

October 26, 2010

Chairwoman Hall: Good Morning.

And Welcome To The Board Of County Commissioner's Meeting.

It Is Tuesday, October 26th.

I Would Like To Begin Our Meeting With An Invocation Bypass For Steve Hess From Zion Lutheran Church Followed By The Pledge Of Allegiance.

Would You All Please Rise? Pastor, Welcome.

Great To Be Here, Thank You.

Each Of Us Comes To You In Our Own Way.

We Acknowledge You As Our Lord And Our God, Our Creator, Redeemer And Sustainer.

We Humbly Ask Your Presence On The Conversations On The Discussions And Decisions In This Room Today.

We Thank And Praise You For The Gifts And Abilities You've Given To Each Member Of This Chamber Today And For The Contributions That We Can Make In To Make Your Creation A Better Place.

Bless Us That We Might Be A Blessing In Your Holy Name We Pray.

Amen.

Chairwoman Hall: Amen.

[Pledge Of Allegiance] Chairwoman Hall: We Have A Few Ceremonial Presentations.

We Will Start With The Alzheimer's Association Memory Walk.

And Bigelow You Have That Honor.

Comm. Bigelow: I Will Not Pronounce Her Last Name Because I Am Sure I Will Not Be Able To Pronounce It Correctly.

Madam Chair, Maybe We Want To Wait Little Bit In Case Kathryn Shows Up?
Chairwoman Hall: That Will Be Fine.

Then I Will Be Happy To Recognize Our Solid Waste Award And Lindsay, I Know You Have Some Folks That You Want To Bring Up With You And If You Would Do That We've Got Some Staff From The Waste Energy Facility, Some Of Our Partners.

This Is Quite An Honor And Certainly Recognizing The Professionalism And Experience And Expertise Of Our Staff.

You Don't --You Can Crowd Right There.

There You Go.

Eye Brought The Whole Crowd.

We're Not Picking Up Garbage Today.

Chairwoman Hall: That's Great.

All Right.

One Of Those Mornings.

It's Great.

Okay.

Certainly My Honor And Privilege On Behalf Of The Board To Recognize Our Staff And Our Partners And The Resolution Reads, Whereas Columbia University Earth Engineering Center In Collaboration With The U.S. Energy Recovery Counsel Formed The Waste To Energy Research And Technology Council.

And Is Dedicated To Enhance And Increase The Global Recovery Of Energy And Materials From Used Solid And Advance The Economic Environmental Performance Of Energy Waste Technologies In The U.S. And Worldwide.

Whereas The Waste And He Energy Research Counsel Recognizes Major Contributors To Waste And Development And Waste Energy Facility Is Held To The Most Stringent Rules And Regulations Put Fort By The United States And Environmental Protection Agency.

And Whereas The Government Of The State Of Florida Proclaimed A Resolution Recognizing Lee County For Its Progress For Sustainable Florida.

Whereas The Operation Of The Lee County Solid Waste Division And Its Staff Provides A Friendly And Reliable Solid Waste Management System That Delivers Sustainable, Clean Energy For Our Residents While Providing The Recovery Of Useful Materials.

And Whereas The Lee County Solid Waste Division Received The Sustainable Waste Management In The U.S. Award @ 2010 Biannual Meeting In New York On October 8TH, 2010.

And We Hereby Acknowledge The Contributions Of All The Hard Working Employees At The Lee County Solid Waste Division And Recognize Them As Stewards Of The Environment And Receive The High Honor From Columbia University.

Be It Resolved That The Board Of County Commissioners Of Lee County, Florida, Does Here By Take Pleasure In Conveying Our Appreciation For Their Dedicated Contribution To Lee County.

This Dually Executed This 26th Day Of October And Signed By Myself The Chair Of The Board Of County Commissioners.

[Applause] And I Want To Show This Beautiful Award That Was Given To Lindsey And His Team.

You Really Make Us Proud With All Of The Efforts We Do And The Higher Profile Projects, We Sometimes Forget About The Work That's Done In Solid Waste And How Important It Is.

Congratulations, It's Beautiful And I Know It Will Have A Prominent Place In Public Works.

Just A Brief Word, Thank You Very Much Commissioners.

Very Kind Words.

For The Record, My Name Is Lindsey Sampson.

I Simply Wanted To Say That I Am Truly Honored.

I Appreciate The Opportunity That This Board And Previous Boards Has Provided To The Solid Waste Division And I Appreciate The Hard Work And The Opportunities That Our Division Employees Have Done.

We've Taken Advantage Of Those Opportunities You've Given Us And We Hope We've Provided Facilities And Services That All Lee County Can Be Proud Of.

I Want To Mention In Addition To A Number Of --Many Of Our Division Employees, I've Also Asked Members Of Our West Energy Operator To Be Here As Well As Members Of F.C.R., Our Recycling Facility Operator And They Are Here As Well.

Again, I Simply Appreciate Your Recognition And Thank You.

Chairwoman Hall: Thank You.

[Applause] We Need To Do A Photo.

Everybody Up Together Up Here.

[Applause] Chairwoman Hall: Again, Thank You.

Chairwoman Hall: Okay.

Well, It's Hard To Believe It's That Time Again But I Will Tell You This Is Probably One Of The Most Exciting Events We Have In Lee County.

And Commissioner Judah Will Have The Privilege Recognizing The Blueway Paddling Festival.

Comm. Judah: Thank You, Madam Chair.

Betsy, You Always Come Equipped.

[Laughter] Comm. Judah: Is This A Ham Or What? Thank You Very Much.

You Know, I Didn't Think It Was Going To Be That Kind Of A Meeting, But Maybe.

All Right.

Very Good.

Comm. Judah: Betsy, Your Volunteers --We Thank You For Your Attendance This Morning.

You Do Find Ways To Draw Attention To This Wonderful Blueway Festival.

Bigelow Is Zipped Up.

It's A Privilege To Read The Resolution.

This Is An Exciting Time Of Year As We Go Through The First Week Of November.

Really, Celebrating Our Water Ways, Entertaining Literally Thousands Of Visitors That Take Advantage Of The Wonderful Recreational And Environmental Resourceful Amenities We Offer Here In Lee County And It's A Pleasure To Read The Resolution.

Whenever-- [Reading Resolution] [Applause] If You Don't Wear The Life Preserver You Have To Wear The Clown Nose.

Give Us Account Of Three First, All Right? [Applause] I Want To Thank Each Of You For Your Support.

It's Unwavering, No Pun Intend.

And I Want To Let You Know That The Constituency In Each Of Your District, Leaders, Volunteers, There's Not A Single Person That Falls In That Category That Isn't At Least Aware Of The Blueway Festival.

Many Have Collaborated With Lee County Parks And Recreation To Make This Water Way Trail What It Is.

Sit--It Is A Great Partnership.

When I Came Here In Past Years Commissioner Janes Said I Would Never Get Him In A Kayak.

So I Thought Today Would Be A Shout Out That If I, If I Would Have Thought Of This Sooner, Could Have Had The Pleasure Of At Least Wearing A Life Vest.

[Applause] Chairwoman Hall: Commissioner Bigelow? Comm. Bigelow: I Think Kathryn Is Here.

Is Kathryn Here? Okay.

I Got A Text Message From My Assistants That She Was Here.

Kathryn? Yes.

Comm. Bigelow: How Are You? Can You Share With Us Your Last Name Because I Didn't Want To Make A Mess Of It.

I Felt So Special Knowing That You Knew My First Name.

It's Crookshank.

And You're With The Florida Gulf Coast Chapter Of Alzheimer's Association.

Yes.

Thank You For Being Here So Much.

Sorry For Being Tardy.

We Have A High Bar Now So We Have To Spice It Up.

Whereas There Are Over 500,000 Floridians And 19,990 In Lee County Living With Alzheimers, And Other Serious Dementia Disorders.

Many Of Us Know Someone That Is Suffering And We Recognize This Disease Drastically Alters The Lives Of The Patients And Family Members As Well.

Baby Boomers Will Begin To Turn 65 Years Old And This Is When The Risk Significantly Increases.

It Is Estimated That One In Eight Baby Boomers Will Develop Alzheimers.

It Is Important We Prepare By Learning More About The Disease, Improving Long Time Care And Continuing To Work For Better Treatments.

And Whereas The Lee County Memory Walk Will Be Held On October 30TH At Centennial Park.

That's This Saturday And Whereas Walkers Will Join Together In Recognizing The Individuals Affected By Alzheimers.

Caring For A Patient Can Be Emotionally Challenging And We Applaud The Family Members, Friends, Caregivers And The Alzheimer's Association That Devotes So Much Of Their Time And Talent As Their Actions Are Truly Historic.

Heroic And Historic.

Whereas Through This Walk The Alzheimer's Association Hopes To Increase The Public's Awareness Of The Disease.

And To Enlighten Elected Officials With Regard To Pending Legislation At That Relates To Alzheimer's Disease.

And Scientists Have Made Significant Progress In The Fight Against This Disease And By Continuing To Work Together We Can See Many More Developments In The

Future.

Therefore, Be It Resolved By The Board Of County Commissioners Lee County, Florida, We Proclaim October 30TH A- 2010 And Alzheimer's Memory Walk Day.

And We Thank Everyone For Their Contributions And Resources Provided To Those Affected With The Disease And Caregivers.

This Is Dually Executed This 26th Day October 2010 Signed By The Honorable Chair Woman Of The Board Of County Commissioners, Tammy Hall.

[Applause] Thank You So Much.

This Is Very, Very Kind And Sweet.

The Alzheimer's Association Of The Florida Gulf Coast Chapter Is Not-For-Profit And Because Of Events Like Our Lee County Memory Walk That Not Only Helps Us Raise Funds But A Significantly It Is Not More Importantly Raise Awareness For Alzheimer's And Related Dementias.

Our Services Are Provided Free Of Charge To Families Whether It's A Help Call That Is 24/7 Available To The Public, A Care Consult, Support Group Or Other Services Like Memory Screenings Provided On Our Memory Mobile We Are Happy To Provide Service And We Are Available 24/7.

And We Have A 1-800 Number Available.

I Hope You Can Come And Join Us And Everybody In The Audience, Too.

It's A Great Day Had By All And For Reasons Much Like Your Own And My Own Grandfather That Had Alzheimers, I Am Very Happy To Do This.

[Applause] Chairwoman Hall: Thank You Very Much.

Chairwoman Hall: Great.

Next We Will Go To Our Service Awards.

So Christine If You Will Come Forward And Commissioners If You Could Go To The Floor.

Thank You.

Good Morning Commissioners.

Christine Brady, Human Resources.

I Am Accompanied By Roseanne Music From Employee Relations And We're Here To Present The Length Of Service Awards For The Third Quarter Of 2010.

These Awards Represent Collectively 1,90--1090 Years To Lee County.

When I Call Your Name Please Come And Receive Your Award.

As I Start Calling Each Group By Years Of Service I Ask For Everyone In That Group To Congregate In The Back.

Let's Get Started With The Five-Year Recipients.

[Calling Recipients] [Applause] Tim, Public Safety.

Cindy, Human Services.

[Applause] Lisa Cook, Library.

[Applause] Ken, Library.

[Applause] Kim Dickerson, Public Safety.

[Applause] Joanne Hale, Transit.

[Applause] Gilbert Hill, D.O.T., Operations.

[Applause] Judithscarbury, D.O.T., Tolls.

[Applause] John, D.O.T., Operations.

[Applause] Jessica Muniz, Utilities.

[Applause] Jeff Reinhart, Development Services.

[Applause] Don Robinson, D.O.T., Operations.

[Applause] Cory Rogers, D.O.T., Traffic.

[Applause] Caramelatorres, Utilities.

[Applause] Donna, Development Services.

[Applause] Now, If I Could Have All Of The 10-Year Recipients Gather In The Back.

Timothy Brown, D.O.T., Operations.

[Applause] Daniel Cruz, Construction And Design.

[Applause] Jeanette Cruz, Utilities.

[Applause] Jason Fornier, Solid Waste.

[Applause] Steve Meyers, Transit.

[Applause] Maria Outlaw, Solid Waste.

[Applause] Larry, D.C.D., Development Services.

[Applause] Judy Ray, Utilities.

[Applause] Herrardo, D.O.T., Operations.

[Applause] Brent Toms, Dc D, Development Services.

Now, If I Can Have The 15-Year Recipients.

Starting With Kathy, Parks And Recreation.

[Applause] Andy Carmichael, Fleet Management.

Darnell Jordan, Public Safety.

[Applause] Patrick Mcdonald, Utilities.

[Applause] Pete Winton, County Administration.

[Applause] If I Can Have The 20-Year Recipients.

With 20 Years Of Service, Russell Ball, Suite Management.

[Applause] Bobby, Suite Management.

[Applause] Laura, D.O.T., Engineering.

[Applause] Ann, Utilities.

[Applause] Paul, County Land.

[Applause] Randy, Fleet Management.

[Applause] Joe Harvin, Public Safety.

[Applause] John Caseta, Parks And Recreation.

[Applause] Nancy Mcphee, Visitor And Convention Bureau.

[Applause] Dana, Park And Recreation.

[Applause] Now, If I Could Have The 25-Year Recipients Gather In The Back.

With 25 Years Of Service, Chip Black, D.C.B.

[Applause] Pat Boone, Utilities.

[Applause] Jerry Kline, D.O.T., Operations.

[Applause] Carol, D.C.B., Environment Services.

[Applause] Angel, Utilities.

[Applause] With 30 Years Of Service, Walter Moore, Utilities.

[Applause] And Certainly Last, But Not Least, 35 Years Of Service, Jim Lavender.

[Applause] Congratulations To All Of These Employees, Thank You So Much For All Of These Hard Work, Dedication And Commitment To Lee County.

Chairwoman Hall: Okay.

Thank You All Very, Very Much.

We're Going To Go On With Our Meeting.

We Appreciate Our Staff And Years Of Service.

Thank You, Christine.

Next We Will Go To The Recap.

We Have Item 12-D Is Being Asked To Defer For One Week.

Do I Have A Motion? I Have A Motion By Commissioner Judah, A Second By Commissioner Manning.

Further Discussion In Commissioner Bigelow? Comm. Bigelow: Thank You.

I Don't Know If I Can Be Heard, But When This Comes Back, I Was Going To Pull This Item.

Paul Wingard, It's Okay, Paul.

When This Item Comes Back I Would Like To Know, If You Wouldn't Mind, Providing Me An Explanation How It Is That Mitchell And Stark Got Selected.

What Criteria You Applied To The Pool.

Yes, I Will Do That.

Chairwoman Hall: Further Discussion? All Those Opposed? Motion Carries.

Next We Will Go To Public Comment On The Consent And Administrative Agenda.

I Have Two Cards That Folks Can't Stay For The 9:30 Public Hearing That Would Like To Speak Now And Because Of Time I Will Ask Them To Come Forward First On The 9:30 Public Hearing.

Howard Gold? Mr. Gold This Is Regarding The Concealed Weapon Signage In Our Parks.

Merck, Did You Want To Speak First? Okay.

For Those Who Are Not Familiar With Our System, We Allow Three Minutes.

When The Yellow Light Goes On We Ask You To Wrap Up.

I've Been The District Administrator Of Little League Baseball And Softball Incorporated.

My Job Description Is To Disseminate Information From The Headquarters Of The Little League Baseball To The Local Leagues Within My District.

District Covers Portions Of Lee, All Of Charlotte And Desoto County.

The Other Task That I Am Given Is To Run Tournaments For Little League Baseball And Cull My -- Culminated With The Little League World Series Among Other Divisions And I Want To Speak To The Law As It's States Specifically.

And I Just Want To Clarify.

I Am Not Against Anyone's Right To Bear Arms Nor To Have A Concealed License Weapon, But I Do Find It Deplorable That It Is Allowed At A Youth Sporting Event.

We Can Scour Google, Come Up With Many Instances Of Fighting Among Parents -- Not So Much Kids.

Kids Are Kids And They Like To Play Ball And Go Home And Have Fun.

Parents Take A Little Bit Differently.

I Don't Know It's The Right Place To Have A Concealed Weapon At A Youth Sporting Event.

This Year --Every Year For The Past 10 Years I've Run A Southeast Regional Softball Tournament For 13-Year-Old And 14-Year-Old Girls.

I Have A State Champion From Eight Different States Come To Fort Myers For A Week Every Year.

We Play A Tournament, Winner Goes To A World Series.

This Year I Had A Bad Event And I Was Not Aware Of This Law And Now I Am Very Conscious Of It.

We Had A --I Had To Take It Out And If Someone Came Into The Tournament With A Concealed Weapon.

Sometimes When The Blood Pressure Raises Up A Little Bit We Don't Always Do The Right Thing.

That's All I Am Asking Is Some Words To Be Put Into This Law To Not Allow Guns Into A Youth Sporting Event.

It Looks Like It's In A Lot Of Places, High Schools, Professional, College, No Mention Of Youth Sporting Events.

And I Thank You For Your Time.

Chairwoman Hall: Thousand.

Thank You.

How World Gold --Howard Gold On The Same Issue.

Howard Gold President Of The South Fort Myers Little League For The Past 10 Years.

You May Recall A Few Weeks Ago I Was Here Receiving A Resolution For A State Championship.

Awards Like That Are Very Nice.

My Primary Responsibility Is The Safety Of The 500 Kids That Play In Our League.

We Are Required By Williams Sport And Directed By Mark Lehman To Put Together A Safety Plan That Ensures The Safety Of The 500 Kids.

It Involves The Background Checks On All Of The Volunteer Coaches And Umpires.

Safety Checks Of The Fields, The Lights, The Helmets, Equipment.

We Teach A First Aid Class To All Of The Coaches.

Lightening Detectors So We're Not Out There During An Unsafe Weather And Crowd Control.

And As Merck Said In 10 Years I've Had To Get In The Middle Of Some Parents That Had A Disagreement With A Call On The Field Or Whatever And It Is The Responsibility Of The League To Ensure The Safety Of The Kids And Everybody At Those Ballgames.

And In Such It Becomes A Responsibility Of The League President To Ensure That And I Take That Responsibility Seriously.

If There Is An Incident I Get On The Phone, I Call 9-1-1, The Sheriff's Department Is Out There Promptly And I'm Fortunate To Say That We Have Not Had Any Serious Situations In 10 Years, But That Possibility Always Exists And I Think This Ban Should Be Included To Cover Youth Sports Events, Baseball, Football, Soccer, Basketball, Whatever.

At County Parks.

Thank You.

Chairwoman Hall: Thank You.

Just Out Of Courtesy Is There Anyone Else That Cannot Wait For The 9:30 Public Hearing To Comment On This Item? George, You Got To Leave Early? Okay.

For The Record, My Name George Wheaten.

I'm Here Regarding The Gun Ban And How Could We Not Want To Address The Safety Of Our Youth.

There's No Question We Don't Want To Have Anything Happen To Our Young Children.

The Gun Ban Is Really Concealed Weapons Rule, Has Been Mandated By The State Of Florida.

It Is Something We Have -- Both Supercede Our Ordinance.

When I Was In Sports Here Violence Wasn't Really Considered.

I Listened To The Folks Talk And It Sounds To Me Like It's Not The Guns We Have To Worry About.

It Sounds Like It's The Parents And The People Who Are --The Fans That Are At The Games.

So Submit To You, You Probably Are Going To Have To Go Along With Whatever The State Mandate Is.

Can You Change That? I Also Submit To You It Will Be Very Difficult, Timely And Costly.

So The Real Fact Is Let's Be More Careful With What The Fans Do And How The Parents Act And If We Do That Maybe We Won't Have The Violence.

I Was Trained In Fairness, Sportsmanship And Team Work In Little League And All The Way Through My High School Career.

That's What We Need To Address And Get Back To.

So Thank You Very Much.

Chairwoman Hall: Thank You.

Is There Anyone Else Who Cannot Stay To The 9:30 --Come Forward And If You Would Fill Out A Blue Card For Me.

Steve Hess With The Fort Myers Ministerial Association.

We Did Address This Issue At Our Recent Meeting And Having Two Sons That Grew

Up In Little League In The State Of Florida I Too Can Vouch For What The Coaches Say We Love Your Kids And Love Coaching Them If It Wasn't For Some Parents.

Temperatures Raise Quickly Sometimes And We Don't Always Agree On Things And I Am Sure That These League Directors And Tournament Directors Would Just Simply Have To Shut Down A Tournament If There Were A Handgun That Showed Up.

So I Would Say Let's Do Everything We Can To Eliminate One More Thing That Could Jeopardize Our Youth.

Thank You.

Chairwoman Hall: Thank You.

Is There Anyone Else That Cannot Stay For The 9:30 Public Hearing? Seeing No One Else, I Will Bring This Back Up At 9:30 If There Is Anyone Else That Wants To Speak To This Issue.

Next We Will Go To Public Comment.

Rory.

Good Morning Commissioners.

I've Been Before You A Couple Of Times And I Wanted To Ask That There Be Consideration Made To Change The Consent Agenda To Allow For Public Participation.

There Are Many Items On The Consent Agenda Brought Up.

Many Of You Know What They Are But Many Of The Public Do Not Unless They Go Online Or Come To These Meetings And See What They Are.

To Give You An Example, Today And Today's Agenda, Six Of The Eight Pages Are Regarding Consent Agendas And Unless Any One Of You Bring It Up Or A Member Of The Public Bring It Up, There's No Discussion.

I Urge You To Reconsider All Of The Items On The Consent Agenda So We Can Have Public Participation In The Agenda Items.

Today, And I've Talked To A Few Commissioners Separately About This Issue, There's The Financial Report Done Again On A Monthly Basis By Our Esteemed County Clerk.

And There Are A Few Pages That You Should Be Concerned About As Members Of The Golden Goose Committee And Many Of My Neighbors.

On Page Four Of The Report By The County Clerk, It Talks About Graphs In Terms Of Where The Money Is And How Much There Is And How Much There Has Been Over The Last Five Years From 2006 Through This Year.

And On That Page You Will See That Environmental Sensitive Land Fund Cash Balances Has The Highest Amount Ever For 2010 And On The Next Page, On Page 5, There Appears To Be \$34 Million In That Fund.

And There Has Been From \$20 Million To \$34 Million Over The Past Five Years.

I Am Sure If I Could Go Back Further I Might Find Other Issues In Terms Of How Much.

But I Don't Have That Opportunity Right Now.

So That's One Thing I Think You Have To Take Some Kind Of Action On And I Know I've Spoken To Individual Commissioners About This Issue.

Another --So In Other Words Spend The Money Or Give It Back.

That's What I'm Trying To Say.

Another Item That Concerns Me Once Again Is The Amount Of Significant Revenues That Are Raised On Page 6.

Interestingly Enough We See Ad Valorem General Fund Of \$226 Million That Has Been Decreased From Last Year, Which Is Great, But Two Years Ago It Wasn't So Great And Conservation 2020 Is The Second Highest Revenue Generator Out Of Our Ad Valorem Taxes.

Thirdly On Page 7 There's A Significant Chart Talking About Expendituring By Significant Department And On The Right-Hand Side You Will See All Of The Percentages Of Increases Or Decreases.

And I Think If You Target Those Increases Or Decreases, You Will See That It's Important To See What Departments Aren't Pulling Their Oars In The Water.

And Last But Not Least, I Would Suggest That You Look At The Significant Projects On Page 8 And Find Out Which Ones Have Been Completed.

Because I Think Some Of Those, Like Three Oaks Parkway And Some Of The Others, Where I Live In Bow Neat At That Area, Have Been --Bonita Have Been

Completed.

And There's A Lot Of Money Still In The Account.

You Will See There's More Money That Maybe Could Be Transferred To Another Department Or Given Back To Us.

And Last But Not Least, And I Am --I See The Red Light Is On, I Will Say, Thank You For Letting Me Have One More Minute.

\$681 Million In Cash Balances On Page 13 Is A Substantial Amount Of Money And It Happens Every Year.

Where Does That Money Go When We Start The New Year? I Know It's For Departments And It's For Committed Projects, But The Fact Of The Matter Is That That Is --Even You Consider A \$2 Billion Budget Considering All Of The Different Departments And Constitutional Offices, That's 30%.

In Cash Balances.

Not Saying Reserves Here, 30% In Cash Balances.

Please Pay Attention To This Report By Our County Clerk And Please Make Some Changes.

Chairwoman Hall: Thank You, Ray.

Art Kelly? Good Morning.

Commissioners.

I Live On Upper Captiva Island.

I Sent Each Of A Letter.

I Didn't Know When I Came Down Here That Lindsey Would Get A Big Award But I Would Like To Thank Him Also And The Staff For Putting Forth Agenda Item Eight For The Return Of The M.S.T. Money To The Tax Payers Of Upper Captiva.

When The M.S.T. Was Put On It Was Done Purposefully But Upper Captiva Was The Only Entity That Had To Have An Mstu To Have Money To Reimburse The County For That Situation.

Lindsey And His Staff Has Put Forward To You To Return That Money To Us And I Stand Here To Hope You Would Vote Unanimously To Return The Money To The Tax

Payers Of Upper Captiva.

Thank You For Your Time.

Thank You.

Jack? Good Morning Commissioners, Jack Meeker From Estero, For The Record.

I Have A Question On Item 8a.

What Is Class Iii Residual Material And If We Get Into This Agreement With Collier County Will It Enhance Our Revenue? And I Want To Thank You For Your Vote On 951.

Thank You.

Chairwoman Hall: Okay.

We Will Get Those Questions Answered.

Okay.

Is There Anyone Else From The Public That Wishes To Comment On A Consent, Administrative Or Walk-On Item? Seeing No One, I Will Go To The Board For Items To Be Pulled.

Commissioner Mann? Comm. Mann: 1b.

Chairwoman Hall: Commissioner Manning? Comm. Manning: None.

Chairwoman Hall: Commissioner Judah? Comm. Judah: Yes, 8a And 16d.

Chairwoman Hall: Commissioner Bigelow? Comm. Bigelow: I Just Have One, 12a.

Chairwoman Hall: And I Have One Which Is 1a.

Okay.

Can I Have A Motion For The Balance? So Moved.

I Have A Motion By Commissioner Manning, A Second By Commissioner Man.

Is There Further Discussion? All Those In Favor? Opposed? The Motion Carries.

Commissioner Mann, 1b.

Comm. Mann: Who On Staff Wants To Help Me With This One? Actually You Are One Of The Names I Was Going To Bring Up Here.

I Need A Better Understanding.

Year After Year We've Been Approving An Item, This Item Or One Similar Involving This Same Person That Has Represented Us With Different Law Firms And Now I Guess We're Into A Third Law Firm.

So I Just Want To Understand How That Works And Who The Firm Is And --But Mostly What My Concern Is Here Is What Is The Specific Direction Going To Be Given To This Person And When Does He Charge In And Is This Paid All Year Long On A Monthly Basis? Is This A Hired When We Need You Basis? And What --Is That Person Going To Do Specifically To Enhance What You Yourself Are Doing? Thank You.

Thank You.

Kirk, National Resources Division.

This Is --It Is A Contract This Year.

We Had A Yearly Contract Last Year.

This Is Another Yearly Contract With Rose Bentley Firm.

A Firm That John Fumero Is With Now.

What We Did Last Year Is Go To A Monthly Fee Because Of The Additional Work We Were Utilizing John For, It Made Sense To Have That Type Of Situation Because Of The Myriad Of Things We Were Getting Into And Asking Him To Help The County With.

So In The Long Run It Actually, I Think It Saves Us Money By Doing That.

You Know, It Works Out That We Received His Services For Roughly \$145 An Hour Whereas If We Had Been Charged An Hourly Rate That Would Have Been At \$195 An Hour.

What's Anticipated This Year? Anticipated This Year And It's In Your Back Up, There Are A Host Of Things.

Quality Issues With The Tmvo, Total Maximum Daily Load Coming Down From Tallahassee, E.P.A., Looking At Water Quality Issues.

We Have The Issues With The South Water Management District On Management Of Lake Okeechobee.

An Adaptive Protocol Was Passed For Adaptations On The Lake.

We Have Water Reservations Coming Up That Is A Rule-Making Effort That The District Will Go Through To Ensure There Is Adequate Water For The Caloosahatchee.

We Have Northern Everglades Legislation -- Okay.

I Am Not Making Myself Clear Here.

We're Handling This As A Retainer? A Flat Retainer Paid Monthly? We're Not Being Billed On A Monthly Basis? That's Correct, Commissioner.

Not To Exceed \$200,000.

That's What Throws Me.

What Does That Mean? It Sounds Like We Would Be Billing Or Hiring A -- We Do Receive A Breakdown Of Everything That Mr. Fumero Does So We Know How Many Hours He Puts In So That's Why We Can Tell You We're Getting More Bang On Our Buck, If You Will.

I Am Not Clear.

Last Year It Worked Out To \$145 An Hour Based On However It Worked Out, But This Is A Flat \$200,000.

Are We Going To Pay The \$200,000 And If He Does More Ours It Will Come Out To \$145 And It Will Be The Happier? It Will Be \$200,000 Period, Isn't It? That's Monthly.

I Didn't Know -- Yes, Commissioners, We've Had Not To Exceed \$200,000 That's Come Before The Board For The Past Several Years.

The Total Amount That Has Been Paid Is \$184,206 For Fiscal Year '09.

This Is A Reimbursement Contract.

There's A Set Amount Monthly But He Has To Provide Us The Detail Of What He's Doing In Order To Receive Those Dollars.

You're Getting Close To Where My Questions Are Coming From.

Let Me State For The Record, First That I Have Great Confidence In Mr. Fumero As A Professional.

I Know He Was Chief Counsel For The South Florida Water Management District.

He Knows What He's Talking About.

He Knows The Arena Within Which He Is Working.

But As A Comparison When We Have Other Consultants And We've Recently Approved Some, We Are Renegotiating Their Fee Arrangements.

Whatever That Is In The Light Of All Of The Recession Pressures Under Which We Function.

And I Am Wondering Is This Just A Simple Concontinuance At \$200,000? Madam Manager, Will You Have A Love Chat As We Renew This Arrangement? How Do We Make Sure This Is The Efficient Use Of Our Dollars -- I Am Sorry.

My Understanding Is That His Normal Rate Is \$195.

The Previous Contract And With The Effective Rate Will Be \$145.

During This Next Year.

So That Sounds Like We're On An Hourly Basis.

It's What It Breaks Down To.

Not To Exceed A Maximum Expenditure Of \$200,000.

I Am Not Really Clear Yet On Whether It's Truly An Hourly Basis Or Whether We Will Be Paying 1/12 Of \$200,000 Monthly, Each Month? My Understanding Is This Is Not A Retainer -- Sit A Reimbursement Contract.

For The Work That Is Done.

So It Has To Be Assigned Specific Tasks, That Are Measurable -- Exactly.

Well If That's Where We Are Then I'm More Comfortable With That Arrangement Because It's The Lack Of Specificity And Just A Retainer-Type Arrangement Where Some Months They Don't Do Anything, But Other Months They Have To Work Like Crazy.

I Don't Mind Paying When They Are Working Like Crazy But The In Between Months I Am Uncomfortable With The Retainer Type Arrangement.

I Want Clarity With The Purpose And Expenditure.

Madam Manager From What You're Saying It Sounds Like Where We're Going But I Think It Will Require A Little More Conversation Perhaps Between The Two Of You All As We Ender Into This.

Based On His Previous Good Work For Us And Knowing That The Water Issue Is Not Going To Go Away, I Think This Is Probably A Wise Investment.

I Just Want To Make Certain It Is Not An Over Investment.

I Will Move The Item.

Chairwoman Hall: I Have A Motion By Commissioner Mann? A Second By Commissioner Judah? Further Discussion? Comm. Judah: Just One.

I Appreciate Commissioner Mann Appreciating His Ability As An Attorney And Of Course His Background As Former Counsel Of South Florida Water Management.

He Has Always Been Laser Focussed On The Specific Tasks At Hand And That's What He Gets Paid For.

Chairwoman Hall: Also, Any Further Discussion? I Want To Thank Tamara That Did Provide Us With A Five-Page Memo That Listed The 2011 Priorities And Challenges Where She's Directing John's Work.

This Is A Contract Under The Tourist Development Council And Has Listed The Contract Deliverables Along With A Recap Of The 2009, 2010 Activities.

Commissioner Bigelow? Comm. Bigelow: Sorry.

In The Fourth Paragraph On The Blue Sheet Under Background It Reads, It Would Be In The Best Interest Of Lee County To Use The Unique Services Of Rose Sundstrom & Bentley Llp, Formerly -- When We Entered A Contract With John A Year Ago He Was Out On His Own.

He Was Out On His Own For A Short While And He Joined This Other Law Firm That We Are Contracting With.

Comm. Bigelow: The Contract Was Formerly With Fumero Law Group But Rose Sundstrom & Bentley Was Not Formerly Fumero Law Firm Was It? No.

This New Contract Will Be With Rose Sundstrom & Bentley -- He Had Some Former Staff But I Don't Think Any Of The Principles Would Be Utilized For These Specific Purposes.

Comm. Bigelow: And It Would Be Strictly Limited To This Whatever It Is That Tamara Provided.

Is That True? If We Were To Get Invoices It Would Be Purposes Of The Initiatives, Is That Correct? That's Correct.

I Would Like To See It.

I Suppose We Were All Provided.

I Don't Have It With Me.

Chairwoman Hall: I Don't Know What You Are Asking For, Commissioner? Whatever It Is You Referenced.

Chairwoman Hall: It's In The Book.

Maybe It's Not In Your Electronic Version But It's In The Written Version.

A Six-Page Memo.

Comm. Bigelow: Right, Okay.

I Was Not Following Where You Said It Was.

I Appreciate That Further Explanation.

Chairwoman Hall: Further Discussion? All Those In Favor? Opposed? The Motion Carries.

Commissioner Judah, 8a.

Comm. Judah: We Will Have To Bring Lindsey Forward.

Hopefully He Didn't Leave.

I Know Jack Meeker Asked About Whether Or Not We Will Receive Additional Revenue, Well, We Will Enter Into A Contract With Collier County.

I Think The Other Issue Has To Do With You Can State For The Record, Of Course

This Is Class Iii Or Construction Demolition Material, Not Class I.

We Want To Make Sure Recyclable Materials, We Want To Make Sure We Don't Use Valuable Class I Space For Class Iii.

Perhaps You Can Elaborate On How You Plan To Assess What We Will Receive From Collier County And How It Impacts Our Program Both Regards To Buying Space And Financially But Also To Complement You Because Years Ago We Talked About A Regional Approach In Which We Can Work Out Some Partnerships As Long As It Benefit All Parties.

For The Record, Lindsey Sampson.

Collier County Has Approached Us To Discuss Possibilities Of Them Bringing To Lee County.

At This Point In Time What They've Expressed Is Recyclables For Processing At The Recycling Facility And Class Iii Material That May Include Construction Debris.

But Class Iii Is A Little Broader Than Construction Debris And It Includes Certain Items.

Primarily Bulky Goods That Is In The Form Of Furniture, Mattresses And Other Materials Of That Nature.

That Would Likely Be Processed At The Waste Energy Plant.

We Are Not, However, Going To Your Question, We're Certainly Not Anticipating Any Additional Capacity For Collier County In Our Class I Landfill.

But We Do Have A Class Iii Landfill As Well.

Although The Materials That Has Been Proposed By Collier County Or At Least On The Surface What They've Brought Up, Most Material Will Be Processed At The Waste Energy Plant.

Comm. Judah: Thank You.

And The Revenue Side? We Would Not Be Looking At Any Agreement That Would Not Enhance The County's Or Solid Waste Divisions Financial Stability And We Would Only Be Looking For Enhancements.

Comm. Judah: Move The Item, Madam Chair.

Chairwoman Hall: Af Motion By Commissioner Judah, A Second By Commissioner

Manning.

All Those In Favor? Opposed? Motion Carries.

16d? Comm. Judah: There Was No Such Meeting Between The Two Of Us Because I Would Have Been Able To Explain With Conservation 2020, Once The Program Ends It Will Not Be Enhanced In The Future.

There's A Recognition And I Appreciate The Foresight That's Been Given By The 2020 Staff That Once The Program Ends Rather Than Compete With General Funds Money.

With Human Services, Parks With The Law Enforcement That That Money Will Be Available For Perpetual Future Maintenance Of Our Lands.

This Is Really Critical That This Money Be Retained For The Use Of Remainder Of The Land For The Public.

Finally, With Regard To The Ongoing Program I Think It's Critical Beyond Anyone's Measure From The Standpoint That This Board Is Recognizing Conservation 2020 To Protect Our Critical Water Supplies And Open Water Space And To Make Sure We Are A Sustainable Community.

We Have 20% Of The Lands In The County Compared To Other Counties That You Think Of That Are Extremely Dense In Population And In Terms Of Development Such As Dade And Broward Counties.

We're At 20% And Expected A Final Of \$1.5 Million.

It's Essential This Program Remain In Place So We Ensure Our Water Supplies And Remain A Sustainable Community.

Thank You.

Move The Item, Madam Chair.

Chairwoman Hall: I Have A Motion By Commissioner Judah, A Second By Commissioner Manning.

Further Discussion? Commissioner Bigelow? Comm. Bigelow: Yes, I Pulled This Item Many Times Before And Tried To Highlight The High Points Of It.

We've Not Ever Really Engaged In Much Discussion On It.

There's A Lot Of Very Valuable Information Here However And It Is Worthy Of

Taking Notice.

I Appreciate Mr. Highman Being Here And Recognizing The Consent Agenda.

A Lot Of Heavy Stuff Within It That I Think Worthy Of Some Discussion.

I'd Like To Hear More About Mr. Highman's Ideas For Reforming The Consent Agenda Because I Am Open Minded.

One Idea That Came To Mind As He Was Discussing It Was To Allow Members Of The Public If They Wanted To Make Comments On Consent Agenda Items Or Administrative Items That They Be Allowed The Same Amount Of Time Per Item.

So They Are Not Having To Put However Many Items They Want To Address Within The Three Minute Time Limit So They Could Have More Time To Share Their Concerns.

I Guess --It Sound Like The Board Is Not Interested In Further Discussion With Respect To What He Is Pointing Out, But I Would Like To Suggest That Maybe We Allow Or Invite The Clerk To Present To Us On A Quarterly Basis This Report Because We See It Each Month On Our Consent Agenda.

Perhaps We Could Invite Him To Present It To Us.

So That He, Our Checkbook Keeper, Can Highlight For Us And Educate Us, If You Will, On What It Is That We Should Be Focussing The Bulk Of Our Attention On.

That Way We Hear It From The Horse's Mouth, So To Say.

I Do Believe That Mr. Green Is Not A Shy Guy.

And Would Maybe Welcome The Idea.

And We Also Discuss Recent Budget Hearings That We Need To Be Working More Frequently In A Development Of Next Year's Budget.

So Maybe This Would Tie Hand In Hand With That Effort.

Commissioner Manning, I Think, Made A Point Of Discussing That In A Budget Hearings And Recently On The Campaign Trail So I Appreciate We Are Being Mindful Of The County But We Could Go Further To Engage The Board Into Some Discussion That I Think Could Be Nothing But Helpful.

Chairwoman Hall: Thank You, Commissioner Bigelow.

Karen, I Think You've Already Approached The Board About Our Quarterly Budget Workshops And Those Are Much Better Done In Stand-Alone Meetings, Not Under The M.M.P. Where We Had A List Of Items.

I Think It Would Be Helpful That We Review The Clerk's Review Of The Report In This Coming To The Public So The Public Can Comment But We Had Our Workshop On It And Had Been Able To Go Through It.

I Think Those Are All Appropriate Recommendations And Unless I Hear Some Objection From The Board, Why Don't You Go Ahead And As You Guys Are Planning For Our First Budget Review, Include The Report With The Clerk And Ask The Clerk To --Or Representative From The Clerk's Office To Go Over Their Report With Us As Well.

Certainly Commissioner.

And Also As Part To Address The Consent Agenda Items, As Part Of Our Goal For -- Of Transparency And Government What We're Looking At Is An Online System So You Can Watch Or Review The Agenda Items And You Will Be Able To Ask Questions From Your Home Computer.

Or Anywhere You Are As Long As You Have A Computer.

There Will Be An Online Interactive System In Which We Can Respond.

So We're Getting There.

Chairwoman Hall: Thanks.

Further Discussion? Commissioner Mann? Comm. Mann: I Am Not Certain Where This Suggestion Is Taking Us.

It Doesn't Have The Clarity That I Need To Understand What We're Asking The Clerk To Do Further Than What He Does Right Now.

What He's Providing Us Are Numerical Reports.

It Says What The Revenues, Are What The Expenditures Are.

And It's A Very Matter Of Fact Thing.

Now We Can Have The Clerk Come Here And Read It And Have The Same Thing But Are We Asking Him, Commissioner Bigelow, For Instance, To Give His Opinion Such As Mr. Highman Offered This Morning That Perhaps We Have Too Much Reserves Here Or We Should Be Spending Down This Or Reducing The Revenues? What Are

We Asking Him To Do When He Comes Here Because I Think His Official Responsibilities Is Simply Provide These Numbers That He Has Been Doing.

So That The Public And We Can Look At Them And Govern Ourselves Accordingly And Say What We Will About Them.

But For All Purposes We Accept Them And Say Yea, That's Right.

I Am Not Clear What We Want Charles To Do When He Comes Here.

Do We Want Him To Give Us His Political Opinion Of What He Wants Us To Do With These Dollars? I Would Suggest In My Thought Process More On The Investment Side.

There's Several Investment Ks Made On Behalf Of The Board With Tax Dollars.

I Think It's An Area Of Confusion For A Lot Of The Public.

I Don't Need The Clerk's --And He Is Welcome As A Member Of The Public To Give Us His Opinion, But In A Financial Workshop I Was Looking More Or Less To Review Our Investments So We Can Track Those.

We've Heard A Lot Of Where Our Interest Rates Are Miserably Low.

Certainly The Numbers He's Giving Us Are The Numbers, We Make The Decision On How The Funds Are Expended And Even Though I Meet With Him Regularly Are Confusing To Me Let Alone The Public.

But I Am Comfortable With The Board Determining Specifically What Direction And Where We Look For The Clerk's Input If It's Beyond That.

Commissioner Bigelow, Maybe You Have A Comment As To What Your Thought Process Was? Comm. Bigelow: My Suggestion Was I Thought Quite Simple.

Just Invite Him To Participate In A Quarterly Basis To Present This Or Someone In His Office That Could Then Present It As They See Fit.

Highlight The Highlights For Us.

However He Wanted Us To See It And Hopefully So It Will Influence Some Discussion.

Comm. Mann: The Point I Think Mr. Highman Was Making Was Not So Much About The Investment As To His Point Seemed To Be That And We Are Continuing To Accumulate Reserves Beyond That Which Is Necessary.

And That's Not What We're Asking The Clerk -- Chairwoman Hall: No.

To Comment On.

But To The Extent The Clerk Can Clarify Those Reserves And What Flexibility Is There, It Would Give Mr. Highman And Others An Opportunity To Then Make The Political Suggestion As To What We Should Be Doing In Tax Rates, Millages, Fees And That Sort Of Things.

So Having Charles Pop In And Say A Few Words Would Not Be Harmful.

Chairwoman Hall: And He Is Available To Answer Questions We Have In Our Budget Workshop.

Okay.

I Guess We Have A Motion On The Floor? Comm. Judah: Good Constructive Comments With The Financial Picture Is Important Nor Do I Feel It's Appropriate To Receive Political Opinions From Our Clerk Of Court.

Hall Hal No, And We Hope -- Chairwoman Hall: No.

Okay.

Further Discussion? All Those In Favor? Opposed? To Accept The Report? Okay.

Then We Will Go On To Commissioner Bigelow.

You Had 12a.

Comm. Bigelow: Thank You, Madam Chair.

This Is The Action Requested By The County Management To Concur With The Ranking Of Consultants By The Competitive Negotiations Committee To Award Contract Wilbur Smith And Associates.

Apparently There Were Only Three Applications.

Letters Of Interest Submitted.

So The Committee Met.

That Was The Public Works Director.

New Public Works Director And Budget Services I Don't Know What The Title Is And The D.O.T., Project Manager Paul Wingard.

You're Not The D.O.T. Director, Right? I Am The Acting Director But Still The Project Manager For That Contract.

For The Record.

Paul Wingard.

Comm. Bigelow: And It's The Selection Committee That Gives Me Heartburn.

You Work Under The Public Works Director And On The Committee.

Who Currently Holds This Contract? The Current Contract Is Actually Expired About The Previous Contract Was Wilbur Smith The Same Firm.

Comm. Bigelow: And Who Had It Before Them? U.R.S.

Comm. Bigelow: And Can You Give Me 25 Words Or Less Explanation Of What This Will Do? Why It Is We Have To Hire Whoever It Is To Hire To Perform This Work? The Bonds We Hold For The Transportation Facilities, The Three Toll Bridges, Have Requirements That We Have To Prepare An Annual And Semi-Annual Report.

We Have To Do A Biannual Inspection Of The Facility And We Have To Provide An Insurance Validation All Of Which Are Done By An Independent Firm According To The Bond Requirements.

So What This Firm Does And Over The Duration Of The Contract Is To Prepare Those Reports For The County.

Comm. Bigelow: Right.

Okay.

And This Will Only Relate To Facilities That The County Owns That Are Funded Or Maintained With Funds Produced Through Toll Revenues, Correct? Again, This Contract Is To Provide Those Services.

The Contract Does Have Additional Tasks As Are Outlined In The Blue Sheet To Provide Additional Review If There's Some Questions That We're Looking At Reissuing A Bond.

That Sort Of Thing Or Possibly Need To Provide Some Expert Testimony Should There Be Questions Or Challenges On The Bonds, But This Particular -- The Specific

Tasks Within This Contract Are Gear The At Those Transportation Bonds That The County Holds.

Comm. Bigelow: That's The Primary Purpose Of It, But You're Saying There's Other Opportunities To Do Work For The County That Are Included In Here And What Might A For Instance Be If We Were Going To Pursue Some Bonding Money? With Can You Give Me An Example Of How Else It Might -- It Could Be Something Like A Destination Origin Destination Study That We Could Use Them For Providing Some Type Of Traffic Count Information, Doing Some Financial Reports For Future Projects.

Comm. Bigelow: Okay.

But None Of This Will Exceed \$187,455? Right? The Tasks That Are Outlined Within This Contract Will Not Exceed The \$187,000, But If We Were To Ask Them To Do An Origin Destination Study On Some Other Project, That Would Be In Addition To What's Contained In This Contract.

Comm. Bigelow: So There Is No Top End? No, The Top End Is Limited To The Dollar Amount That Is Contained.

If We Were To Ask Them To Do Additional Services, We Would At That Time Have A Change Order To The Contract, Add The Additional Funds And It Would Become The New Amount Of The Contract.

Chairwoman Hall: Commissioner, That Would Come Back To The Board.

Comm. Bigelow: Well, You're Going To Where I Am Going.

Maybe.

Right? It Might Come Back To The Board.

Well, If It's Below --At Or Below Your Level To Authorize, It Won't Come To Us.

That's A Problem I Had With This Previous Contract.

This Is The One That Became A Lobbying Contract.

This Is The Contract, You Say It's Expired.

So That One Is Set Aside.

But This Is The One Where We Once We Looked At It And The Public Got A Chance To See What Was Actually Being Authorized Under The County Manager's

Authorization Level, We Had \$500,000 Spent On Lobbyists In Washington D.C. To Do Something For Private Property Owners.

It's All This Extra That You're Describing That Is Possible In Here That Really Raises My Eyebrows In Addition To The Fact That The Selection Committee Make Up Makes Me Uncomfortable.

Chairwoman Hall: I Will Allow Mr. Lavender To Answer His Question And Let's Finish Bigelow's --We Will Answer The Statement And Question, If There Was One In There.

What Would Happen In The Future Is If The Aggregate Exceeds \$100,000, Whatever Trips That Threshold Would Be Back To The Board.

You Could See, We Would Do An Administrative Change Order Up To \$100,000, But No Combination Or Change Orders That Would Exceed \$100,000.

Comm. Bigelow: That's The Problem We Have.

This Is The One That The Clerk Did An Audit On, Right? In It He Found Nothing Was Actually --Everything Was Kosher With Respect To What This Board's Policies Are.

That The County Manager Can Approve Certain Spending Levels, But There Were At Least Eight Or Seven, I Don't Know How Many Change Orders Approved At The County Manager Or Lower Levels That Had This Contract Which Looked Like It Was To Satisfy Bonding Requirements Become A Lobbying Contract.

Now, I Am Concerned That Here We Are Asked To Approve This Potential Scenario Again.

It Would Be Deja Vu All Over Again, Potentially.

I Need Some Comfort That It Will Not Happen Again Because I Don't Want To Cast A Vote That Will Set Up This Process Where All Of This Can Be Taken Place.

We Have A Transportation Contract Going Into A Lobbying Contract.

We Approved These Policies For My Level Up To \$100,000.

You Mean The Board Did? The Board.

We Presented This And All Of The Levels Under The Contracts My Level Is \$100,000.

If We Needed To Add Something On To This Contract That Was \$99,000, Then I

Have The Authority To Do That.

Right, No One Is Disagreeing With You To Do That.

At \$100,000 Or Less.

But How Can I Know That You Or One Of Your Designees Won't Approve Something That Is Not To The Letter Of The Law Of This Contract As It's Happened Before? How Can I Know That? Chairwoman Hall: I Think It's A Rhetorical Question.

Let Me Go To --Did You Want To Answer That, Karen? Well, Commissioners, The Clerk Did Have An Audit.

They Did Audit This Contract.

There Were No Issues They Pointed Out In The Contract.

They Did Make Suggests About Our Contracting Procedures And I Believe They Are Working With Our Purchasing And Contracts And Reviewing That.

There Were No Impropriety With What We've Dealt With Before.

Chairwoman Hall: I Think Where Commissioner Bigelow Is Trying To Go Is If There's Significant Changes To The Scope Of Work He Would Like To See It Or Be Aware Of It Even If It Is Below The \$100,000 Limit.

Am I Correct? Comm. Bigelow: I Want To Know How I Can Approve This, If I Could, The Selection Committee Will Probably Prevent Me From Doing That, But How Could I Approve This Knowing By --Is Not Going -- Chairwoman Hall: I Don't Think You Can.

I Am Going To Go To Commissioner Manning Who Has Patiently Waited To Make A Statement.

Comm. Manning: This Is Done Under Ccna? Yes, This Is A Process Where There's An Advertisement Put Out By The County -- A Qualifications-Based Process.

We Negotiate How Many? 49 Firms.

You Pick The Top Three Because If You Can't Negotiate With The Number One Firm You Go To Number Two, Is That Correct? That's Correct.

There Was Only Three That Submitted Out Of That 49.

Comm. Manning: What I'm Asking Is There A Significant Change In The Scope That

Would Trigger The Level Above The County Manager's Discretionary Authority That Would Have To Come Back To This Board For Approval And It Could Be Not Approved, Correct? That's Correct, Yes, Sir.

If It's Above -- Chairwoman Hall: Commissioner Bigelow? Do You Have Another Comment? Okay, I Will Give You One More Shot.

Comm. Bigelow: And I Will Close With This.

You're Not Giving Me To Be Any More Comfortable About With Respect To My Concerns, But Primarily The County Manager Appointed Mr. Muir To The Position He Holds.

The Director Might Be Appointed By The County Manager To Be The D.O.T. Director And There's Two Or Three Votes There On The Selection Committee That I Am Afraid That Might Look At Picking A County Manager's Friend's Firm Would Look Like Favoritism.

I Am Afraid Of How That Would Look.

So As I've State Before The Selection Committee Where You Have Subordinates Serving Where There's Superintendent There's Potential Of Influence Is Too Great And Sometimes Probably Can't Be Resisted.

Comm. Judah: Move The Item Madam Chair? Chairwoman Hall: A Motion By Commissioner Judah, A Second, Yes, They Are A Friend Of Mine And I Have Made Friends In And Outside Of The County.

It Does Not Interfere With Any Of My Decision-Making And In Fact When I Was Interim And When I Was Appointed I Believe, If You All Recall, Met With Every One Of You And I Disclosed Who My Close Friends Were.

I Am Not Telling You Mine.

Chairwoman Hall: Thank You.

Comm. Manning: The Three Firms I Am Comfortable With.

They Have Done Work All Over The Country.

Wilbur Smith Is A National Firm.

Let's Move This Forward And Stop Dredging Up Stories From The Past.

Thank You.

Chairwoman Hall: Okay.

Under Further Discussion? Any More Comment? I Want To Say I Really Hold Our Administrative Staff To Highest Regard Of Integrity And Character And I Think It's Important If There's A Character Issue But To Throw Accusations In A Public Forum I Don't Think Is Appropriate And I Would Hope This Board Would Recognize This Is A Public Meeting And If We Have Something To Say, Let's Make Sure It's Based On Fact And Not An Assumption Or A Precursor To Something We've Heard Or We Hear.

There's Lots Of Things To Fear, But There's Lots Of Things To Be Thankful For And Recognize They Are Appropriate.

So As We Move Forward I Think It's --You're Hearing Loud And Clear Karen And Paul And Doug, The Board Would Like To Be Informed Even If It Comes Under The Threshold Of The County Manager In Particular To This Contract And For The Record The Previous Was Not Just A Lobbying, There Were Grants Involved In We Were Writing Of The Grants And Received Several Million Dollars In Those Grants.

All Those In Favor? Opposed? Motion Carries 4-1 With Commissioner Bigelow Dissenting.

Great.

1a.

Jim, I Have A Couple Of Questions On This And They Are Not Big Questions But I Just Need To Get Some Clarification.

Can I Move It Under Discussion? Chairwoman Hall: If You Want To.

Commissioner Mann Is Making A Motion To Approve.

I Have A Motion And A Second By Commissioner Judah? Jim, My Concern Lies In Why Do We Have To Have The I.D.A. Implement All Of These Programs For Us? Specifically I Am Talking About The Florida Qualified Target Industry Tax Refund Program And The Lee County Job Opportunity Program.

Well, The Reality Is Staff Does It.

Chairwoman Hall: But I Am Asking You Why I Have To Have The I.D.A. To Have Our Staff Do That? I Don't Know The Answer To That.

Chairwoman Hall: Okay.

Karen, Here's Where My Issue Lies And The County Is Giving The I.D.A. An \$85,000 Grant To Do Marketing.

And I Recognize That Under A County Department Like With The Under State's Statute There's Challenge We Have When Doing Sales.

I Don't Have A Problem Having The Sales Component With What We Do In The Economic Development Coming Under I.D.A., But What I Have A Problem Is I Fear That There Is Not An --Even Though I Have The Accountability, The I.D.A. Is Not Paying Our Staff And We Are Not Receiving Income For The I.D.A. For Staff To Do And Administer For Everything For The I.D.A. Why Am I Relinquishing Direction From You To The I.D.A. Staff And Board? It Makes Me Uncomfortable That Public Monies Go Over And We Don't Go Through An Process For Marketing And Not Incorporating Local Businesses For The Primary Purpose Of The Marketing.

We Have Consultants Under That And We Use Some Local Folks, But It Makes Me Uncomfortable And I Feel Like Primarily We're Paying For The Staff, We're Giving Them Direction And The I.D.A. Is A Great Partner With Us And This Board Appoints Very Qualified People To Serve On The I.D.A. For The Purpose Of The Bonds And Many Things, But I Am Asking Jim And His Staff In Addition To Our Public Partnership And These Things Concern Me In A Broader Way And I Would Really Like To Get Direction As To Where You're Comfortable With This And I Would Like To --I Don't Understand Why The I.D.A. Has To Administer These.

We Have Protection Under The Statute For All Of The Confidentiality That We Need.

We Don't Need To Go To The I.D.A. There.

Can I Have Karen To Answer My Question? Comm. Manning: I Was Just Going To Make A Motion To Defer.

Chairwoman Hall: You're Amending Your Motion To Defer For One Week? Your Original Motion Was To Defer? Comm. Manning: I Was Going To Make A Motion And Then We Discuss The Issue, Original Motion Was To Defer For A Week.

Chairwoman Hall: Further Discussion? All Those In Favor? And Opposed? When You Bring This Back I Would Like All Of The Questions Answered.

That Is The End Of The Consent Agenda.

Let's Go To The Administrative Agenda? I Have A Motion By Commissioner Judah, A Second By Commissioner Manning? All Those In Favor? Opposed? Motion Carries.

Item 8a.

Comm. Judah: Move The Item.

Mall Chairwoman Hall: I Have A Motion By Commissioner Judah And A Second By Commissioner Manning And Which Are You Asking Them To Do? Authorize The Transfer Of The 1.8 Or Repayment Of 865? Let's Get Lindsey Up Here For A Second.

I Will Move The Item To Repay -- Chairwoman Hall: I Have A Motion.

I Don't Need Another One.

We Just Want To Clarify And We Will Come Back An Decide Where We Are Going To Go.

Comm. Bigelow: Well, That Was Not A Specific -- Chairwoman Hall: Can You Give The Motion Maker An Opportunity, Commissioner Bigelow, To Clarify With The Staff To Clarify.

I Want To Provide Reimbursement To The Full Extent As Possible.

Recognizing We May Get Reimbursement.

Staff's Recommendation At This Time? Well, We Believe Relative To All Of That Occurred Relate Toss This Item That Our Recommendation Would Be To Do Option Two.

But Again, Certainly Your Authority To Make The Determination And So I Just Say That With Little Reservation Because I Don't Necessarily Believe That Our Recommendation Should Necessarily Be Felt Here.

We've Given You Two Options And I Would Lean Toward Number Two.

Comm. Judah: I Am Looking To Full Reimbursement.

Chairwoman Hall: So Your Motion Is Recommendation Number One That Would Be The Reserve Amount Of 1,853 -- This Reimbursement Is A Reimbursement From The Solid Waste Division To The Under Coordinated Mstu, Not The Upper Captiva Mstu.

That Is A Reimbursement Of Money We Received From The Unincorporated Mstu To Help The Solid Waste Enterprise Fund For Monies That We Have Spent For The Clean Up.

Comm. Judah: Which Is Fully Reimbursed By Fema? Not Fully But More Than We Anticipated In 2007.

It Was Transported From The Unincorporated Mstu To The Solid Waste Division To Reimburse The Solid Waste Division For Enterprise Funds That Have Been Spent.

During That Time As Well The Board Had Put In Place The Upper Captiva Mstu To Reimburse The Solid Waste Division For Specific Funds For The Clean Up Of Construction Debris From Hurricane Charley.

So What We Received From The Unincorporated Mstu Was Not Specific For Upper Captiva Or Specific To Construction Debris.

It Was For Overall Clean Up Of All.

We Did Receive Some Reimbursements For Some County Areas, Not Upper Captiva But Other Areas We Did Not Anticipate And Primarily For Private Roads.

When That Occurred Those Funds Came To The Solid Waste Enterprise Fund And We Felt We Should Reimburse The Mstu Reserves.

That's Option Number One.

At The Same Time We Thought If The Board Should Decide Some Of Those Funds Could Be Used Then To Reimburse The Upper Captiva Residents Or Land Owners That Had Been Paying The Upper Captiva Mstu, That's Option Two.

That A Portion Would Go Back To The Upper Captiva -- Comm. Judah: Then I Would Be For Option Two.

And The Other Portion Would Go To The Unincorporated Mstu.

Chairwoman Hall: Okay.

A Motion For Option Two.

Commissioner Manning? Comm. Manning: It Says The Property Owners Of Upper Captiva, The Only Property Owners That Have Been Charged For Certain Clean Up Activity Of The Hurricane.

We Need To Simplify These Things.

How Much Has The Residents Paid In The Mstu? Approximately \$885,000 I Believe - - Chairwoman Hall: Has Been Collected? And About \$25,000 Of That Has Been Used For Such Things As The Tax Collector's Fees And Prompt --Property Appraiser Fees For The Administrative Work.

The Reimbursement To The Property Owners Would Be In The Neighborhood Of \$865,000.

Chairwoman Hall: I See That On My Sheet So They Still Have Paid In An Approximately You're Saying \$25,000 Above What It Has Collected.

What We're Reimbursing Is Less \$25,000 What We Collected From Upper Captiva? Correct.

And Those Are Fees That Have Been Paid Did We Eliminate This Mstu? For 2011 It's Gone.

Chairwoman Hall: I Didn't Support This Mstu.

I Thought It Was A Terrible Taxation And It Stresses Me That I Have To Keep \$25,000 And I Want Them To Get As Much Back.

So I Will Support It.

I Found It Aggressive Under The Catastrophe That We Had To Tax A Community For Hurricane Clean Up And It Upsets Me That That Was The Decision Of The Board And It Distresses Me A Lot And If We Move Forward We Need To Recognize That The Outer Islands Are Different And We Have To Deal With Them Differently.

Commissioner Bigelow? Comm. Bigelow: Thank You.

Lindsey, Did Fema Not Reimburse Us For All Of The Administrative Costs? Again, For This --We're Focussing Just On The Work Done.

We've Received No Reimbursement For Fema.

For The Specific Work On Upper Captiva.

We Did Receive Reimbursements For Other Areas Of County.

Chairwoman Hall: This Isn't Specific To Captiva.

This Is What We Received From Fema On Overall Work In The County.

Comm. Bigelow: A Big Umbrella Of Funds Raining Down On The Federal Government And Was Fema Not Billed For The Administrative Costs? I Mean -- There's An Allowance To Request Administrative Costs In A Process Of Applying For Those Reimbursements And We Did Make Those Application For Administrative Costs As Well.

Again, With Respect To This Item And Commissioner Hall's Question Or Concern, That Amount For Internal Fees Is What I Will Call It, Administrative Cost, Internal Fees, Can Be Modified Between The Portion That Goes To The Residents And The Portion That Goes Back To The Unincorporated Mstu.

That Would Be A Minor Adjustment That Could Be Made.

Chairwoman Hall: Okay.

Commissioner Mann? Comm. Mann: I Am Still Confused Here.

Was This Mstu On Captiva Established Solely For The Purpose Of Cleanup For Hurricane Charlie? Chairwoman Hall: Yes.

And How Much Is Tax? How Much Was Collected For That Purpose? As I Said Approximately \$885,000.

And Thinking Out Of This Broader Return From Fema And Giving Back That Amount Less The Administration.

Yes.

That's The Motion We're Talking About.

Chairwoman Hall: Yes.

Comm. Mann: But I Am Will The People Get A Return Check For The Taxes They've Paid? I Don't Understand How The Money -- In Reality Under Option Two The Trail Of Funds, If You Will, A Portion Of --About \$998,000 Will Come From The Solid Waste Division To The Unincorporated Mstu Reserves And Remaining \$865,000 Or \$890,000 Would Come From The Solid Waste Division In The Form Of Individual Checks To The Property Owners On North Captiva.

Chairwoman Hall: To Reimburse Them? Reimbursable Checks? Less The Administrative Fees.

That's What I Said -- So It's Pretty Close For Government Work.

Chairwoman Hall: Yes.

Okay.

Chairwoman Hall: I Would Just Again --I Would Hope That This Board Would Look At Giving Them 100% Reimbursement.

I Think It Was Not In Our Best Interest To Isolate This Particular Segment Of Our Community And We Should Have Never Incorporated It Under The Disaster That We Had And I Would Just -- And Also Commissioner -- I Would Ask For Them To Get 100% Reimbursement.

And Within That Option You Can See The Actual Transfers May Be Adjusted Or Modified By Factors Related To The Collection Of The Funds And I Would Add Of Course The Administrative Fees As Well.

Comm. Judah: Can I Ask You, Madam Chair? Chairwoman Hall: Yes, Commissioner Judah.

Comm. Judah: 2004 Was Devastated With Upper Captiva And Lee County Stepped Forward To Address The Clean Up Work And Recovery Effort.

If That Would Not Have Been Do Done, What Would Be The Scenario? We Would Likely Had Continued Performing The Clean Up Regardless.

That Is The Board At The Time Decision Whether We Would Do That.

And I Would Say It Would Likely Be Done.

We Did Step In Immediately On The Vegetation, The Cost For Vegetation Removal Is Not Included Here At All.

Then Additionally After The Vegetation Removal We Began With A Construction, The Demolition Debris Removal And That Is Where We Came To The Board, We Said It's Very Unlikely We Could See Any Reimbursements -- What I Am Getting At Is How Could You Have Justified Using The Unincorporated Reserves, Solid Waste Reserves For Private Property? Again That Would Be A Board's Decision.

As A Director Of The Solid Waste Division Using Enterprise Fund Reserve Is That Something -- That Was An Effective Tool Put In Place To Help Clean Up That Incredibly Beautiful Island Immediately And Now We Have An Opportunity To Fully Reimburse Those Residents That Is Stepped Up To Help Pay The Funds To Help Clean Up Their Private Property.

This Is An Appropriate Motion.

Chairwoman Hall: Further Discussion.

I Just Want To Say One Thing.

Those People In Private Communities That We Did Not Put The Mstu On We Did Not Have To.

We Went In There And Did It And We Made A Decision To Take Out Of Reserves To Fund Those Property Owners Cleanup And We Should Have Done The Same For Upper Captiva And Not Put The Tax In Place.

I Feel Strongly About That.

We Went Into Gated Communities That We Had No Place Doing.

We Treated Them Differently Than We Treated Upper Captiva.

If We Put The Mstu And All Of The Private Property Owner As Well I Wouldn't Have Had As Much Heartburn About It.

But It's About Treating People Fairly Whether They Are On An Island Or Behind Private Gates.

I Was Hoping We Could Reimburse Them 100%.

Commissioner Mann? Comm. Mann: Madam Chair.

It's My Personal Experience Of The Same Hurricane.

It Took Me 21 Pick Up Loads To Clean Up My Own Property.

I Did It All Myself.

I Didn't Ask Anybody For A Penny.

This Is A Huge Reimbursement.

This Is More Than Fair.

A Lot Of People Aren't Getting Anything.

Let's Stick With This Motion And Get It Behind Us.

Chairwoman Hall: Okay.

All Those In Favor? Opposed? Motion Carries.

All Right.

Let's Go To 10a.

Move The Item Madam Chair.

Chairwoman Hall: I Have A Motion By Commissioner Mann.

I Have A Second By Commissioner Manning.

Is There A Second By Commissioner Judah? There Is A Second By Commissioner Judah.

Further Discussion? Commissioner Mann? Comm. Mann: I Just Want To Know What The Item Is? The E.M.S.P Helicopter To Replace The One That Crashed.

Comm. Mann: I Would Like To Speak To That Issue.

It Was One Of The Fun Things I Did In My Youth.

I Owned A Plane.

I Know How Expensive It Is To Operate.

I Am Commending Mr. Wilson And His Sidekick For The Way They Looked At The Repurchase Here After This Helicopter Crashed That We Lost The Whole Helicopter.

Brand New Helicopters Are Expensive.

They Did A Thorough Search To See If We Could Find One That Would Do The Job For Us And Not Cost Us An Arm And A Leg And I Am Pleased With What They Came Up With.

It's Far Less Than We Might Have Paid.

It's Different From The Way Government Frequently Works And I Am Just Taking My Hat Off To Them For What They've Done Here Much Thank You.

Chairwoman Hall: Further Discussion? All Those In Favor? Opposed? The Motion Carries Unanimously.

Next We Will Move On To 9:30 Public Hearings.

The First One Is To Adopt Lee County Parks And Recreation Ordinance Pertaining To Weapons And Firearms.

I Have A Motion By Commissioner Judah, A Second By Commissioner Manning.

Under Discussion, Commissioner Judah? Comm. Judah: Did You Need To Enter

Anything In The Record? Yes, I Do.

I Have An Affidavit That Needs To Go Into The Record.

I Have An Affidavit With Application For A County Ordinance Pertaining To An Amendment Pertain To Go Weapons And Firearms.

It Is Sufficient With Respect To Former Content.

This Is The Only Public Hearing On This Ordinance And I've Entered It Into The Record At This Time.

I'm Sorry.

Comm. Judah: No, Thank You Madam Schar.

First Of All, Obviously I Made The Motion Recognizing That We Need To Be Consistent And Comply With State Laws.

Our Attorney Suggests In This Amendment To The Ordinance That The Previous Restrictive Language Regulating Firearms In Our Parks Was In Fact In Violation Of State Law.

So With The Amendment Here We Are Indeed Ensuring Compliance Of State Law To Allow With Those For Fully-Permitted Concealed Weapons To Be Able To Access Our Parks.

Now, Having Said That Madam Chair, I Recognize That We Have A Lot Of Different Parks.

We Have Beach Parks, Conservation 2020 Lands, Crew Lands.

The Type Of Parks Where People Can Recreate And Enjoy The Outdoors.

My Concern Was Not With The Change In The Language Pertaining To Those Parks.

My Concern Having Been A Little League Coach For Over 18 Years And Seeing The Unfortunate Altercations That Sometimes Occur When Emotions Get Out Of Control, There Need To Be A Step Back For A Second And A Recognition Of What Are We Trying To Achieve With Regards To The Regulation Of Guns In Our Parks? I Had A Chance To Look At The State Statute And Interestingly Enough The Current State Statute 790 Actually Regulates Or Prohibits Firearms Including Concealed Weapons At Professional Sporting Events.

And I Felt From The Consistency Standpoint This Board Ought To At Least Discuss

Work With Our State Legislature To Ensure Consistency And To Ensure A Safe Environment For The Children Of This Community And Those That Visit This Community That Are Engaged In Sporting Activities Such As Baseball, Soccer, Football That Is A Gun-Free Environment.

I Recognize From Those That Are Members Of The N.R.A., That They Would Be The First To Say That There's No Way With Those Regulations That You Will Have A Gun-Free Environment.

There Are Those That Will Violate The Law If It Is Determined That There Is No Firearms At Youth Sporting Events.

I Find It Interesting That The State Legislature Determine From Their Rational That Firearms Should Be Prohibited At Professional Sporting Events And School Events.

And Interesting Enough I Wanted To Also Say At The Out Set It Was George Reed And I Don't Know If He's Still Here.

He's A Strong Gun Control Advocate And I Support His Position And The Second Amendment, The Right To Bear Arms, And I Think He Was In Lose Of Buying A Hunting Rifle For My Son.

And I Support The Use Of Guns For The Appropriate Applications.

I Know We've Heard From The League Commissioner And South Fort Myers President For Little League.

It's About Making Sure We Have A Safe Environment For Children And What I Wanted To Ask This Board Is Having Completed The Amendment To The Ordinance Today, I Don't Believe Finalizes The Work That Needs To Be Done.

We May Have A Difference Of Opinion, But From The Standpoint Of The Legislature Exempting Or Prohibiting Firearms From Professional Sporting Events You Would Think They Would Have Consistency At The Provision Of Guns At Youth Sporting Events.

If The Legislature Feels They Don't Want To Consider An Amendment To State Statute 790, I Would Ask Why They Feel There Should Be No Firearms Of A Meeting Or Committee There Of.

If They Feel It Is Okay For Everyone To Have Concealed Weapon Permits, That They Certainly Should Be Able To Be In Attendance With Any Meeting Of The State Legislature.

If It's Appropriate For The Legislature To Regulate Firearms When They Meet

Certainly It Would Be Approach Appropriate To Firearms At Youth Sporting Events.

It's The--Inconsistency To Regulate Firearms At Youth Sporting Events.

I Leave It Up For Discussion Purposes.

It Was A Couple Of Weeks Ago There Was An Altercation At The Playoffs At Buckingham School.

Over 100 People Running On To The Field, Getting Into Fights, Shoving Matches.

It's One Example --I Can Pass These Out To You, If You'd Like.

Of The Heightened Emotions Expressed.

The Kids Go To These Events With An Idea Of Playing Ball.

It's The Parents Unfortunately That Overreact And The Parents Unfortunately Raise Or Escalate These Altercations To The Point Where Their Lives Are In Danger.

Again, I Support The Second Amendment.

The Right To Bear Arms But I Think It's A Time And Place To Do Everything.

I Agree For Those That Have A Concealed Weapon Permit, Leave Your Concealed Weapon In Your Car.

We Had An F.B.I. Ain't That Was A Tremendous Coach In Little League, He Obviously Had A Concealed Weapon Permit.

He Would Actually Leave His Gun In The Glove Compartment Of His Car Rather Than Bring It On To The Field.

I Think For Children, For Parents That Go To These Sporting Events Whether It's Professional Or Youth, What Comes To Mind Is Camaraderie, Sportsmanship, Playing Competitively With The Sports That Are Being Conducted, But If You Have To Have In The Back Of Your Mind You Have To Pack A Gun To Go To These Events, It's Sad State Of Affairs.

Chairwoman Hall: Further Discussion? All Those In Favor? Opposed? I'm Sorry.

I Have Public Comment.

I Have Jack's Card In Front Of Me.

Yes, This Is A Public Hearing And The Public Will Be Afforded Time.

I See You're Bringing Kevin's Card As Well? Thank You.

And Thank You For Your Patience And Waiting.

I Bet You Wish You Would Have Spoken Earlier.

The 9:30 Hearing Started At 11:30.

For The Record My Name Is Jack Tanner And I Am A Resident In Lee County For Over 70 Years.

My Comments Concern The Unfair, Unneeded And Unconstitutional Ordinances That Produce Unintended The Consequences From Nonviolent Victimless Crimes.

Example Today Is Restricting Permitted Guns On County Property.

Ordinance 06-26.

Charlie Green, Clerk Of Courts Said In A Speech, Why Are We Arresting So Many Non-Violent And Victimless Criminals? He Said We Have Gone Way Overboard.

He Is Not Opposed To Fighting Crime, But He Would Like To Fight Criminals.

And He's Tired Of Fighting Us.

The Huge Volume Of County Ordinances Makes It Unreasonable To Expect Average Citizens To Be Knowledgeable Of The Thousands Of Details That Could Result In Their Daily Actives Becoming Non-Violent Crimes.

Please Instruct The County Attorney To Review All Current And Future Ordinances And Suggest Amendments To Remove Non-Violent Victimless Crimes And Comply With State Regulations.

Time Limited Sunset Provisions Will Be Useful.

Odd Number Of Ordinances And Odd Number Of Years And Even Number Of Years And Even Numbered Years.

The Extra Workload And Cost May Encourage Less Ordinances.

Thank You.

Chairwoman Hall: Thank You, Jack.

Kevin Shay? For The Record.

Kevin Shay Of Lehigh.

In View Of The United States Supreme Court Cases On Gun Control That Establish Constitutional Law And The General Constitutional Authority Of The State Of Florida, Legislature For Whatever Reason Has Established Through Its Constitutional Statutory Authority Exclusive Jurisdiction On This Area.

They Have Enumerated In Statute, Specific Exceptions.

Therefore This Body Is Without Fundamental Constitutional Authority To Deal With By Ordinance On This Subject Matter.

Your Proper Remedy Is To Go To Legislative Delegation And Seek An Amendment To The State Statute.

There Is Great Merit In Your Ideas And Proposals, But The Proper Constitutional Authority Is To Proceed To The Legislative Delegation Of This County And Also Maybe Seek The Support Of Other Legislative Delegations In This State For Revision Of The Statute.

That's The Constitutional Procedure That Should Be Followed.

Enough Said.

That's The Basic Constitutional Law.

The Basic Procedure And Now Proceed.

Chairwoman Hall: Okay.

Is There Anyone Else From The Public That Wishes To Comment On This Item? Seeing No One.

I Will Close Public Comment And Come Back To The Board.

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

We Will Go On To Public Hearing Number Two To Approve Interlocal --Conduct A Public Hearing And Enact An Ordinance As The Miramar Lakes South Community.

This Is The 9:30 A.M. Public Hearing Agenda Item Number Two To Adopt A Non-Emergency Ordinance And Develop A New District Authority Statute.

I Have An Affidavit For Publication.

Notice Contains The Details Of Petitioner Request Seeking Additional Powers For Parks And Recreation As Provided For Under The Statute.

Each Included A Map Of The Proposed District.

The Publication Dates Of September 27, October 4, 11 And 18TH.

I've Examined The Notices And Find They Are All Legally Sufficient With Respect To Form And Content And I Have Been The Original Of The Petition Filed By Miramar Lakes L.L.C., A Florida Limited Liability Company.

The Petition Asks You To Conduct A Public Hearing And Adopt An Ordinance For The Miramar Lakes South Community Development District.

I Will Enter That Into The Record At This Time.

Very Briefly, The County's Division Of Planning Has Reviewed The Petition And Found The Request To Be Consistent With The Lee Plan And All County Regulations.

The Blue Sheet Contains Many Of The Details With Respect To The Petition And Request.

And We Have A Division Of Planning Here As Well As Greg Who Is Legal Council For The Petitioner In The Event You Have Any Questions.

Chairwoman Hall: Is There Questions For Staff? Commissioner Bigelow.

Comm. Bigelow: John, This Is All Private Property, Right? Held By Miramar? Yes, Sir.

Not Necessarily All Owned By Miramar But All Of The Properties Have Consented To Inclusion With The Proposed District.

Comm. Bigelow: This Does Not Include The Lands That Might Become Estero Parkway Extension To Maybe 951? I Am Not Sure If I Can Answer That Question.

Gary Is Also Here.

Or Greg.

Can You Answer That Question? Good Morning.

For The Record Greg, That Land Is Taking Out.

It's Not Included Within The Proposed Boundaries.

Comm. Bigelow: Good.

Chairwoman Hall: Further Discussion? We Have A Motion, A Second.

Is There Anyone From The Public Wish To Address The Board On This Item? Seeing No One, I Will Close Public Comment.

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

Public Hearing Item Number Three To Approve The Stipulated Settlement Agreement Resolving The Southeast Lee County Drgr Amendment Litigation Dc A.

I Have A Note Of Compliance Agreement To Intend And Settle The Issues Raised With An Adoption Of The Lee Planning Amendment To The Water Resource Future Land Area.

This Is Sufficient And Entered Into The Record At This Time.

Mary Gibes Is Here To Provide Information With The Proposed Agreement.

If You Have Any Questions Once She's Finished With Her Presentation County Staff And I Will Be Here To Answer Any Questions.

Chairwoman Hall: Okay.

I Guess --Mary Has Turned Into Matt.

Do We Need A Presentation? Matt? I Have A Motion By Commissioner Judah, A Second By Commissioner Manning.

Matt, I Do Know There's A Couple Of Things You Want To Put On The Record.

But Is There Anyone On The Public That Wishes To Address This Item? Seeing No One, I Will Close Public Comment.

Is There Anything You Want To Put On The Record? This Was A Team Effort.

I Want To Thank Mr. Muir And His Staff.

They Were Instrumental In Dealing With A Lot Of The Issues I Had To Deal With The Department Of Community Affairs, It Was A Team Effort.

Dave Loveland, Donna Mary Collins In Henderson, Don Leonard.

A Good Effort.

You Will Have The Amendment In Front Of You On November 1st.

Most Of The Issues That The Department Raised Were Aren't The Transfer Very Important Rights Program As Well As -- Development Rights Program As Well As State Road 82.

I Would Encourage You To Enter Into The Settlement Agreement.

We Believe It Will Resolve Our Outstanding Issues With The Department Of Community Affairs.

Chairwoman Hall: Further Discussion? Comm. Judah: Thank You Staff And Counsel.

Chairwoman Hall: All Those In Favor? Opposed? The Motion Carries.

Next We Will Go On To Walk-On Item.

On Item Number One Is To Sell The County Building And Associated Land Known As Sea Farer's Village.

I Have A Motion By Commissioner Judah, A Second By Commissioner Manning.

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

Walk-On Number Two Is To Approve The Interlocal Agreement And Resolution With The City Of Cape Coral To Accept The City's Allocation In Recovery Zone Facility Bonds.

Motion Carries Unanimously.

Commissioner Items? Commissioner Mann? Comm. Mann: Something To Share With You Guys.

My Brother Was Going Through Old Records In His Office.

He Came Across This Extra From 1953 That Was From The Fort Myers Chamber Of Commerce That Was The Only Chamber Of Commerce At That Time.

I Was The Age Of 12 In 1953.

It Makes Reference That There's A Couple Of Items You Will Like.

It Announced The Pittsburgh Pirates Were Coming To Fort Myers To Do Their Training.

The Commitment For Lee County And A Cash Commitment Was \$30,000.

They Had Not Raised The Entire \$30,000, But Branch Ricky, The World Famous Baseball Manager At Time Agreed Based On The Good Faith Effort So Far By Lee County Citizens They Would Come Any Way.

There's Also Inside The Ground Breaking Picture For The New Airport Terminal At Page Field.

The Cost There Was Estimated To Be \$19,300.

We've Come A Long Way Since 1953.

And The Front Page Happens To Be My Father And They Say He Was One Of The Incoming Officers For The Chambers At That Time.

Hendrick's Father Was Also Pictured In There And We All Know Lele.

Chairwoman Hall: Thank You, Mr. Man.

Okay.

That's Very Nice Of You To Share That With Us.

Commissioner Manning? Comm. Manning: None.

Chairwoman Hall: Commissioner Judah? Comm. Judah: We Need To Find A Way To Archive This Here In The County.

Chairwoman Hall: We Will Give A Copy To Them.

Comm. Judah: Just A Couple Of Items.

I Want To Congratulate United Way Program.

The 2-1-1 Program Is A Free Non-Emergency Help Line To Provide Food, Service And Healthcare And Other Services In Lee County And Are Opening Another Program That The Money Can Be Direct Today Assist Under The Bocc Resource Program Establish For Assisting Board Of County Commissioners Employees And I Think It's Noble Program Where Employees Can Help Out Other Employees Through

The United Way And Facilitate The Efforts.

Our County Employees Have Sacrificed Greatly Like Anyone Else With The Private And Public Sector With Retaining Salaries For The Last Three Years, No Increase In Salaries, Tremendous Increases In Co-Pay, Insurance And Benefits That They Are Required To Pay Increased Premiums.

Of Course The Reduction And Actual Position.

It's Been Tough For County Employees And I Think If There's Ever A Message That Lee County Government Sent Out We Hear Loud And Clear The Stuff That's Gone On In The Private Sector And Those In The Public Sector Are Suffering Along With Them To Provide A Means Of Providing A Critical Level Of Service Doing More With Less And Incurring The Pain That Everyone Else Is Suffering And This United Way Program Is An Exceptional Program To Assist Employees.

Also Want To Thank Barbara She Received A Tremendous Acknowledgment? She And Her Parks And Recreation Staff With Regards To The City Of Santa Bell.

Appreciate The Good Effort And Work There.

And I Don't Know If You Were Going To Mention It But It Should Not Go Without Saying That The Grand Opening Celebration For Algenol Last Week Was A Monumental Historic Or Indication.

This Is A Company That Moved Its Research And Development Division From Lee County To Baltimore, Maryland Pumping Significant Life Into Our Economy Here In This Community And Recognizing That The Product That They Produce From Algae And Ethanol Does Not Replace Food Crops.

Ethanol Providingal And Corn You've Up To 400 Gallons Per Acre And Not Causing Artificial Increase In The Price Of Food Throughout This World.

This Is Clearly The Cutting Edge Of Energy Technology And I Am Proud That Algenol Is A Partner With Lee County And Looking Forward For Greater Things To Come.

But Welcome Algenol And Just A Great, Great Day For Lee County Last Week With A Grand Opening Celebration.

Thank You Madam Chair.

Thank You.

Commissioner Bigelow? No.

Chairwoman Hall: I Have A Couple Of Things.

Giving Awe Letter From Carol Of The South Water Management.

This Is Giving Us An Update.

I Had An Opportunity To Meet With Carol To Talk About My Concerns On The C 43 And While I Was There Chatted With Her On What's Happening.

As You Know The County Partnered With Them On Purchasing The Property To The Tune Of \$10 Million.

I Want To Make Sure The Board Was Up To Date On What's Happening.

I Have A Lot Of Questions On That.

Secondly, The Clerk Of The Courts Asked The County For The 2011 Christmas Holiday To Consider Changing Our Schedule So We Can Match The Judiciary On Different Schedules.

If We Can Bring Back A Motion Apparently They Would Like Us To Decide Now That Those Closing Dates, Or Whatever Motion We Can Make On This So We Can Let You Know If We're On The Same Schedule Or Off The Same Schedule With Them.

I Appreciate Commissioner Judah Talk About The United Way.

My Office Will Facilitate The Commissioner And Commissioner Aids Giving Lee County Has Successfully Every Year Increased Their Donation To United Way And I Want To Thank Our Employees, This Is Money That Comes From Their Personal Checkbook And They Do A Lot Of Great Events Throughout Our Campaign So If You Have Time To Participate And Help Them Raise This Money, We Would Certainly Appreciate It.

Then I Had --I --Art Of The Olympians Is Hosting Peggy Flemming On Friday.

Please Do So You Can Pick Up Tickets At Harborside Or Art Of The Olympians And Also Karen I Have A Letter That Was Sent To My Office That I Would Like For You To Look At.

This Is In Regard To Towing Rates And The Change We've Made And I Don't Know If All Of The Commissioners Received This Or Not, But I Will Give It To You And I Wanted To Publicly So The Person Knows We Are Looking At It And If It's Something That The Board Needs To Review Or It Can Be Handled Through Your Office I Would Appreciate It.

And I Did Not Do It Under Our Invocation Because It Was Too Special.

We Lost A Very Special Person In Our County.

Diane Short.

And Diane Worked For The County's Visitor And Convention Bureau For Many Years Representing Us Into The International Sales Market.

And If You Don't Think Diane Impacted The World, You're Mistaken.

When Ever We Are At A Pow Wow Or World Travel Market Diane Short's Name Is Routinely Discussed And The Impact She Had On The World In Representing This Wonderful Destination And I Want To Say To Jerry And Her Children, Her Spirit Is With Us.

The Angels Are Here With Us, But We Recognize The Contribution That Diane Short Made To Help Assist Our Tourism Industry Be What It Is And Put Lee County On The International Market.

It's Going To Be A Difficult Road For Us, But We're Here For The Family And We Thank Her For Her Service.

Comm. Judah: Madam Chair, Thank You For Bringing Up Diane Short And She Was So Courageous At The Time She Was Dealing With Cancer, Still Working And Holding Down Her Position.

I Also Wanted To Point Out Of Course The Loss Of Klaus Kohl.

And One More Name In There? I Arnold Farlow.

His Visitation Is This Evening At 6:00.

If We Could In Include All Three Of Them.

Thank You.

Thank You Commissioner Judah.

And I Just Want To Also Thank Jim Moore And His Staff.

The Natural Association Of Counties, The Boys Of America Counties Did A Story This Month On The First Initiative Financial Incentives For Recruiting Strategic Targets.

Jim, Good Work.

The Other Counties Know What We're Doing.

County Manager Items? None.

County Attorney Items? None.

Chairwoman Hall: Next --Oh, I Am Sorry.

Appointments.

Commissioner Mann.

Comm. Mann: I Had-- [Reading Appointment] Chairwoman Hall: I Have Motion By Commissioner Mann, A Second By Commissioner Manning.

All Those In Favor? Opposed? Motion Carries.

Commissioner Manning? [Reading Appointments] Chairwoman Hall: I Have A Motion By Commissioner Manning, A Second By Commissioner Mann, Further Discussion? All Those In A Favor? Opposed? Motion Carries Unanimously.

I Have None.

Next We Have Matters Of Concern Of Citizens.

Is There Anyone Here From The Public That Wishes To Address The Board? Kevin.

Thank You.

Kevin Shay For The Record.

Lehigh.

Many Things Are Changing Today Including The Development Of Blockbuster 20 Some Years Ago To Develop Rental Movies For Demand, But That Corporation Is Gone Bankrupt.

Cell Phones Have Come.

And Young People Today Like My Nephew No Longer Wear A Watch.

They Have A Cell Phone For Time.

Pay Phones Will Be A Museum Piece.

However, Government Has Not Been Undergoing The Necessary Changes, The Necessary Analysis Because It Is Not Governed By A Profit-And Lane Loss Statement.

The Clerk Of Court Is Identified That You Have Over \$600 Million In Reserves.
\$70 Million Deficit.

You Have Commissions For All Sorts Of Things.

So What I Am Strongly Recommending To You Again Is That You Establish A Citizen's Budget Advisory Committee To Go Over Your Budget, Go Over These Situations And Make Recommendations.

This Community Has Many Exceptional People That Could Make Valuable Contributions.

This Is A Government Of The People By The People And For The People.

If You Can Have A Committee Or Commission On All Sorts Of Issues, The Critical Central Issue For You Is Budget.

And A Billion Dollar Budget.

So I Would Suggest Strongly Not Waiting For Budget To Come Up Next Year, But Starting Now.

And Start A Group Of Inputs To Give You A Variety Of Alternatives.

People In The Business Community, The Private Community That I Am Confident Could Provide You With Constructive Presentations To Deal With Our Serious Local Problems.

Unfortunately The Congress In Washington Is Still In La La Land And Thinks They Can Spend Trillions Of Dollars From Who Knows Where.

But The Best Place To Start For Our Reform Of Government Is Right Here Locally In Lee County And In Our Special Districts.

Thank You Very Much For Your Time.

Chairwoman Hall: Is There Anyone Else From The Public That Wishes To Discuss Anything With The Board Of County Commissioners? Seeing No One.

We Are Adjourned.

I Hope You Have A Great Week And Be Sure You Vote.