

November 30, 2010

Chairman Mann: My cell phone says 9:30 and I think the clerk is agreeing with me.

Those who care to join me could we rise for an invocation followed by the pledge of allegiance.

Reverend Gingerich.

God, we thank you for your goodness and your blessings.

We thank you especially during this season for all the ways that we have been blessed in this county, all the ways we have been blessed in this state.

We are mindful of the many times we easily fall into complaining and griping because it's not what it once was in terms of the economy but we're grateful for health and strength and the things we do have and our leaders and our community and our county.

I ask you to bless them today, bless our Commissioners, and bless each of them and their families.

Give them wisdom; give them courage to, humanity, integrity, discernment, all they need to do the job well.

Pray for our county manager and our staff across this county.

We ask to you bless them, all of our public servants, public safety servants, those who serve in so many ways, those who lay their lives in danger on our behalf throughout our community.

We ask your blessing.

We thank you today for this occasion.

We ask, lord, your blessing would be upon not just our community but across our state and

our nation.

We ask your blessing upon our leaders statewide, our national leaders, upon our president, upon those who serve to protect the freedoms we all enjoy.

We ask God's blessing upon them.

We pray in your name.

Amen.

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.

Thank you and be seated.

By way of our recap we have very little change to our original agenda.

We'll have one walk on, it appears.

County manager has warned us that she wants to bring on Mr. Abolini for commence and a presentation when we get to that item on the agenda.

So we're now at public comment on items on the consent.

And -- I have an agenda.

I have one blue card.

If there are more that want to speak on any of the agenda items, be preparing yourself.

Card is from Mr. Kelly Palmer, a long-time -- Kelly, if you'll walk this way's County leader and community leader.

We're pleased to have had you, Mr. Palmer.

Enjoy your three minutes.

Thank you. I got three minutes.

Good morning.

I'm Kelly Palmer representing the Palm Beach Boulevard special improvement committee if you will.

Years ago when we started this we had it in three phases.

We did the first phase.

Second phase we let go.

Third phase we took care of.

What we're here today is to ask you to include the second phrase -- phase to make it complete.

If you go back a time you remember when we got the streetlights put in out there and C.R.A. helped us.

Only way we could get the streetlights put in if we the improvement committee accepted responsibility to pay for any maintenance that would go along.

Meantime, the state stepped forward and started paying for the lights, if you Will.

By the same token we were responsible for any improvement, shrubbery, Fedges, that sort of thing.

First part we have taken care of.

You know if you have started at the city limits and go down to I guess i-75 you'll see a nice improvement there.

Second part is from i-75 to highway 31.

There's nothing in there.

That's the unit or the section that we're asking you to include now.

We spent money on phase number three from highway 31 to Buckingham road through C.R.A.

At that time we had money.

Then whoever at the time decided we couldn't spend money wisely so they took the C.R.A. money away from us.

What we had to do was go out and assess property owners that abutted Palm Beach

Boulevard to pay for the other.

So, the only thing I would ask you is if you would be willing to include the second phase in this.

Chairman Mann: Let me ask Kelly.

I apologize.

In my newness to the chairmanship I probably should have taken your comments at the time allocated for public hearing but you said what you said and so eloquently I didn't have the fault to interrupt you because it was my fault.

But let me ask you this.

Is the recommended action by our staff under the public hearing consistent with what your wishes on behalf of the economy are?

Yes, sir.

Chairman Mann: Thank you very much.

Commissioner Hall: They recommend approval.

Chairman Mann: He wants the same thing they do.

We'll be on your item in a little while.

Are there others who would like to speak to anything on the administrative or consent agenda?

Hearing none, I'll accept a motion to approve the consent agenda.

Commissioner Hall: We have items to be pulled.

Chairman Mann: Golly.

What would I do without you, Commissioner hall?

Probably a lot.

Chairman Mann: Do we have items to be pulled.

Do you have any?

Commissioner Hall: No.

Commissioner Manning: I have something on 13, about.

Chairman Mann: Commissioner Judah.

Commissioner Judah: 7-a.

Commissioner Bigelow: I have none.

Chairman Mann: And I have none.

Now may I have that magic motion?

Commissioner Manning: So moved.

Chairman Mann: Second?

Commissioner Bigelow: Second.

Chairman Mann: Motion by Commissioner Manning, seconded by Commissioner Bigelow to move the balance of the agenda.

Adopted without objection.

Commissioner Manning: Did you want to put that on the record for 13-b.

Commissioner Manning: Yes I'll be passing in form 8-b a voting conflict on item 13-b.

I'm still a consultant for Malcolm Purny outside of Lee County.

So 13-b of today's date is a motion to an amendment to approve a change order number three under the asset management plan of Malcolm Purny.

I'm abstaining due a conflict of interest and I'll pass the necessary paperwork in to the clerk.

Chairman Mann: A motion by Commissioner Judah, a second by Commissioner Bigelow on item 13-b.

Is there further discussion on that?

Objection?

Passing without objection.

Commissioner Manning abstaining.

Commissioner Bigelow.

Commissioner Bigelow: 13-a.

Chairman Mann: A motion by Judah, and second by Commissioner Manning.

Commissioner Bigelow: I would like to recognize the donations of the Lee County library from our citizenry to totaling \$9,000.

A memorial to Lois Fritzon and Thomas Haley and Edward and Charlotte Uhal. Donation of \$7,924 from friends of Lakes Regional Library for equipment and material and \$500 from Sam's club giving program for a total of \$8,924 to our library system.

We thank everyone.

Chairman Mann: Thank you for pulling that item.

Show that adopted without objection.

That is our consent agenda.

Administrative agenda.

Let me get to it.

On the east water control district

Commissioner Manning: Staff recommendation.

Commissioner Hall: Second.

Chairman Mann: I have a motion on the first administrative item by Commissioner manning.

Second by Commissioner hall.

Discussion?

Objection?

Adopted without objection.

Is that it?

Commissioner Hall: 14-a.

Chairman Mann: 14-a.

Commissioner Manning: Move the item.

Commissioner Hall: Second.

Chairman Mann: Moving right along.

There is further discussion?

Objection?

Show that one adopted without objection.

Now moving right along to the public hearing.

Can I do that now?

This is the item that Mr. Palmer has just spoken to.

Scott Cooper, assistant county attorney.

Item number one is to consider repealing replacing ordinance 9709 as amended related to the palm beach special improvement unit I have reviewed what was in the Fort Myers news press and find it legally sufficient as to form and content and hereby enter into the record.

Staff and I are available for any questions you may have.

Chairman Mann: Are there others in the audience that would like to comment on this issue?

Hearing none.

Commissioner Manning: Moved.

Commissioner Hall: Second.

Chairman Mann: Is there further discussion?

Objection?

Show this item adopted without objection.

Chairman Mann: We are indeed moving right along.

We have the one walk-on.

Commissioner Hall: Move the item.

Commissioner Manning: Second.

Chairman Mann: Commissioner hall motion, Commissioner manning second.

Discussion?

Commissioner Judah.

Commissioner Judah: Mr. Chair, typically we have the chair representing our board speaking before the legislative delegation scheduled on December 15.

I was hopeful and I respect that process, but I was hopeful that I too would have an opportunity to speak on several issues.

I didn't want to undermine this board in any way except there are several issues I would like to elaborate on.

One has to do with the septic tank inspection program that the legislature covered to next session.

I think we knew their real intent is to repeal legislation that would have insured and provided for the accountability to help protect and restore our ground surface waters.

To me the legislature abdicated its responsibility by deferring implementation of that bill.

Again, my major concern is their intent now to repeal what was a very appropriate legislation considering most of the water bodies in Florida are impaired, have experienced tremendous pollutant loading and are in dire straits.

That's something I would like to comment on to the delegation.

other is the state rule making, required rule making costing in seconds says of \$5 million over five years is going to impede efforts to restore water resources here in the state of Florida.

Having said that I'm hoping I could be given a slot to comment.

Chairman Mann: Commissioner Judah it's my understanding any of us are welcome to appear and speak on any subject about whether or not it has been embraced by the commission as one of its items.

But part of our blue sheet here that has been prepared for us this morning does in fact include that item.

I think it was our intention that we could be expressing our collective concern about the health of our septic tank systems in Lee County and the state.

Yes, you would be more than welcome.

Commissioner Judah: Appreciate that.

Chairman Mann: Further discussion?

Commissioner Manning: Mr. Chairman, I would like one item we talked about previously, that's the Q-tip program reduction and the red tape in terms of the hires.

He concurs that it would be a good thing for the house and Senate to discuss.

I would like that included as well.

I will not be there but I know you will put a letter together, holly, with the background information, etc.

Chairman Mann: Any questions of Commissioner Manning?

Commissioner Judah: Are you looking for the state to budget more money to help with incentive advising economic development?

Commissioner Manning: I haven't thought of it but that's a great idea.

My idea is to reduce the number of employees hiring from 75 to a number amenable by the legislature.

We're in a recession right now.

It's difficult.

Lee County has been very lucky to have companies willing to go above and beyond that in

terms of the 125 or 150% of the minimum wage in Lee County.

I think based on input to me he thought it was a good idea and he will discuss it with rules on the house side.

Chairman Mann: Any objection to including that?

Apparently not.

If you could make certain Ms. Schwartz the language you would like for us to mention at the meeting we'll do it.

Commissioner Bigelow: I guess I'm out of the loop on that, John.

Could you explain what it would do or undo?

Commissioner Manning: My understanding the Q-Tip program, one of the state's many incentive programs we have used in the past to leverage new companies coming into Lee County has a minimum hiring of 75 full-time equivalents.

What I would like to see especially in a recession.

They can sunset it bring it back when the economy is good but roll it back to whatever number is acceptable to the legislature.

It could be 35, 25, I don't know what the number will be.

Commissioner Bigelow: We can induce or subsidize a business with a staffing level less than 75.

Commissioner Manning: Right.

They would have to do the same thing.

Commissioner Hall: Mr. Chairman I completely support Mr. Manning's position.

What the association of counties is also concerned with is a very large discussion we had on the enterprise program as a whole.

We had some discussion there and Commissioner Manning is tracking that.

Additionally as you stated, Commissioner, the red tape.

Process, the approval process we are losing businesses.

Timing of them being able to make a decision is as critical as the way you qualify to receive the incentive, as well.

I certainly appreciate Commissioner Manning taking a lead on voicing concern especially with as aggressive as Lee County has been.

We have had a difficult time working with the state.

While we're making it work it could be easier certainly.

Thank you, Commissioner Manning.

Chairman Mann: Commissioner Bigelow?

Commissioner Bigelow: A question maybe holly can answer.

Has the county taken any position on cell phone use while driving legislation?

Last year I know we got close to passage.

I haven't seen that on their platform yet, Commissioner, but we'll double-check and get you that information.

Commissioner Bigelow: Last year we did support its adoption or some further regulation to curb that use.

So I would hope that we would stick to that.

Looks like a winning proposition.

It was close to passing the finish line and the M.P.O. I guess with most of us there supported a resolution to support it.

Commissioner Judah: How could they communicate with their lobbyists without a cell phone?

Commissioner Hall: Hands free.

Chairman Mann: A side bar comment.

Commissioner Judah: Pardon the interruption.

Commissioner Bigelow: I've got a line but I won't say it.

Chairman Mann: The meeting?

The meeting is December 15th I think a Wednesday to get us on the agenda.

Chairman Mann: We will be meeting twice more before that hearing?

If there's a hot issue that comes up, we can add that as a P.S.

Ms. Schwartz wanted to make sure we were officially on record with these items so we could appear before the delegation at that time.

That's the purpose of this.

Any further discussion on this?

Objection?

Show adopted without objection.

Thank you very much now, that was our walk-on.

No carryovers.

Commissioner items.

Commissioner hall?

Commissioner Hall: I have none.

Chairman Mann: Commissioner Manning.

Commissioner Manning: If you could pass these down.

That is the letter that was requested at the last board meeting sent to Mayor Sullivan for Commissioner Bigelow's edification, at the last M.P.O. meeting mayor Sullivan brought up the fact in the quadrant of residents in Santa Barbara there would be 200 jobs created.

I would ask he send the chairman any correspondence as to what time of business so our staff could plan what the alternatives would be.

That's the letter I was asked to prepare.

Chairman Mann: We approved this last week.

You have it before you.

I have signed the original and it will be moving forward as requested detailed information from the mayor.

Thank you.

Commissioner Judah.

Commissioner Judah: You probably know and I thought the media did a good job covering it media and news print concerning the meeting that took place yesterday with a plethora of county staff in Fort Myers beach with the county manager teary Stewart and several of his people with a number of our staff.

Appreciate Doug mere, David Manza, David Grant, Steve Myers, Paul Winguard and Dave Love.

We had quite a representation of the county for good reason.

Critical issues were discussed including beach re-nourishment.

There has been a lot of emphasis on holding off on the re-nourishment until after season understandably.

All of a sudden there were a lot of calls coming into our office.

I'm sure you had probably received similar calls about the fact that if we wait much longer there won't be a beach to re-nourish.

Steve was there with Robert Neal to discuss the beach re-nourishment timing.

It appears that with all the good intentions, with everything falling into place, we might be able to get started late February.

But it's going to take probably into late march, maybe early April to complete the project.

That's right into the heart of the season.

But what is at risk here is potential the \$2 million that we are anticipating to receive from

the state.

So we have to be under contract by December.

Bid package has already gone out with regards to the timing and many of these comforters that are going to be submitting their proposals have taken into account the time frame because they have to keep their dredges working 24/7 all year long.

It will be difficult to change the timing.

I think we're trying to recognize the beach needs to be re-nourished and the money from the state and we'll make our best efforts to move the project quick will it as we can.

With the size of the dredging equipment we hope we will be able to complete it by the end of March.

That being said, it appears that the council through the mayor's representation understands that the timing issue and the ramifications of needing to go forward.

We have certainly by meeting with the businesses last night have again tried to reach out to the community at large downtown, Fort Myers beach, as to all the factors that come into play for the ultimate timing and moving forward on the beach re-nourishment project.

town of Fort Myers beach is moving forward and looks like they'll complete one mile of the Estero resurfacing and landscaping north of time square doing a terrific job and looks like they'll be able to do it for \$4 million, less than half we had anticipated the county would have to pay per mile.

That's very encouraging and I applaud the town of the Fort Myers beach working with businesses and moving forward on a badly needed project, the drainage improvements and revitalizing that corridor north of time square.

I know the town of Fort Myers beach is looking at taking title and ownership of the Seafarers building.

Closing with about \$1 million.

The town cannot take on debt more than three years so our staff has continued to work with the town staff on a creative approach to perhaps finding a way they could secure and have title and ownership to that building.

But they'll have to pay the T.D.C. back in full.

Barbara Mann to her credit and staff have put together a marvelous improvement plan to the three acres purchased through the money approved by this board with some shell foot paths, some sod, leaving most of the beach for volleyball and beach activities to occur and handicap parking and the removal of the dangerous cap to the seawall that exists to make it more safe for the public.

Our staffs have been working overtime with the town of Fort Myers beach to bring it into a smooth landing.

Chairman Mann: Commissioner Bigelow -- I'm sorry, Commissioner Judah, I wanted to thank you for the extra time and effort you have put into this yourself.

There are a lot of big-ticket items going on right now in Fort Myers beach but right now some of these are directly related to certainly tourism as are all issues at the beach.

Tourism is the strongest leg of our three-legged stool around here and we're going to be doing everything we can.

Your particular efforts to move things forward at the beach are gratifying.

Thank you very much for that.

Commissioner Judah: Thank you, sir.

Chairman Mann: Commissioner Bigelow.

Commissioner Bigelow: They would like to take Seafarers property north of the Boulevard. I've been unclear what their intentions are.

To use it as it currently exists?

Commissioner Judah: I wish I could answer that but I don't know if they are certain they

would like to see the ultimate use of that property.

We went in with intention of razing that building and make a parking lot to create access to the beach.

I think they just want to maintain their options so they wanted to seriously consider how they could purchase it.

Commissioner Bigelow: I guess the first step was to see if they could have it and then what to do with it.

Commissioner Judah: Yes.

Chairman Mann: Commissioner Manning?

Do we have an interim utility director or are you wearing two hats, Doug?

Two hats.

Good.

OK.

I wasn't clear on that.

That's all.

Thanks.

Chairman Mann: I have one Commissioner Item.

I think most of you have probably all of you have been briefed by representatives from the Miramar outlets in the Estero community.

We have a request from the Estero planning group.

Let me read this so it will be on the record.

This came to me and I think you were all copied.

I'm writing on behalf of the request by Miramar for an L.E.D. type signage within their shopping center north corkscrew road.

[Reading]

Signs are prohibited in Estero.

To allow the sign to be installed would require an amendment to the L.D.C. and then a deviation.

We are told the change cannot be made by just a deviation.

Panel noted these restrictions on the signage at the time the original code was written eight years ago.

Technology has changed and we recognize that electronic L.E.D. signs can be attractive, energy efficient and could be acceptable in Estero depending on the design and logs.

We would review these on a case by case basis as requested by developers through the deviation process as allowed within the L.D.C.

Please note the panel would support county staff amendments making sure 33.33 or 33.57 to allow further deviations of the size to be considered.

What they are asking us therefore to do is to allow our staff to include those mentioned L.D.C. amendments and their present round.

If there is no objection to that --

Commissioner Bigelow: I'm sorry.

Are you talking about the animated winky, twinkly, blinky lights?

I'm sorry, but to me that is visual blight.

This county will be besieged with these requests and end up like a semi.

They're ugly, distracting.

Chairman Mann: Those are not the kind.

Commissioner Bigelow: I thought you were talking about the animated electronic message signs.

I would never support it.

I'm sorry but we have a beautiful county.

We've taken great steps to landscape to provide nice architectural features, design.

We don't want to look like some other places in the country

Commissioner Hall: I've never been briefed on that.

I have not received an e-mail or been to any meetings so I guess I'll defer to the staff looking into it or whatever, but again, I think we need to be careful.

We have two?

I think two we have allowed in because they were there.

One at the shell factory and one at Lehigh.

At the shell factory was because it was a historical attraction in Fort Myers.

We do allow electronic signage in certain areas.

It's not what we don't allow them anywhere.

Is Miramar asking for relief from the code to put one up at the mall?

Chairman Mann: What they are suggesting and I was briefed by Mr. Smoyer and Neal Montgomery was representing him.

They want to put the sign inside the shopping center parking lot.

It would be season by customers.

Commissioner Hall: Within their property.

Chairman Mann: We are not moving forward here on anything that approves that.

Commissioner Hall: I understand that.

Chairman Mann: We are allowing the staff to create the language that later then could be used to entertain that after it went through all the steps including the community panel review.

Commissioner Hall: I guess what they're doing is to put forth a staff amendment versus a private amendment.

Because they certainly could put forth the request themselves and let it fall where it falls.
To save costs they are asking us to put forth the amendment.

That's why they would do it, isn't it?

Chairman Mann: I think they brought it to me, Commissioner Hall, because it was in my district and I said I would be willing to bring it after I heard it because it allows the process for them to walk through and perhaps have this entertained where right now it cannot be considered.

Commissioner Hall: As a district Commissioner you are asking us to be a staff amendment versus a private amendment?

Chairman Mann: Yes and follow the L.D.C. process.

Commissioner Hall: Why would we want it to be a staff amendment rather than a private amendment?

Chairman Mann: Simply because they requested it.

It gives them more dignity.

Commissioner Hall: You just want to accommodate them.

Chairman Mann: Yeah.

Commissioner Bigelow: I would object.

Councilor, do we need to vote on such a request as this?

If you want to give direction to staff --

Commissioner Hall: You're asking for a public amendment on a private request.

Good morning.

Mr. Chairman, why don't you give it to us so we have a better understanding of what it is that is being requested.

Then we can bring it back and say here's what we understand is being requested.

If you agree fine to go ahead with it you tell us.

Chairman Mann: By next week?

Yes, sir.

Chairman Mann: Sure.

Let's do this.

Commissioner Bigelow: This is not to direct attention to the parking lot as they are driving by Miramar mall?

Chairman Mann: Again, Commissioner, this is not to approve the particular sign request.

Briefing I got from Mr. Smoyer, the sign would be placed well inside the Miramar parking lot.

It is not -- it's designed to help people once they are there to figure out where they're going to go.

Commissioner Bigelow: Can I add a little something here?

A lot of times gas stations are using these to change their gas prices which change frequently.

So that's, you know, a sign that's very static.

It doesn't change twinkle or blink and do the other distracting things Commissioner Judah objects to.

So I think there is a way to use these appropriately.

I'm not in support of creating Kissimmee.

Chairman Mann: We have a way to approach this.

Folks in the Miramar outlets can govern themselves accordingly if they think briefings for the individual Commissioners helpful to their cause; they have a week to do that.

Commissioner Hall: Mr. Chairman, David, could you also look at the precedent.

You're asking for an internal amendment to a site but I don't understand why it needs to be a county amendment.

Usually what we put forth we support.

I'm trying to understand why they are not coming forward and processing it themselves.

If it's -- I would like to understand that a little better.

If it's an internal request to their site and that's not for the public benefit other than their customers I don't know why it's a private amendment which they could do.

Unless it's a way to get them in.

I'm more than happy to waive logistics to get them in the cycle if that's what they are asking.

I need to understand are they asking it to be a county amendment or just waive to get them in this cycle.

That I don't understand, Commissioner.

Sounds like they are waiving them to get in the cycle and I'm more than happy to support that and let it fall where it may.

If they're asking for a public amendment rather than a private amendment, I need clarification on that.

Yes, ma'am.

Commissioner Bigelow: It's my understanding that Miramar outlets or development, which is to try to find a way to provide the signs on their property, the community, Estero community council, is lending their support to that initiative for the benefit of the entire Estero community, planning area.

It sounded like -- that's what I understood the letter to be.

Is that letter not authored by the community council?

Chairman Mann: Yes, the one I read was from the chairman of the community council.

Commissioner Hall: That wasn't my question.

Commissioner Judah: I know.

I'm just trying to shed light on what they're asking here.

Chairman Mann: It's going to come back.

Thank you.

Commissioner Hall: I understand what they're asking for.

Commissioner Judah: It's an acceptable process.

Chairman Mann: Commissioner Items.

Yes, I know everybody has been holding their breath about liaison items.

Let me take that up at this time.

I'm following what I believe was Commissioner hall's lead last year in taking the liberty of the chair to review all the existing liaison positions and questioning whether in light of today's time and challenges and needs whether all of these needed to be filled.

She had recommended that we abolish several of these last year, which we did.

There are two more that I would like to suggest that we don't fill this year.

Any of us, as we all know can play whatever roles we want in these or supplemental to the designated liaison Commissioner.

Even if we don't be have an official liaison for these roles, there's nothing to keep any of us from playing whatever roles we want to in that regard.

I'm suggesting -- it's not my plan to fill either the solid waste liaison -- this was after discussion with solid waste division.

At the time we were doing the tremendous expansions out there, there was a whole lot going on.

Commissioner Hall: So moved.

Chairman Mann: Thank you.

Commissioner Judah: That's the one I wanted, Mr. Chairman.

Commissioner Hall: What's the other one?

Chairman Mann: I hope nobody takes offense at this but I looked at the uncommon friends.

Commissioner Hall: So moved.

Chairman Mann: Which the board helped birth.

It's up and running and it's hard to single out one and ignore the others.

Those two I was not going to appoint.

Commissioner Hall: Can we abolish those off the list?

Chairman Mann: I think they disappeared since they are not going to be approved.

Commissioner Hall: I think we need a motion and a second.

Chairman Mann: To eliminate those two positions.

I accept your motion and second by Commissioner Manning.

Hearing no discussion, any objection?

Let it be written, let it be done.

Here are our liaison -- I have added one.

Do I need a motion for that?

Commissioner Hall: Yeah.

Chairman Mann: Commissioner hall, it's one I'm asking you to take over because of the importance of us understanding what's going on with F.A.C. and the national county organization.

You have shown such a great interest in working with those people.

You know the staffs and what knot.

I was going to designate you as new liaison.

Commissioner Hall: I appreciate that but I don't think it's appropriate to have a liaison to those organizations.

Every Commissioner is a member as a member of the county.

I think every Commissioner should take a role in what is appropriate for them.

We have staff engaged.

To say one is liaison, I wouldn't want to -- we work our way through that.

Commissioner Manning has been past president.

We individually work our way through those groups as our time allows.

What happens the second year when are you not liaison anymore?

I guess the fact issues, they appoint us, and so I don't know what the purpose of a liaison would be when we all engage equally or separately.

I know Commissioner Judah has been more involved than I have been.

I've been more involved with facts.

I don't know -- Commissioner Manning?

Commissioner Manning: I was involved with both of them, but I think if staff is involved in legislation or issues of that kind that affect the national association of counties then I know Commissioner Janes was involved.

Commissioner Hall: I don't think we should have a liaison per se.

I don't mind continuing my efforts because I'm going to stay involved but I don't know if we should have a liaison to those two organizations since we are a member of those organizations.

I don't think would be Commissioner should have to bear that burden.

Chairman Mann: I hear your point.

This is certainly not a requirement.

But as has been said, on any of these liaison positions, none of us are shut out of the process and can play as large a role as we want.

I figured that you know if somebody wants to attend any of these meetings.

I've attended one.

I know Commissioner Judah you attended several.

Did you attend one --

Commissioner Manning: MACO, not F.A.C.

Chairman Mann: Commissioner hall you showed such knowledge in what was going on I thought you would be our point person.

If you would rather not do that --

Commissioner Hall: I'm involved and I'm happy to continue.

I just don't know if an official liaison --

Chairman Mann: I'll not accept the motion on that right now.

Chairman Mann: More than happy to continue.

Chairman Mann: Everybody go out and do their good thing with that regard.

Commissioner Bigelow: May I suggest Commissioner Mann that you get up to speed as quick as you can.

It will be a learning curve for you and I wish you well.

Chairman Mann: I'm sure we'll all struggle.

Commissioner Manning: Do I need to be armed at all, Commissioner Judah?

Commissioner Judah: By being as active as you can be.

Commissioner Manning: Do we trade for future draft choices off this list?

Commissioner Hall: No, you're stuck with it.

Chairman Mann: Some of these positions I've asked the same people to stay on them. Some of them we'll rotate.

I think that will be healthy in the long run.

I thank everybody for what they have done in the past and I appreciate their willingness to step forward in this go-round.

That puts us now on appointments.

Commissioner Bigelow: Before we pass to appointments could I say something regarding liaison appointments?

Chairman Mann: Sure. Mr. Bigelow.

Commissioner Bigelow: Last week I was honored to become a homeless person for 24 hours and learned a lot about living that lifestyle.

I did it for 24 hours and then I crashed Thanksgiving night for 12 hours.

Seven hours on concrete getting three hours of sleep meant I needed to catch up.

So on the subject before us, I want to just say I'm going to probably self appoint myself as you have said or suggested we could, to participate in the homeless coalition Lee County homeless coalition as well as the public safety coordinating council which you have appointed Commissioner Manning to but I would like to be engaged in that process.

Those two organizations are wrestling with or are bodies if you will, that are behind two very important issues for this county government.

One is at community corrections facility that we have discussed before; Commissioner Janes was champion of all champions on that effort.

As well as an effort to try to find a way to stabilize the homeless population in Lee County with a housing first initiative which I think the Lee County homeless coalition would, is in support of and sees as part of their 10-year plan.

I want to throw that out there, that I do hope to bring more information from the outside inside here for us to consider moving forward.

Chairman Mann: I'm sure all of us recognize the tremendous challenge of the homeless not just here but throughout this nation.

I'm profoundly grateful for your willingness to spend extra time and effort in that regard.

It's an issue that won't soon go away.

Commissioner hall?

Commissioner Hall: I want to thank Commissioner Bigelow for volunteering for that. I'm appreciative when I was chair.

I applaud you for getting engaged in the homeless issue and I want to thank Karen. County nurtured that to a private entity.

So congratulations on being homeless and thank you for participating on behalf of all of us in recognizing the great effort that is being made by so many volunteers and the kindness and goodness especially this time of year that goes out to that effort.

Our goal, are we now at seven years of no homelessness.

For homelessness not to be an issue in Lee County.

There are several people across the county.

This is a big issue for MACO as well.

Commissioner Bigelow: I gave thanks on Thanksgiving to my bed.

Chairman Mann: Thank you, Commissioner Bigelow and Commissioner hall for those positive comments.

Now, can we go to committee appointments?

Commissioner hall?

Commissioner Hall: None.

Commissioner Manning: I have one reappointment to the L.C.A.

Chairman Mann: Seconded by Commissioner Bigelow.

Adopted without objection.

Commissioner Judah.

Commissioner Judah: None, Mr. Chairman.

Commissioner Bigelow: Mr. Chairman, I have 10.

If you indulge me here.

Chairman Mann: Take them collective.

Three appointments to the whiskey creek street lighting community, Charles Surebush, Michael Kuhn and Stanley McQuade and three appointments to town and river improvement unit.

That's Joel notes, Alex LamBrose, and Giovanna Traponiz.

Then Jim Fowler to the street lighting unit.

And a reappointment of William Smith to the Fort Myers street lighting unit and Curt beck reappointed to the steward committee.

Commissioner Hall: Second.

Chairman Mann: Discussion?

Objection?

Show it adopted without objection.

Commissioner Bigelow: Thank you.

Chairman Mann: I have one appointment.

I think most of you know that Ronnie after I believe 18 years has opted to retire when his term is up from the L.P.A.

I don't think anyone will ever come close to such a record of commitment and service as he has demonstrated there, but it's an at large appointment.

I checked with staff and it comes around my way, so I am recommending Jack Neeker who we know from Estero to fill that position when the term expires.

I have a motion.

Commissioner Hall: Second.

Chairman Mann: Motion by Commissioner Judah, second by Commissioner hall.

Discussion?

Objection?

One kidding objection.

We'll overlook that one.

Show it adopted without objection.

Now on county management items.

Do you want to introduce this?

Thank you, Commissioner.

While Rowan is coming up can I ask a question?

Mr. Chairman, can I ask the county manager a question?

Chairman Mann: Sure.

Commissioner Hall: Karen, are we going to have a presentation by staff on the E.A.R.?

Is that going to come back to us in January for a full blown presentation?

The E.A.R.?

Yes, they will.

Commissioner Hall: It's January.

I just wanted to confirm that.

Good morning, Commissioners Robert Abolini for the record, I appreciate you affording me the time to go over this critical issue that Lee County and many other local governments are going to be facing.

There's been a lot of new news.

E.P.A. has just issued a new criteria that's finalized.

This will be an update on the tmdl, total management daily load and action plans being imposed at the state level.

It will be a major undertaking by Lee County and require a lot of resources and funding.

I thought it would be important to bring it to you as soon as we got the information.

There we go.

A little background.

As you know many creeks and streams in Lee County have been designated impaired waters by the D.E.P. or E.P.A. and will have a daily maximum load for seven pollutants. For Hendry creek, imperial river and the title Caloosahatchee.

Management action plan is established for each to reduce pollutants for each stakeholder and demonstrate how compliance will be achieved.

Lee County is the major stakeholder as we hold the permit for storm water discharges and waste treatment plants.

This will be required amendments for programs to fulfill these new object legations.

State is going to implement in three five-year cycles.

There's been a lot of data being discussed and refinements will have to be made.

But we will be on the hook right off the bat.

D.E.P. has presented reductions in a workshop September 21-22.

We have about 60 days to reply, actually, until December 10th and we are still finalizing our comments.

This is a slide next from the workshop.

B map process.

first thing to do is allocate the loading to stakeholders, what your allowable discharge rate, annual pounds per year and looking at the tmdl, how many pollutants, who pounds you'll have to reduce on an annual basis.

First thing we'll do is look at what we've done so far.

Consideration of existing projects.

We'll get credit for things we have done on the ground since the impaired endangered water designation other Kurd.

We'll identify new programs to clean up.

There will be a monitoring program to see how well we're doing and this will certainly be a

documented effort through the state.

Hendry creek watershed, I was hoping to pop this up.

Hendry creek watershed is split down between us-41 and Summerlin.

Here's Hendry creek and lakes park, Gladiolas.

Total loading.

You can see on the far left column there, the jurisdiction.

Those are basically the players in the process for this watershed, Lee County, Catalina, a small C.D.D., agriculture, exempt from this process.

They'll follow a parallel program through D.A.X. and roadways fdot is a partner.

Lee County has the lion's share of acreage or watershed base.

Total loading of nitrogen is 70,000 pounds per year.

You can see from the far right Lee County is responsible for about 98% of that, lion's share, by far.

pmdl for Hendry creek, it's based on a reference site, what they felt was a water body in southwest Florida that represented good water quality.

That was going to be the footprint for others to follow.

There are questions about that that we have been asking the state and E.P.A. about.

0.74 Per liter of nitrogen.

That's your water quality.

Is that acceptable or not.

State comes up with an annual loading for that concentration that's where the 35,000 pounds per year.

What you saw earlier, the total was around 70,000.

Looks like we're looking at a 35,000 pound reduction per year.

They're going to allocate it based on the stakeholders.

As you can see Lee County is the lion's share stakeholder.

They look at what the background loading was, the natural conditions, if you didn't do man use changes and they calculate the load. Lee County would be at 30,000 pounds per year. When they allocate it they look at the background and parts of no background, man induced compared to the daily load criteria and come up to what the reduction in the county will be.

I point out that far right column.

Lee County will be responsible for 11,500 pounds of title nitrogen reduction per year for the first five years in Hendry creek.

Other players are very small amounts.

Column before that shows 50%.

Lee County will be removing 50% of the total nitrogen in that watershed.

That's a lot.

Commissioner Hall: Mr. Chairman?

Chairman Mann: We can interrupt.

Is that all right?

Sure.

Commissioner Hall: Before he leaves this one.

Roland, I'm sure in this presentation you're going to have the recommendations.

Because that's a heck of a lot of nitrogen to remove.

I'm sure there's a budgetary and project list that will come to meet this goal.

Not yet we have some ideas but this is part of the action plan is development projects acceptable to the state to meet these.

We're still working on trying to get credit for the projects we have done.

I haven't narrowed the delta quality we are obligated for.

Commissioner Hall: We may with projects existing taking out 1,000 pounds, we don't know yet.

There's a number we'll agree with the state that existing projects are doing.

That's right.

They have representative projects to estimate the load reduction we're getting and projects that we monitor and we can give them hard figures for removing.

Commissioner Hall: Another reason to have that lab.

Commissioner Judah: As far as Lee County, where are you expecting most of that is coming from?

Tough to say.

They did some screening.

There really isn't any smoking gun.

That's the proposal problem.

Most of the concentrations 1.1 or 1.5 milligrams per liter.

We're skimming off the top.

That would be what we need to look at, next, the screening.

There was one hit near old Jamaica bay.

I know they had a package plant at one time.

There may be ground water influences.

We need to find the low hanging fruit to get the best bang for our buck.

Commissioner Judah: Mostly around sewer?

Yes, there used to be packing plants in the area but most of that area is probably sewer.

Commissioner Bigelow: I believe in the Hendry creek watershed there is septic south of Lakes Park.

What's happening here, we're going to have to comply and end up having to reduce the nutrient load on the backs of the public taxpayers.

If you don't address it at the source that is what is going to occur in terms of greater cost having to be borne by all the taxpayers.

That's why I asked.

I think we should have a handle on all these watersheds.

I couldn't agree more.

It's tougher to gather floodwaters and treat that when it's diffuse.

When you can go to the source and take care of that, obviously it's more efficient.

That's the problem with legislature going down the wrong track not holding pollutant source accountable.

I hope as you get into this further you are able to distinguish where the load is coming from so we can take pro- active measures.

Absolutely.

Chairman Mann: Commissioner Bigelow?

Commissioner Bigelow: In Hendry creek watershed --

No, that goes to Mulot creek.

Commissioner Bigelow: 10-mile creek discharges into the Mulot creek?

There's a berm that runs on the left side of the 10 mile to Mulot creek which is here.

Commissioner Bigelow: And we don't have an analysis of Mulot creek.

There will be subsequent D.L.s for all impaired waters in Lee County.

Back up.

To give you an idea, the typical areas are suburban, urban element.

You are going to look at urban retrofit to do something.

This is the imperial river.

Purple shade is the city of Bonita springs.

Lee county portion is the headwaters.

Flint pan crew.

That's a benefit to us.

Total loading here, as far as acreage, 45,000 acres.

Total nitrogen from Lee County, 95,000 pounds.

Ag, 120.

260,000 pounds per year total.

Lee County is responsible for 38.6%, Bonita springs, 16.7.

Tmdl based on the same analysis I told you about.

Reduction of 122,000 pounds per year.

A little bit of background, however, Lee County, most of ours is background, natural lands and natural lands nitrogen and phosphorous run off natural lands.

They still have a loading.

A significant portion of ours is background.

Bonita springs is a little bit more significant, 20,000 pound differential.

Again, looking at the allocations because of that Lee County's reduction per year is less, 819 pounds per year reduction.

Agriculture, pretty big.

They are not in this process, exempted out and Bonita springs is at 7,600 pounds per year.

Commissioner Hall: Mr. Chairman.

Roland, I appreciate what they are doing with the Ag folks but we're going to spend significant dollars meeting our load limits.

Obviously the goal is to over time get these bodies to be unimpaired.

Are we monitoring as well what Ag is doing?

We will be the development side but on the other side you'll have Ag.

If Ag is not following this parallel we won't see a big shift.

We're going to keep spending money and at some point similar to what we did with Lake Okeechobee Ag will catch up but damage will be done meantime.

I won't say parallel but when we expend these dollars which we have been expending to date but now we're putting it into a more contemplated process and objectives and outcomes, are we going to be able to work with Ag.

If we spend x number of dollars here we need to be sure they're on the same timetable or this is for naught.

They have to work together as they have done in Lake Okeechobee and we're only allocated for our portion.

We are expanding our effort but that part of the equation is still in the equation, part of the goals the state has to accommodate.

They're going to adopt, likely adopt what they did in Lake Okeechobee, demonstrate they are complying or install B.M.P.s.

Commissioner Hall: I want us to have a conversation.

Ag is helpful to us on the northern Everglades and we worked closely with them.

I want to make sure we have a dialogue locally.

Where we are looking at our sheds we understand why we are doing it so money is not being spent here and here although we are on the same team.

I guess where we are seeing more of a share would be with our municipalities we'll come into contact with, are we developing a cohesive plan where we can cost share that plan?

So all of the fingers in the pot are kind of working collectively so we are not working against each other?

It is all of our money eventually.

Yes.

Likely as we implement projects develop interlocals.

We already have interlocals to determine where the pollutant flows originate.

We have the opportunity to work together, do project fitting our allocation.

We're trying to get a handle around what will happen.

Commissioner Judah: Your slide up here puts things in perspective.

Lee County background pounds per year of total nitrogen, 95,653 for this particular watershed, right?

Are you on this slide here?

Commissioner Hall: The second row,

That's the total loading.

second column.

Commissioner Judah: For this particular watershed.

Um-hmm.

Commissioner Judah: When you look at the nutrient load, total nitrogen primarily from agriculture and lake Okeechobee with the back bumping from the sugar cane industry, that's 24,000 pounds a day of total nitrogen.

It puts in perspective what's going on with the pollutant loading from the sugar cane industry and agriculture.

We have a slide from title Caloosahatchee.

On the order of the magnitude we're dealing with this.

Commissioner Judah: Off the charts.

No wonder we have impaired water bodies and depletion of oxygen and algae bloom.

There's a nexus there that's not being addressed.

Imperial river again looking where the land developed step up led area is suburban, urban

and the headwaters where you have an opportunity to do something is Lee County portion upstream of the area.

There are some agriculture uses in our area.

Commissioner Hall: Um-hmm.

Chairman Mann: Can I ask Commissioner Bigelow.

Commissioner Bigelow: The imperial river basin.

You see agricultural uses are exempt?

They come out of the equation.

They're in the formula but pulled out of this process and run a parallel process through D.A.X. of pollutant load reductions.

It's a different criteria.

Basically they have their B.M.P.s in place that meet the objectives in this basin or they have to demonstrate they are compliant where the criteria.

Some of that is still evolving.

Did he a lot for lake Okeechobee watershed but it will be moved to the Caloosahatchee and other watersheds in the area.

Commissioner Bigelow: So that's a different discussion for a different day, I suppose.

But looking at imperial river watershed it strikes me the vast majority is in the drgr and we have recently adopted long range to protect this area of the county.

If we were to identify -- I think your table -- your analysis of this basin, didn't it?

Didn't it identify agricultural as a large loader?

You can see right there 32,000 pounds per year.

That's the first five years.

Multiply by three and 15, it's nearly 100,000 from agriculture in that watershed.

Commissioner Bigelow: That probably makes -- we have three tiers of restoration or public

acquisition of the lands in the area.

That makes that even more I guess critical for this area, which is an important filter for Estero bay, right?

Yes.

You can see why our loading is only 819.

Our portion is preserved land.

Drgr.

So.

Commissioner Bigelow: If we want to do something on agriculture on this basin we probably have to look at this as a priority acquisition area I would think.

Maybe even -- of course we have to figure out what we're going to do and how we'll fund it. I'm starting to come to the conclusion that we probably need a source of funding to acquire lands, especially in the drgr area.

Chairman Mann: Good point but more than we can swallow this morning.

Commissioner Bigelow: Food for thought long range.

That's a strategy and I'll talk about strategies to a little bit.

Commissioner Bigelow: As opposed to conservation 20/20 we might have to tap into a different source.

Chairman Mann: We welcome your specific suggestions for that funding source.

Commissioner Bigelow: Take it from your office budget.

The Caloosahatchee tmdl the cause was total nitrogen; target was sea grass light requirements to the San Carlos bay.

This was done on a more detailed analysis although I'm not sure if it's more accurate but it came without a reduction of 23% of total nitrogen in the entire river basin.

Current load to the esto you ware.

11.8 pounds per year of nitrogen.

West of Franklyn lots, 2.0 million pounds per year.

Required reduction at 23% would be 2.7 million pounds.

total target would be nine million, reducing over two million.

A little bit on the sources to get to Commissioner Judah's question earlier.

You see upstream f-79.

82.5% upstream of f-79.

Lake Okeechobee discharge is around 52.7%.

79 are Franklin locks.

Upstream is 82.5% of it.

53% of that is from the lake Okeechobee discharges.

23% Fridays the lake here and lake Okeechobee.

nine point source loads is surface water runoff we're responsible for 16.3% of the load.

More stakeholders.

Yes, sir?

Commissioner Judah: Army corps of engineers, are they going to address that 52%?

They have all kinds of words for projects.

They are not a stakeholder.

That's one of my questions too.

I think they need to be at the table.

They certainly will be at the table but I'm not sure at the table of funding or not.

We get grant monies from both those agencies to do projects so we'll have to see as to what their obligation or what they are willing to do.

This is the list of sustaining hold errs now.

Lee County, Charlotte county, city of cape coral, east Fort Myers, Lehigh, Lakaya C.D.D.

near deep lagoon.

Commissioner Bigelow: I'm not familiar with LaKaya.

Past the river, a big lagoon.

Commissioner Manning: In the county's blue watershed.

It's small.

Roland, what Commissioner Bigelow is referring to all the more reason we sent that letter.

I believe the chairman has signed it to pursue the acquisition of the 43,000 acres that the state Supreme Court would allow them to purchase for storage and treatment of that runoff from lake Okeechobee to reduce the nutrient loading we have to deal with because of the discharge of the agricultural fields around the lake.

Chairman Mann: The letter did go.

Commissioner Judah: Thank you.

How they allocate they looked at background loading.

Lee County just for note is

37.5% background.

51,000 pounds per year.

first five years with at the end of the day will be in 15 years, 153,000 pounds per year.

LaKaya, 53,000 acres.

Commissioner Hall: The city is proposing a massive project in the basin to bring in the Caloosahatchee all the way in.

What do you think the likelihood of that happening and them adjusting their tmdls?

City of Fort Myers?

It's too soon to get credit but they will be one of the proposed project to meet tmdl.

Commissioner Hall: Have you looked at how much that will actually help?

I don't know.

They had brought it up at the last district meeting with some part energy grant funding and he didn't have details at that time.

Commissioner Hall: OK.

Percent of urban opportunities where our urban B.M.P.s.

11.5% for Lee County.

30% within county water control district.

the stippled area is the suburban developed area.

Spelled Fort Myers incorrectly but -- on to credits.

As I mentioned you get credits for what you have done provided it was done prior to the designated impairment.

If you did it before that date, then it was already included in the water quality data.

If you did it after the impairment, July 1, 2000.

Any project we have done post that date will give us credit.

For best management practices, construction mitigation, regional projects and retrofits projects.

Caveats, they have to be operated and properly maintained as permitted.

They may look for records to see that we have maintained them properly.

Here's even the other one.

If they find projects that aren't being planned, there may be additional reduction requirements on us.

Areas potentially candidates for projects, it's hard to read but basically this outlines some of the impaired specific water bodies in the watershed that you may want to target talking about going after the source of problems.

You kind of start to screen down and look for specific problem areas based on water quality data.

Commissioner Judah: Could you back up, the first one that you circled?

What is that?

What tributary?

Here?

Commissioner Judah: Yeah.

That's east of 75.

That could be potash or Stroud.

Reaching into Charlotte county and Charlotte county is a stakeholder and this must be near Mr. Kitson's development area.

He's east of this area.

He will actually be in the next phase for the Caloosahatchee, not the title, a significant portion being in the other part.

I guess they call that west Caloosahatchee.

Commissioner Judah: In this basin?

No.

In

Maybe a little bit.

Lion's share is east of here, trout creek.

It's not impaired here.

He will be a new stakeholder.

As they come online they will be a stakeholder and they will have to comply with load reductions too.

I guess you do have Alan here.

Anything discharged downstream of the Franklin lot are outfalls.

I think he has three outfalls but because they are not developed yet their impact isn't

realized yet.

Commissioner Judah: They don't become a stakeholder until they're a problem.

When they are a C.D., bona fide district they will be in our permit and therefore given -- probably not until the next five-year round and that's if they develop.

Commissioner Judah: Thank you.

Structural types of activities we do and other projects throughout Florida, projects specific restoration, storm water retrofit, catch basins and activities that give you credit like street sweeping and fertilizer ordinances, public education and outreach.

Types of projects eligible for credit, there's some new technology out there but still not necessarily nitrogen removing.

Source controls, we talked about before going after the source of the problem.

Then as mentioned before, land purchases.

That's only if you have made a change to that land use.

You buy a piece of property preserving it doesn't give you credit unless you have changed it, converted the Ag to filtered land you get it credit for that.

Land will be important.

In 2020 it will be advantageous to us, as well.

We also have to be careful too if it's an Ag piece and they're already in the exemption process we don't get credit on our side of the equation.

It may reduce what is already allocated in the Ag allocation.

I'm almost done.

Cost of compliance, very expensive.

data we've got, total nitrogen reduction could range from \$200 to \$20,000 per year per pound of nitrogen removed.

That will be a venture.

Land availability is a problem and constraint especially in urban areas.

Retrofitting urban areas is very expensive.

Public land holdings we have are primarily conservation lands in the headwaters and not downstream of the problem so you are not receiving the poor water to treat it and roads rights of way.

Another issue is the technology so far is very little in reduction especially in total nitrogen.

We are researching the technology in and of itself.

It's not out there.

There's no black box that we can go into communities and install in our catch basins and remove nitrogen.

It's very difficult.

10-mile canal filter we built, removes 40,000 pounds of nitrogen a year built at a cost of \$3 million.

This is \$438 per pound per year not including land or O. And M. Costs top at this rate.

Hendry creek would cost \$22 million looking at the full allocation and \$98 million for the Caloosahatchee.

This is not including land.

Commissioner Bigelow: Obviously with the septic tanks you get credit for tmdl compliance.

You would think we would be better off economically to redirect this money for sewerage all the existing areas that have septic tanks in these watersheds and be less costly to the taxpayers overall.

We're doing analysis to that effect right now and working with the department of health in looking at the efficiencies what the advance systems can do.

You have to calculate what kind of total nitrogen reduction I have made.

What is the loading now with septic systems and what would be the net result if you put

them on line?

There's a lot of technical debate in terms of reducing nitrogen loading.

Unless you have a short circuiting to a canal nearby and it's providing internal nitrogen.

That's part of the screening process.

You go in the watershed and find spikes that may be from septic tanks.

You zero in on that and take care of that problem.

That's our next step, drilling down and finding those areas that are problematic or failing.

Commissioner Judah: That's necessary.

I believe you're aware that Agenal is looking into doing an experimental nitrogen removal project on the Bowman track or c-23 site.

I could Michigan think you would be interested in partnering with them to see how effective their process would be.

We're open.

There's money to be made for entrepreneurs who can find nitrogen removing technologies.

Commissioner Judah: Thank you.

I don't expect you to read this but this is a chart from grants that D.E.P. has issued out.

It's based on what the cost of that.

It ranges waste from \$72 a pound of nitrogen removed up to \$125,000.

It's all over.

Commissioner Judah: Look at Sarasota.

Yikes.

Questions, these are basically the question we are asking the process.

We have yet to formally submit all our questions.

But we had concern with the impairment of installed oxygen -- we have concerns about perhaps the 5.0 is perhaps a little high, significantly high.

That science needs to be looked at.

If that's the case, total nitrogen the cause of pollutant.

Warm body estuaries, many of the shallow warm body mixing zones and back bay type, you normally have a lower D.O. than a 5.0.

Commissioner Judah: That's state standard?

The 5.0 milligrams per liter, yes.

Commissioner Judah: Why would you want to lower the standards?

We want to make sure it's accurate.

Commissioner Judah: I'm sorry I get a little irritated.

We don't want to actually hold ourselves accountable and comply and accept lower oxygen in what you are saying right now deleterious to the environment.

You would think we would want greater oxygen levels than what the state is requiring.

It's not necessarily the best.

I think you want to mimic natural conditions.

My job is providing the research and data, you can make the decision if you want it higher for a factor of safety but I don't necessarily say higher D.O. is necessarily good.

All we're saying are we have historic data, 30 plus years of other water bodies that may not represent a desirable or even attainable oxygen level.

In fact you'll look at some of these.

If you return to natural conditions, based on our analysis wiping out man induced you can't meet the tmdl or concentrations they have given us, the 0.74.

That's what they say the concentration is you'll need to get to those dissolved oxygen levels maybe.

Again, we're questioning.

We want the science -- five may be it but I think the data we have so far is not, doesn't support that.

Again, I don't think we'll have -- even after do you that, I think we still have a big monumental task on our hands.

We want to do something that is achievable.

total nitrogen concentration.

Their analysis, what they allocate for us wetlands 0.78 per liter.

a total nitrogen concentration less than wetlands.

It doesn't pass the straight face test.

Perhaps that is not the right reference site for our watershed.

There are a lot of people including other advocacy groups and other agencies in the state of Florida.

It's not a done deal, but we are looking at those numbers.

Loading projections realistic.

Again, we take water quality samples and flow data.

If you do the flow times concentration it gives you an idea of how many pounds per year you're discharging.

We found orders of magnitude less than calculated based on their formula.

That's just questions why or what.

Technologies, I mentioned that before.

We need technology to remove nitrogen effectively and cost effectively.

Agenal is grand if you have some land but some of our areas are urban and suburban.

How can I remove nitrogen from their system?

This also talks about the other stakeholders, why should local governments clean up what has already been presumed in compliance with water standards.

Basically, you are asked to pick up the tab on newer development that doesn't meet the criteria.

-- on all newer development that don't meet the criteria.

We need numbers representing the real problem, make sure the science is correct.

Give us the technologies necessary to succeed.

We believe the state should share the burden by taking allocation of permitted projects to offset their impact.

State should also support us in new co applicants.

You saw the stakeholders, very few.

Do we have the ability to tell communities to clean up?

Right now we don't have that ability.

And the lastly the state needs to adopt storm water rules design criteria that meet these concentrations as well.

You get a new permit today you do not meet the current rules that we have to meet in terms of reference site concentrations.

It has to catch up, as well.

That's it, my presentation.

Chairman Mann: Further questions?

Commissioner Hall.

Commissioner Hall: So what you are saying right now if I'm a developer applying for my water management permit it's not requiring what it's asking or the county.

In that rule making process is that something we need to lobby the district on mending their rules to take to the legislature?

Or just a district issue as a standalone.

No, I think it helps.

district was doing their own thing for a while and then the state said we'll do a statewide rule.

It's been presented and pulled back.

I'm not sure where the status is.

Commissioner Hall: We need to follow up with that.

2011, we're not sure, their enhanced criteria, I believe it will be one size fits all for the entire state, I believe.

So it may not meet the 0.74 milligrams per liter criteria at the pipe at discharge.

Commissioner Hall: Is that coming out of the D.E.P.?

OK. So watching what's coming through the legislature is very important.

Thank you.

Chairman Mann: Thank you.

I'm sure we'll hear more about this.

Where there is a range between \$220,000 see if you can work toward 200.

Commissioner Bigelow?

Commissioner Bigelow: In 2006 there was an issue on the ballot in the Mulot creek that would have benefitted the creek's ability to cleanse itself.

Can you explain what that was?

I believe that was to increase their district assessment to do improvements.

I believe that failed.

Commissioner Bigelow: It did fail.

The drainage district?

Commissioner Bigelow: Yes.

Which is basically San Carlos park.

Commissioner Bigelow: It failed at the ballot box.

Is that something we could do as a body?

We'll have to strategize.

If we find areas that are problematic we'll be faced with how we get these things funded.

M.S.T. use, you know, special district therefore they have a special district but I think they have to go to referendum to increase their fees in some cases.

Commissioner Bigelow: Your recommendations didn't offer up any ideas with how to come up with the money.

That's chapter two, I guess.

Commissioner Bigelow: OK.

Chairman Mann: That's our challenge.

I think it's appropriate to mention here I'm sure we have thought about it since last night we should be grating the city of Cape Coral for the adoption of their fertilizer ordinance last night unanimously.

That's going to play a major role here, no question about it.

I'm pleased about that.

Commissioner Judah: We talked about earlier rule make and the bill 65 overturned by the legislature in their special session that governor Crist vetoed is basically now going to require the legislature to ratify any rule making from the agencies to upgrading.

You are looking at me perplexed that's exactly what's happening.

legislature would have to ratify rule making over -- do you think they're going to protect our resources, rules to meet the criteria you are referring to today?

I don't think so.

We are in a heck of a pickle.

Chairman Mann: It will certainly be a valid point.

You'll see me seeing me too.

Thank you very much.

County manager items?

County attorney items?

We are adjourned.