Way.

If The Sheriffs Office Is Saying We Don't Need.

It And That's The Perfect Reason To Keep The Ordinance Intact.

An Quantity Is Available.

You Knowing They Will Come.

And I Can Request.

I Don't Know If You Have Any Questions.

Comm. Hall: I Don't.

I Have A Motion By Commissioner Mann, I'll Second It For Discussion.

Any Further Discussion? All Those In Favor.

Opposed? The Motion Carries.

Oh You're Opposed? That's 3 To 1, Commissioner Janes Dissenting.

We'll Move On To The Administrative Agenda.

Item-A.

The Solid Waste Advisory Committee, A Motion By Commissioner Janes.

A Second By Commissioner Mann.

Any Further Discussion? All Those In Favor, Opposed? The Motion Carries Unanimously.

12-A Approve The Purchase For Alico Road Connector.

Do I Have A Motion.

Scott Can You Talk To Us A Little Bit About That? I Have A Couple Questions Myself.

Scott Gilbertson For The Record.

Why Don't You Go Over Where We Are With The Road Collector And Where We're At With It And What The Time Frame Is So We Understand As These Large Purchases Start Cooling In, What The Timing Of All This Is.

I Think That's Where You Were Going Commissioner Mann? This Is A Follow-Up On The Alignment That Freeways An Extension Of Alico Road From The East And Then To The North At Intersection The Vicinity Of Sunshine Would Provide An Alternate Route From Lehigh Acres To The South Part Of The County.

We Have Been Working With Florida Rock On The Alignment Essentially Reached Agreement With Him And Had Agreements Being Drafted And Will Be To The Board In The Next Few Weeks.

We've Reached An Agreement With Him.

This Would Be For The Contract To Purchase The Property.

We Have In The Five Year C.I.P.

Is It Just Right Of Way That We Have? That's Correct And Where Are We With Actual Construction.

It's Not Funded, But We Intend To Work With Property Owners In That Area.

They May Want To Do It For Back Fee Credits.

There May Be Some Other Public Private Partnership Opportunities Available Also.

All We Have Funded Then Is The Right Of Way, And The Five-Year And Then Nothing, And

Unfunded It's Nowhere In There? That's Correct.

Ok, Commissioner Mann, Do You Have A Further Question? What I Like When We Deal With One Of These Right Of Way Things Where The Construction Is Not Funded, And We're Talk About Right Of Way, Is A Map That Shows Starting Point And An Ending.

I'm Wondering How Many Holes We Have In Alico Road In The Right Of Way? Does This Finalize It? In This Particular Case, It's A Major Portion Of It.

The Other Major Portion Is Florida Rock, The Only Remaining Would Be At The Intersection State Road 82 For Minor Realignments For Sunshine For The Intersection.

So, Between This And Florida Rock, It's Well Over 95% Right Away.

Ok, That Helps.

But, What Did We Just Do With Florida Rock.

How Close To Concluding Are They, Offering As An Easement Or A Donation Of The Right Of Way House? How Does That Work With Them? It's Transfer Of The Land Right Of Way.

In Turn For Impact Fee Credits Based On The Land.

Comm. Mann: Is That Transaction Completed? No, It's Being Drafted.

Comm. Mann: But It's Within The Next Few Weeks Or Months, We Hope That's Coming Together.

That's Correct.

Comm. Mann: And 95% Of That Alico Extension Would Be Completed All The Way To Highway 82? Yes, Sir.

Well That's Progress, But There's No Money Contemplated.

Not In The Five Years, That's Correct.

Comm. Mann: One Other Thought And This Relates To, I've Had Miss Hall To Come Back For Commissioner Items Later On, But I'll Use In Just To Know Where I'm Thinking.

We're Transferring In Order To Do This Project By Packaging, Bundling Several Other Projects In Our D.O.T., C.I.P. From This Year Which Is What We Do Frequently.

We Just, We Use The W.I.P.

Budget Sort Of Freely To Pull Items Into There Are Times When I Have To Do That But It Makes A Joke Out Of The C.I.P.

And I'm Wondering Instead Of Closing And Shutting Done A Bunch Of Lights Why We Can't

Go To The Budget, That's My Thought On That But It's A Priority So I'm Ok With This Particular We Overused That Cip, Because We So Easily Dip Into It And Change Priorities.

I'm Ok, I'll Vote For This Thing.

Comm. Hall: Commissioner Bigelow, You Have A Question? Comm. Bigelow: Want To Be Sure You Understand The Land You're Purchasing, Do You See In The Backup On-Line Page Number 42, Shows An Arial Photograph Of The Subject Property.

Is This Like A Long Parcel Where I Guess A Lake.

Can You See That? Does It Will Be Like That? Yes It Is? Is This The Entire Area That's Being Purchased For \$1.4 Million? No, It's A 250-Foot Wide Right Of Way, That Extends From There.

There's House Boundary Which Is A Common Boundary Of Florida Rock Up To State 82.

Because This Titled Arial Photograph Of Subject.

That's Not It? Ok This Is The Appraisal.

Ok.

The Picture You're Looking At Is From The Appraisal.

If You Go To The Exhibit And The Purchase Agreement, It Will Show The Actual Alignment So From That Track You're Looking At.

Comm. Bigelow: Yeah, That's -- Those Are One In The Same.

That Line That Runs Up There Is The Perfect Location Of The Roadway We're Looking To Acquire.

Comm. Bigelow: This Is Appraising This Whole Area And Taking Out The Right Of Way.

To Arrive At The Value Of That Land.

Comm. Bigelow: Good, Thought We Were Buying A Whole Lot Of Land.

Ok, Thanks.

Comm. Hall: Any Further Questions? Is There A Motion To Approve.

Comm. Mann: Sure.

Comm. Hall: Is There A Second? I'll Second For Discussion.

Is There Further Discussion.

All Those In Favor? Opposed? The Motion Carries Unanimously.

14-A Which Is The Request To Adopt A Resolution Using The M.P.O. Plan To Update To Road Improvements.

Comm. Mann: I'll Move That.

Comm. Hall: A Motion By Commissioner Man, All Those In Favor, Opposed.

14-B Resolution Of Necessity, Parcels Required For Pitcher Creek.

Good Morning.

Good Morning, This Is My Item.

I Know There's A Lot Of Questions About It And We Can Talk About It Now.

I Need To Revise The Resolution, I Need To Make It A Little More Detailed.

There's An Error In It.

Comm. Hall: Are You Asking For It To Come Back.

I Would Like To Defer It A Week.

Comm. Mann: Can We Do It Two Weeks, Madam Chair.

Comm. Hall: We'll Have A Full Board In Two Weeks.

Comm. Mann: It's In My Direct, I'm Fairly Familiar With The Issue.

I Would Lake To Little Time To Meet With Both But I'm Leaving This Afternoon, I Will Be Don Three Days So I Can't Work On It.

Comm. Hall: A Motion By Commissioner Mann To Defer It For Two Weeks.

Comm. Janes: Second.

Comm. Hall: All Those In Favor.

Motion Carries.

This Item Will Be Deferred Two Weeks.

That's All We Have On The Administrative.

Commissioner Items.

Commissioner Mann.

Comm. Mann: Could He Come Back And Talk About Turning Those Lights Out Down There? We've Got Some Inquiries About A Story That Hit The Paper This Morning.

My Question Is Were Are The No Alternatives Available Than Just Shutting Out The Lights.

Even Turning Them Out At Midnight As Opposed To All Night Long What Alternatives Did We Look At Other Than Shutting Us Out? Scott, D.O.T. For The Record.

The Street Lights Were One Level Of Budget Reduction And Looking At It In Order To Either, To Turn Them Off At Reduced Hours Would Have Required A Lot Of Rewiring And A Lot Of Other Improvements To The Testimony Is And The Circuitry To Put Those Improvements In Place.

And It Would Have Negated The Savings In This Case To Getting A Meaningful Reduction.

The Option Was To Turn Them Off For The Full Time.

We Are Leaving All The Signalized Intersections Around The Corner With The Street Lights Still On.

These Are Mid Block For Lack Of A Better Term That We're Turning Off.

Comm. Hall: If Commissioner Mann Is Finished.

Comm. Bigelow: Maybe We Should Vote To Set The Background Here.

This Is Along Bonita Beach Road, Correct.

That's One Beach.

Comm. Bigelow: I Need Further Explanation Here.

Street Lights Off Which Are Not Through Treating Districts Anyway? That's Right, These Are Roadway Lighting Arterial Street Lights That Are Under The County's Jurisdiction Of Ownership.

There Are Some Stayed Roads, And We Maintain, There's Some Street Lights Owned By The Power Play And Leashed To Us And Will Remain In Place.

Ones That We Own Were Turning Off Eck September For The Intersections Where The Signals Are Located.

Ok, So, This Policy That You've Decided To Enact Here Is That You Will What Based On A Low In Late Hour Of The Night? What It Will Turn Off All Night Long.

It Will Be Turned Off Permanently Until The Budget Is Reestablished It Some Time When The Economy Pick Back Up And.

Just Seems A Lot Like A Heck Of A Way To Find This Out.

Comm. Hall: Karen, When We Were In Budget, There Was A Concern About Are We Turning The Lights Off.

And Is That Going To Be A Budget Reduction? And It Got Glossed Over, Because I Remember It Being Brought Up And No One Really Said Anything And There Was A Kind Of A Comment Sidebar By The Commissioner Saying We Don't Want The Lights Turned Off On Roadways.

Make Sure We're Looking At This Holistically.

I Agree With Commissioner Mann And Bigelow, Knowing It's Amendment That Learn That We're Taking Down Lights.

An Opportunity To Look At Some Other Decisions That Could Have Been Made In This Regard, Because Again, There's A Very Cursory, Very Like Hey, Let's Not Turn Out The Lights But It Never Really Went Any Further And No One Commented Any Further About It.

I Asked With Co To It's Very Disconcerted And From The Standpoint Of How Much Money Are We Saving On Turning Off The Lights, And Is There Anything That We Would Be Less Of A Priority That We Would Like To Change To Keep The Lights On? To Keep The Budget Neutral? Commissioners, My Understanding And Scott Can Confirm This It Was \$420,000.

Each One Of The Departments Was Given An Up To Reduction And, They Kind Of Were What Impacts -- I Don't Know That We Had -- Did Tough Arterial Roads, The Details Of The Roads At That Point In Time? Those Were The Ones Into The Budget Workshop.

Budget Cuts Included Vacancies, Five Positions There.

We've Increased The Intervals Of Roadsides For Canal, Banks.

We've Eliminated Some Of The G.I.S. Photography.

Reduced Material Purchases.

I Mean, We've Reduced Almost Everything We Can Short Of Getting Into Actually Field Positions.

Comm. Hall: And We Know That Throughout The Year, Projects Come In Late.

At Least The Board Would Have Liked -- Let's Not Turn The Lights Out As We Go Through This Budget, And See If There's Some Ways We Can Make Up This Difference And Keep The Budget Neutral, Maybe Next Week They Can Come Back And Talk A Little Bit About This.

Because It's Disconcerting For Us To Be Out There And Fine Out Oh, There's No Lights On, What I Is That Happening, And Later On Find Out That We Approved It Without Realising It.

You Pried Us A Sheet Of Being Recommended But When We Got To The Final Budget, I

Don't Remember Seeing The Sheet That Said Here's The Final Cuts Being Made, But You Did Give Us The Sheets That Staff Was Considering Cuts.

Whatever Three Course Per Cut.

I Never Saw The Final One.

I Do Recall That There Was A Cursory Comment About The Lights But Nothing Ever Got Further Discussed.

The Board Ok With That Maybe Next Week Coming Back? Comm. Mann: Madam Chair This Caught Me By Surprise, Even Though It May Have Been An Internal Part Of, It's A List Of All Of Them.

It's Going To Be Embarrassing To The County Of Lee To Have All These Major Do Door Goes Bark.

This Is Still A County That Is Able To Set Up And Take Care Of Its Priorities.

And I Think This Needs To Be A Priority.

It May Not Be The Place To Go, But My Point Earlier Was We Were Able To Find \$7 Million To Buy A Piece Of Property That We Condition Know We Needed A Few Months Ago.

Can With Not Find Lower Priority Items That We Can Package To Find \$400,000.

I'm Not Sure We've Looked At All Of Our Alternatives Here.

So, Gentlemen I Support Your Suggestion That We Look At This Further.

Comm. Hall: Also, There Are Projects A That Are Coming Later In The Year To Bring The Lights On And Keep Tracking Where We Are With Budget So That We Find Some Of These Projects Can't Stay On Schedule, We May Want To Look At Reserves.

But I Think There's Con Citizen Success That We Don't Want The Lights To Go Off Right Now And We Would Like The Guys To Track Where You're At With Projects That We've Approved And If The We Have To Make Budget Adjustments.

Well I Would Move That We Give This Item Back To Staff For Additional Study And Back To Us.

Keep The Lights On For Now.

Comm. Hall: Don't Turn The Lights Off.

Yet I Have A Motion By Commissioner Mann Not To Turn The Lights Off And Look At The Budget And Give Us Alternative Before We Go Dark.

Second By Commissioner Jane For Commissioner.

Commissioner Janes.

Comm. Janes: One Other Comment That I Would Have Is That The Flyovers Seem To Have A Light Every 25 Feet.

I'm Not Sure We Need A Light Every 25 Feet On The Flyover Bridges, But Seems To Me Perhaps You Can Look As Those.

You Do Know What I'm Talking About? The Bridges In General, They For The Most Part Will Be Turned Off At Least Until This Motion Anyway.

They Were Going To Turn Those Off Too, But Not Yet.

Go Ahead, Commissioner Bigelow.

Maybe We Can Reduce The Number Of Lights As An Alternative, So Every Other One Might Be Turn Off.

I Don't Know.

Under Discussion Can I Make Another Point.

I Want To Point Out That On This Parcel Of Land We Bought For Alico Road Which You Say We Don't Have The Funding To Build Any Time Soon, We're Paying \$127,000 More Than Appraised Value, Justification Given For That Was Costs Would Have Been Be 30,000 To \$50,000.

To Avoid Having To Pay Maybe \$50,000.

I Think We've Got To Start Being Very Mindful Of Where Their Saving.

We Need To Start Being Aggressive About Realizing The Savings.

In My Own District, District Two.

Not That It's My District, But District Two, Along Colonial Boulevard From The Mcgreger Overpass To 41, A Landscaping Project To The Tune Of \$500,000 Brought Forward By The Department Of Transportation It Was To Replace The System Because The Rats Were Eating At It.

So We've Replaced It With Spray Sprinkler Systems.

But It Turned Out It Was Much More Than Just An Irrigation Replace.

Project, It Was An Extensive Landscaping Project.

It Turn Turned Out Beautifully, But The Problem Is That We Took Out A Lot Of Vegetation That Appeared To Me To Be Ok.

We Took Out The Cardboard Palms, All Our Plants.

I Think We're Spending Money In Places That We Don't Need To Spend Right Now.

We're Doing That At The Expense Of Street Lights, Which Is A Public Safety Issue.

So I Guess If I'm Trying To Make A Point Here, You Know Public Safety And The Concerns That Residents Have For The Quality Of Life.

Just Being Out On The Streets, I Think Would Rise In Importance To Landscaping Upglide The Tune Of Half A Million Dollars.

In My Own District.

So I Have A Hard Time Saying It.

You Know, That Idea.

But I Think We've Got To Look At Priorities When It Comes To Spending Karen.

And I, I Mean, I Don't Like Having To Watch The News At Night Because What I'm Sighing Coming Is Worse Than Anything We've Been Through So Far And It's Been Pretty Bad.

Comm. Hall: Appreciate You Sharing That With Us.

We Recognize The Challenges We've Had On Colonial Boulevard.

So I Have A Motion, A Second? Is There Further Discussion.

I Just Want To Mention, This Is The Reason Why We're Going Into The Strategic Planning Project.

There's A Lot Of Complexities, We Probably Could Have Done A Better Job In Communicating.

I Know They Were There In The Budget Process But When You're Reviewing A Budget The Side Of Ours With All Of The Decisions That We All Have To Make, It Becomes Very Complex.

And Sometimes You Just Miss These Things.

We Will Come Back To You Next Tuesday And Took A Look But This Is All Coming Out Of The General Funds So This Is Part Of It.

We Just Don't Look At The Deposit Of Transportation An See Where We Can Make A 5% Cut There.

Look At Your View Of All Of Us And Start Balancing And Weighing What We Can And Can't,

So, It Becomes A Very Difficult.

We Get It.

We Hear What You're Saying, We'll Come Back.

We Won't Shut The Lights Off Over The Next Week But We Will Come Back With You, We're Going To Have Find Somewhere \$240.

Comm. Hall: We're Hoping We Can We're.

Coming Into January.

I Know We're Not Going To Finalize That Until January, February, I'm Hoping There Will Be Some Projects That May Be In Jeopardy But We Can Look At That As We Go Through Strategic Plans.

I Don't Think There Would Be Anything That Would Delay At That Amount But We'll See When You Come Back To Us On Tuesday.

I Have A Motion, A Second, Further Discussion? All Those In Favor? Opposed? The Motion Carries Unanimously.

Anything Else? No.

Commissioner Janes.

None.

Commissioner Bigelow.

Comm. Bigelow: I Have One Item And It Won't Cost Us Anything.

I've Got An Idea How We Might Be Able To Deal With The Old Oak Tree Out Frond.

She Lost A Limb Over The Week, And Thank God No One Was Injured.

Did Fall On A Bench We Have Out There And Hope A Busier Hour Of The Day Or Night.

But I Think We've Probably Got To Address This Sooner Than Later Because I Believe It's A Sign That Another Limb, To Trim It Up And Take They Apparently Looked At It.

You Know The Whole Tree And Give Us The Opinion That It Was Ok.

But We Now Know That It Wasn't.

What I Would Like To Suggest Is Maybe What We Could Do Is Decide That Its Time Has Come But A Replacement Should Be Planned For It And We Would Will Recognize It's 25th Year.

And 2012 Will Be 125 Years Old.

There's A Time Capsule Out There Memorializing Our 100th Year.

Commissioner Judah Was Here At That Time.

I Suppose His Name Is In That Capsule.

We Have Memorial To Fallen Heroes In Our County.

Served Honorably And Worse, In This World.

I Think It Would Be Fit Figure Maybe We Were To Take The Opportunity To Give Her A Proper Good-Bye, But Also Plan For The Day That We Would Bring On A New Oak.

And I Think That Would Be An Excellent Time For Us To Do That.

And I Would Like To Suggest, We Would Ask County Management To Put The Word Out That We're Looking For Gifts In The Form Of A Nice Tree To Replace The Current One That We Should Decide It's Probably In Everyone's Best Interest To Replace Her.

So Just Throw That Idea Out There, If It Has Any Support, Maybe The Commissioners Would Like To Share Their Opinion On It.

Comm. Hall: Commissioner Mann.

Comm. Mann: I'm Not Ready To Give It The Final Rites.

They Just Chopped It Up Yesterday And Got The Fallen Part Out Of Here.

I Would Frankly Like To Get Out There Myself And See The Thing And Have Some Experts Tell Me Why It's In Imminent Danger Of Collapsing.

I've Seen Thousands Of Hundred-Year-Old Oak All Over Florida With Major Pieces And They Still Survived On Into The Future.

I Just Don't Want To Say Those Final Words And Sprinkle Whatever We Do At This Point.

Comm. Hall: You Don't Want To Spread Its Ashes.

Comm. Mann: Before We Tack Any Action.

Comm. Hall: Next Week We Get An Update On The Oak Tree And We Can Discuss Your Thoughts On That.

Comm. Bigelow: My Plan Was To Talk About 2012.

Comm. Mann: If We Get There, I Hope We Don't, But We Might.

Comm. Bigelow: Let Me Put On The Record The Concern We Have, Which Is Not So Long Ago We Had A Professional Look At This To Say Take This One Limb Off Because It's A Potential Hazard And Yet What Happened.

We Had Another One Fall.

Comm. Mann: Now It's Really Safe .

Comm. Bigelow: Unfortunately It's Aesthetically Been Compromised.

It's Beautiful.

Comm. Bigelow: Of Course, But Not As Balanced.

But If That Were To, As I Said, God Forbid Hurt Someone, Another Limb Fall Or If That One Had, We Would Be In A Heck Of A Pickle Legally, And I'm Just A Little Concerned.

Like When I Came During The Weekend They Had Big Parking Spots Long The Main Street Roped Off.

So You Couldn't Park There.

I Guess In Recognition If That One Fell, Something Else Could Fall Health Care We're Going To Take The Issue At The Next M.M.P. And Why That Particular Branch Fell Off, And Further Discuss The Idea Of Look As A Time To Plan For The Retirement Of The Oak Tree At Some Point In The Future Or Not.

Any Other Item? Comm. Bigelow: No,.

Comm. Hall: I Have No Commissioner Items.

We Move On To Commissioner Appointments.

Commissioner Mann.

Comm. Mann: Thank You, Madam Chair, Charles Verwilt To The Smart Growth Advisory Committee.

Comm. Janes: Second.

Comm. Hall: All Those In Favor? Motion Carries Unanimously.

Comm. Janes: I Have Daniel,.

Comm. Hall: I Have A Second By Commissioner Mann.

Further Discussion.

Comm. Janes: District Eight.

Comm. Bigelow: Ok, I've Not Heard Of It I Don't Think.

Comm. Hall: Further Discussion, All Those In Favor? Opposed? Motion Carries Unanimously.

Commissioner Bigelow.

I Have One Appointment If I Could Look At Reappointment Of Fitzgerald, Further Decision? All Those In Favor? Opposed? Motion Carries Unanimously.

County Manager Items? Good Morning Commissioner.

Your Staff Has Some Very Good News To Report To You And I Would Like To Turn It Over To Pete.

Commissioners, I Just Wanted To Bring To Your Attention And We'll Get You This Information, After The Meeting That The Association Of Counts Is Releasing A Statewide Property Tax, And We'll Do But In That Report, I Did Want To Call That This Is A Comparison By County And They Do An Apples To Apples Comparison, But Also A Comparison Between Tax Rates, Compared To What The Rollback Rate Would Be.

And I Did Want To Let You Know That Lee County Has The Largest Percentage Difference Between What Our Tax Rate Is This Year That Was Adopted, And The Rollback Rate Of Any County Of The 67 Counties In Florida, And That's A 23.96 Percent Reduction.

Ranges From 29.96, To An Increase Of 6.04 Percent In The County.

So That Represented 93.2 Million Just In Lee County Of Less Property Taxes We're Taking In This Year.

So, I Think.

Comm. Hall: Thank You, Further Item, Karen.

No We Just Like To Be Number One, Thank You.

Comm. Hall: County Attorney? Yes.

Mr. Owen.

No Good Morning Madam Chair Commissioners.

David Owen.

Commissioners, I Sent You All A Short Memo On This.

What I Would Like Is Your Consent This Morning For My Office And Natural Resources And His People And Some Consultants We May Need Them To File A Recently Proposed

Environmental Resource Permit For The Babcock Ranch.

We've All Been Discussing This Quite A Bit Here Recently.

The South Florida Water Management District Has Deemed It Complete.

And Is Now Preparing To Issue The E.R.P.

We Had 21 Days From Last Wednesday To File A Channel.

I Would Like To Do So To Preserve Your Legal Interests In This Matter.

Staff Believe There Are Still Some Issues That Need To Be Correct.

The Surface Water Management Will Not Have Adverse Impact On County Property And Your Constituents.

Comm. Hall: I Have A Motion By Commissioner Mann.

A Second By Commissioner Jane.

Further Discussion.

Comm. Bigelow: Yes.

South County Florida Hasn't Issued.

They Have Not, They Give You A Notice Intent To Issue And During That Period Of Time, You Have The Opportunity To File.

Comm. Bigelow: When Does The Governing Board Consider It.

The Governing Board Doesn't Consider These, The Legislate And The Governor Decided That Would Be Appropriate Directors Of Several Water Management Districts To Approve Those.

In This Particular Case We May Get A Public Hearing With The District Board Because Of Great Importance, But The District Board Does Not Do The Final Decision With Respect To How It's Issued.

Or Any Day She Could Sign It Right.

I'm Suspecting There Will Be A Public Hearing With The District Board Prior To That Decision And It Will Be Any Time Following That.

For Now I Would Like To Get That Put Together And End With Division Of Hearings.

Comm. Bigelow: Would You Happen To Notice If There's A Public Hearing Rumor Before Connect It's A Rumor, But The Several Districts Themselves Have Said That In Matter Of

Great Public Interest, They Would Hold A Public Hearing Before It Was Issued.

Comm. Bigelow: Ok.

Nothing Mandated In That Particular Statute That Was Adopted.

Comm. Bigelow: If They Do, Would You Notify Me.

Absolutely, I Will Let You All Know, No Problem.

Comm. Hall: All Those In Favor.

Opposed? The Motion Carries Unanimously.

With That We Are Adjourned.

You All Have A Great Day.