

**September 7, 2010**

Chairman Hall: Good Morning.

I Hope You All Had A Great Holiday.

Why I Say Stand Yet.

We'll Jump Up.

I Hope You Had An Enjoyable Labor Day.

We Would Like To Start With An Invocation By David Deaton Of Life Church.

Is Pastor Deaton Here?

David, Could I Call On You For An Invocation This Morning?

Good Morning, Everyone.

Let Us Play And Recognize Our God This Morning Before We Begin The Meeting.

All Mighty, Jeff Lasting God.

About With Us Today And Help Us Hear The Voices Of Those Sick And In Need.

Help Us To Toil Not Seek Rest.

Give Us Grateful Heart To Do Your Work Before Us Today.

Knowing We're Doing Your Will This Day And Always.

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 Just For All.

Please Be Seated.

This Morning We Have A Couple Of Ceremonial Presentations.

Certainly My Honor And Privilege To Read The Addiction Recovery Resolution.

Deborah, Camilla, Paula, Carey Hopner, Kevin Lewis, Are You All Here?

If You Could Come Forward To Our Podium.

I'll Have The Privilege Of Recognizing Addiction Services Month.

Kevin, I Know You Know This, We'll Take A Photograph And We'll Hear From All Of You.

I Want To Thank You All For Raising The Awareness Of Addiction.

Certainly This Community And County Feels The Need To Support This Effort.

We All Are Experiencing Many Challenges And So It's Our Privilege And Honor To Have You All With You This Morning And Recognize This Challenge And How It Affects All Of Us.

The Resolution Reads, Where As Recovery Is Possible Through Recovery Programs And Where Thousands Of People Are Living Happily, Healthy, Productive Lives In Recovery And Whereas Stress Can Contribute To Substance Abuse Disorders In Finding A Positive Outlet For Dealing With Stress Is Crucial As People Continue To Face Stressful Situations In Their Lives.

When Substance Abuse Are Treatable Our Community Must Take Steps To Address It And Education, Educating Our Community, How It Affects Howl Members Of The Community, Therefore It Is Essential To Combat Misconceptions Associated With Addiction.

To Help More People Enter A Path Of Recovery The U.S. Department Of Health And Human Services The Substance Abuse Administration And The National White House Drug Control Policies And Lee County Coalition For A Drug Free Southwest Florida Invite All Resident To Participate In National Alcohol And Drug Recovery Month.

Be It Resolved That The Board Of County Commissioners Proclaims September As National Health Recovery Month.

We Call On The People To Observe This Month Joining The Voices Of Recovery Now More Than Ever.

Signed By Myself The Chairwoman Of The Board Of County Commissioners.

I Would Like To Present This To You.

[Applause]

And We Would Like A Photograph, As Well.

We Have One More For Our Records.

Spread Out A Little Bit.

I Would Like To Thank Your Attention To This.

We Appreciate It Very Much.

Commissioner Mann: That's Pretty Quick.

[Applause]

My Name Is Paula.

I Just Want To Say Thank You For Having Me Here And For This Award.

We Want To Thank The Commission And The Support Of The County Staff.

Paula Is A Living Breathing Example Of Recovery Is Possible.

Thank You.

[Applause]

Chairman Hall: Next We Have A Presentation On Constitution Week.

Commissioner Mann.

Commissioner Mann: Thank You If The Sons Of The Revolution And Daughters Will Come Forward We'll To This Annual, Pleasurable Event.

Wait.

Not The Picture Yet.

We Have To Read Before You Earn The Picture.

Back Up A Little Bit.

The My Honor To Be A Member Of The Sons Of The American Revolution.

Through No Particular Effort On My Own I Happen To Have Chosen The Right Ancestors Who Can Trace Their Roots Back To The American Revolution.

That's How You Get To Be One Of These.

As A Member Of That, It's Been My Good Fortune That The Commission Annually Let's Me Read This Proclamation On Constitution Week.

It Is With Great Honor I Take It Upon My Myself To Read That At This Time.

Whereas, 223 Years Ago This September 17 Delegate To The Constitutional Convention In Philadelphia Signed One Of The Most Enduring Documents In History, The Constitution Of The United States Of America.

Whereas It Is Vital That All Citizens Fully Understand The Provisions, Principles And Meaning Of The Constitution In Order To Effectively Support, Preserve And Defend It Against Encroachment And Whereas The Independence And Dream Guaranteed By This Cornerstone Of This System Of Self-Government Should Be Celebrated By Appropriate Activities During Constitution Week September 12 Through The 18 As Designated By Proclamation By President Of The U.S. In Accordance With The Joint Resolution Of Congress Of February 29, 1952 And By Further Joint Resolution Of August 2, 1956 As Amended.

Therefore Be It Resolved That The Board Of County Commissioners Of Lee County, Florida, Does Hereby Proclaim September 17, 2010 As Constitution Day And Citizenship Day.

And September 17 Through The 23rd, 2010, As Constitution Week In Lee County.

We Encourage Civic, Social And Educational Organizations Such Assignment The Sons Of The Resolution.

Southwest Florida Chapters Of The Daughters Of The Revolution Represented Here Today. The Florida Society Of The Sons Of The Revolution To Conduct Ceremonies And Programs That Celebrate Our Constitution And Reaffirm Or Right And Responsibilities As Citizens Of Our Great Nation Signed This Day By Our Chairman, Tammy Hall.

Congratulations.

[Applause]

Commissioner Mann: This Is To Randy Moody, President Of The S.I.R.

We're Glad To Have You With Us Every Year.

Thanks, Guys.

Chairman Hall: We're Going To Take A Photograph.

Commissioner Mann: Randy, If You Would Say A Word Or Two.

Thank You.

On Behalf Of The Calusa Sons Of The American Revolution Of Which I Am President And As The Florida Society Of Sons Of The American Revolution Of Which I Am Chaplain, We Thank You For This And Thank You For Your Service In Supporting The Constitution Which Is One Thing We Pledge To Do Every Time We Get Together.

Thank You Very Much.

We Encourage To You Continue Your Good Work.

[Applause]

On Behalf Of The Southwest Region Daughters Of The American Revolution Representing Seven Chapters From Marco Island Up To Caloosahatchee I'd Like To Say Thank You Very Much For This And Honoring That Most Valuable Document.

Thank You.

Chairman Hall: Thank You.

Next We'll Go On To The Recap And I Don't Have A Recap So There Is Nothing To Recap.

Neck To Public Comment.

I Have No Blue Cards.

Is There Anyone From The Audience That Would Like To Speak To The Board On Anything On The Consent Or Administrative Agenda?

Seeing No One, I Close Public Comment.

Commissioner Bigelow, Items To Be Pulled?

3-A.

Commissioner Mann?

None.

Chairman Hall: Commissioner Manning?

7-A And B.

Chairman Hall: I Have None.

I Have A Motion By Commissioner Manning.

Motion Carries.

Item 3-A Commissioner Bigelow.

Commissioner Bigelow: Thank You Madam Chair.

This Is To Approve An Annual Amendment To Annual Contract For Construction Manager To Taylor-Pansing, Inc, To Replace The Chiller On The Public Works Building For A Guaranteed Maximum Price Of \$392,000 Which Includes A C.M. Fee Of \$28,000 Or 8.29%.

We Can Go Ahead And Put A Motion On The Table.

I Won't Be Supporting This Though.

Chairman Hall: Ok.

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

Commissioner Bigelow, Discussion?

Commissioner Bigelow: Thank You.

As I Have Often Pointed Out I Guess Since I First Arrived Here Four Years Ago Or So, I've Noticed That Contracting Which Is The Way That We Spend I Think The Greatest Sum Of Our County's Tax Dollars And Other Revenues That We Collect, Sometimes It Is More Than What I Think Is Necessary To Get The Job Done.

I Think This Is Another Excellent Example Of That.

What We Have Here Is A Contract Manager To Oversee The Installation Of A Chiller Which Will

Be Performed Actually By Subcontractors.

I Guess That B.M.I. Mechanical.

And What I Find Difficult To Understand, And I Reject The Theory That We Have To Do It This Way, That We Have To Pay Somebody To Manage This Project Is Because We Have Very Competent Staff, Highly Paid, Competent Staff, That Can Oversee This.

But Even So, I Don't Think That B.M.I. Mechanical, One Of The Premiere Contractors In Our County, Needs To Be Overseen At The Tune Of \$28,000 Additional Dollars.

I Do Have A Question Though I Guess For Mr. Grant.

Can You Tell Me How Taylor-Pansing, Inc. Was Selected?

If So, Can You Describe How They Were Selected?

The Last Part, Would You Describe?

Commissioner Bigelow: Can You Tell Me How Taylor-Pansing Was Selected?

That's Probably A Yes Or No?

Yes.

Commissioner Bigelow: Can You Tell Me How They Were Selected?

Yes.

Taylor-Pansing Was Selected Due To The Nature Of This Project.

We Have Chillers Failing, Two Chillers, As You Can See On Your Blue Sheet, Two Chillers, Two Relief Hoods, One New Ice Tank And Back Draft Dampers Are Included In The Work.

In The Work Needs To Be Done Right Away.

Taylor-Pansing Has Not Been Utilized At All For The Last Several Years.

The Work They Have Done They Have Managed To Come On To The Project And Complete It Very Quickly.

September Being The Hottest Month Of The Year, We Wanted A C.M. To Come In And Jump On The Project And Get The Work Done Within I Believe We Said 185 Days.

Commissioner Bigelow: Ok.

But How -- Let's Back Up A Little Bit Further.

Did You Just Go To The Yellow Pages And Pick Taylor-Pansing.

Chairman Hall: I'm Going To Stop This A Moment.

This Is A Continuing Contract.

These Are C.M.S We Approve.

You're Going Down A Line That I Think We Had A Full Discussion About How The C.M. Process, We Approved 35 C.M.S With The Understanding That The C.M.S Based On Their Experience For The Job Would Go Through A Rotation Cycle.

Damon Has Answered That Based On Their Experience That's How They Were Hired.

That's How They Got The Job.

They Are In The Collection Of C.M.S Put Forth.

He Already Answered That Question, They Were Based On Their Experience And Their Knowledge Of This Type Of Work, That's How They Were Selected.

Commissioner Bigelow: So You Pick From A List Of Preapproved Contractors.

The Annual Contractors, Right.

Commissioner Bigelow: So You Looked At These, You And You Alone Looked At That List Of Contractors And Decided Taylor-Pansing?

There Is A List That We Choose From And The Annual C.M. List.

And We Do Spread The Work As We Discussed At Our Last Meeting.

Yes, I Am One Of The Individuals That Does Look At That List.

Commissioner Bigelow: There's A Selection Committee?

No.

Commissioner Bigelow: Who Are These Folks?

Who Among The Staff, You Said You And Others.

Who Are They?

I Would Look At It, The Project Manager Would Look At The Contracts List Of C.M.S To Be Utilized.

We Would Choose From The C.M. List Provided By Contracts.

In This Particular Instance Due To Taylor-Pansing's Experience And The Work They Have Done In The Pennsylvania And The Way -- The Work They Have Done In The Past They Were Selected For The Project.

Commissioner Bigelow: You And The Project Manager.

That's It.

We Pull From Contracts Who Supplies A List Of C.M.S To Be Used.

Taylor-Pansing Was Pulled Off Our Annual Contractors List.

The List Does Go Through A Selection Process Every Two Years.

Commissioner Bigelow: Ok.

So, There's No Criteria Established That You Put The List Of Potential C.M.S Through?

Chairman Hall: Damon, Mr. Lavender Would Like To Answer.

There's A Long History With This.

There's A Lot Of Reason To Pick Construction Managers, A Lot Of Issues.

It's Not Just The \$28,000 Fee.

The Fee Covers A Lot Of Things.

You Are Removing The County's Risk Of A Failing Subcontractor, Ensuring The Warranty Is Honored For The One Year After The Work Is Done.

After The List Of C.M.S Is Selected And The List Created Have I Had Staff Members And Whoever They Think Is A Resource To Them Will Look At The List As To Who Has The Volume Of Work And We Do What You Have Directed Us To Do, Balance The Expenditures Among That List Of People.

That's What We Do.

When All Things Are Equal And We Have Capable People Who Haven't Had As Much Work As Others On The List We Select Them.

That's What We Expect The Managers To Do.

I Have Shown The List.

It's Extremely Balanced And We Try To Keep It That Way.

That's Essentially The Process.

There's No Great Mystery.

We Don't Go In A Dark Room.

We Just Make Viable Business Decision.

That's What Damon And Our Other Project Managers Are Doing In The Best Interest Of The County.

If You Want To Change The Process I Believe On The 13thth The Whole Process Is Being Brought And You Can Change It To Behavior Want.

It's Worked For 20-Plus Years.

I Don't Know What Else You Can Say About It.

You Can Have This Discussion Every Tuesday But That's What We Do.

Chairman Hall: Thank You.

Commissioner Bigelow: I Appreciate What You Have Described Is More A Subjective Process Of Selecting Them Than An Objective Because Are You Telling Me We Don't Have A Predetermined --

No It's Objective And We Do Have A Criteria.

Do We Have The Same Written Criteria For Every Project?

No, Because All The Projects Are Different.

We Don't Have Written Criteria Because They Tend To Put New A Box When All The Projects

Are Different.

A Chiller Is Not A Park Structure, It's Not A Water Line.

They Are All Different.

It's Not A Bridge.

To Put A Set Grouping Of Criteria Down On A Piece Of Paper Doesn't Work For Us.

We Have To Take Every Have I Had Project On Its Own Merit And Make Business Decisions About That.

And It's Not Subjective At All.

We Don't Go How Do We Feel Today?

We Go Business-Like, As We Did With This Selection And That's What We Do.

Commissioner Bigelow: Thank You.

Mr. Beck, You Have Presented Us An E-Mail With A Power-Point Attachment For This Project.

In The Cover E-Mail To The Powerpoint You Say The Chiller Replacement Of The Community Public Works Building Has Been On The Facilities Calendar Tracked For The Last Five Years.

When The Chiller Reached The End Of Its Manufacturer's Expected Life Three Years Ago We Opted Not To Replace You It But Put It On The Yearly Review Schedule As All Equipment That Exceeds Life Expect Tan Spin Mr. Grant Said It Had To Be Done Immediately.

It Was A Priority Of Urgency, I Guess, If You Will.

What You Tell Us Here Doesn't Comport With What He Tells Us.

You Are Saying You Have Known About This Deteriorating Condition For Some Time.

He's Saying We Had To Quickly Find Somebody To Do This Work.

That's All.

Thank You Madam Chair.

Chairman Hall: Why Don't We Let Mr. Beck Answer The Questions Since You Called Him To The Podium.

I Think Some Of Us May Have Heard Differently What You Heard.

Go Ahead, Mr. Beck, Comment On The Rationale Of The Comment Of Emergency Versus Your E-Mail.

Sure.

For The Record Rich Beck Facilities.

It Has Been On Our Radar For Five Years.

We Scope Things Out Seven Years, 20 Years Sometimes.

We Knew It Was Going To Be Replaced And We Try To Squeeze The Last Bit Of Useful Life Out Of Any Piece Of Equipment To Get The Most Efficiency We Can.

At That Point We Then Move Forward.

I Don't Consider It An Emergency, But I Think Moving Ahead Now As Quickly As Possible Because We Did Squeeze The Last Drop Of Useful Life Out Of The Chiller And We Can Track Over On Our Shop The Efficiency Of The Match Is Dropping Off.

We Do Want To Get It Replaced.

It's Not An Emergency.

Commissioner Bigelow: What Are You Tell Me There Was Ample Time To Advertise For A Contractor To Do This And Seal Bids?

In A Free World, There's Not Qualifications To Do So.

Chairman Hall: I Have A Motion To Call The Question.

Commissioner Mann: If I May Ask A Question On It, I Was Going To Pull This But Not For The Same Reasons.

Curious, Mr. Beck, We Are Using Money From The Pine Ridge Government Complex Project Nearly Half A Million Dollars \$450,000 Transferring Across There.

How Did We Misfigure \$450,000?

We Saved.

Commissioner Mann: We Saved.

Somehow I Knew That Was Going To Be The Answer.

But I Wanted It On The Record.

Keep Up The Good Work.

Chairman Hall: Further Discussion?

All Those In Favor?

Opposed?

The Motion Passes 3-1 With Commissioner Bigelow Dissenting.

Commissioner Mann 7-A, V.C.V. Lease.

This Is Where We Are Separating The Leases.

Commissioner Mann: I Called, Pulled 7-A And 7-B, I Did Not?

They Were Late, That's The Point I Wanted To Make.

My Question, I Have Several.

We're Moving The V.C.V. -- No, We're Staying Where They Were And We're Going To Extend Our Lease There Three Years.

I'm Thinking That You Guys Have Been Telling Us That We're Having More Space Come Available In County-Owned Space.

I'm Wondering Why We Can't Do This For A Year Instead Of Three Years.

For The Record, Rich Beck, That's A Good Question.

I Asked It Myself.

What's Happening Is This.

There Were Two Leases At University Park.

One For V.C.V And One For Economic.

One Was Sublet Out To The I.T. They Constructed A Server Room Which Is Still There.

They Will Be Pulled Down By February To Admin East So We'll Put An End To Those Leases.

We Looked At Moving The Server Room, As Well.

It's Intended To Be Moved When The New E.O.C. Is Finished In About Two Years.

There's A Permanent Server Room As Part Of That Construction.

We Looked At -- It Just Would Have Been A Better Deal To Get Out Of University Park.

We Met With I.T. And Some Other People.

We Went To The Next Most Logical Interim County Facility Move The Server Room Too Temporarily, However, The Best Price We Could Come Up With -- I Don't Understand All The Technical Stuff About Servers But The Best Price To Move It Even On An Interim Came Out To Be \$500,000.

If We Then Just Do A Small Lease At University Park, It's \$17,000 A Year.

I Opted To Just Do Another Lease.

We'll Keep That 1,000 Square Feet, Keep The Server Room There.

The Lease Is For Three Years.

We Only Think We Need It For Two.

Then We'll Do One Move And Pull The Server Room Out Of University Park Over To The Secure Facility At The New E.O.C..

Commissioner Mann: We're Not Bound To The Three Years?

When Facilities To Does A Lease, Sir, We Always Have An Escape Clause, Standard.

I Don't Know If We Give Them 60 Days Or Six Months, Whatever The.

When We Get The Word From Construction And Design That We Will Be Up And Running We'll Give Notice To The Landlords And We'll Be Out Of There.

Chairman Hall: The Lease Is Just For The Server Room.

Yes.

Commissioner Mann: I Have A Couple Related Questions.

The C.P.I., We Have Like A Built-In 3% On This If It Extends -- This Is No Big Deal But It's A

Point That Caught My Attention Several Times.

Part Of This Contract Is A 3% Annual Inflation Clause And I'm Wondering Why That Couldn't Be 3% Or C.P.I., Whichever Is Less, Which Is Kind Of A Standard Clause.

We, As Also Standard Practice Now, Whenever The C.P.I. Comes Due We Go Back To The Landlords And Ask Them Due To The Economy They Would Be Willing To Forego It And We Have Had Some Pretty Good Success With That.

To Be Honest, The People At University Park Are Not Happy That We're Leaving.

I Really Didn't Want To Push Them To The Point Where They Might Say, Ok, Take Your Server Farm And Head For The Hills.

We Were More Lenient With The Lease Because We Want To Leave The Server Room There Because Financially It's A Much Better Job To Leave It There Rather Than To Move It For Two Years.

So We Went With This.

But When It Comes Up For Renewal, We Will Ask Them If They Would Be Willing The To Forego The C.P.I.

Commissioner Mann: Mr. Beck, I'm Not An Expert In Many Things But I Do Own Commercial Property But That's Why These Things Catch My Eye.

I Know Even Within Four Blocks Of The Courthouse Here There's A Lot Of Commercial Property Available For Less Than \$16 And Certainly Less Than What Strikes Me As A Huge C.A.M. Of \$900 A Month Where The Rent Is \$1300 And The C.A.M. Is \$900.

It Sounds, Frankly, Outrageous In This Market.

I Heard What You Said About Folks Not Being Happy, But There Are Thousands Of Property Owners That Are Not Happy Because The Market Doesn't Work To Their Advantage Today. The Sermonette I Guess I Need To Give One More Time Here, I Think The Taxpayers Who We Work For Are Entitled To All The Advantages That The Free Market Provides It Today.

I Just Don't Feel Good About Renewing Contracts Without Really Some Aggressive, Competitive Negotiations.

I Think We Can Still Do A Little Bit Better Than What We Have Here.

But Do I Hear You Assuring Me That You Think Even In A Year We Got An Escape Clause In This?

That's Correct.

We Do.

Commissioner Mann: We Can Talk Next Year, As Well.

While I'm On It 7-B Had A Consumer Price Index Woe Use Upon Mutual Agreement.

That's A Different Standard Than The 3% Here.

One That Commissioner Manning, You Weren't Here At The Time But You Read About Some Of My Concern When We Did The Original Contract For The Boston Red Sox I Questioned Why We Didn't Have A C.P.I. On The \$800,000 Annual Rent They Were Going To Pay Us.

The A Answer Was, That's The Way These Baseball Contracts Are.

It's Hard For Me To Buy That Because That Particular Contract Called For A 3% Increase Every Five Years.

Now This Is A Lease We're Talking About Annually, Every Contract I Know On Rental Agreements Use Annual Basis.

But There's No Counties Is The Point, Madam Chairman I'm Trying To Point Out.

This Is A Time When I Think -- Maybe This Is When We're Going To Study This.

We Got A Perfect Answer Here?

Help Me.

Not A Perfect Answer.

One Thing With The Server Room Some Of The Costs Involved, It Constantly Has To Be Chilled.

It's An Elevated Room, A Specialty Room.

On The 7-B, I Believe We Saved About \$56,000 In That Contract.

That's Correct.

Just Under \$60,000 Less A Year.

Than The Previous Janitorial Contract.

Commissioner Mann: But Next Year We Get A Chance To Save Even More?

Correct.

Commissioner Mann: Ok.

We're Going To Be Reviewing This In The Management Planning Meeting?

Chairman Hall: Contract.

Commissioner Mann: These Are The Thoughts I Would Like To Elaborate On As We Get Into A Review Of This Whole Thing.

I Think We Can Still Tighten Up On Some Of This Stuff.

I Don't See This As Outrageous, But It Could Be A Little Better.

Chairman Hall: I Have A Motion From Commissioner Mann On 7-A And 7-B.

I Know We Just Did I.T. At Another Space.

This Is Challenging For All Of The Private Space That We're Leasing, But It Should Be Our Standard Policy To Not Guarantee These Things And They Usually Have.

I Would Like You Guys To Go Back And Try To Put That Language In This Contract.

It's Not A Big Deal.

It's Not A Big Deal To Them.

It's Very Standard.

I Can't See Them Giving Up The 1,000 Square Feet When They Have X Thousand Square Feet -- Why Give Up Any Space That You're Getting?

I Have A Problem With Not Putting That Language In There And Directing It.

If For Some Reason You Can't Bring It Back To Us.

I Find It Difficult That The Property Manager Is Going To Object To That Language Either/Or,  
Whichever Is Less.

Because At This Point We're Exiting Out Quite A Substantial Amount Of Space.

I Recognize Rich's Comment On The I.T. Room.

To Move That Somewhere Else Because Of The Wiring That We Would Have To Do To Hook  
That Up, I Understand That Expense.

I Don't Have A Problem With That Staying There Because We Are Saving Money With That,  
But Do You See Any Reason Why We Can't Approve That With That Language Added To It?

And If It Can't Be Added Bring It Back To Us?

Is The Motion Maker And Second Ok With That?

Commissioner Mann: To Bring It Back?

Chairman Hall: No, Just The Comment You Made.

Commissioner Mann: Gosh, Yes.

Chairman Hall: If There's A Hiccup Brick It Back To Us.

Commissioner Mann: They Will Do It.

Commissioner Mann: Motion Maker Agrees.

Secunder Agrees.

Commissioner Bigelow, Any Comment?

Commissioner Bigelow: No, Thank You.

Chairman Hall: All In Favor.

Opposed.

The Motion Carries 3-1 With Commissioner Bigelow Dissenting.

Next We Move On To The Administrative Agenda Item 14 A.

I Have A Motion By Commissioner Manning.

Second By Commissioner Mann.

Motion Carries Unanimously.

Commissioner Bigelow: No.

I'm Sorry.

Chairman Hall: Are You No?

Commissioner Bigelow: No.

Chairman Hall: Commissioner Bigelow Dissenting.

14-B, Designating 26,000 Acres Of Phosphorous Mining Overlay.

Do I Have A Motion?

Commissioner Mann: Could I Have A Quick Explanation How We Are Getting Involved In This?

If This Seems Familiar To You, It's Because It Was Before You Self Weeks Ago When We Were Asking Permission Of Staff To Send A Letter To The Department Of Community Affairs

Expressing Lee County's Objection To The Named Desoto County Designating 26,000 Acres Of The County As A Phosphate Mine Overlay Which Did Not Rezone The Land For Phosphate Mining But Designated That Area As Preferred For Phosphate Mining And Would Pave The Way For Zoning For Future Phosphate Mines.

Staff Prepared A Letter For The Chair Signature.

That Was Sent Up To D.C.A. And They Did Incorporate Some Of The County Concerns And Requests For Additional Criteria In Their Report Back To Desoto County.

Now They Are About To Schedule Their Adoption Hearing.

What We Would Like To Do Is Send A Modified Version Of The Letter That Had Been Sent To D.C.A. To The Chairman Of Their Commission To Let Them Know About Lee County's Concerns About Potential Impact Of Phosphate Mining On The Peace River Water Basin, Watershed That Leads Into The Peace River And Affects The Water Of Lee County.

We Felt It Was Appropriate To Ask For Separate Authorization To Do That.

With Regard To County Staff Attending The Adoption Hearing, That Permission Was Already Granted When We Went Before You With Regard To The D.C.A. Letter.

It May Be Slight Problematic To Stab Standing Because We Are Not An Adjacent County, Although We Are Impacted By What Goes On In Desoto Because The Origin Of The Peace River Starts There.

In Order To Enhance Our Chances Of Making That Argument, We Wanted To Let You Know That It's A Good Idea For Staff To Be Present At The Adoption Hearing To Voice Lee County's Concerns On The Record.

We Thought They Might Have More Impact If The Chairman Of The Commission Receives A Letter From Our Chair In Advance Of That Final Hearing.

Commissioner Mann: Ok.

Madam Chair?

Chairman Hall: Yes.

Commissioner Mann: Then It Would Be Fair To Say Our Concern Expressed In This Later Would Be Consistent With A Concern Expressed Frequently By This Commission Based Upon The Potential Threat To Our Estuary If It's Impacted By Charlotte Harbor Which Is Impacted By Peace River Which Could Be Impacted By Mining Operations?

Yes, Exactly.

Commissioner Mann: Ok.

This Is A Letter Of Concern.

We Are Not Involved In A Specific Challenge To Anything.

No.

No Lawsuit Is In Progress.

We Are Not Really In A Position To Consider Filing A Challenge To The Planned Amendment Until It's Adopted.

Commissioner Mann: I'll Move It.

Chairman Hall: Motion By Commissioner Man.

I'll Second It For Discussion.

Commissioner Manning.

Commissioner Manning: How Does The Desoto Board Of County Commissioners Feel About This?

They Recommended It For Adoption By D.C.A.

Commissioner Manning: Which Doesn't Necessarily Mean They Agree With It But It Met The Career To Be Ascended.

Right.

It Was Considered By D.C.A. And They Sent Back Their Report, We Like This, Or Question Don't Like This At All.

Commissioner Manning: The Changes In The Report Does That Mean It Mitigate Some Of The Potential Harm To Lee County?

Yes, If Some Of The Guidelines And Criteria Are Incorporated Into The Text Of Their Plan Amendment It Would Address Many Concerns That Lee County Has With Regard To There Not Being Adequate Protections For The Watershed In The Language Of The Plan.

Chairman Hall: Ok.

Under Discussion, Just To Remind Everyone, I Think It Was Clear That The Board Majority Of The Board Did Not Want This To Become A Litigation Issue But We Wanted To Share Our Concerns.

As A County That Is Affected, Reach Out To Them And Ask To Take Some Considerations And Amending What They Are Doing.

We Appreciate.

We Want To Reach Out Collaboratively Rather Than Offensively.

And That Was The Tone Of The Spirit Of The Letter.

Chairman Hall: This Is The Letter.

Commissioner Mann: Even Though It's Dated August 9 It Will Be Sent In September?

Chairman Hall: That's Correct.

They Drafted It Back In August, A Week Ago.

That's The Letter To The Proposed Chairman Of The Desoto Board.

A Similar Letter Was Already Sent To D.C.A.

Commissioner Mann: That Is What We're Approving Today.

Chairman Hall: That's Correct.

Commissioner Mann: Madam Chairman On The Second Paragraph It Says Lee County

Respectfully Offers The Following Concerns, Comments And Recommendations.

I'm More Comfortable With That Kind Of Language Rather Than Something That's Challenging  
Of A Negative Tone.

Chairman Hall: In Case You Didn't Get To Read The Letter That Was Our Direction To Staff.

I Want To Thank Staff.

Hopefully We Can Work Together With Our Colleagues To The North Of Us.

Any Further Discussion?

All Those In Favor?

Opposed?

The Motion Carries Unanimously.

Thank You.

Chairman Hall: All Right.

We Have No Walk-Ons Or Carryovers.

Commissioner Bigelow?

Commissioner Bigelow: I Don't Have So Much Have Items As Much As Questions.

I Guess We're Going To Get The First Look At The Budget This Morning?

Is That True?

I See Last Friday You Sent An E-Mail Indicating You Are Going To Present The Budget Today?

Yeah.

What We Were Going To Do Is Show You.

We Then Put The Changes And General Consensus On Last Tuesday.

Our Budget Folks Actually Were Inputting Changes Up Through Friday And Rebalancing Funds.

So We're Going To Show You The Impact That's Had In The Projection And Give You The Overall Operating Capital Budget So You Can See That.

We Have Had Further Discussions.

The Sheriff Has Agreed To Reduce His Budget By 2.7 Million Dollars, That Helped Us Out A Lot And Some Of The Constitutionals And Court Have Indicated That They Will Do The Same.

Commissioner Bigelow: I'm Going To Give You A Presentation Of How That Flows Into The Overall Budget.

Commissioner Bigelow: Thank You.

Chairman Hall: Anything Else?

Commissioner Bigelow: Yes.

Karen, Previously In A Meeting Christine Brady Presented Some Employee Policy Changes That Would Affect How Or Where Or When, Not When But Where Employees Could Smoke On County Property.

I Guess That's Not Been A Policy Yet Implemented?

You Could Have Under Your Authority, I Suppose, Done That.

Because I'm Still Seeing Employees Smoke Here.

We Have Not Yet Implemented It.

Commissioner Bigelow: When We Looked At It As A Board We Were United.

I Think This Is Appropriate Given The Ceremonial Resolution By Commissioner Hall Read This Morning.

Nicotine Addiction Is Probably The Most Substance Abuse Problem.

When Will This Happen Likely?

Commissioner, If I Could, We Wanted To Implement Some Smoking Cessation Programs To Run Currently Before We Did A Hard, You Can't Do This Anymore.

Because Asking Somebody That Has A Habit Or Addiction To Go From 60 Miles An Hour To Zero Is Setting Them Up To Fail.

We Were Going To Have A Soft Rollout Of This And Try Some Ongoing Cessation, Health Awareness In Between.

We're Talking Months, Not Years But That's Why We Haven't Said You Can't Do It Anymore.

It's My Understanding There Was Some Litigation Filed With Memorial Hospital And I Was Waiting To See How That Was Resolved.

Commissioner Bigelow: Good Information To Have.

If You Could Give Me Some Kind Of Projected Timeline.

That Was A Strong Will Of The Board.

Unanimous Decision And I Think Commissioner Mann Said Go Forth Quickly.

I Happened To Catch An Nbc Television Report About Cell Phone Use Being Prohibited By County Employees In County Vehicles.

Not Seeing Anything From County Management Specifically About That.

Jay Anderson Has Been Keeping Me In The Loop, But Can You Tell Me What You Are Plan --

I Had E-Mailed Jay Anderson Back And We Are Working On A Risk Management Policy To Come Back.

I'm Also Working With The Department Directors It Will Be Coming Back In A Few Weeks.

Commissioner Bigelow: Is That Something You're Going To Do, Like Pete Said, 60-0?

Because Could You Do It?

What We Are Doing And Have Been Doing, There's A Lot Of Policies And Procedures That Are Out There That We May Need To Be Updated.

We're Working As Quickly As We Possibly Can In Doing That.

This Is One Of The Policies That I Think As Far As Risk Goes, It Really Hangs Us Through The. But -- Out There.

But We Are Working On That.

I Did Explain That To Jay And We'll Be Bringing That Back.

Commissioner Bigelow: I Would Like To Know Why You Don't Just Do It As County Manager.

Why Don't You Just Do It.

You Could Go From 60 To Zero And Say Hereforth.

Commissioner, We Plan To Bring Our Additions And Deletions That Policies.

Procedures The Last Tuesday Of September And We Put It Off A Little Bit Because We Had All The Budget Stuff Going On At The Same Time.

That's When We Hope To Do All That.

Commissioner Bigelow: Thank You.

Karen, A Question I Asked Before, When Will You Bring -- The 2012 Referendum Tone Act A 1 Cent Sales Tax?

We're Waiting For That To Be Addressed By The N.P.O.

Commissioner Bigelow: The N.P.O. Has Approved That.

To My Knowledge, No.

Commissioner Bigelow: Yes.

I Was There.

An Interlocal Agreement.

Chairman Hall: We Did Not Approve -- I Beg To Differ.

Commissioner Judah Constituents On The Transit.

We Asked It To Be Reviewed.

I Don't Think Anyone Was Rushing To Spend \$600,000 Or To Go To Reverend Number 2012.

Commissioner Bigelow: I'll Get The Information For You And You'll Be Able To Tell Me When It's Coming To Us.

Lastly, The Land Next To The Twins Stadium, I Understand There's Some Kind Of Problem.

Maybe Karen Mcguire Could Address This Again.

I Know She Said There's Title Problems.

I Don't Understand Why We Can't Take Up The Request From County Management To Move Forward With Acquiring That Property And Just Make It Subject To Resolving The Title Problems.

For The Record Karen Mcguire, Division Of County Lands.

Commissioner Bigelow, Yes, I Had Indicated To You Last Week That There Were Some Issues.

One Of The Title Matters Had To Do With A Discrepancy On The Site Of The Site.

At That Time Also Commissioner Mann Had Noted It Briefly, A Pending Potential For Closure On The Mortgage.

We Were Aware Of That To Some Degree, But There's Also Been Motions Filed Back And Forth Between The Parties For Dismissal.

We Are Just Trying To Monitor, Before We Come To The Board.

That's Why It Was Pulled For Further Consideration.

Commissioner Bigelow: That's Different Than The First Time.

Let Me Ask You Something.

Are You Then Not Bringing It Until These Foreclosure Actions Have Been Settled?

What I Had Said, Commissioner, We Are Monitoring The Foreclosure Action.

It's Very Convoluted.

There's A Lot Of Parties Involved In This.

As I Said, The Reason I Didn't Want To Get Into A Lengthy Discussion Last Tuesday Is That The Details Of The Foreclosure Are Very Involved.

Motions Filed Back And Forth Between The Parties.

Motions Filed By The Owner For Dismissal Of The Case.

It's All Pending Right Now.

So We're Monitoring This And When We Work With County Administration To Resolve These Issues And Have A More Comfort Level Of Bringing Something To You We'll Be Back Before You.

Commissioner Bigelow: I Got An Idea, Just An Idea, Madam Chair, Maybe If We Ask We Want To Buy It And Three Of Us Say No We're Not Interested You Don't Have To Monitor.

Chairman Hall: Commissioner Bigelow There Was Already A Motion To Review This.

This Board Made That Motion And That's Why They Got Direction To Bring It Back.

If We Choose Not To Purchase It When It's Brought Back That's A Decision To.

Commissioner Bigelow: There Was No Formal Vote Taken.

Chairman Hall: There Was A Formal Blue Sheet And There Was A Vote To Do That, Commissioner Bigelow, Very Long Ago.

Again, I'm Going Back To Items We Have To Engage Staff On An Issue.

I Need To Get Those By Friday.

Commissioner Rimes For Information To Gather And More Technical Help And Assistance.

I Need To Prepare Staff To Answer Your Questions.

In This Case Karen Has Answered Your Question.

If You Could Go Back Through The Records, I Don't Know When That Vote Was Taken But It

Was Quite A While Ago.

Commissioner Bigelow: I Would Like To See That And I'll Point Through The Was A Different Board At That Time.

It Might Behoove This County Government To Check That.

I Believe You Were Sitting On The Board At That Time.

I Was.

Commissioner Manning Was Not.

It Was A Different Board.

Chairman Hall: Anything Else?

Commissioner Bigelow: That's It.

Thank You.

Chairman Hall: Commissioner Manning.

Commissioner Manning: Thank You.

I Sent You And The Board Regard A Memorandum On A Issue Out In Boca Grande To Move Forward On A Stand Alone Development Code To Resolve A Code Violation At The Arena Formerly Known As Millers.

The Amendment To The L.D.C. Would Allow More Land To Be Use Forward Parking.

The Reason For Going Through The Land Development Process Is Because The Act Prohibits Rezoning Of Property To Commercial.

Since There's No Amendments In The 2010 It Needs To Be A Stand Alone Or Go To 2011.

They Have Requested It To Go To This Year.

That's My Request.

Chairman Hall: A Motion?

Commissioner Manning: Yes.

Chairman Hall: This Would Assist The Other Historic Marinas, Thank You For Being With Us

This Morning From Boca Grande.

Our Historic Marinas And Islands Have Issues.

Further Discussion, All In Favor?

Opposed.

The Motion Carries.

Commissioner Mann?

Commissioner Mann: Commissioner Manning Just Whispered What Is That Beaver Sound Coming In.

Last Night During A Small Storm Here We Lost Another Limb. The Expert Came To Look At That Tree Several Months Ago Suggested That Would Probably Be The Case And That's Why We Have Trimmed It Back And Boarded It Off.

What Has Held Us Up Here Notwithstanding Heroic Effort On The Part Of Those Here, We Were Trying To Figure Out What To Do With The Stump And The Wood That Could Be Carved. We Had One Artist That Came With A Brilliant Suggestion I Thought About Making A Huge Eagle Out There.

In Fact, I Have Subsequently Extended A Vacation I Took And Went To Mississippi Where After The Hurricane That Guy Had Done Exactly That And Saw Some Of His Work.

I Was Set To Go With This.

But We Found Out In The Artist World Lots Of Folks Have Different Ideas As To What Is Beauty.

We Got Into A Debate About That.

As A Suggestion We Have Tried To Put Together A Committee That Would Make Sense Out Of What Is Proper To Do And What Is Beauty In The Eye Of The Beholder And We Are Finally Now After Pulling Together The Calusa Carvers Group, The Preservation Board And Others Are Going Out Within The Next 10 To 12 Days And Get An Idea Of How We Want To Approach

This.

Right Now They Are Chopping Up That One Limb.

We Have One Issue Here That's Botanically Speaking Very Interesting.

The Acorns That Came Off Nine Months Ago Were Old In The Sense Of That Year For The Health Of The Acorn And We Planted Several Hundred And Got Zero New Growth, Which Was A Disappointment To School Kids And Other Interest Groups Doing That.

The Acorns Right Now Are About The Size Of A Marshal And Need Another Three Or Four Weeks To Mature So You Could Expect To Have Those As The Leftovers And Some Have Progeny From That Tree.

It Seems Like Within The Month That We're Going To Be On The Street And With The Trimming They're Doing Right Now We'll Be Able To Accomplish The Saving Of The Acorns. It Will Be A Good Thing All Around And We Can Decide What We Want To Do.

That A Report On Behalf Of A Miss Ford And Myself Unless She Has Something To Add.

Chairman Hall: Thank You For Taking The Lead.

It's An Important Part Of Our History.

Anything Else?

I Have Nothing.

Committee Appointments?

Committee Manning?

Commissioner Mann: Darren Larsen To The Oversight Committee And Liz Domini To The Land Development Code And A New -- Two New Appointments To The Community Sustainability Committee, Heidi Tallman And My Good Friend, Jonathan Romaine.

Chairman Hall: Further Discussion?

All In Favor?

Opposed?

The Motion Carries Unanimously.

I Have None.

County Manager Items?

I'll See You All Back Here At A Budget Workshop And We Are Adjourned.

Thank You.