

**August 9, 2011**

We Begin Each Commission Meeting, It's Been Our Custom To Have An Invocation.

Pastor A.J. Neugebauer, Are You Here? Come Forward.

Welcome Back From The Beautiful Savior Lutheran Church.

And We Will Stand For This Invocation If You Chair To Join Me And Remain Standing For The Pledge Of Allegiance.

Let Us Pray.

We Make Our Beginning In The Name Of The Father, The Son And Holy Spirit.

Amen.

Dear Heavenly Father, We Look This Morning At The News And We See Nothing But Stories Of Eternal Strife And Economic Peril, But Still We Are Blessed And We Give Thanks To You And We Are Reminded That We Are Blessed To Live In The Most Prosser-- Prosperous Nation.

There Are Those Among Us That Face Trouble, And Because You Are Generous God We Are Coming To You To Make These Implications.

With The Knowledge You Have Given Us And Redemption Of Death And Devil And Power Of Jesus Christ We Ask For You To Intervene On Behalf.

We Ask You To Be With Those That Govern Our Nation And Ask They They Be The Instruments Of Your Will.

We Pray To You For All Of The Nations Of The Earth And Their Leaders And We Pray For Our Allocated Place In Your Creation.

We Pray For Lee County And Those That You Have Given To Us In Order That They Would Govern Us Here.

I Ask That You Send Them Their Holy Spirit And Have The Wisdom To See What Is Your Will And Strengths And Courage To Carry It Out.

Give Them The Ability To Work Out Every Disagreement And Peace.

And Let Them Experience The Joys Of Noble Service, Completed For A Grateful People.

I Thank You For Their Service, The Service Of Governing Over Us Until The Day When The King Of Kings, Jesus Christ, Return Toss Govern Us Directly.

We Pray This In The Name Of Jesus Christ, Amen.

Chairman Mann: Thank You, Pastor.

[Pledge Of Allegiance] Chairman Mann: Thank You And Be Seated.

We Have Some Technical Issues To Deal With On The Recap Sheet.

There Are Some Boiler Plate Language That Was Left Off Of Consent Item 12b.

It Reads As Follows The Request For Transportation Department Is To Add The Following Language.

Request To The Board Approve Waiving The Formal Process Needed To Allow The County To Purchase Directly Supply And Material In A Cost-Saving Method.

Can I Have A Motion To That Effect? I Have A Motion And Second To Revise That Language And Put It Where It's Needed To Be.

Is There Objection To That? Show That Adopted.

Staff Has Asked That We Take Four Consent Items And Slip Them Into Administrative To Allow For Further Discussion.

Those Will Be Items -- Consent Items 1b, 5a, 7a And 12c.

I Have A Motion On That.

Can I Have A Second? Second.

I Have A Motion And A Second.

Is There Discussion? Is There Objection To That? Okay, We Are Moving Right Along.

There Will Be A Walk-On At The End Of This And I See We Have A County Attorney Item We Will Take Up And Perhaps Some Other Items From County Management As

Well.

We Have Folks Wanting To Participate In County Government This Morning On The Consent Item, Public Comment And Consent.

For Item B, The Consent Or Administrative Item.

Let's Start With Christina Ibrim? This Would Be The Time, Yes.

Good Morning And Welcome.

Thank You.

I Get To Go First.

Yea, Why Don't You Speak Your Name For The Record So I Know How To Pronounce It.

It Is Pronounced Ibriham.

Thank You.

I Am Here To Speak About The Proposed Taxi Ordinance.

I Am A Lee County Resident.

I Am A Small Business Owner.

I've Been In Business Since 2005.

I Am Also A Graduate Of The College Of Business, Florida Gulf Coast University And I Am Against Any Changes To The Current Livery Ordinance.

My Business Specializes In Prearranged Airport Transportation.

And I Believe That The Current Ordinance Already Prohibits Persones From Conducting The Vehicle For Hire Business Without A Valid Certificate If They Are Operating Without This Certificate I Understand It's Second Degree Misdemeanor.

And I Feel That The County Should Consider Enforcement Of The Current Ordinance Rather Than Consider Changing The Ordinance.

There Are Three Important Points I Would Like To Quickly Point Out As To Why I Am Against Any Changes.

First Of All, I Feel It Will Be An Economic Hardship To Small Businesses.

Tighter Restrictions Inevitably Mean The Price Of The Livery Sticker Will Go Up And I Am Licensed To Do Business In Charlotte, Lee And Collier County.

I Pay Charlotte County \$50 And Because I Am Not A Taxi Company I Don't Have To Do Insurance And All Of That.

But In Collier It's \$650 And I Think It's Too High.

I Know Several Small Business Operators Here In Lee County Who Do Not Do Business In Collier Because The Fees Are Too High And I Don't Want Lee County To Price Small Business Out Of This Industry.

That Goes For People Who Are Doing Business In Lee County As Well As For People That Are Based Here.

I Also Believe That Regulations Is Only Good For Big Business.

It's My Understanding We're Here Because The Biggest Taxi Company In The County Is Pushing For More Regulation.

And I Think Regulation Is Only Good For -- For The Big Businesses Because It Limits Competition.

The Taxi Cab Drivers Are Complaining The Illegal Operators Without Certificates Are Taking Their Business, Which Is Currently Against The Current Ordinance.

And I Think Right Now -- Well, I Know, I Called.

They Are Hiring Right Now In August In The Middle Of A Recession In The Summer.

It's My Opinion There's Too Many Taxis On The Road And You Know, That Are Legal, And That's Why Their Drivers Can't Even Make Minimum Wage.

But Regardless, Regulation Is Only Good For The Bigger Companies.

And I Don't Want To End Up -- I Don't Want Lee County To Be Like Collier County Where They Are Regulating Where The Signs Can Be On The Cars Or In Tampa.

In Tampa They Regulate The Rates, They Regulate What Kind Of Cars You Have.

And Say Taxi Drivers Can't Wear Socks.

Chairman Mann: I Failed To Tell You You Have A Three-Minute Limit.

Okay.

Can I Say A Quick Point? Yes.

Okay.

Changing The Ordinance Will Only Affect People That Are Legal.

The People Driving Around For Hire, Illegally, They Are Not Going To Come Down Here And Submit Themselves To The New Regulations Once You Pass It.

They Don't Have A Business License, They Don't Have Insurance, And They Don't Have A Livery Certificate And Making It More Expensive And Difficult For Legal Companies Is Not Going To Fix That Problem.

Chairman Mann: Thank You For Taking Your Time And Being With Us This Morning.

Can I Give You A Paper? Chairman Mann: You May.

You May.

While She's Doing That, Our Next Presenter Would Be Jamie.

Hi, Good Morning.

Good Morning.

I'm Jamie Corbit.

I Want To Thank You Guys For Taking A Look At The Ordinance.

I Think The Changes Are Necessary.

We Do Support Any Ordinance Change.

However, We Found Three Points With The Ordinance That We Thought Needed To Be Addressed.

Section Five, Driver Standards.

As For The Driver To Hold A Current And Valid Chauffeur Or Commercial Driver's License, The Chauffeur's License Is No Longer Valid, Florida Classification And Commercial Driver's License Does Not Apply To This Industry.

It Asks To Consider Looking At That.

And Just Looking To Hold A Valid And Current Florida Driver's License.

Second Point, Section 5.

Vehicle Standards.

This Requires Vehicles Operating As A Vehicle For Hire To Display The Company Name On Each Side Of The Vehicle With A Minimum Letter Height Of Four Inches.

I Believe That For Vehicles That Are Operating For Airport Transportation, Limousine, That This Would Pose A Problem.

In Collier County, You Don't Have Signage For Airport Companies.

Most Airport Companies Do Not Have Signage.

I Think That Should Be Limited To Taxi Cabs And Not All Vehicles For Hire.

Also Section 3, Minimum Insurance Requirements.

Lee County Does Specify The Minimum Insurance Requirements, However They Are Not Asked To Be Listed As Additional Insured.

Nor Are They Asking For 30-Day Cancellation Notice.

I Think This Is Important Because Companies May Start Off And Have Insurance And For Whatever Reason They May Drop Their Insurance.

And It Would Be Good That The Board Of County Commissioners Knew They No Longer Had Insurance.

I Would Like To Say That I Think As Far As The Pricing, The Comments That Were Made Earlier, Pricing Appears To Be Very Fair.

Charging Much Less Than What Collier County Is Charging For Vehicle Inspections And Background Checks.

I Don't Think \$5 Per Driver Is A Hardship.

You're Still Just Requiring The \$30 For The Company Licensing And Yes, I Do Agree That The Problem You Will Have Is More With The Companies Operating Illegally, So Enforcement Is The Big Issue Here.

I Think There Has To Be Enforcement Of The Ordinance.

I See My Time Will Be Up, So I Would Like To Thank You Again For Taking A Look At This.

I Think It Is A Good Start.

Look Forward To Being Able To Assist You In Any Other Ways To Improve This Ordinance.

Chairman Mann: Thank You Very Much.

John.

My Name Is John Poker.

I Represent Apple Transportation.

I Am In Favor Of The Background Checks.

I Think It Is Important Doing What We Do Knowing The Drivers Are Driving The Tourists Around This County.

I Think More Needs To Be Put Into This.

I Think If You Give Us Another 90 Days Of Meetings Maybe Appoint One Commissioner To Meet With Us On Other Areas That Are Involved, Specifically You've Heard Collier County Come Up Twice Already.

It's True.

We're Paying Them Well Over \$500.

Just For The Paperwork To Get In Down There And The Rest Is \$75 Per Driver, Per Inspection.

We Are Already Checked Out At The Airport Drug Tested And You Know, We Do Everything Right.

They Are Down There, It Looks Like Trying To Get The Money From My Understanding Right Now, Everybody Is Hurting For Money.

I Don't Think They Have Enforced -- Anybody To Enforce What They Are Charging Us For.

So Although I Agree With What You Have On The Slate This Morning, I Think We Should Maybe Add An Addendum To It To Meet With One Or More Commissioners, However You Want To Do It, Appoint Somebody To Sit On A Committee Or Several People To Sit On A Committee And Come Up With A Final Solution.

I've Been In Business Since 1985 And I Think I Could Be Held As Well As Other People In This Room To Make What -- It Should Be -- Reciprocal With These Cities.

You Have Cape Coral, Sanibel, Then You Have Collier, Charlotte.

This Airport Is Southwest Florida Airport.

It Sits In This County.

So With That I See My Yellow Light Going On.

You Don't Pass Through Amber, So I Just Want To Thank You For Your Time This Morning And Hope We Can Give It Some Consideration.

Thank You.

Chairman Mann: Thank You Very Much.

Doug Wilcox.

Good Morning.

My Name Is Doug Wilcox, Aaron Airport Transportation.

I Sent An Email To Each Of You On The 26th Of July.

Have You Seen It And Read It? Chairman Mann: I Think So.

I'm Going To Read It Into The Record Here And Hope That Time Doesn't Run Out On Me.

Chairman Mann: You Have Three Minutes.

You Want To Summarize It? Well, Let Me Hit The High Points.

It Might Be Instructive To Think Of The Economy As A Car.

The Highway That We Run On Is Freedom, The Engine Is Ambition, The Fuel That We Burn Is A Combination Of Initiative And Innovation.

Front Brakes Are Taxes And Fees.

Rear Brakes Are Regulations And Bureaucrats.

We Have Infrastructure Here, If I'm Going To Keep This Analogy Here, We Have An Interstate Highway At 70 Miles Per Hour And Our Economy Is Struggling Along At 40.

Does Anybody Think Our Economy Will Improve By Stomping Harder On The Brakes? The Attachment Reads This Way.

In The Former Soviet Union Where The Bureau Had Absolute Control Over Absolutely Everything Including What You Are Allowed To Think About It, They Couldn't Make Their Economy Function Well Enough To Survive.

What Was Absence Was Freedom.

Freedom Is The Intangible That Allows For The Innate Pursuit Of Self Interest.

It Does Not Require Government Oversight Every Five Minutes To Assure Compliance With Regulatory Guidelines That Are Tortured By A Committee To A One-Size Fits All Compromise That Fits Nobody Particularly Well.

The Taxi Limo Industry, The 50% Onto Left Have To Have Whatever Is Cheapest.

The 50% Onto Right Wants The Best, The Most Expensive.

They Are Putting On A Show For Their Neighbors.

70% In The Middle Are People Looking For Value For Dollars.

Now, It Doesn't Do Anybody Any Good To Pontificate About These.

They Are All Equally Valid.

It Should Be What Pricing Of Vehicle Suits His Needs.

If The County Insists On Getting Involved In This, At The Very Least Recognize That We Go Through This Over And Over And Over And Over Again.

I Hope Time Doesn't Run Out.

Earlier This Year I Took A Passenger From South Naples Over To Fort Lauderdale To Go On A Cruise.

We Had A Round-Trip Fare Sorted Out.

We Had A \$250 Ticket To Pick Up A Fare Without A Permit.

We Are Permitted In Collier County And Lee County.

Okay, You Go Through It Once, Your Vehicles Are Righteous, How Many More Times Do You Have To Go Through This And For What Purpose? Thank You.

Chairman Mann: Thank You Mr. Wilcox.

Debbie Ruk? Hi, I'm One Of The Collier County Businesses That Also Does Business Up Here, Brings People Up To The Fort Myers Airport.

My Company Has Been In Business Since 1983.

I've Been There Since '99.

First Of All, The Price Of Collier County Permitting Really Hasn't Changed In That Whole Time Period.

It Is Expensive.

It Was Meant To Keep Businesses In Collier County By Making It Restrictive.

Number One, I Do Have To Have Each Vehicle Safety Checked, Signed Off By A Certified Florida Mechanic.

I Have To Have My Drivers Background Checked.

I Have To Have My Business Credit Checked.

All Of Those Things Are Done Annually And There's -- And Even If I As A Driver, If My Driver's I.D. Comes Through And It's Not The Time To Renew My License, I Have To Pay Two Background Checks That Is Interesting Since With Commercial Insurance They Background Check You Because They Don't Want To Be Insurancing A Business That Is Going To Cause Them Risk And Problems.

I Am Against Anything That Would Increase Having To Double Up Or Triple Up On Those Background Checks.

I Am Already Paying \$75 Or \$150 Depending Onto Time Of Year To Have It Done In Collier County.

I Certainly Don't Want To Pay Another \$75 Here.

We Used To Pay \$75 To The Airport And There Was An F.B.I. Check Before The Contracts And That Whole Business Changed.

And Basically, What I'm Saying Is You Need To Reciprocate At Least With Collier County, We Made Allowances For Advertising On Vehicles And Things Like That To Accept Lee County Vehicles, Which Aren't Allowed On My Own Vehicle Operating In Collier.

And I See My Time Is Up.

Okay.

And As I Said, \$600 Plus -- I've Been Operating With Cancer For The Last Two And-A-Half Years.

I've Been Keeping My Business Going Because It's Three Times As Much To Reapply For Everything.

So I've Been Paying For It, Even Though I Might Not Be Able To Operate As Extensively As I Did In The Past And Have Turned Overrides And Trips To Other People.

I Can't Afford Anything Else Right Now To Keep Going.

Thank You.

Chairman Mann: Thank You For Being With Us This Morning.

And Sharing Your Thoughts.

Todd Masstro? Good Morning.

Chairman Mann: Good Morning.

My Name Is Todd Mastro.

I Come From Collier County.

I Am The Oldest Transportation Company In Collier County.

The Company Was Established In 1968.

Family Acquired It In '75.

So I Grew Up In This Business.

Started Driving When I Was 16.

Page Field.

So The Situation That I Feel Has To Have A Combination Between Collier And Lee If We're Going To Both Utilize The Same Airport.

I Don't Want Doubling Up, But If You Put Everybody On The Same Page, Which Means Decisions On How You Are Going To Operate The Ordinance Up Here Should Coincide With Collier County.

You Have Some 30-Car Operations In Lee County Running Out Of Their Home.

I Wish I Could Do That.

I Really Do.

But Unfortunately The Rules Are Different.

I Was Told By Collier County That I Should Move My Operation Up To Lee County.

That's What They Told Me.

My Father Started A Pbac Board.

It Was A Board To Protect The Industry And The Client.

We Have To Look At Securing Since We Are A Tourism Area, Securing Those Tourists Passengers, Utilizing Public Transportation Or The Taxi Industry.

So I Do Think If Everybody Can Get On The Same Page, No Matter What That Is, That Should Be What We Are Trying To Accomplish Here.

Thank You.

Thank You, Mr. Mastro, For Coming Up And Joining Us This Morning. Chris Spect? Good Morning Commissioners.

I Own Amber Taxi Here In Lee County.

A Couple Of Points I Would Like To Echo What Jamie Of Bluebird Taxi Stated.

The Drivers Licenses, The Classes Have Changed And The Regular Florida Driver's

License Should Be Acceptable And The Signage For Airport Cars Really Shouldn't Be Required As It Is With Taxis.

I Disagree With The Insurance Statement Though.

To Name The County As A Co-Insured Would Cost The Business An Extra \$100 Or \$200 Per Year To Name The County As Co-Insured And The County Does Require A Certificate Of Insurance From The Insurance Companies, So If There Is A Cancellation On The Policy The County Does Get Notification From The Insurance Company That There Is A Pending Cancellation.

As Far As Background Checks That Are Proposed, I Completely Support It As Long As It Is Done With Commonsense.

I Am Also Licensed Up In Charlotte County And It's A Complete Burden On Both The Applicant And Business Because It Takes Such A Long Time.

They Do It The Old Fashion Way Where They Want Finger Print Cars And You're Back And Forth Between The County Offices And It Gets Mailed In.

I Do Support Background Checks But It Should Be Online For The Fee And There Should Be A Clarification If The Fee Is By The Applicant Or Business.

So We Don't Have Unfair Procedural Changes Where Some Larger Businesses Might Say We Will Pay For Your Background Check And Smaller Businesses Will Have To Say Well, If You Want To Apply You Have To Pay For Your Background Check.

I Think The Quick Background Check Online And It Either Be Paid For By The Applicant Or The Business, But Everybody Should Be The Same On That.

And Finally, There Should Be Some Reciprocity, If You Get A Background Check In One County And Going To Drive In Another County That The County Can Request The Approval Of The Background Check From The Other County.

Thank You.

Chairman Mann: Are There Others That Wanted To Speak On The Taxi Issue? Have You Just Sent A Card? You Need To Start Walking This Way.

You're The Last Player Here.

Judy Griffin? And Staff, I Know You Are Listening To These Comments And Will Be Able To Comment When This Item Comes Up.

Yes, My Name Is Judy Griffin.

I Own Bluebird Taxi.

This Started Many Years Ago.

I Received A Call From Lehigh From A Policeman And He Said Are There Any County Regulations? I Think I Met With Mr. Judah On This Several Years Ago.

I Said Not As I Know Of.

We Are In The City Of Fort Myers.

He Said I Have 1-800-Call-A-Cab, Magnetic Sign And This Guy Has No License.

That's When It Really -- I Try To Play By The Rules.

I Try To Have My Cars Inspected And I Really Would Appreciate If Everybody Were On The Same Page.

I Have No Problem With The Charter Cars.

I Am Not Saying That They Should Have Signage.

Taxis -- This Is What It Was All About.

Taxis.

This Is What I'm Trying To Get Enforced The Taxi Regulations.

Airport Is A Different Animal And I Know They Are In Lee County.

We Are Licensed In Collier.

I Think We Like John Poker Said, We Need To Get A Committee Together To Discuss This And Everybody Lay Out Some Points.

It's All I Got To Say.

Thank You And Have A Great Day.

Chairman Mann: Thank You, Miss Griffin.

We Will Be Back On This Issue For Action In A Few Moments.

Meantime, We Have Some Other Presenters On Other Issues.

Councilman Joe Kaczynski, Where Are You Hiding? Why Don't You Come Up Here.

What Is Your Issue? Spirit Of 45? That's Correct.

Is That One Of Our Agenda Items? No, It Isn't.

I Just Wanted To Introduce Myself And Invite Each One Of You To The Spirit Of 45 This Sunday.

It's A Celebration Of Our World War II Heroes And It's Going To Be On The New Crescent Beach Family Park And I Look Forward To Working With Each One Of You.

Chairman Mann: Councilman, Thank You For Being With Us This Morning.

Technically We Are Out Of Order, But Any Time One Of Our Colleagues From This Town Of Fort Myers Beach Is Here, We Will Make Every Accomodation To Let You Say A Few Words.

We Appreciate Your Partnership With Us And Wish You Well On The Spirit Of 45.

Thank You For Being With Us.

Thank You.

Chairman Mann: Cole, And He Will Be Followed By Phil.

You Look Kind Of Plain.

I Thought You Would Wear Your Red Sox Suit.

Tim Was Going For His 200th Win And Didn't Make It.

For The Record, I Am A 31-Year Resident Of Cape Coral.

I Am Here Representing The Responsible Growth Management Coalition And Sierra Club Local Group.

The Responsible Management Is A Stakeholder In The Projects.

We Hope You Will Continue The Lawsuit On This Issue And Approve The Money For It.

The Staff And The Commissioners Are To Be Commended For Supporting This Being Built.

And We Need Clean Water And This Lift Will Give Us That.

And This Is Why We Support It And Support Phil Buchanan For His Hard Work And Keeping This Before You And I Hope If The \$50,000 Doesn't Work That We Can Find A Solution To This.

Thank You.

And I Hope You Had A Restful Month.

Chairman Mann: Thank You, Carl.

Thank You For Your Continued Interest And Energy On Behalf Of Lee County And Its Welfare.

Mr. Chairman, Commissioners, This Morning I Am Representing Collier County And Autobahn But A Member Of The Board Of Directors And Our 160,000 Members In Florida.

We Have An Interest In Clean Water.

We Obvious Will I Have An Interest In The Nursery Habitat That Provides The Game Fish That Are An Important Part Of Our Economic Engine.

Only Last Week We Had A Serious Fish Kill Off Of Collier Beaches.

We Know What Kind Of Impact It Does To The Environment And Our Economy.

We're Here This Morning To Seek Your Support To Continue To Try To Find The Best Possible Solution To Deal With The Run-Off Of Cape Coral.

There Is No Question That Massive Quantities Of Fresh Water Is Every Bit As Much A Pollutant As The Nutrient Loads That Come With It.

We Are Aware Of What Nitrogen Provides.

To Have A Solution For Cape Coral That Does Not Include The Development On A Reasonable Timetable With A-- A Surety Is Not Acceptable.

I Ask That You Continue This Suit And We Find An Appropriate Solution To Deal With The Pollution Coming Out Of Cape Coral.

Thank You Very Much.

Chairman Mann: Thank You.

Dr. Phil Buchanan? Good Morning.

I'm Phil Buchanan.

I'm Also The Legal Coordinator For The Environmental Organization Seeking To Restore The North Cape Storm Water Treatment System.

And To Return Water Quality And Timing To Its Historic Flows To That Area.

All Of The Environmental Organizations And Local Government, Except Cape Coral, Agree There's One Way To Do That.

And That's To Plug That Artificially Created Opening At The South End Of The North Spreader.

Accordingly I Would Like To Aitem 14-- Item 14a.

I Would Like To Thank The Commissioners And Attorney's Offices For The Excellent Work You Have Done On This So Far.

Please Be Assured The Environmental Organizations Are Standing With You And Pursuing Every Possible Means Of Legal Redress.

When You File Your Appeal With The Second District Court Of Appeals, Your Action Will Be Supported By The Following List Of Environmental Organizations.

[Reading Organizations] The Sierra Club Is Joining Their Requirements And Sanibel Government Are Considering Putting Their Names On The Appeal As Well.

That's 16 Organizations All Together And Incredible Show Of Public Support.

The Organizations Include Every Single Southwest Florida Environmental Organization.

Every One Of Them.

As Well As Quite A Few Very Impressive State-Wide Environmental And Sport Fishing Organizations.

In Addition To The Second District Court Of Appeal Action And The Chapter 120 Action, We're Also All Jointly Reviewing And Continuing Weighing Other Legal Options.

The County Attorney's Office Is Doing A Great Job.

Please Make Sure They Are Allowed To Continue To Do So.

Please Approve Item 14a.

Thank You.

Chairman Mann: Thank You Very Much Mr. Buchanan For All You Do On Behalf Of The Environment Of Our Beloved County.

Charles? Correct My Pronunciation.

Messina.

Yes, Commissioner Mann, Thank You.

I Am Here To Address The County Commission Because I Have An Ongoing Issue That Does Seem To Get Satisfied.

Is It On The Agenda? Not An Agenda Item -- Is This Not The Public Hearing Section? I'm Sorry.

I Tried To Make That Clear Last Week That This Is A Non-Agenda Item You're Wish To Go Address And It Would Be This Evening.

I Respect That.

I Think You Had Left Before I Made That Clear.

No, You Made It Clear, Commissioner Bigelow, And If You Would Just Indulge Me For Three Minutes.

\$3.50 A Gallon Gasoline And Two Trips Here And This Is The Third Trip To Address This Issue, I Would Request Your Indulgence.

How About The End Of The Meeting? We're Technically Not Able To Do This.

I Am Sorry For The Miscommunication And I Thought We Had Straightened This Out Before.

I'd Settle For Five Minutes With All Of The Commissioners.

You Only Get Three Minutes Even If You Were Technically In The Appropriate Mode That We Find Ourselves Not.

Let Me Understand, Can You Not Do It This Afternoon On Our Public Hearing? We Reconvene At 5:00 P.M. For Public Hearing.

That's Fine.

I Will Come Again, If Need Be.

I Would Like To Talk To All Of The Commissioners.

I've Gone To Great Lengths To Come Here Numerous Times.

My Apologies If I Don't Understand The Rules Of The Commission.

If You Could Come Here At 5:00.

I Will Spend More Money No Problem And I Would Like To Remind The Commissioners I Spend Great Expense Putting Together Packages For Each One Of The Commissioners And I've Had A Meeting With Commissioner Manning –

Chairman Mann: I Have To Ask You -- I Would Like To Bring -- That's What We Will Give You All Of The Time Tonight.

5:00.

Not All The Time.

I Misspoke, But The Appropriate Amount Of Delegated Time.

Thank You.

We Will See You Then.

Sorry For The Mix Up.

Jim? Was There Anybody Else On The Taxi Cab Issue? Jim, Are You On The Public Hearing Issue? We Will Take That Up.

You Will Be Able To Speak At That Time.

I'm Sorry.

Tim, Same For You.

And Ron, Mary Ann Your On The Lbc Amendments.

Kim Hawk Is That What You're On? Thank You Commissioner Hall.

Comm. Hall: I Think We Have To Take Away Others Too.

Chairman Mann: That Brings -- Is There Anybody Else Here To Speak On Any Item On Our Consent Or Administrative Agenda This Morning? Seeing None, We Will Come Back To The Board For Any Consent Items To Be Pulled.

Commissioner Bigelow On Your End? Commissioner Judah? None, Mr. Chairman.

Can I Have A Motion? So Moved.

Can I Have A Second To Approve The Balance Of The Entire Consent Agenda.

Moved And A Second, Is There Objection? Discussion? It Passes Unanimously.

It Puts Us On The Administrative Agenda.

Help Me Folks Since We Moved A Bunch Of Items There To Make Certain We Do This Properly.

Move On Consent Item 1b.

Second.

>This Is The Bonds.

Commissioner, We're Just Asking For Authorization, We Don't Know What Would Be More Favorable Or Refinance The Bonds So We're Asking To Go Down Those Paths And Come Back With Which Ever Is A Better Rate For Us.

Chairman Mann: So You're Not Asking For Specific Approval To Do Anything At This Point? One Thing I Wish That You Would Maybe Advise Me On Or All Of Us On When This Comes Back To Us, There Are Significant Fees Involved In Refinancing Bonds.

I Would Like To Have A Schedule Of Those Fees And Who Gets Them.

We Had One The Other Day At The Airport That We Approved Where We Say It's \$350,000 In Refinancing Charge By Reissuing The Bonds, Paying Off The Old Ones, But There's Also Expenses And Fees Being Paid Out Of A Quarter Of A Million Dollars.

Something Like That, Because It's Percentage Of The Millions Of Dollars That We're Doing And I'm Just Wondering Is It The Citizens Or People Involved In Reissuing

These Bond That Is Are Making All The Money? I Just Need A Breakdown Of How That -- How It Will Fit When We Do This.

I Had A Motion By Commissioner Judah, Seconded By Commissioner Manning.

Just To Make Sure, This Policy Has Been In Place For Some Time.

We Want To Make It Clear That We're Talking About A Savings That Includes The Net Savings And Expenses Paid Toward Those Receiving Compensation For The Issuance Of The Refinancing Of The Bond.

Chairman Mann: Thank You For That Additional Clarification.

Further Discussion? Objection? Show Item 1b Passed Without Objection.

Move 5a, Mr. Chairman.

Second.

Chairman Mann: Have A Motion And A Second, Staff, Why Did We Want To Pull This One To Administrative, 5a? Give Me A Quick Summary Here.

Good Morning, Commissioners.

For The Record, Karen Mcguire, County Lands.

I Believe The County Administration Felt That Because This Was A Change To The Size Of The Parcel That We Originally Were Pursuing It Be Better It Be Placed On Administrative Agenda If You Had Any Questions.

Chairman Mann: Quick History Of It? This Is Part Of The Three Oaks Parkway Extension Roadway And Originally We Were Pursuing About Three Quarters Of An Acre Of The Parcel Along With A Couple Of -- A Slope Easement.

At Negotiations The Property Owner Wanted More Money And As Continuation Of Discussions Went On The Owner Was Willing To Open Up The Entire Five Acres So The Department Of Transportation Looked At That Possibility That Lends Itself To Constructing A Pond Site That Will Coordinate With The Overall Design Of The Roadway In The Future.

It Will Eliminate Certain Piping That Was Going To Be Required And Also Will Provide The Excavation Of The Filter.

That Would Be Necessary For Construction Of The Roadway.

So We Felt It Made Sense To Acquire The Whole Site.

Chairman Mann: I Have A Motion And A Second.

Is There Further Discussion? Objection? Show It Adopted.

Thank You.

Move 7a, Mr. Chairman.

Chairman Mann: 7a.

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

Staff Is There Anything About This Recommendation That Needs To Be Put On The Record Or For Clarification? Everybody Think It's A Good Idea? Is There Further Discussion? Objection? Show 7a Adopted Without Objection.

Move, 12c.

Second.

Chairman Mann: 12c I Have A Motion By Commissioner Manning, Second By Commissioner Judah.

This Is To Provide Miscellaneous Professional Services To Stanley Consultants On An Intersection Improvement.

Is There Discussion? Mr. Bigelow? Comm. Bigelow: Can We Hear From The D.O.T. Director Mr. Loveland? Mr. Loveland Interim Director Of D.O.T.? As He's Coming Forward Do You Have Specific Questions That He Could Be Responding To Other Than Just Rambling? Comm. Bigelow: Yea, We Wouldn't Want That.

A Good Way To Put It.

This Is A Supplemental Authorization Request -- Sorry, Dave.

Holding Up The Blue Sheet Here.

There We Go.

So We're Going To Be Asked To Approve A Supplemental Task Authorization For Stanley Construction, Correct? Stanley -- That's Right.

Stanley Consultants, Inc.

For The Record, Dave Loveland, County D.O.T. Comm. Bigelow: We Have These 55 Consultants Preapproved By The Board And You're Selecting Stanley Consultants, Inc., Out Of Those 54 Other Firms.

Can You Tell Me How It Was That You Selected Stanley Consultants, Inc. Out Of The 55? Yes, Sir.

This Was Actually The First Pick Off Of The List.

We -- It Was Kind Of Wide Open As It Was Explained Last Week.

The Contracts Department On These Types Of Contracts Attempt To Make Sure That We're Spreading The Work Around So That Everybody Has A Shot.

In This Case Somebody Has To Go First.

We Had Discussed The Project With Stanley And They Were Interested In This Job And Went So Far As To Suggest Alternatives With Us That Intrigued Us And That's Partly Why We Went With Them For This Particular Contract.

They Are Going To Look At Alternatives To Adding A Turn Lane And We Might Look At A Round About At This Location Based On Their Suggestions.

So That Will Be Part Of The Contract.

Comm. Judah: Supporting Round Abouts Is Great To Hear.

Comm. Bigelow: I Have A Location For One Of Those We Will Talk About Later.

I Understand There Are Some Predetermined Criteria As To How To Select Or Short List The 55 Firms In This Case In Order To Come Up With One That You Then Talk To And In This Case Stanley Consultants Was Picked Through This Predetermined Criteria That I Have Not Seen In Any Written Form, But It Sounds Like Ms. Logan Was It? Would Like To Have This Predetermined Criteria As To How She Came To The Decision Of Stanley Consultants.

And Once She Made That Decision You Discussed This With Stanley Consultants And They Put Their Best Work To The Particular Project And Came Up With Alternative Ideas That Is A Good Thing.

But There Are 54 Other Firms That Weren't Selected And Therefore 54 Other Firms Couldn't Or Weren't Offered The Opportunity To Look At The Project And Consider How They Might Have Also Proposed Alternatives.

So I Guess My Request Here, And I Won't Be Supporting This, Because I Am Uncomfortable With This Process, But If You Could, Dave, Provide For Me The Criteria Ms. Logan Applies, And I'd Rather See It In Documented Form And Know We've Passed It Somehow And I Believe There Is A Better Way In Order To Come Down To A Short Number Of Consultants From The List Of 55 And Offer To Them The Open-Ended Opportunity To Also Define How They Might Approach The Project And If There's Other Cost Savings Is It Possible With These Other Firms That Might Be Short Listed, Then We All Win.

I Think It's A More Fair And Transparent Process That Way.

That's All, Mr. Chairman, Thank You.

Further Questions? Further Comments? Discussion? We Have A Motion And A Second.

Right.

Chairman Mann: Is There Objection? Show It Passing 4-1, Commissioner Bigelow Dissenting.

Comm. Hall: I Will Move Item 3a.

Resolution.

Chairman Mann: I Have A Motion By Commissioner Hall, Second By Commissioner Manning.

Is There Need For Discussion? Everybody Has Been Briefed On It.

Is There Discussion? Commissioner Bigelow? Comm. Bigelow: I Just Want To Get To It.

Chairman Mann: It Involves The Fort Myers Library.

Comm. Bigelow: And I Guess I Think It's Appropriate For Me To Let You Know The Liaison Board For This Project, The Downtown Library, That As I Tried To Let You Know Before There Were Some Issues Proving To Be Very Sticky Wickets And This Hopefully Puts Us In A Better Position To Deal With Some Design Difficulties That The Architect And Design Team Are Having.

So I Hope That The Board Will Approve This.

Chairman Mann: Okay, This Action Simply Clears The Way For Us To Swap A Parcel With An Aja's -- Adjacent Owner.

Is There Objection? Show It Adopted Without Objection.

Move 13a.

Second.

Chairman Mann: 13a.

Commissioner Manning Moves It, Seconded By Commissioner Judah.

Item 13a.

Is There Discussion? Is There Objection? Show It Adopted Without Objection.

Now We Are On 14a.

Move The Item, Mr. Chairman.

Chairman Mann: This Is A Serious Issue And Involves An Expenditure Of \$50,000.

My Question Is Where Does The 50 Come From? Comm. Hall: General Fund Program Non-Departmental.

Chairman Mann: A Budget Transfer From Expert Witness Fees? Comm. Hall: -- It Comes From The Okeechobee Fund That Is Part Of The Regular Budget And We Want The Money Transferred From There Since We Are No Longer Pursuing The Litigation Aggressively.

Chairman Mann: So These Were Set Aside Originally For Possible Litigation Involving Water Ways And That's What We're Talk Being? Yes, Sir.

Chairman Mann: It Seems To Be Consistent For What The Purpose It Was Set Aside For.

Any Other Questions? Discussion On This Issue? I Have A Question.

Chairman Mann: Commissioner Bigelow.

Comm. Bigelow: Let Me Start With The Last Issue Here.

How Much Is In That Fund? I Think It's \$250,000.

I Think.

Comm. Bigelow: And This Is In The County Attorney's Budget? Yes, It Is.

It Is Outside, But It's Within Our Budget.

Comm. Bigelow: But To The Meat Of The Matter Here, So The Florida D.E.P. Has Dismissed Our Petition For Administrative Hearing, A Notice Of Denial Of The Environmental Resource Permit To The City Of Cape Coral.

That's Where We Are Now And This Authorization Of \$50,000 Will Allow The County Attorney's Office To Get Into The Second District Court Of Appeals To Petition -- Good Morning, Commissioners.

Assistant County Attorney.

That Is Correct.

This Will Allow Us To Move Forward With The Appeal To The Second D.T.A. There Is Another Action That We Are Taking Simultaneously Under Florida Statute 120.69.

And Last Week We Filed A Notice Of Intent To Petition For Enforcement Of The Terms Of The Consent Order Against The City Of Cape Coral.

This Would Authorize A Move Forward With Both Of Those Actions.

Just To Go One Step Further, We Asked For The Are The Fi Indication Because This Happened -- Ratification Because It Happened During The July Hiatus And It Was Time Sensitive So We Needed To Go Forward With This.

If You Choose Not To We Can Stop It At This Process But We Felt It Important To Go Forward.

Okay.

Well, I'm Glad You Pointed That Out For Me Because I Guess I Would Like To Know -- What -- Can You Explain That To Me? I Don't Understand -- Ratify The Notice For Intent To Petition The May 18th, Second Amendment Consent Order.

Commissioner Bigelow, Under Florida Statute Chapter 120:69, We Have As A Party With Substantial Interest We Have The Right To Petition And Enforcement Agency To Take Action To Enforce Their Rules, Regulations And Orders.

Prior To Filing That Petition In Circuit Court We Must Give Them 60 Days Notice That We Intend To Do So And Within That 60-Daytime Frame There Is An Opportunity For The City And Fdep To Take Corrective Action.

Comm. Bigelow: Okay.

So That Will Take Place First Or Are You Doing It Simultaneously? These Are Taking Place Simultaneously.

The Notice Was Sent Out Last Friday.

So They Have 60 -- We Have 60 Days To Work With Fdep And The City To Come To A Resolution On The Matter.

If Not, We Will Come Back To The Board In 60 Days Or Within 60 Days For Authorization To File That Petition With The Circuit Court.

Comm. Bigelow: Okay.

I Appreciate That Further Explanation.

Appreciate Your Indulgence.

Chairman Mann: Further Discussion On The Issue? I Have A Motion And A Second.

Is There Objection? Show It Adopted Without Objection.

Move 14b, Mr. Chairman.

Second.

Chairman Mann: I Have A Motion By Commissioner Manning, A Second By Commissioner Judah.

This Is A Settlement -- A Mediated Settlement On The Burnt Store Road Widening Project.

Original Asking Was 221, Some 70 Approximate Thousand Left.

Is There Further Discussion On This Issue? This Is Kind Of Related.

Close Enough.

You Will Be Able To Make The -- I Would Like To Get An Update On The D.O.T. And County Lands, Probably, But Just An Update Of Where This Project Stands.

How Much Of The Right Away Is Acquired, The Project Planning Status And Anticipated At This Point Cost.

And I'm Sorry, Dave, I Should Have Told You, I Didn't Mean For You To Do It Now, But I'm Want To Go Know More About Where This Project Stands.

Chairman Mann: Quick Summary Of The Burnt Store Road Project? I Can Give You A General Summary And Provide The Specific Dollar Numbers Because I Don't Have Those Off The Top Of My Head.

For The Record, Dave Loveland, We Are In The Right Of Way Project.

We Were Working On Designing A Widening That Went From State Road 78 To Van Buren Parkway That Was In The Limits Of The Cape Coral Portion.

We Are Looking -- We Haven't Been Able To Fully Fund The Construction Phase.

We Are Using Surplus Revenues For The Cape And Midpoint Bridges And We Are -- Were Able To Get A Grant To From Fdot For 2014, 2015 To Move Forward Of Construction Of The First Phase Of This.

We Will Split It Into Three Parts To Try To Implement It.

The First Place Will Go From 78 To Tropicana, About 2.1 Miles.

Chairman Mann: Have We Got Half Of It? Right Now We're Focussing On Completing The Right Of Way Acquisition.

That's The Part County Lands Is Focussing On And I Can Get The Percentage Numbers For You After The Meeting.

Chairman Mann: I'm Sorry To Interrupt.

I Think I Have The Same Kind Of Questions.

When Are We Going To Quit Buying Rightofway And Start Building? But The Money To Be Used For Right Of Way Continual Purposes Is Through The Surplus Tolls On The Midpoint And Cape Bridge? That's Right.

We Budgeted Money For The Right Of Way Acquisition And Been Negotiating For Years.

Chairman Mann: It Would Be Good To Give Commissioner Bigelow And Myself A Little Update On Where That Goes And Certainly Our Two Cape Commissioners.

We Will Send It To Everybody.

Comm. Bigelow: Is This Still Being Designed, Sorry If I Don't Have The Right Word,

A Super Road? A Super Street.

The Intention Is To Do Four Lanes Initially As Standard Four-Lane Arterial With The Super Street Concept As The Ultimate That We Want To Achieve.

So -- The Issue Comes Into Play At The Major Intersections If The Traffic Triggers The Need For A Traffic Light At A Major Intersection, At That Point We Would Convert To The Super Street Type Set Up.

Comm. Bigelow: Okay.

Chairman Mann: Commissioner Hall? Comm. Hall: I Want To Make Sure The Board Understands This Is A Collaborative Process With The Residents In The Northeast And Northwest Cape Area.

There Is A Citizen Area Advisory Group.

The City Of Cape Coral Has Held Meetings That Commissioner Manning And I Have Been Invited To And We Swap Off On Going.

The Super Street Design, All Of This We've Done, Community Outreach At The German American Club So The Design Has Been A Collaborative Effort With The Residents, Businesses And Certainly With The City Of Cape Coral Elected Officials As Well As Their Staff.

So This Has Been A Very Communicative Process And If Any Commissioner Will Make The Cape Sort Of Leads These Meetings, But I Will Try To Make Sure And I Am Sure Commissioner Manning Will Notify Any Other Commissioners If Any Of You Want To Attend, We Could Publicly Notice That Workshop.

We Have Them About Every Quarter.

If You Want To Sit In On One Of The Meetings You Are Welcome To If You Give Us Enough Time To Publicly Notice It.

But There Is Quite A Lot Of Citizen Involvement And It's Been A Pleasure To Work With.

They Have Been Tracking This Project For What, The Last 10 Years? And Have Been Very, Very Involved.

I Appreciate The Cooperation That We've Had With The City Of Cape Coral And Certainly The Participation Of The Residents Along The Corridor And To Some Degree, A Lesser Degree, Charlotte County As Well.

Appreciate The Additional Information.

A Question Mr. Bigelow? Comm. Bigelow: Can You Tell Me If These Meetings That She's Describing Are One Of The Same? Santa Barbara Overpass Stakeholders? No, They Are Separate From Those.

They Are Referred From The Burnt Store Road Right Of Way Committees.

They Are Set Up By The City.

I Think The Next Is October.

Comm. Bigelow: They Are All City Appointees? The City Helps Facilitate The Meetings.

Comm. Bigelow: Good.

I Have A Meeting With The Cape Coral Mayor And City Manager.

I Will Discuss Further With Him About It.

Chairman Mann: Further Discussion? Is There Objection? Show It Adopted Without Objection.

That Brings Us Mercyfully, I'm Sure Some Of The Audience Is Saying, To The Public Hearings.

Counselor? Good Morning.

Mr. Chairman, Members Of The Board.

Scott Cougar, Assistant County Attorney.

The 9:30 Public Hearing Item Is To Establish The Solid Waste Complex And Disposal Program Special Assessments Rates And Other Solid Waste Charges For Tax Year 2011.

I Find It Legally Sufficient In Form Of Content To Perform This Public Hearing.

Chairman Mann: Questions Of Mr. Cougar? Move The Item.

Second.

I Have A Motion And A Second To Move The Item, Which -- No, Let Me Accept It Until -- Mr. Sampson Has A Chance To Brag Just A Second.

These Are Reductions.

Correct.

Put That On The Record, Because We Don't Do This Every Day.

For The Record.

Lindsey Sampson, Solid Waste Division.

Thank You Very Much.

The Proposed Residential Rates Are Reduced Approximately \$15 A Year In Each Of The Five Franchise Collection Areas.

The Five Main Areas.

The Disposal Fee At The Disposal Facility Is Also Recommended To Be Reduced And So The Commercial Customers Will Also See A Reduction In Their Cost.

This Is The Third Year In A Row That We Have Proposed Rate Reductions Now Totalling \$32 Per Year For Residential Rates.

These Rates Are Also Less Than They Were 10 Years Ago.

The Proposed Disposal Facilities Assessment Will Be Reduced.

The Estimated Cape Coral Or Actual Cape Coral Mstu Assessment Millage Will Be Decreased From .204 Mills To .1292 Mills.

Chairman Mann: Let Me Ask You If You Could -- Is There A Simple Point That You Could Bring Out That Would Allow -- Explain Why We're Able To Have These Proposed Reductions At This Time? The Primary Reduction Factor Here Was The Board's Decision To Essentially Retire The 2001 Bond Issue Which Will Be Done On October 1st Of This Year.

And Secondly, We Have Received Additional Increases In Recycling Revenue That Is Also Being Applied Though The Primary Factor Is A Decision To Retire That 2001 Bond Issue Two Years Early.

Chairman Mann: Okay, Thank You.

Any Other Questions? Commissioner Bigelow.

Comm. Bigelow: When We Retire This Bond Issue In October, What Will Your Actual Level Of Reserves Be Expressed In Dollars And Also As A Percentage Of Your Annual Expenditure? Commissioner, We Provided That Information To You On June 14th.

And I Have It By Separate Funds.

You Would Have To Give Me A Minute To Add Up The Values, But It Will Be In The Neighborhood Of 1.5 Times Our Operating Budget, Which Is The Recommended Reserve Level That Is Provided To The County By The Financial Advisor.

Comm. Bigelow: Have It Expressed As A Dollar Amount And Percentage Of Expenditures Which Is How We Monitor Which Is The Prudent Reserve Levels.

It Is 1.5 Times The Operating Budget.

We Can Call It 150%, Same Thing.

Comm. Bigelow: Can I Have It Expressed As A Dollar Figure? Approximately \$90 Million.

And A Percentage Of Your Annual Expenditures? That Includes Both Restricted And Unrestricted Reserves.

Comm. Bigelow: So What Is Your Level Of Reserves Expressed As A Percentage Of Your Annual Expenditures.

Pete, If You Would Like To Answer? I Said 150%.

That's The Same As 1.5 Times.

Comm. Bigelow: The Reserve Level Is 150% Of Your Annual Expenditures? Correct.

Pete, Haven't You Told Us The Prudent Reserve Level Is Somewhere Around The Neighborhood -- 15% -- Not For Business Units Because They Are Supporting A Significant Number Of Bonds And Have A Significant Number Of Debt Covenants Involved With That.

Comm. Bigelow: What Is It For Utilities And Solid Waste? 150%, I Would Have To Guess.

Utilities Is Probably Similar And This Is Restricted And Unrestricted Reserves.

Utilities A Small Percentage, Probably I'm Going To Guess 10% To 15% Or Unrestricted Reserves And The Rest Are Funding The Capital Improvement Program And It's Similar With Solid Waste.

Comm. Bigelow: These Are Wonderful Explanations And Qualifications To The Information I'm Asking, I'm Just Trying To Get To The Meat Of The Matter Here For Me And What Are Your Reserve Levels? We've Spent Down Or Will Spend Down When We Retire This Bond Issue To The Point Of \$90 Million Left With 150% Reserve Which Is Both Discretionary Or -- Well, As I Mentioned, The Financial Advisor To The County Placed That Number For Several Reasons.

A Lot Of It Is The Risk Associated With The Facilities Operated By The Division.

That Risk Includes Upset Conditions Which Is As Much As \$1 Million A Day For Facilities Being Down And That's The Type Of Backup That We're Addressing With This Type Of Reserve.

Comm. Bigelow: I Appreciate Your Help Here Because We're Entering The Adoption Of A Budget And This Is Helpful Background Information.

Chairman Mann: Mr. Manning

Comm. Manning: What Percentage Of Operating Capital Are Ad Valorem? It Is An Mstu Specific To The City Of Cape Coral Put In Place Under The Direction Of The City Of Cape Coral -- [Inaudible] The Rest Is Zero, Yes.

Thank You.

Comm. Hall: Mr. Chairman?

Chairman Mann: Commissioner Hall?

Comm. Hall: I Appreciate Commissioner Bigelow's Questions But I Want To Repeat Balance.

I Speak To A Lot Of Business Groups And Civic Groups, If We Have To Make Changes The Smaller The Changes Can Be The Easier It Is To Be Adopted.

One Of The Things We've Been Able To Do Because We Are Very Conservative And Because We Have Had Strong Reserves Is We've Been Able To Blend Easily Consistent Rates In Our Utility Department, You Have Not Seen Big Spikes Up Or Down.

When You Start Messing With The Rates And Go Too Far Down Only To Come Back Up It's Difficult.

We Are Seeing That With The Library Millage.

When We Talk About Getting It Done There's A Struggle And Debate On Whether We Need To Bring Them Back Up.

The More We Can Do -- And I Know Commissioner Mann You Don't Like When I Say This, But The More We Can Be Consistent The Easier It Is For Businesses And Residents On Fixed Incomes To Track That And Count On Us To Do That.

So I Truly Appreciate The Efforts Our Staff Has Made, Our Financial Advisors Have Made When It Comes To Utilities.

This Is A Core Service.

People Need Their Water And Sewer And Need To Be Affordable.

I Appreciate When You Put Your Cans Out There, They Get Picked Up.

Lindsey, We Make Those Adjustments Subtly And It's Nice When It's In A Downward Effort.

I Personally Appreciate The Hard Work That You Guys Put In To Looking At These Rates To Ensure We Can Blend Over Time Very Subtle Ups And Downs.

Thank You.

Any Further Questions Of Mr. Sampson? Back To The Board.

I Had A Motion By Commissioner Judah And Seconded By Commissioner Manning? You Have Public Hearing.

Open Public Hearing.

He Was Just About To Ask For Public Input.

Chairman Mann: The Board Took The Words Out Of My Mouth.

Does Anybody Want To Speak Against Reducing Fees? [Laughter] Chairman Mann: Is Anybody In Favor Of Increasing Them? I Don't Think So, Either.

Going Back To The Board.

Now For The Motion For Commissioner Judah, Second By Commissioner Manning.

Is There Further Discussion? Objection To The Motion? Show It Adopted Unanimously.

Thank You For That Public Input.

We're Doing Public Input In A Variety Of Ways This Morning Thanks To The Chairman.

Mr. Cougar? Thank You, Scott Cougar.

Public Hearing Item Number 2 Is To Consider Adoption Of An Ordinance Of The Taxicab And Livery Ordinance 00-01.

I Find It Sufficient To Conduct This Public Hearing And Staff From Advent Public Resources Available To Entertain Questions You May Have.

Comm. Judah: Scott, There Are A Number Of Comments Made By Those That Spoke This Morning Regarding This Proposal And I Don't Know If You Took Notes.

I Took Several.

If You Want To Follow Up On Responding, Kind Of Clear The Air On Some Of The Concerns And Questions That Is Were Posed.

Well, I Actually Made A List Of The Questions And I Can Go Through Some Of Those One At A Time If You Would Like.

Chairman Mann: Just A Second So We Can Put All Of The Questions On The Table Here.

Commissioner Manning.

Comm. Manning: I Think Commissioner Judah Makes A Good Point.

There Has Been A Lot Of Good Input Supplied By The Livery Operators And Those That Transport People To The Airport.

I Agree With A Lot Of The Statements.

Agree With Some Of The Statements That Were Made By The Taxi Operators.

The Big Problem That We Have Here Is A Reciprocity Agreement In My View.

My Suggestion Is That We Postpone Voting On This Ordinance Today And Allow For Industry Input To Come Into The Appropriate County Staff Into Reset A Public Hearing Date Down The Road.

If That's Not The Case I Can Go Along With Whatever We Come Up With But That

Would Be My Suggestion.

Commissioner, Just To Clarify That, We Think It's A Fairly Easy Fix That We Would Accept Reciprocity With Charlotte And Collier.

The Idea Is To Accept Reciprocity Where -- We Don't Want To Duplicate Background Check Or Duplicate Vehicle Inspections, We Only Want To Do It For Those That Aren't Doing It And Fall Through The Cracks So It Doesn't Become A Haven For Folks That Don't Have Background Checks Or Vehicle Inspections.

So We Would Accept That Reciprocity With Collier And Charlotte.

Comm. Manning: We Need To Amend The Ordinance To Do That, Correct? Comm. Hall: We Can Do It Now.

Chairman Mann: Just A Minute.

Technically Commissioner Judah Still Has The Floor.

Comm. Judah: It's A Valid Point And Sounds Like An Issue That Can Be Addressed Today.

I Would Agree With Commissioner Manning.

But There -- I'm Sorry, I Was Going To Say There Were Other Questions And Comments If You Want To Follow Up.

On The Other Ones, We Agree That We Would Take Up The Chauffeur And Commercial Licenses And Make It A Florida Driver's License As Was Stated And Only Require The Four-Inch Height For The Insignias On Taxis, Not Limousines.

We Thought That Was A Fairly Easy Fix To The Ordinance.

The Insurance Section Hasn't Changed.

We Suggest That Remain The Same.

On That Point Can I Ask -- Chairman Mann: Just A Minute.

Commissioner Hall -- Comm. Hall: That's Fine.

We Can Come Back And Comment On Them.

I Have Questions On The Insurance As Well, But -- My Only Comment Was On The Reciprocity.

We Have Several Ordinances In Lee County.

Three Ordinances Covering Taxi Cabs In Lee County And We Tried To Bring Them All In For Landing So There Is Not Different Roles In The Counties.

We Have Different Roles In Our Own County And Different Roles In Collier.

We Tried To Blend Our Ordinances With Collier County So There Would Be A Little More Fairness.

I Think The Reciprocity In The Fact That Collier Has A Much More Stringent -- Ours Is Less, That The Fact We Allow It It Does Say Fees And Things For Them, But I Think We Need To Work In Our Own County To Blend Our Own Ordinances Within The County And Try To Work A Little Harder With Our Neighbors So We Are One Area, One Region That Services Our Tourists And Visitors And It Would Be Nice To Come Together On That.

And I Think We Have Some Support With That From Our Two Collier And Charlotte County Representatives On The Port Authority That Could Help Us With That And Someone Through This Commission As Well.

That Was One Of The Comments.

And I Do Have A Concern About The Insurance, But I Can Wait.

Chairman Mann: Okay, Back To Commissioner Bigelow.

Comm. Bigelow: I Was Just Going To Ask Pete If The -- You're Suggesting Leave The Language With Respect To Insurance As It's Drafted? So That Means That The Insurance Carrier -- We Don't Need To Be Named As An Additional Insurer On The Insurance.

That's How It's Written? No, It's Not Written At This Point.

Somebody From The Public -- Comm. Bigelow: I Know, That's Why I'm Bringing It Up.

Just Tell Me As It's Drafted And We're Proposed To Adopt Here Potentially, Would There Not Be The Requirement To Co-Insure The County? If That's The Correct Lingo.

Chairman Mann: The County Is An Additional-Named Insurer.

I Am Just Trying To Clarify What We're Talking About.

It Was A Question Raised.

I Thought It Was A Statement That We Were To -- Chairman Mann: As I Recall It It Would Cost A Little Extra To Have That Added By Your Insurance Carrier.

It's Not Part Of What Is Proposed Before Us Here.

Commissioners, One Further Clarification Because We Have Coordinated With The Sheriff's Office.

One Is They Will Do The Vehicle Inspections For -- There's No Additional Charge For That.

However, They Always Intended To Charge For The Background Check.

If We're Not -- If You Haven't Got It From Somebody Else, But They Are -- They Are Concerned About Using The Fcic And Fdle Because It Could Put Their Access At Risk.

It Will Probably Be A \$55 Fee For A Live Scan.

It's Basically Another Company Doing That Check.

I Have The Lieutenant Here From The Sheriff's Office If You Want Further Information On That.

Chairman Mann: Let Me Suggest This.

There Are So Many Loose Ends Here.

I Am Inclined To Encourage What Mr. Manning Suggested That We Continue This Hearing In Some Fashion And Make Certain Everybody Understands -- We've Got Four Or Five Little Changes Or Clarifications And I Am Reluctant To Do That At This Juncture Without Adequate Time To Review And Understand It.

Comm. Manning: Mr. Chairman?

Chairman Mann: Mr. Manning?

Comm. Manning: I Had A Question On The Enforcement.

Who Is The Responsible Agency For The Enforcement Of The Unlicensed 1-800-Dial-A-Cab-Type Folks?

Comm. Hall: Saying Who Doesn't Have A License, Who Regulates That? Comm. Manning: How Do We Get Them? It Would Be The Sheriff's Office.

Comm. Manning: Okay.

Chairman Mann: Commissioner Manning Do You Have Any Thoughts On Trying To Get A Motion That Everybody Understands This Morning? Or Continue This?

Comm. Bigelow: Can I Speak To The Continuing Idea?

Chairman Mann: It Was Commissioner Manning's Idea.

Comm. Manning: I Would Make That Certain To A Date That We Can Iron Out All Of The Questions We Asked Today And Make Sure Everybody Is On The Same Page.

Comm. Hall: Last Public Hearing In September Or Something? Maybe If You Said Date Certain Maybe A Public Hearing In September? It Gives Them A Month And-A-Half To Work Out The Details? If I Could Have Rosanna Discuss The Renewal Process? We Have To Do The Renewals By October 1st.

Good Morning Commissioners, Rosanna Herrera, Public Resources Our Renewals Are Always Beginning September 1st -- September 30th It Ends.

October 1st Is The Renewal.

If We Don't Get That Done In Time We Will Hurt The Port Authority.

Comm. Manning: How About The Last Public Hearing Date Of The First Of September.

Would That Do It?

It's A Lot Of Work For Me Because We Have Roughly 171 Companies That I Deal With.

And In That There's Like 971 Vehicles That I Have To Get Permitted.

It Does Take Time.

I Can't Have That Influx All At Once Because They Are Urgent.

They Want To Renew Now To Start Getting Their Ducks In A Row With The Other Entities.

Comm. Bigelow: Could We Grant An Extension Of All Of The Current Permits?

If We Do That They Want Renew With The Port Authority.

I'm Sorry? They Need To Renew With The Port Authority And The Port Authority Will Not Issue A Permit To Them Unless They Have One Through Lee County First.

Comm. Bigelow: Okay.

Chairman Mann: Commissioner Judah?

Comm. Judah: It's My Understanding That The Reciprocity Problem Can Be Resolved.

We Heard The Florida Driver's License Is Satisfactory.

The Four-Inch Height Limit On Taxis Only For The Signage.

For Enforcement, We Are Relying On The Lee County Sheriff's Department And They Are Insisting On The Background Checks That They Have A Process They Are Recommending And We Should Follow Through With That.

I Don't See Why We Need To Hold This Up.

We Should Be Able To Move This Forward.

Comm. Manning: I Will Remove My Motion For An Alternative Motion.

Comm. Hall: I Suggest We Adopt This Ordinance With The Changes Recommended And We Instruct Staff To Continue To Work On This Ordinance To Clean Up Any Other Loose Ends And Come Back At An Appropriate Time When The Industry And Our Staff Can Come To A Better Agreement.

But I Think There's Enough Amendments To Get Us Going On The Right Track, But It's An Ordinance That Is Fluid So I Would Second -- I'll Second That Motion.

That Would Be My Motion To Move Forward With The Changes Recommended And Instruct Staff To Continue To Work With The Industry On Continuing To Revise This Ordinance.

Chairman Mann: Okay, That's A Motion By Commissioner Hall.

Seconded By Commissioner Manning.

I Am Not Going To Accept A Vote On That Until We Have Read Clearly Into The Record Each One Of These Items That We've Agreed To Or Understood.

So Pete, You Started To Read Them.

Commissioner Judah Read Them Off.

But Let's Take Them One At A Time The Amendments To The Proposal Before Us So We Know Exactly What We're Voting On.

And Page 9 Of The Ordinance I Believe That Section 5c1.

Gets Rid Of The Commercial License And Relying On The Driver's License.

Chairman Mann: That's The Florida Driver's License Only.

A Valid Driver's License.

Florida.

The Second Change Is The Signage.

That's Only For Taxis And Not For Limousine Services Or Black Cars -- Chairman Mann: And It Would Require What? They Will Not Require To Have Any Signage.

What Section Would That Be? That Would Be -- I Think It's On Page 12.

It Would -- Chairman Mann: It's Remained As A Requirement On Taxis.

Correct.

Chairman Mann: But Exempt On What? Comm. Hall: Yes, Page 12.

Section 2, Page 12.

It Should Read All Vehicles -- 5d2.

It Should Read, All Vehicles When Operating As A Taxicab For Hire Should Require Displaced Signage.

We Want To Eliminate The Word Vehicle And Make It More Specific To Taxis.

Chairman Mann: If You Got Any Question On This, Now Is The Time -- No, Sir.

The Insurance, One Thing To Clarify Commissioner Bigelow.

Page? Well, I Don't Have A Page There.

Section 11? Page 14.

Okay.

Page 14.

What I Wanted To Bring To Your Attention Is A Certificate Of Insurance And Not Be Named As An Additional Insurance.

The Reason Why The Certificate Of Insurance Is Important So We Know These Taxis Have Insurance.

Not That They Are Covering Any Liability, The County.

That's The Distinction.

Comm. Bigelow: The Certificate Is Given To The County -- Right, And A County Advent Staff Reviews And Makes Sure They Have The Proper Insurance.

I Want To Put That Out There.

That's All The Changes That I'm Aware Of.

The Reciprocity.

Well, We Don't Have An Agreement.

We Accept That Now So We Will Continue To Accept It But We Can Be More Explicit In The Language.

We Can Add Language To Give Collier County Or Charlotte County That They Are Exempt From Any Of These Requirements.

And Finally, There Was A Question About -- And I Don't Think It's For Us To Address, Who Should Pay For The Background Check Whether The Applicant Or The Business.

I Don't Think We Want To Make Any Changes Or Anything Like That.

So Was Just A Question From The Public.

And Just For Clarification We Will Add A Section On Reciprocity So It Will Be In

There.

Chairman Mann: One Last Clarification For The Chair, In As Much As The Chairered -- Chair Had All Of The Testimony Earlier It Needs To Be Stated That This Is A Public Hearing And Everyone Has At This Meeting Had An Opportunity To Express Themselves On This Issue.

Are There Others That Want To Speak On This That Did Not Have An Opportunity Earlier? Okay.

Back -- Now, If You've Already Spoken -- Okay.

Public Hearing.

It Would Be -- This Is Your Opportunity, Yes.

Good Morning.

I'm Joanna With Apple Transportation.

Good Morning, Commissioners.

I Simply Want To I Guess Reiterate What My Husband John Poker Had Said Earlier When He Was Speaking Which Is To Say, We Are Very Concerned -- I Think All Of Us In This Room Are That Spoke, Mentioned Reciprocity.

Meaning -- We Are Willing To Give Reciprocity But Collier Isn't As Kind.

That Needs To Be Stated -- You Know.

We're Asking Them To Continue To Work On The Ordinance.

Okay.

All Right.

Well, Thank You.

Chairman Mann: Thank You.

I Want To Make Certain That We're Not Just Giving Reciprocity Meaning That Collier Or Charlotte Can Come Up Here Without The Same Requirements.

This Reciprocity Is A Two-Way Street.

Whatever They Require Would Be Required Of Our People Going There, And Whatever We Require Is Required Of Their People Coming Here.

Just To Clarify, The Reciprocity Is Only For The Vehicle Inspection And Background Check So You Don't Have To Constantly Duplicate That.

Chairman Mann: Inspection And Background Check Is All We're Talk Being In Terms Of Reciprocity.

Thank You For That Additional Clarification.

Commissioners, Are You Comfortable With And Understand Fully As The Item That Is Would Be Different From What The Specific Written Proposal Was Before Us? That's What Commissioner Hall's Motion Refers To And The Second By Commissioner Manning.

Further Discussion? Objection? Show It Adopted Without Objection And We Thank All Of You For Your Patience This Morning And Your Input.

If You Would Like To Slip Out Now And Get Back To Making A Living, You May Do That.

Comm. Hall: Commissioner Mann? Chairman Mann: Commissioner Hall? Comm. Hall: As We Go Forward I Think When We Are Talking About The Challenge That We Have With The Reciprocity In This Ordinance And Trying To Work With Our Neighbors -- Chairman Mann: I'm Sorry, Commissioner Hall.

Just A Minute.

Let Me Let -- Comm. Hall: I Would Like To See A Commissioner Be Engaged With This Because It Has To Come To Our Level And I Am Happy To Volunteer To Do It.

I Started It.

Chairman Mann: Any Objection -- If Someone Else Wants To Do It -- On The Reciprocity? Commissioner It Needs To Come To Our Level To Work.

I Am Happy To Volunteer, But If Somebody Else Has A Burning Desire And Wants To Take It On, I Am Happy To Give It To Them.

Let The Chair Designate Commissioner Hall Who Has Kindly Volunteered To Work With Staff On The Issue Of Reciprocity To Make Certain There Is No Question Before So Hopefully We Don't Have To See It Again.

Thank You Commissioner Hall For Volunteering.

Now We Are On Counselor -- Good Morning, Michael Jacobs, Assistant County Attorney.

It Is Sufficient, I Will Enter It Into The Record Now.

This Is The Second And Final Hearing For The Adoption Of This Year's Round Of L Dc Amendments.

You Will Receive Earlier Today In A Sheet Those Reviewed By Staff The Conclusion Of The First Hearing.

There Was A Number Of Comments And Suggested Changes And We Worked With Those Individuals To The Best We Could Accommodate Them And Those Sheets Were Provided.

Myself And Staff Are Here To Answer Your Questions.

I Would Like To Point Out That Staff Recommendation Is To Approve The L Dc Amendments With The Exception Of The Citizen Amendment 34-1351 And Striking Out The Change For 1351 And Adding The Sheet Changes.

Chairman Mann: Okay.

When We Get Around To Making Motion You Can Remind Us On That.

We Have Quite A Number Of People That Want To Speak On This.

This Is A Public Hearing.

Is This The Item You Wanted To Speak On? Why Don't You Start Us Off.

I Am Happy To Be Here And Excited To See How This Plays Out Because I've Been Involved In This For A Couple Of Years Now.

It's An Excruciating Process.

25 Years Ago A Law Was Passed That Prohibits All Outdoor Work That Automotive Shops.

For 23 Years That Law Sat Idle On The Books, Unenforced.

Two Years Ago A Property Manager In Lehigh Acres Got Into A Confrontation With Code Enforcement And They Dusted Off This Old Law And Applied It.

And Roger Was Here A Month Or Two Ago, Two Of You Were Absent, But He Made A Plea For Mercy Because He's Lost Approximately Half Of His Business Because Of This Enforcement.

Unenforced Laws Are The Most Dangerous Laws.

Because They Are Like A Snake In The Grass.

A Rattlesnake In The Grass In Tall Grass.

You Can't See It, But It Can Still Bite You.

And Any Zealous Or Enthusiastic Code Enforcement Officer Can Go To Any Business Or Home For That Matter, With The Code Book That I Brought Here Last Time, Which Is Approximately Four Inches Thick.

And If They Spend Enough Time Going Through That Book, They Can Find A Violation.

Donald Stilwell Made A Comment A Couple Of Years Ago And I Thought It Was The Most Insightful Point He Ever Made.

It Was When He Was Trying To Fill In A Pond On His Own Property And Got In Trouble Because Of Again, Unknown, Unenforced Laws.

And He Made The Statement That The Average Person Has No Way To Understand All Of These Laws.

It Was Ironic Because He Was In The Business Of Creating And Enforcing These Laws.

My Plea Is For Code Enforcement To -- Or Your Choice Is To -- I'm Asking You To Enforce This Law Consistently And Thoroughly, Diligently, Or Repeal It.

I Offered My Help To Mary Gibes.

I Said I Would Personally Sign A Complaint For Every Business In Lee County Because Every Business In Lee County Violates This Law On A Daily Basis.

Mary Gibbs And Bob Stewart Agreed They See Violations Every Day And Ignore Them.

I Offered To Help By Filing Complaints.

She Said She Would Not Enforce This Law If I Was Just Making Trouble.

The Pendulum Is Swinging In America.

We've Lost Our Basic Freedoms.

Lee County Is Behind The Curve But We Can Catch Up And I Am Begging You To Change The Way We Use Today Do Things And Help Restore The Right To Earn An Honest Living.

Chairman Mann: Thank You.

Chuck? Do You Want To Express Your Thoughts? Good Morning, Mr. Chairman, Members Of The Board.

It's Not Me.

Chairman Mann: I Am Glad It Happened To The Minutes Lady.

Mr. Bassinet Back To You.

Good Morning.

My Name Is Charge Bassinet Representing The Interest Of Respect Of The Land Development This Morning.

I Want To Thank The Staffs, The County Attorney And Airport.

They Have Been Patient In Dealing With Me On These Many Amendments And I Appreciate Their Time And Cooperation.

The Errata Sheet That Michael Jacob Mentioned, I Am In Favor Of Including Those In The Amendment.

I've Reviewed Those And Accept Those.

The Only Other Thing I Wanted To Mention To You And I've Had A Discussion With Each Of You Individually Is On The Extension Resolution, I Would Ask That The Board Consider Not At Today's Hearing But At A Hear Anything The Near Future -- Hearing In The Near Future To Grand Extension To All Local Development Permits Four Years For Those Permits That Are Issued Between July Of 2006 And The Present Day.

I Think We're Aware Of The Recession That We're Going Through.

I Think We're Aware That Particularly Given The Condition Of The Market The Last

Couple Of Weeks, It Is Not Going To End Any Time Soon.

The State Legislature Granted Over The Past Three Or Four Years Extensions That Totalled Four Years.

It Certainly -- We're Already Four Or Five Years Into This Recession.

We Will Be Another Four Or Five Years Before We Come Out Of It.

I Am Asking For An Additional Four Years.

It Is For All Local Permits.

I Would Ask That You Direct Your Staff To Draft Such A Resolution And Bring It Back To The Board For Consideration.

Thank You For Your Time.

Chairman Mann: Thank You.

Welcome Back.

Thank You Commissioners.

I Appreciate The Opportunity To Be Here And I Contacted Commissioner Hall's Office In Regard To My Questions I Had About The Commercial Neighborhood Commercial 1 Zoning And I Spoke Before You And Then I Just Wanted To Say The Meeting With Staff And They Have Been Very Professional And I Am Just Here To Thank You And Your Team For Everything That You Do.

I Think That We've Worked Through The Problems And Hopefully We've Come To Terms With Those And Again, Just Thank You.

Chairman Mann: Well, Thank You.

Jim.

James.

Commissioner Manning, I Would Like To See You Try To Hit A Tim Wakefield Knuckle Ball Jim, I Couldn't Do It In My Prime.

The Only Person That Would Look Sillier Would Be Me.

My Name Is Jim Kenzie.

I Am Hear Representing Myself Today.

The Issue Is The Proposed Change In The Lcd That Would Reduce The Parking Requirement For Fast Food Restaurants From 16 Per Thousand Down To A Staff Recommended 13 Per Thousand.

I Have Worked With Staff Over The Last Year And-A-Half.

Maybe Not That Long To Try To Compile Data To Give Them The Ability To Compare The Requirement In Lee County To Other Municipalities And Counties In South Florida.

I Compiled A List Of 35 Different Counties And Municipalities Provided That Staff.

Lee County Has The Highest Parking Requirement For These Operations In South Florida.

Many Of The Counties And Municipalities Are Larger Than Lee County As Well.

More Densely Populated.

Higher Traffic.

We Had Recommended Through Conversations I Had With Operators And Civil Engineers That Represent These Operations Changing The Methodology To Looking At The Public Access Area To Establish A Ratio -- See I'm Running Out Of Time Quickly.

Staff Did Not Want To Do That, However, As A Compromise They Found It Was Justified To Reduce The Requirement From 16 To 13.

That's Only Three Spaces Per Thousand Differential.

I Know There Will Be An Argument To Leave It At The Same Rate.

The City Of Fort Myers And Cape Coral Both Have Substantially Lower Requirements.

They've Had It For Some Time.

Evidently There's No Complaints.

I Would Like To Remind You That The Variance Process Will Be Available If Somebody Asked For A Substantial Change Below The 13, But Sit Like An Impact

Fee.

It Is A \$50 To \$100,000 Fee That These Business As Can't Afford Or Should Not Have To Pay For When It's Unnecessary.

I Will Rely On Staff To Follow Up With You And I Will Answer Any Questions.

Chairman Mann: Thank You.

No Questions.

Thank You.

Tim Keen.

I'm Also Speaking Regarding The Fast Food Parking Change.

Obviously You Guys Know Me.

A Little Background, I'm A Professional Engineer, Licensed Certified State Building Contractor.

I Am A Licensed Real Estate Agent And I've Helped Build Facilities Like This.

I Was Asked To Help On This Project And We Found Some Site That Is We Thought Were High Generators And Counted Them And Submitted The Research.

We Also Had Transportation Engineer Who Spoke Before You In The Past.

Also Helped Us In The Research.

He Could Not Be Here Today.

And We Submitted That Research To You And For Our Observations We Found That The Number Of The Users, The Super Users, The 13 Per Thousand Is Inadequate And The Number Is Closer To 15 Or 16 Per Thousand.

The Ite Institute Of Transportation Engineers Has Research On The Topic.

They Recommend A Code Set At The 85th Percentile That Is Over 15 Per Thousand.

So Lowering It Is Really Going To Help The High End Folks.

We Have The Variance Process.

It Is A Little More Expensive For Some Users But It Is Working.

Our Request Today Is To Help Protect The Neighbors To These Super Users From The Overflow Parking Is To Not Change The Code And Keep The Variance Process In Place.

It Seems To Be Working.

There Are A Lot Of Workers That Don't Need All Of That Parking, But There's Some User That Is Do Need All Of That Parking During The Peak Moments And That's What We're Asking Today.

We Think A Better Approach Would Be To Tweak The Variance Process Relative To Parking For All Of The Users Across The Board.

It Might Be A Fairer Approach As To Have Maybe A Separate Or Changed Variance Process Relative To Parking Where The Research Is Done And Submitted On A Use By Use Case.

That's What Our Request Is Today.

Thank You For Your Time.

Chairman Mann: Thank You, Mr. Keen.

Mr. Krause.

Thank You Commissioners For The Opportunity To Speak With You This Morning.

I've Been In The Fast Food Business Since 1988.

And That's A Long Time.

You Can Ask People How Many Have Worked In The Fast Food.

Maybe Some Of Your Hands Would Go Up, But How Many Have Been In It As Long As Me? Not That Many.

It's My Career.

My Family Lives Here In Lee County.

We Built Six Dairy Queens Here.

Each Time We Worked With The County Or City Staff To Meet All Of The Codes We

Have Never Asked For A Variance Or Needed A Public Hearing To Develop Any Of Our Stores Here.

A Lot Of Different Types Of Restaurants Fall Under This Fast Food Category.

Customer Counts And Sales Volumes Vary In A Big Way.

Smaller Super Users Need More Parking Because They Do More Business.

Smaller Users Obviously Need Less Parking.

If County Code Will Pick One Number That Will Be For All Fast Food In Lee County, It's Better To Err On The Side Of The Number Being A Little High Than The Number Being Too Small.

Why? Because The Overflow Parking Will Go On To The Neighbors.

It Doesn't Matter If You Are A Dentist, An Office, Another Restaurant, A Bank.

When You're Next To A Super User And They Don't Have Enough Parking And It's Noon Time, You're Going To Feel That.

They Don't Have Enough Parking.

The Current Parking Code For Fast Food And Variance Process Isn't Perfect But It Works Pretty Well.

How Do You Know That? Do You Think There's A Lack Of Fast Food In Lee County? Do You Think We Need To Lighten The Code So We Have More? It's The Big Boys In Here Asking For This Code Change.

It Isn't The Little Guys.

We Can Go Through The Variance.

It Works Pretty Well.

If You Are A Big User And Need More Parking, It's Hard To Prove And Make The Variance Work For You.

13 Is Too Low And Tim And His Team Have Proven It Out.

It's Not Like Guessing.

It's Factual So -- Thank You Very Much.

Chairman Mann: Thank You, Mr. Krause.

Those Are The Cards I Have On This Particular Issue.

This Public Hearing Issue.

Is There Anyone Else That We Overlooked That Would Like To Be Heard On This Issue? Seeing None, We Will Come Back To The Board.

Is There Questions Of Staff? Would You Like To Comment On Some Of The Comments We've Heard? Why Don't You Do This, Your Recommendation -- We Got The Two Sides Onto Number Of Parking Space Requirement.

And Your Recommendation Seems To Reflect Mr. Kenzie's Position.

Our Position On The Parking Was A Compromise.

I Think Initially They Asked For A Lower Number.

11 Spaces And We Looked At The Information And Surveys They Gave Us And We Require 16.

We're Recommending 13.

They Initially Wanted 11.

So I Think They Are Agreeing On The Compromise.

There Are Good Points On Both Sides.

We Are Trying To Address The Problems We Do Have On Overflow And Trying Not To Require Too Many Parking Spaces And When Our Traffic Engineer Looked At The Requirements Of The County They Were One Of The Highest In The State For Fast Food.

So That's Why We Are Recommending The 13.

Commissioner Manning? Comm. Manning: The Variance Process, The Applicant Needs Certain Information To Be Granted Variance For To Be Recommended By Staff For That Variance.

Is There Any Way That We Can Streamline That Variance Process So That The Number Is A Guideline And A Guideline Only? And Instead Of A Hard And Fast Minimum, 11, 16, I Don't Know What The Number Is.

In Other Words, The Higher-End Users Could Submit Different Information If They Are Going For A Variance.

They May Want More Parking.

I Don't Know.

The Smaller Users Maybe The Opposite.

So I'm Trying To Come To A Middle Ground Here Where The Variance Process Sheds The Information -- The Information Sheds The Light On The Amount Of Parking Spaces That Might Be Needed.

For Example, Square Footage Is One Criteria.

Sales Volume.

Customer Count, Et Cetera, Etc. This Is The Input That I've Been Given.

I Didn't Know If You Had A Chance To Talk About That.

I Think It Would Be A Little Tricky.

I Don't Think We Could Do Something Today.

I Think It Would Be Tricky Because The Problem You Have Really With Restaurants Is We Are Using An Average And Some Are Very Popular That Do Create Occasionally Parking Problems And Some Are Not As Popular Where There Is Too Much Parking.

We Are Trying To Come To Terms On Something Reasonable.

That Is Something We Can Look At.

I Don't Think There's A Quick, Easy Answer For It.

Comm. Manning: My Other Question On The Inquiry Was The Extension Of The Permit Process.

Did Staff And County Attorney's Office Have A Heartburn With That? Because We're Going Retroactive It Would Be Something Similar Like The Senate Bill Extension But It Would Cover Things Not Covered.

So We Decided It Didn't Fit In The Land Development Code.

We Have To Work Out The Parameters With Chuck.

We Will Bring Something Back On The Blue Sheet And Have A Resolution Like We Do -- So You Don't Need A Formal Request -- No, I Think Chuck Wanted To Make Sure We Were Following Up.

I Was Going To Mention That But This Is My First Chance.

Chairman Mann: Before I Recognize Commissioner Hall, Let Me Say That I Am Supportive Of Staff Working With Mr. Bassinet On That.

If You Are Looking For A Consensus He's Discussed It With Me.

It Seems To Be Consistent With Earlier Motions Or Actions Of The Commission In Making It Easier For Stalled Permits To Continue And Not Have To Reapply And That Sort Of Thing.

And I Think What He's Trying To Do Is The Same With Development Orders That Is Consistent With State Legislative Action.

If There's Some Problem With Her Continuing To Work Out Something And Bring It Back, I Would Ask Now That You Mentioned It.

Otherwise You Can Govern Yourself Accordingly.

Well, Thank You.

That's Not A Part Of This Item Today, But It's Indirect So Thank You.

Now Commissioner Hall, I'm Sorry.

That's Right All Right.

Comm. Hall: Mary, Can You Give Us Some Input Into Mr. Hawk's Comments? Just To Simplify It, We Just Disagree With His Proposal As To Eliminate The Language On Automotive Repair.

Right Now It Is Required To Be Done In A Closed Building And The Reason Is It's Noisy Activity And You Know, A Lot Of Times There's Neighbors Nearby That Complain.

So We Do Have A Code Enforcement Issue In Lehigh And Bob Stewart Is Here If You Want Details On That.

I Am Not Here To Talk About The Code Enforcement Issues, It's Just That -- We Disagree And We -- The Statements He Said I Made, I Did Not Make Those Statements That Said We Weren't Going To Enforce Anything.

That's Aside From The Issue.

The Issue Is Should Automotive Repair Be Inside? Yes, It's A Noisy Activity.

If You Want Us To Clarify Or His Point Was Minor Repair, Windshield Wipers And Technically It Would Have To Be Inside A Building, Well, Not Really.

But We Can Insert Language To Clarify That Minor Repair.

If You Are Repairing Windshield Wipers You Can Be Outside.

But If You Are Redoing A Transmission, You Have To Be Inside.

So We Have Language To Add To Clarify That If You Want.

I Don't Know.

We're Comfortable With The Language As Is -- Language As Is, But We Can Provide That.

In Most Auto Repairs They Have Bays That Are Open.

I Have Not Seen Too Many That Are 100% Internal And The Bays Are Open And Very Few Are Air-Conditioned, So I Happen To Have An Old Suburban That Goes To The Auto Repair Frequently And They Are Not Enclosed.

They Are In A Building But It's Wide Open.

You See Everything.

I Guess That's My Concern When You Get An Oil Change Even, They Are Not In An Enclosed Building.

I Will Ask Bob.

I Want To Make Sure That We're Not Leaving Interpretation To Enclosed To A New Code Enforcement -- I Think That What Mr. Hawk Is Stating, All Of Our Employees Are Diligent In Their Duties And I Want To Make Sure We Can Clarify For Them What That Means So There's Not A Gray Area.

Because What's Happening Right Now And This Always -- We've Got People Really

Struggling To Stay In Business And I Want To Be Sensitive And For Some Reason My Office Has Had A Tremendous Amount Of Calls If You Will -- Sticky Wicket Type Code Enforcement Issues.

I Want To Make Sure As We Go Through That We Are Trying To Be As Black And White As Possible And Understand That The Reality Of What We Write And The Implementation Are Two Different Things.

Mr. Stewart? Good Morning.

Bob Stewart For The Record.

We Have Not Interpreted Having The Doors Or Bay Doors Open As Negating The Enclosed Building Requirements.

If You Got Your Doors Open, We're Still Looking At That As An Enclosed Building And We're Not Intending -- Comm. Hall: Maybe We Could Just At Some Point In Time Redefine What A Structure Is.

Because Some People Interpret A Structure As Being In An Enclosed Building But You Want The Work Done Under A Roof With The Potential Of Four Walls But The Bay Open Does Not -- This Will Become An Issue Now.

I Understand -- What I Think I'm Understanding Is We Want To Allow Folks To Be Able To Leave The Doors Open? Comm. Hall: I Think What You Want -- I Don't Want To Have Code Enforcement Officers Or Belabor This Particular -- We Don't Want Code Officers Citing Potential Open Bays.

It's Left To Interpretation.

It's Not So Much When They Get Their Violation And They Find Out It's Okay, It's The Process We Put The Business Person Through The Citation, Clarification, Time It Takes To Do That And I Would Like To Make Sure The Language Is A Little More Black And White.

And I Think The Board Needs To Determine That.

As We Look At These Particular Items And Someone Spent A Tremendous Amount Of Time Working On That, I Don't See The Points Were Not Taken Well.

I See On Numerous, Different Repair Shops That Someone Is Changing A Tire In The Parking Lot.

They Are Outside Of The Building Doing Some Of These Things.

I Think There Should Be Something That We Determined That And This Board Should Have An Opportunity To Look At That.

I Just -- I'm Getting So Many Issues Where They Are Being Cited, Coming In And Clarifying The Time It Takes Away From The Businesses To Deal With The Citations To Find Out We Interpreted It Incorrectly And As We Go Through Our Codes, That's A Challenge.

My Message Is Let's Try To Clean It Up A Bit.

It's Obviously Been An Issue And Again, I Don't Know About The Other Commissioners, But I Many Am Getting -- I Am Getting A Lot Of The Calls Right Now.

There's No Change That I Would Hope The Board Concludes As Well That We Do Need To Be A Little Clearer On Some Of Those Things.

Very Good.

The Second Thing On The Parking.

This Board As We've Gone Through And Looked At Codifying The L.D.C., And Realizing We're In The Second Phase Of Development, We Asked Ourselves We're Becoming A Concrete Parking And Asked You To Go Through Each Of The Categories And Looking At The Parking Requirements.

Are Those The Best We Can Do? Are We Asking For Too Much Parking? I Looked At The Fast Food Whether It Was A Private Request.

This Is A Conversation This Board Has Had For A Long Time.

We Seem To Build Roads And Developments For The Two Hours Of Peak Time And The Rest Of The 22 Hours, We're Sitting There With A Lot Of Concrete Not Being Used.

As Sensitive As We Are To Run Off We Look At Enhancement Of Landscaping So We Don't Have The Parking And People Using Inappropriate.

I Look At This And Looking For Staff To Say No, We Think This Is Too Little.

I Am Not Looking For You To Compromise As I Am Asking For Your Expert Opinion.

Do You Think This Is A Recommendation? At The End Of The Day We Got To Make A Decision.

If You Don't Think We Should Lower Parking In This Case, I Want You To Say No.

Yes, We Do Have Too Much Parking.

There's Going To Be One.

I Have To Regulate For The Masses.

And I Am Trying To Find What The Fair Ground Is.

I Appreciate The Documentation That Came To Me But It Was Because Of A Specific Case Not A Global Case So Trying To Find The Balance.

That Would Be The 13 Spaces.

That's What My Traffic Staff Was Comfortable In My Professional Opinion And It Does Fit In With The Sustainability And Trying To Require As Much Parking As We Have In The Past.

For The Question Of Ms. Gibbs? I Think Mary You Have Tweaked It Too Much.

I Am Concerned Especially A High Generator Like Mcdonald's That Is Coming Into Play Here To Reduce It To 13, Does Potentially Create Problems For The Adjacent Businesses And I Would Rather Maintain The Variance Process And If That Could Be Further Streamlined I Think It Is The Approach We Should Take.

If You Want To Do A More Comprehensive Study, Fine, But I Think It Would Be Illad Advised To Reduce -- I Will Advice-- Iladvised For Us To Reduce The Parking Spaces.

Comm. Hall: If You Want To Isolate One Fast Food Chain I Think There's An Issue With That, Mr. Attorney.

I Think That We Need -- These Are Codes That Are Standards That Through The Zoning Process Doesn't Mean We Allow For That To Happen.

There's Lots Of Instances For Us To Go Away From Our General Standard.

So I Hate For Us To Isolate One Particular Business And Say Okay, We Will Throw The Baby Out With The Bath Water Because Of One Particular Business.

Let Me Frame This So We Can Finish This Issue.

I Think Everybody Is Clear On What The Issue Is.

Commissioner Judah, What I Would Ask For You To Do Is Offer A Motion To Accept Staff Recommendations Including The Errata Sheet Explained By Mr. Jacobs And With The Only Amendment Being That The Parking Reduction From 16 To 13 Would Be Eliminated.

And That Way We Could See If There's A Second To That.

So Moved.

Chairman Mann: Okay.

That's The Motion.

It Would Be Rejected.

Yea, I Would Second That But I -- Chairman Mann: Okay, It's Moved And Seconded.

I Think Everybody Understands The Motion And Now We Are On Discussion.

Commissioner Bigelow.

Comm. Bigelow: I Guess, Where Did Bobby Stewart Go? I Was Hoping He Could Address Something.

With The Automotive Repair -- Chairman Mann: Can You Think Out Loud With Us As We're On A Motion Now And We're Through With Staff Input.

Comm. Bigelow: This Isn't A Motion -- Chairman Mann: But It's Commission's Turf As -- Comm. Bigelow: You Would Rather Me Not Bring Bobby Up, That's Fine.

I Didn't Get A Chance To Speak When They Were All Speaking.

So I Will Wrap Up My Thoughts This Way On The Automotive Repair And Service Requiring It To Be All Enclosed.

Commissioner Hall Makes A Good Point.

If The Bay Doors Are Up And We Have Visual Inconvenience, I Don't Know What You Call It For The Traveling Public.

It Seems To Be Going Too Far To Address A Sound Off Site Sound Site And Impacts To Adjoining Properties And I Think Maybe We Can Look At This In A Different Way As Opposed To Saying It Has To Be In A Box -- What Section B Refers To.

All Vehicles Must Be Stored In A Completely Closed Area.

I Think That's What The Problem Is.

When You Are In Close Proximity And Having To Live With The Consequences Of The Activities On The Site Such As The Sounds And Sights.

Commissioners, Sorry To Interrupt But When You Were Talking I Was Speaking To Michael Jacob And We Think We Can Clarify The Minor Repair With Adding A Sentence Or Two To The Code Which Based On What You've Said Here That -- With The Open Bays And Doors, So I Think We Can Actually Do That In The Ordinance And I Don't Think It Will Address Everything That Tim Hawk Wants But I Think It Will Go A Long Way To Clarifying It.

If You Give Us That Flexibility -- Second The Motion.

Comm. Bigelow: Okay.

We Have To Finally Adopt Here Chairman Mann: Yea, But This Is -- Really, She's Not Speaking To The Motion Per Se.

Just As To How Your Staff Will Handle The Issue That Has Been Brought Up.

We Will Add A Sentence.

We Will Keep The Language In But Clarify That Says Something About Things Like Minor Repairs, Replacing Windows, That Those Can Be Conducted Outside And You Don't Have Like The Open Bays -- Would Not Be Considered If You Were Inside That.

I Think Michael And I Have It In Our Head If We Can Clarify It If You Let Us Add A Sentence.

This Would Be The Last Iteration But -- This Is It? Yea, But I Think -- Chairman Mann: It Would Be With A Pending Amendment -- It Would Be Today.

We Would Say We Are Adopting It And Giving You The Authority To Finalize It.

We Will Keep The Language As Is And Put In Language, While Performing Minor Repairs Such As Replacing Windshield Wipers, Batteries Are Exempt And That Open Bays Are Considered Enclosed Buildings.

Something Along That Line That I Think We Can Draft Up Before This Gets Sent -- Chairman Mann: Commissioners, I Would Really Like A Unanimous Consent To Have That Implied As A Motion.

Are You Okay With That? Trying To Help.

Chairman Mann: Now I've Made The Exception -- Mr. Bigelow -- Comm. Bigelow: No, Kim -- Here's A Better Idea.

How's This? Just Leave The Language As Is Right Now.

And Michael Reminded Me We Have A Couple Of Community Plan Amendments Coming Forward Soon.

I Think They Are Going To The Lpa, We Can Tag On Some Clarification Language At That Time.

Chairman Mann: Much Better.

That's A Dangerous Way To Make Laws.

Comm. Bigelow: I Would Like To See A More County Wide Comprehensive Analysis With Our Parking Standards.

That's Why I Wouldn't Support Moving From 16 To 13 At This Point.

Chairman Mann: Okay, The Motion Before Us Is To Accept Staff Recommendation On Everything Except The Reduction From 16 To 13 In The Parking Space Issue.

Is There Further Discussion? Let Me Tell You This Because I Have Two Good Friends Fighting Over This Issue.

This Is Not One That Has Kept Me Awake At Night Worrying About -- I Don't Think It Will Impact That Many People.

I Was Inclined To Go With Mr. Kenzie's Recommendations Initially But My Inclination Is If There's Not A Truly Compelling Reason To Change The Ordinances, I Would Rather Wait Until A Compelling Reason Comes Along.

I Will Support The Motion As It Is Now.

Further Discussion? Comm. Hall: Yes, Mr. Chairman.

Chairman Mann: Commissioner Hall? Comm. Hall: One Of The Struggles I Have Is Right Now We Have A Thousand Ways To Do Something And A Thousand Ways Cost People Money.

As We're Debating Budgets And All Of These Things, These Fees Help Operate What You Have To Review.

I Have A Hard Time Reporting This When We Sent You On A Task To Start Looking As What Is From Beginning To End.

The End Person That Suffers Is The Consumer.

My Struggle I Have Is Wait, Let's Have A Variance.

Is That Variance Going To Go Above And Beyond What They Have To Do And Then There's A Fee For That And Time Frame For That? We're Not Moving These Things Along.

We Have People That It Takes Two Years To Get Through The Zoning Process Because Of The Red Tape And Hundreds Of Thousands Of Dollars.

I'm Getting Agitated On The Conversations With Real Business People.

I Appreciate The Business Development Council But I'm Looking At These Tiny Things We're Doing.

We're Trying To Keep People In Business.

Every Time We Have Something Break Ground, That's What It's Doing.

I Don't Want The Regulations To Throw The Baby Out With The Bath Water Where This County Will Go In This Direction, But I Want Us To Be Pragmatic And Have A Rhyme And A Reason.

If I Am Going To Target One Fast Food Chain Maybe I Will Make An Ordinance Just For Them.

But Overall We Have Too Much Parking On Our Sites.

We Have Too Much Parking.

We Should Be Working Together With Our Development Community, Environmental Community And I Think Lee County Does It In A Balanced Way.

We Try.

But Streamlining This Is So Important Right Now Because There Is Movement Out There.

And So I'm Not Going To Support It Because I Think At Some Point We Have To Start Having Action That Actually Has A Result That Has An Instance Out In The

Community.

I Will Not Support This Resolution.

I Appreciate Where Everyone Is Trying To Go But I Don't See A Variance Process That I Understand That The Outcome Will Be Quick And Not Cost Them \$50,000 Worth Of Consultants On Top Of The Process They Have To Go Through To Get Their Development Order.

Chairman Mann: Further Discussion On The Motion? Is There Objection To The Motion? Comm. Hall: Yes.

Chairman Mann: Show The Motion Passing 4-1, Commissioner Hall Dissenting.

Thank You.

That Was -- We've Had A Tough Morning This Morning And I Appreciate The Way The Commission Handled These.

We Are On To A Carry Over.

Move The Item.

Second.

Chairman Mann: The Resolution Of Necessity Of Condemnation Of The San Carlos Force Main Replacement.

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

Any Discussion? Objection? Show That Adopted Without Objection.

Commissioner Items.

Commissioner Hall? Comm. Hall: First Of All I Apologize For Running A Little Late.

I Had Folks In My Office, But I Want To Comment And Put Out A Heartfelt -- We're Still At War And We Still Have People Passing Away And We Certainly Had A Tragedy This Last Week With The Death Of So Many Of Our U.S. Servicemen And Women And I Hope That This Board And -- It's Headline News For One Day And It's A Shame That It's Headline News For One Day.

And I Wanted To Say To The Families Out There, Those Of You Who Have Sons And Daughters And Other Relatives Serving Us In The Many, Many Complex That We're Participating, I Do Understand The Challenges You Are Going Through And The Fear

That You Have And I Also Want To Thank You.

Thank You For Supporting Your Family Members And Thank You For Giving Back To Not Only Lee County And Southwest Florida But To This Great Country We Call America.

At Some Point In Time I Would Like To Have Everybody Home.

I Appreciate Our Veterans That Are Here, Retired, Working With The Families Coming Back Home After Many, Many Tours Of Duty In These Wars That We're Participating In Right Now.

So I Wanted To Personally Take A Moment To Recognize Many Of The Soldiers That Are Out There Right Now.

Chairman Mann: Quite Appropriate.

Comm. Hall: Secondly, I Have A Memo From Your Office, From Andrea Fraser, That We Would Not Get Monthly Updates Any Longer And I Would Like To Find A Way Just To Follow Litigation Costs In The Cases We Are Moving Forward With And Somehow Tracking How We're Doing.

And I Would Appreciate -- I Didn't Get A Response Back But I Just Sent It To You And Would Like To -- How Do We Track What's Going On In Your Office? You Directly Report To This Board And I Want To Make Sure As We Move Forward I Understand What's Happening And Where We Have Costs, What We're Litigating And How Long The Litigations Will Take.

Certainly I Supported The Moving Forward -- But At Some Point We've Been In Cases Costing Hundreds Of Millions Of Dollars.

So I Want A Better Track Of The Continued Effort So We Can Be Good Stewards Of These Cases Because We Have To Be Conscientious Of Where We Want To Lay Down Our Judiciary And End Up In Court.

We Have An Expensive Case Happening This Week And We Do Want To Stand Up And Flex Our Ability To Question These Things.

But I Want To Be Mindful Of What It's Costing Us Not Only In Dollars To A Tax Payer But Staff Time As Well.

Commissioner, I'm Sorry I Was Not Able To Respond.

However, We Haven't Done Away With The Litigation Portion Of It.

Just The Regular Monthly Report.

You Usually Get The Litigation Quarterly And We Will Continue With That Portion.

I'm Sorry If I Didn't Clarify That.

Comm. Hall: And Thirdly, We Have A Lot Of Road Projects In Process.

They Are Long Projects.

They Go On Forever.

We Are Still Acquiring Land.

I Would Appreciate Before The End Of The Year Just A Presentation By D.O.T. To Kind Of Give Us A Status Of What's Out There.

Where The Road Projects Are.

We See What's Happening In Capital But I Would Like A Better Update.

I Think We Have To Reboot Our Memories On Why We're Doing Some Of These Things And Where They Are At And What They Are Costing Us.

I Know They Try To Do That For Us Every Two Or Three Years.

Commissioner Manning Is Backen On The Board And We -- Back On The Board And We Haven't Had One Since He Has Been Here.

Before The End Of The Year I Hope We Get A Good Hour Of Presentations And Talk About What's On Our Plates.

Chairman Mann: Would The Next -- I Just Think We Need Time.

I Think We Should Get That Update.

Would You Be Able To Do That At The Next M.M.P. And Schedule The Amount Of Time You Think Necessary So Everybody Is Familiar With Status On All Of The Projects Under Way And Pending.

Thank You.

Comm. Bigelow: May I Ask That It Also Includes Where We Are With Complete Streets Initiative And Implementations? Comm. Hall: Yes, Everything.

Comm. Bigelow: And Road Repaving.

Daniels Is Still -- Chairman Mann: Maintenance As Well Mr. Loveland And Safe Streets.

Commissioner Manning? Comm. Manning: You Have Received A Recommendation Of Direction From My Office.

I Received A Request From The City Of Cape Coral To Look At Some Signalized Intersections.

Dave, I Know You Sent An Email Around To The Board.

I Don't Know Where We Are Going On That.

There Could Be Other An Sill --- Ancillary Costs.

Also.

The Middleton Alignment, Work To See If We Can Incorporate That Into The 2035 Plan.

I Am Asking For Permission From Staff To Look At Those Two Items.

Absolutely.

Chairman Mann: Take A Look To See If There Might Be A Partnership.

Comm. Judah: Just A Question.

Are We Going Into This Recognizing That We Are Going To Need To Search Long And Hard For Where The Money Would Come From? And Looking At Entering Into A Potential Partnership Where It's 50/50 Partnership.

Comm. Manning: I Would Like To Have Staff In The Appropriate City Work On Those Items.

Chairman Mann: I Am Sure Staff Wouldn't Give Proper Consideration To Whatever Precedent -- You Got Your Work Cut Out For You Mr. Loveland.

So Get Back To Us On That.

The Other Issue Is Very Easy.

We Had A Meeting From Staff From Solid Waste And County Attorney's Office With

The 23 Mobile Home Parks In The Recycling Cyberspace At This Point And I've Offered A Solution.

I Don't Know If Or When You Will Come Back With That Solution, But I Did Not Realize And I Have To Apologize To The County Attorney's Office And Staff In 2008 Before My Return There Was A Sunset Provision In That Ordinance That Expired In October 2010.

I Missed It Somehow.

Usually I Am Good Of Retaining This Stuff, So I've Asked That The Sunset Provision All Things Being Equal Remain Until 2013.

It Was General Consensus In My Office.

I Don't Know How My Board Feels, But Mr. County Attorney If You Could Bring That Language Back At An Appropriate Time, I Would Appreciate It.

As A Blue Sheet? To Clarify Once More The Board's Position.

Hopefully For The Last Time.

Chairman Mann: Commissioner Judah? Comm. Judah: Is That The Single Item That Will Be Discussed By This Board With An Amendment To The Ordinance, The Sunset Provision? Yes.

So We're Not Going Back To Changing The Ordinance With -- I Tried To Just Go Back And Request That We -- As They Said In The 50s And 60s, Go Back To The Way It Was.

Well, We Have Agreed That We Were Moving -- We -- It's A Confusing Issue And I Would Like It Clarified.

Either We Do That Or Extend The Sunset Provision To Give These People Some Time.

Comm. Judah: I Am Just Trying To Get Complai Fi Indication What We -- Clarification That We Will Be Considering.

To Come Back To 2013.

And Then They Would Go Back To What We Voted On? That's Correct.

Chairman Mann: We Have Adopted -- No, To The Way It As Amended.

That's The Confusing Part.

I Didn't Realize It Was A Sunset Provision In There.

There Was, But If That's The Only Issue -- Okay.

Well, There Was Unanimous Support In 2008 To Go Back To -- Or To End The Sunset Provision In October 2010.

Correct Me If I'm Wrong, So What I'm Trying To Do Is Let Them Continue For Another Two Years To Gain Further Consensus -- The Board Has Already Adopted The Ordinance That 22 Mobile Home Parks Would Be Treated Like A Business To Sell Their Recoverable Materials But It Is Classified With Residential And The Rest Of The Bulk Waste They Would Be Treated Like A Business, Not As Residential.

If You Could Bring The Language Back As We Discussed In My Office, It Would Be Helpful.

We Will Go From There.

And The Blue Sheet.

Comm. Hall: It's A Public Hearing.

We Can Bring It Back And Discuss The Language And Then Advertise It For A Public Hearing.

The Next M.M.P.? Okay.

We Will Have That Opportunity To Understand It Better.

Okay.

Comm. Bigelow: Can I Ask A Question On That Issue? Are We Moving Forward To Go To Public Hearing -- Chairman Mann: We're Going To M.M.P. And Then We Will Decide At That Time What Our Next Step Will Be, If Any.

And What Is Proposed Or Drafted Is Not -- Proposed Or What The Board Wants, It Will Maintain The Status Quo For The Time Being.

Mr. Chairman.

We Can't Contain The Status Quo.

We Adopted An Ordinance In Place.

And That Is Law.

If We Want To Go Back And Say We Don't Want That Ordinance Then I Think We Have To Vote On That And Hold It As Commissioner Manning Said, Put It Back In Saying We Want It Back, But We Had A Public Hearing.

Input From The Public And Adon'tsed An Ordinance.

-- Adopted An Ordinance.

So You're Saying We Don't Need To Vote To Have It Effect Waited? No, You Said You Want To Bring It Up To An M.M.P. That Would Have Different Language.

If You It Employment-- Implement Something And Go Back There's Consequences As Well.

If You Want It Done So That It Comes Up The First Available Board Meeting To Look At This, That's Fine.

But I Need Direction Because I Can't -- As It Stands The Law Is -- The Ordinance Is What It Is.

It Has Adopted -- Commissioner Judah Said It's Treated As A Business And We Don't Have Anything Else To Go By And If You Want To Do Something Differently, I'm The Facilitator Of This.

You're The Director.

I Need Direction Because I Can Only -- And The Direction Would Be, Michael, That There Would Be An Extension Of The Previous Ordinance From October 2011 To October 2013.

That's What We Discussed In The Office.

Comm. Hall: I Still Have The Floor And Trying To Get Clarification.

Chairman Mann: It's Actually Commissioner Manning's Issue And Happy To Yield To Each Other As We Get This Confusing Issue More Clarified.

Comm. Hall: I'm Looking At The County Attorney And I Appreciate What Commissioner Manning Is Proposing, Mr. Hunt, But This Board Went Through A Public Hearing Process And We Adopted An Ordinance.

Correct.

And That Ordinance And You're Asking Direction From This Board To Not Implement That Ordinance At This Time And To Not Have Solid Waste Go Forward And Implement That Ordinance You're Asking Us To Hold It At Bay To Have Another Meeting To Talk About If We Want To Really Adopt That Ordinance Or Put In Place A Recommendation By A Commissioner To Eliminate The Language That We Put In That Ordinance And Go Back To The Original Ordinance And Extend Sunset On That Original Ordinance.

Is That What You're Saying? No, Ma'am.

The Question Raised Is You Want To Place This On An M.M.P..

There Was Going To Be A Certain Amount Of In Consistency Going Forward.

As I Said, Commissioner Judah Is Correct As It Stands Right Now You Have An Ordinance That Treats The Mobile Home Parks As A Business Entity.

In Order To Do -- And Solid Waste Division Is Entitled To Move Forward If There's No Other Objection From The Board As Of Today.

If The Decision Is Of The Board To Move Forward With An Extension -- To At Least Have Another Hearing Or On This Issue, You Don't Have To, But In Terms Of Trying To Grant A Certain Judicial Action, If You Will, To Try To Stall Things Until This Issue Is Raised Again And Looking At The Board's Own Interest, That Is Something You Can Consider.

As Your Legal Representative, That Is Something I Had To Consider, But The Point Is That What You Have Right Now Is They Treat It As A Business Home Park And If That's What Your Decision Is And You Want Me To Bring It Up At A Later Time With No Abeyance Then We Will Do So.

I Just Need Direction To Make Sure I Am In Conformance With Your Decision So That I Present Your Issue Correctly And That Your Concerns And Your Interests Are Held As Best As Possible.

Comm. Manning: My Original Request And I Will State It Again For The Record Is That The Extension Of The Currently Expired Sunset Provision, Which Expired October 1, 2010, Under The Previously Written Ordinance Be Extended By Sunset Provision Or Not By A Majority Of This Board From October 1, 2011 As We Discussed In The Office To October 1, 2013.

If The Board Doesn't Want To Go Along With That, That's Fine.

Comm. Judah: The Way I See That Direction Is Going To Nullify Board Action That

Will Treat The 23 Mobile Home Parks As A Business.

And We're -- Will End Up Providing That Exemption Once Again To Be Allowed -- The Mobile Parks To Sell Their Recoverable Materials But Then Not Have To Pay For The Pickup Of Bulk Waste Of 2013.

I Have A Problem Of What This Request Is Actually Attempting To Result And I Think What It Gets Back To Is Our Board Decided That We Would Yes, Indeed, Provide The Exemption For These 23 Mobile Home Parks To Be Able To Sell Their Recoverable Materials But Treated As A Business With Regard To Bulk Waste And That's How It Stands Today And That's How It Should Stand.

Chairman Mann: Mr. Manning, I Am Trying To Understand What It Is.

I Thought You Were Going To Ask Us At An M.M.P. Meeting To View Simply -- The Language.

The Language, But Simply An Extension On The Sunset Issue.

Correct.

We Would Take It Up At An M.M.P..

We Got Into Trouble Once On This Issue Because Five Of Us Assumed We Knew What The Other Was Thinking And We Didn't Do A Good Job Of That.

And I Was Happy To Yield To Take The Ball On This And Run To See If We Can Get Whatever Loose Ends Tied Back Together.

I Even Told Marilyn, The Lawyer For The Folks, Go Get With Our Designated Hitter Commissioner Manning And See If You Can Agree On Something That -- I Did Not Meet With Her, Mr. Chairman, I Met With The Staff And County Attorney's Office.

Chairman Mann: Well, Tell Me Specifically What You Would Like.

Comm. Manning: Because This Is A Controversial Issue, Is Just To Simply Extend The Expired Sunset Provision Under The Former Language Of The Ordinance.

That To Me Would Have To Be Listed In A Public Hearing Again.

But I Would Like To Get Consensus At An M.M.P. Or Another Meeting Before We Have To Go Through That Exercise.

If There's Not Three Votes Then We Don't Do It.

Mr. Chairman? Comm. Hall: I Have Several Of These Mobile Home Parks In My District And Have Met With Them.

And When This First Came Up Three Years Ago The Whole Idea Was To Transition Them Out And That's Why We Gave Them Two Years, Fully Notified.

It Was Very Controversial At The Time.

Very Clearly Stated Get Your Ducks In Order, This Is What You Have To Do To Remain Residential.

You Have To Take Your Stuff.

We Don't Want To Deny You.

We Are Trying To Have Conformity With The Trailer Parks That Don't Have This Option.

We Have 24 Months To Figure Out How You Want To Transport Your Stuff So Everything Is There.

We Want You To Work With That And Is Two Years Enough To Figure That Out? Yea.

Originally It Was One Year.

We Moved It To One Year.

The Next Compromise Is Keep With What You're Doing But We Have To Charge You What We Do With Other Folks.

Do We Call The 23 Business As Soon As No, Nobody Wants -- Businesses? No, Nobody Wanted To Do That.

But If You Want To Do This, Your Portion Of The Solid Waste Has To Be This.

We Can Go Another Two Years But In 24 Years We Will Be Back To Where We Are.

I Don't Know How You Put Off This Decision.

I Am Hearing Lack Of Consensus So I Will Yield -- We Will Give Them A Grandfather And Ignore It.

I Don't Think Another 24-Month Extension On Something That We Have To Make A Decision On Will Help.

Chairman Mann: Okay.

Comm. Bigelow: For The Purpose Of Seeking Consensus, I Would Like To Undo The Ordinance That Is The Result Of Quite A Bit Of Confusion So These Mobile Home Parks Are Not Treated As Businesses.

Comm. Hall: So You Want To Grandfather Them In And Allow -- Comm. Bigelow: That's One Avenue To Get There.

Chairman Mann: What Is Before Us Is Whether We Will Take This Up As An M.M.P. Meeting.

I Don't Want To Debate The Issue Now.

That's What I Wanted To Use The M.M.P. For Hopefully.

There Are At Least Three Of Us Still Confused Enough On This Issue.

I Think It Deserves To Be Helped By An M.M.P. Meeting.

Let's Be Prepared To Discuss Any Aspect Of It That We'd Like.

I Would Like To Bring Up One Point For Clarification Because There Is No Change In The Ordinance Itself, The Board -- The County Is Going To Enforce It As It Is Written Now.

Chairman Mann: We Don't Have A Choice, Counselor.

I Am Sure You Are Going To Obey The Law And We May Change It Later On.

Who Knows.

Further Commission Items? Comm. Judah: None.

Chairman Mann: Commissioner Bigelow? Comm. Bigelow: I Do.

Chairman Mann: Commissioner Appointments? I Have One Commissioner Appointment.

Chester Young To The Water Way Advisory Committee.

Chairman Mann: I Have A Second By Commissioner Manning? Is There Objection? Mr. Manning? Appointments? I Have None.

Comm. Judah: [Reading Appointments] Second By Commissioner Manning.

Is There Objection? Show It Adopted By Objection.

County Manager Items? None.

We Have I Think County Attorney Item? Thank You Mr. Chairman.

Just Quickly I Would Like The Consensus Of The Board To Schedule A Closed Executive Session To Discussion The Text Development Dispute.

And I Would Like The Closed Executive Session For Wednesday August 31, 2011 At 9:30 Beginning In Chambers And Then Convening To The East Room.

So Moved.

Is That With All Of Our Schedules? We Have Looked -- And Mine Says 9:00.

I'm Sorry, 9:00.

Chairman Mann: State The Date And Time Again Once More, Please.

August 31, 2011 At 9:00 A.M. Chairman Mann: I Have A Motion By Commissioner Judah, Second By Commissioner Hall For That Request From The County Attorney's Office.

Show That Adopted.

We Are In Recess Until 5:00.

### **5:00 Public Hearing**

Chairman Judah: The Hour Has Arrived.

Thank You, Mr. Chairman, Member Of The Board, Scott Cooper, Assistant County Attorney.

Item Number One Is To Consider Adoption Of A Resolution Adjusting The Water And Sewer Rights And Charges.

I Have Reviewed The Notice Of Intent And Affidavit Of Publication That Was Printed In The Fort Meyers News Press July 23rd And Found It Legally Sufficient As To Form And Content To Conduct This Public Hearing.

At This Point, -- Chairman Judah: Okay.

We Are Technically And Legally In Order.

I Will Call On Our Staff, Mr. Moore, To Lay Out The Proposition Before Us And Staff Recommendation, After Which I Will Take Public Comment Before We Entertain A Motion.

Mr. Moore, You Are Recognized.

The Purpose Tonight Of The Public Hearing Is To Ask The Board To Considering The Adoption Of The Recommended Four Year Programmed Rate Increase.

We Gave A Presentation In June Which We Have All The Slides Available.

It's Not My Plan.

I'm Not Going To Go Through The 2 Presentation But Can Access It For Follow-Up Questions That Might Occur.

Again, The Request Is For A Four Year Rate Increase And This Comes At The Recommendation Of The Firm That Did The Study Which Was Public Resources Management Group, And The Four Year Rate Increase Would Be 7% Per Year For The First Two Years And 3.5% In Years Three And Four.

We Really Want To Try To Spread Out The Anticipated Rate Increase Over A Four Year Period.

It Allows For Wholesale Customers, Commercial Customers To Really Plan Their Budgets, Their Annual Budgets.

It Gives Them The Ability To Absorb This And Put It In Their Budgeting Process.

It Comes In Smaller Increments Over A Four Year Phasing.

Since The June Management And Planning Meeting Where We Did Give The Presentation, I Just Want To Go Over What The Process Has Been.

All Of The Commissioners, All Of You Have Received The Report That Was Put Together By Prmg To See What The Drivers Are For The Rate Increase.

Every Lee County Utility Customer Has Been Notified Of The Recommendation For The Rate Increase, As Well As This Public Hearing Meeting Date.

The Rate Review Documents Itself Has Been Made Available Online On The County Website.

And There Have Been Three Locations Where Hard Copy Has Been Made Available For Will He County Utilities Customer To See Review It.

During That Period, We Have 3 Received Some Calls, But We Certainly Have Not Received A Ton Of Calls.

And They Have Been Related To The Rates With No Specific Complaints.

I Want To Talk About What The Need For The Rate Increase Is.

60%, A Component Of 6 0% Of This Rate Increase Is Due To Increased Operating Cost.

And Those Operating Costs Are Power, Chemicals, Equipment Such As Pipe, And All Of Those, All Of Those Materials Are Driven By The Cost Of Energy.

So As The Cost Of Energy Increases, The Cost Of Operation Increases.

I Want To Make The Point.

Lee County Utilities, It's A Great Staff.

It's Very Efficient.

And There Have Been Actually A Reduction In Personnel.

There's Been A Reduction In Personnel Costs.

None Of These Increases Have Anything To Do With The Labour Side.

It's All The Cost Of Materials And Chemicals, And Power.

22% Of This Rate Increase Is Attributable To Debt Service.

And The Debt Service Portion Is The Part That We Need To Pay For Any Borrowing.

We Have Completed The Gateway Wastewater Treatment Plant Expansion Funded Through The State Revolving Fund.

We Have An Annual Payment To Make Sure We Have The Net Revenue Available To Cover That.

But One Of The Largest Components Of The Need For This Rate Increase Is The Green Meadows Water Treatment Plant.

That's A Water Treatment Plant, If You Remember, I Talked about How It's A Critical Water Treatment Plant.

But It Is, It Really Has, It's In A Degraded Condition.

It Really Needs To Be Renovated.

It Has Significant Problems And They're Critical Problems That Could Cause Operational Stoppages At That Plant.

So We Need To Look At Borrowing About \$50 Million Within The Next Two Years To Be Able To Upgrade That Plant And We Need To Have The Revenue To Cover The Debt Service On That Borrowing.

>The Last Component Is 18% Of This Rate Increase Is Attributable To The Renewal And Replacement Fund That Lee County Utilities Is Required By Bond Covenants To Maintain.

Every Year The Engineer Of Record Does A Report, Assesses The Condition Of The Infrastructure And They Suggest The Amount That Must Be Maintained In That Fund To Be Available To Upgrade And Maintain The Infrastructure.

Because We Have An Aging Infrastructure, That Amount Has Gone Over The Last Four Years, From 4 Million-Dollar Recommended In That Fund, To Over \$10 Million.

So We Have Had A \$6 Million Increase Just In The R&R Fund.

Those Are The Three Areas That Really Are Pushing This Rate Increase.

>Again, This Is A Four Year Programmed Increase, Which I Believe The Total Of The Increase Over The Four Years Is About 21%.

We Have Not Had A Rate Increase In Three Years.

At That Same Time, The Surrounding Utilities In The Area Have Increased Their Rates 5 From 10% To 25%.

So This Is Certainly In Line For Utility That Hasn't Had A Rate Increase Over The Last Three Years.

>The Average Operating Cost Per Customer By Lee County Utilities Is Actually Declined.

The Number Of Customers Has Increased Over The Last, Since 2006.

We Are Serving More Customers With Less People At A Lower Cost Per Customer.

And Even After The Full Implementation Of The Four Year Programmed Increase, The Lee County Utilities Average Monthly Bill Will Still Be Just At What Is The Current State Of Florida Average Utility Bill.

So We're Below It Now.

And That's The Current One.

Assuming Others Will Be Increasing, I'm Sure We'll Still Be Below The Average.

Just As A Comparison, I Wanted To Bring That Point Up.

Unless We Have Specific Questions Where I Need To Pull Up The Presentation, I Will Do That.

Otherwise, I Can Step Aside For Public Input.

I Would Request To The Board That After Public Input, If There Are Specific Questions That Need To Be Addressed From The Public, Or If The Board Has Questions I Would Be Happy To Come Back Up And Answer Those.

Chairman Judah: Questions By The Board Of Mr. Moore.

Comm. Hall: Doesn't Matter If It's Now Or Later, You Gave An Example Of An Average User, What Is It Is Now.

Then You Went Through The Process For The Four Years What It Would Increase On Wastewater 6 And Water.

At Some Point It Would Be Helpful To Show What That Is, Just For The Record.

Chairman Judah: Can You Touch On That Now, Doug? This Is The Slide That Indicates That.

This Slide Shows The Red Alone At The Bottom Shows What The Current Bill Is For An Average User.

At The End Of The Four Year Rate Increase What The Average Bill Would Be.

The Orange Line Or Yellow Line On The Screen There Shows What The Affordability

Index Is.

What The Bond Rating Companies Look At Is The Affordability Index Which Takes A Look At The Median Household Income, And What Percentage Your Utility Bill Is Of That Median Household Income.

And Even After The Four Year Increase, We're Still About \$10 Below That Affordability Index On A Monthly Basis, As Well.

Chairman Judah: Question Of Mr. Moore Before We Go To The Public.

You Must Have Done A Superb Job, Mr. Moore.

Thank You.

Chairman Judah: I Have Only Two Blue Cards In My Hands For This Public Hearing, But Neither One Of These, Mr. Voy, You Were Going To Speak On This Issue? Right Now We're On This Particular Issue.

That's The Only, If You Want To Speak On This Rate Increase Issue, Now Is Your Time.

No.

Chairman Judah: Okay.

We'll Not Ignore You As Soon As This Is Behind You.

Where Are You Sam? You're Talk About A Beach Library You Would Like To Speak On Later.

So I Have No Cards From The Public Of Anyone That Seems To Be Wanting To Speak On The Issue Of The Potential Rate Increase.

So That Brings Us Back To Close The Public Hearing To The Commission Now.

And We Can Entertain Further Questions Or Discussion, Or The Chair Will Accept A Motion.

Move For A Recommendation.

Chairman Judah: I Have A Motion And A Second To Move The Staff Recommendation.

Is There Discussion On That Motion? Just Get On The Record Why I Won't Support

The Motion.

Chairman Judah: Mr. Bigelow Recognized.

Comm. Bigelow: I Studied This -- You Are Going To Be Next So Don't Leave.

Okay.

Chairman Judah: Now That We Have That On The Record.

Commissioner Bigelow Back To You.

Comm. Bigelow: My Attention Was Drawn To The Section 6 Of Rate Covenant Compliance.

Interesting Information -- It's Not In The Book.

It's Not In The Book, Michael.

Comm. Bigelow: And There Are Required Coverages For Certain Debt Obligations We Have.

Yet The Estimated Coverages Are Whopping In Comparison To What Is Required.

And It Seems To Me That What's Driving This Bus, If You Will, Or This Rate Increase, The Need For This Rate Increase, Is The Assistant County Managers There 8 Is \$60 Million In Projected Capital Improvement Projects In These Upcoming Years.

And I'm Sorry, I'm Thumbing Here.

I Thought I Had It Tagged.

But Anyway, Even With This Rate Coverage, I'm Sorry, With This Rate Increase, The Coverage On The Debt Service Obligations Is Sometimes Four Times What's Required To Maintain In Order To Establish Our Bond Rating.

Which Tells Me That We Are Probably Premature In Setting These Rates Higher, Especially At A Time When Our Economy Is Still Down Unfortunately Looking More Out Every Day.

So I'm Just Not Going To Support A Rate Increase At This Time.

That's All.

Chairman Judah: Okay.

I Don't Need A Response Necessarily.

I'm Just Trying To -- Is There Further Discussion On The Motion? Is There Okay To The Motion? It Says It Has A Lot To Do With -- Chairman Judah: The Vote On The Motion.

Is There Okay To The Motion -- Is There Objection To The Motion.

I Object.

Show The Motion Passing 3-2 With Commissioner Bigelow And Mann Dissenting.

Comm. Hall: I Would Appreciate, I Believe That To Deal With A Split Vote, I Think, Just For The Record So We Have A Clean Record For Doug To Respond To That, Because It's Not The Case.

I Read It Through It, As Well.

I Don't Want People To Think Three Of Us Are Saying So Be It.<sup>9</sup> I Went Through The Book, As Well, Commissioner Bigelow.

I Respect Your Perspective But I Have Mine.

Comm. Bigelow: I Respect Your Perspective.

Chairman Judah: Commissioners , The Rules, Council Can Back Me Up On This, Say That Item Is Behind Us.

We're No Longer On It.

So That Would Not Be In Order At This Time.

Anybody Can Follow Up With Mr. Moore Later On To Get A Clarification Of His Position Or What Any Of Us Said.

But We Are On The Next Item Of The Agenda, Which Is Public Input.

We Have No Other Hearing Items, Correct? Correct.

Chairman Judah: And The Rest Of You Are Here For Some Reason.

So Sam, Why Don't You Come First.

You Came From The Beach.

And Come Sit Closer.

Mr. Masina Didn't Look It Back.

Chairman Judah: We'll Look For Him Before We Leave.

We Felt Badly He Couldn't Speak This Morning.

Welcome Back To The Council.

Sam Laury Fort Meyers Beach.

I'm In The Library Tax Beach.

The Board Is In Violation Of Its Enabling Legislation, Not In Compliance And Default In Its Published Mission Statement.

Bocc Is The Oversight Governing Body.

Town Of Fort Hires Beach Attorney General Jim Humfrey At The Request Of Citizens Has Done Research Into The 9 Million-Dollar Beach Library Expansion. 10 You Have Been Notified For A Year By Him And Private Citizens Like Myself That The Library District Has Questionable Practices.

Town Council Decided Direct The File To Bocc Because Lee County Is The General Purpose Oversight Government.

The Library Board Refused To Acknowledge A Petition Signed By Over 1,000 Citizens For A Referendum.

Library Board Members Based This 9 Million-Dollar Expansion Entirely On A 2006 Survey That Was Accidentally Shredded.

The Dog Ate Their Homework Excuse.

The Board President States On The Record Quote We Do Not Need The Time And Expense Of A Referendum To Tell Us What We Already Know, Unquote.

According To Lee Supervisor Of Elections There Is No Expense When A Referendum Is Conducted During A Scheduled Election Such As The January 2012 Election.

Since Inception In 2003, The Library Board Has Failed To Provide The Occ With Mandatory Chapter 189 Reports.

They Must Provide The Occ Information On This Type Of Expansion Five Years Prior To Construction.

When They Finally Filed With You In December Of 2010, It Was Incomplete And Included Incorrect Information Regarding Ongoing Future Financial Impact Based On Five Consecutive Intentionally Fraudulent Budgets.

All Five Inflated By More Than 100% In A Misleading Manner In Order To Fund The Expansion In An Untransparent Way Via The Lee County Tax Collector And 11 Property Appraiser.

These Fraudulent Budgets Convey For The Public Utilities Report And Florida Library State Aid They Received.

Bocc May Have Huge Exposure Based On Your Negligent, Your Neglect In This Matter.

Recommended Action Includes Seek An Injunction Or Declare A Judgment That Immediately Frees The District Construction Funds, Temporarily Halt Construction, Requires The Board Initiate A Referendum With A Refund Option At The Upcoming January 2012 Election And Report Any Civil Or Criminal Wrongdoing To The Proper Authorities.

I Hope You Govern Your Actions Accordingly.

You Can Get More Information On [www.Beachlibrary.Com](http://www.Beachlibrary.Com).

I'm Just Out Of My Three Minutes.

I Want To Remind You That You Got An Email And I Didn't Have Enough Time.

There's A Couple Of Paragraphs In There I Didn't Have Enough Time.

It's An Argentina Matter.

Thank You For Your Attention.

Mr. Chairman, I Appreciate Mr. Laurie Making His Comments Known At This Public Meeting.

I Want To Underscore.

I Have Been In A Number Of Conversations With The Mayor Town Of Fort Meyers Beach.

That Is Not Within The Library System.

I Heard About Lee County Government Having Jurisdiction.

I Checked With The Attorney's Office.

My Understanding Is We Do Not Have Jurisdiction.

While I Appreciate Mr. Laurie Requesting Assistance. 12 I Need To Get Clarification From Our Attorney's Office With Regards To Jurisdiction Oversight.

I'm Sorry, Commissioner, With Respect To This Limited, There's Oversight But It's Limited In The Context Of What Mr. Laurie Wants As An Independent Taxing District And Therefore With Respect To The Non Provision, No Provision Of The Annual Reports, There Is A Procedure Specified In The State Legislature Or In The State Act, But It Doesn't Really Give Any Authority And Certainly Not To Go In The Manner That Mr. Laurie Has Discussed.

There Are Things That Can Be Done.

But They Require Co-Ordination.

Quite Frankly The Imprint Of This Delegation.

Chairman Judah: We Normally Don't Have Dialogue.

We Recognize You.

You Have Come A Long Way So I Was Going To Ask For The Same Clarification.

But, For Instance, The Gentlemen Asks Had For An Injunction To Stop The Construction, I'm Not Aware Of Any Legal Authority We Have.

Comm. Hall: We Have No Standing To File An Injunction.

The Most We Can Do Pursuant To Statue Is Send A Report To The Department Of Community Affairs Asking Them To Do Something About This, But That's The Most We Can Do Under Florida Statute, Because It Is An Independent Special District.

The Department Of Community Affairs Don't Exist Anymore.

The Department Of Community Affairs Would Have The Right To Do A Request For A Writ. 13 Chairman Judah: I Think Council Has Answered The Question To The Extent We Need It.

If Any Commissioner Feels So Inclined, Perhaps As, At The Next Commissioner Commission Meetings, You Can Take It Up As A Commission Item.

If You Have Any Suggestions As To Whether To Pursue This At All.

But For Now We Thank You For Your Input Tonight.

And Coming In, Your Long Trip From The Beach.

Mr. Vogue, Front And Centre.

Good Evening.

Happy To See You All Again.

I'm Here, My Name Is Carl Voy For The Record.

And I'm Here About The Illegal Road Extension Which I Feel Is Unwarranted And Not Necessary.

We Can't Get Fund For It According To Someone I Have Talked To.

It Goes Across The Drgr.

It Will Only Encroach Urban -- It Will Only Encourage Urban Sprawl And Take Away Habitat.

In Fact, These Cannot Be Used Because There Is No Buffing There At This Time.

And It Is For A Truck Route From Moore Haven At The Rail Head Where They Want To Develop A Manufacturing Area.

I Called The Executive Secretary Of Economic Affairs In Moore Haven.

She Told Me That This Is Strange.

She Wants -- The Reason For This Railhead Is To Get The Trucks Off The Road, Not Leave Them On The Roads.

So And She Said, Well, You Know, It Was A Point By One Of The Commissioners We Want To Get The 14 Trucks To The Airport.

She Said She Would Rather Use Moore Haven Or Sebering Airports And Not Our Airport Which Makes Sense.

They Need The Money.

They Could Have Development Over There.

So That's What She Told Me.

She Thought It Was Rather Strange.

She Has Not Heard A Word From The Lee County Commission.

She Said Two Years Ago Ray Judah -- That Was About It.

The Power Line Road Is Another Issue.

They Call It The Sunrise Highway.

And It Is Unjustified.

It Is Just Another Recarnation Of A 951.

It Would Go Back Over The University.

I See My Red Light Is On.

The Last Thing I'm Going To Say In The Energy Bill, Take Out The Provision For Solar Panel On Babcock Ranch.

It's Going To Destroy Hundreds Of Acres.

Thank You.

Chairman Judah: Thank You, Mr. Voy.

You May Want To Take That Last Issue With The Legislature.

I Think They're Still Struggling With That Issue.

We'll Fit You In The To The Extent We Can.

Are There Others Here? Here He Comes.

I Thought You Would Be Back.

We Weren't Going To Leave Without Giving You An Opportunity.

You're On Right Now.

How Much Time Do I Have, Sir? All Of The Three Minutes.

Take The Entire. 15 Yes.

Wonderful.

I Would Like To Bring The Attention Of The Commissioners To -- I'm Sure You Don't Have Them With You, But These Are Folders I Handed You In January, Okay? This Has To Do With An Issue Of Getting.

Language In Lee County Development Code.

Now, The Nuts And Bolts Are This.

In Lee County Development Code Adoption 1993 There Is Language That Says, Non Performing Structure Can Not Be Built Inside An Easement.

Now, I Was In Flamingo Bay On Pine Island.

I Purchased This Land Specifically Because It Had An Easement Quote Unquote Access Way To The Water.

I Cannot Complete The Intent Of The Easement Because Of The New Language In The Code.

It's Directly Opposes The Covenants On Record With The County.

I Have Tried To Discuss This And Have It Rectified With Mary Gibb, In Charge Of Community Development.

When I Came Here To Speak Before You In January, Sir, Mr. Mann, You Said To Me, He Said Well, You Know, Go Get To Mary And She'll Take Care Of You If She Can.

I Have Been Down That Road And I Wasn't Granted Three Minutes Back Then Because I Was Suggested To Go Get With Staff.

It's Any Opinion If There's An Issue On Land Development Issues And It's Outlined And Identified In The National Citizen Survey Which Talks About Community16 Development, Or At Least It Shows That.

This Report Was Commissioned By Our County Manager, Karen Hosh.

In Here It Shows Deficiencies In Community Development.

I Don't Know If You're Aware Of It.

I Don't Know If You Have Seen It.

I Don't Know If You Remember These Folders With All The Documentation On My Particular Issue On The Easement And Putting Something In It.

I Have Case Law In This Folder.

I Went Great Length To See Put This Together.

I Was Up Until 4:00 In The Morning, Making Copies And Laying Them On The Ground Trying To Do The Right Thing As A Citizen, Okay? Now, I'm Sure Mary Gibb Is A Nice Lady.

But What I See The Problem Is Is Structural.

Mary Gibb Comes To You All And Creates Land Development Code.

You Guys Sign Off On It And You Trust Staff, I Understand That.

You Got To Trust Your People, You Know.

However, Having Staff Develop A Code And Then Also Enforcing It Is An Issue.

It's A Structural Issue.

And I Believe That That's A Problem.

I Think That's Probably The Route Of What This Says And What My Experience Has Been.

Now, When I Tried To Go Over This Issue With Mary Gibb, And Lay Out All The Document For Her, Okay.

She Takes The Information.

Passes It To, I Understand We Have A New County Attorney.

Passes It To The Youngest, Most17 Inexperienced County Attorney In The Office.

This Is A Person Of 20 Years Service In The County.

Chairman Judah: Let Me Just Say This.

Because Of The Extra Effort That You Have Shown In Trying To Get Down Here To Speak To Us, The Chair Is Going To Be Lenient.

I'll Allow You A Couple Of More Minutes.

I Thank You.

Chairman Judah: I Ask You To Tread Lightly On Your Personal Opinions Of Our Staff.

I Only Tread On My Personal Experience, Commissioner.

Okay? And What Has Been Documented.

And So I Go To Staff And I Say, Hey, Listen, I Have This Issue.

I Have This Problem.

And Then They Turn It Over To The Youngest, Most Inexperienced Attorney.

They Get Their Decision That No We Can't Do That.

And That's The End Of It.

Now, I Had Gone Through That Process Once.

I Went Through It Yet Again Recently This Past Year.

And I Get An Opinion, A Memoranda From Young County Attorney, I Forget The Gentleman's Name.

He Wasn't In The Meeting We Had To Discuss This Issue.

Yet He Was The One That Wrote The Opinion In The Memoranda To County Manager Karen Hoss, Okay? I Find That Is Problematic In And Of Itself.

I Don't See Where The Fairness Or The Objectiveness Is There.

I Had Another Associate Attorney, A Nice Young Lady, Dark Hair, She Was In The Meeting. 18 We Went Back And I Identified The Case Law On This Issue.

Chairman Judah: I'm Trying To Help You.

Rather Than Reciting The History Of Your Dialogue With Staff, It Might Be To Your Better Interest To Tell Us Specifically What You Would Like For The County Commission To Do.

I Would Like The County Commissioner To See Look At The Code On This Specific Issue.

This Special Issue In This Specific Area.

Flamingo Bay Is Unique In The County.

Has Different Offsets.

People Buy In Flamingo Bay To Access The Water.

The Boiler Plate That Was Used In That County Code, Okay, That Adopted In'93, It's In Direct Opposition To The Original Covenant On File With Lee County.

What I'm Asking For Is For A Change To The Code For That Particular Area Targeted For That Area.

Okay? That Let's The People There That Have The Easement That Is An Accessway To The Canal, Allow Them To Put Their Boat, Not Boat Ramp, But Dock Down There Even Though Defined As A Non-Conforming Structure.

I Want It To Be Reviewed.

That's What I'm Asking For.

I Went Through Great Lengths.

I Have Gone Through Staff.

Chairman Judah: Thank You Very Much.

You Have Spoke With Your District Commissioner.

Yes, I Have.

Chairman Judah: We Have Exhausted Your Time, In Fairness, Twice What We Allow. 19 You Have Gone To A Lot Of Effort.

I Ask An Appointment With Each And Every One Of You For A Half-An-Hour And Show The Documentation And Review The File Folders.

Chairman Judah: You Can Pursue Those Requests With Each One Of Our Offices.

That's Your Right.

I Would Ask Without Getting Into A Debate Or A Dialogue Here, The District Commissioner Has Any Thoughts He Would Like To Share And How We Might Resolve This Or Put It Behind Us Somehow? Mr. Chairman, There Was A Memo I Believe After The Meeting That We Had In My Office, Michael.

By The Way, Mr. Mosino, Michael Into His 60s, But He's On A Diet.

A Little Humour At 5:30.

We Have This Meeting With Appropriate Staff In The County Attorney's Office.

And What Mr. Mosino Would Like To Do Would Set In Our View A Precedent That Would Be Negative Towards Lee County.

And That Is Outlined In The Memorandum Of February 9th, 2011.

So When You Set Up The Meetings With The Gentleman, He Was Courteous In The Meeting.

You Might Want To Reference That Memorandum, Because It Outlines The Key Points That Mr. Mosino Raised, As Well As The Reason We Can't Do What He's Asking Specifically For Flamingo Bay Because Of That Precedent-Setting Agreement.

That Is All I Would Like To Put On The Record.

Chairman Judah: Thank You For Those Comments From The 20 District Commissioner.

Mr. Mosino We Have Under The Circumstances For Which We Are Assembled Right Here Today Extended To You I Think In Fairness All That We Can At This Time.

I Respect That.

Chairman Judah: I Would Ask If There Are Any Other Members Of The Public Who Wanted To Address Us Today, Because This Issue For The Moment Is Finished? Would It Be More Advantageous, Commissioners, To Review With Our New County Attorney This Data? Chairman Judah: I'm Certain They Would Probably Be Receptive To Your Coming In And Walking Through This.

Thank You.

Chairman Judah: That's Why We Pay Them The Big Bucks.

We Thank You For All The Time You Have Committed.

Thank You So Much.

I Appreciate Your Time.

Chairman Judah: I Think Since No One Else Appears To Want To Address Us, We Are Officially Finished.

And Thank You Very Much.