

June 21, 2011

Good Morning, Government Fans.

Welcome To Our June 21, 2011 Meeting Of The Board Of County Commissioners.

We Begin With An Invocation Offered By Paul Lodato.

Glad To Have You With Us.

If You Would Rise And Remain Standing For The Pledge Of Allegiance.

I Pledge Allegiance.

No, I Do That.

You Do This.

I Forget The Drill.

Father God, We Thank You For Giving Your Commissioners Wisdom And Guidance.

You Said You Would Lead Us And Guide Us In All Truth And Guide Us With Your Eye And I Think You Will Do That On Behalf Of The County Commissioners Making Decisions For This Wonderful Great City.

In Jesus' Name We Pray, Amen.

Chairman Mann: Thank You.

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

It Will Be Our Pleasure To Run Through Several Ceremonial Presentations.

The First One, I Believe Commissioner Hall We Go To You.

Comm. Hall: Charles, If You Come Up To The Podium.

We Have Proud To Recognize You And Your Service To Southwest Florida.

We Will Put You Right There At The Podium.

On Behalf Of The Board Its Is My Honor To Read This Resolution Of Thanks To You.

Where As Charles Dauray Is A Well-Known Successful Leader In Water Policy Of South Florida As Governing Member Of The South Water Florida Management District.

Whereas Charles Has Worked To Safe Guard The Water Resources In Southwest Florida Including His Battle To Protect The Caloosahatchee River And Estuary.

Where He Has Served A Fine Example As A Regional Representative On The South Florida Water Management District, Weighing The Concerns Of Farmers, Utilities As Well As The Natural Systems As Equally Important To The Quality Of Life Of South Florida.

Whereas Charles Consistently Advocated For The Estuary As A Resource For Lee County And Campaigned As Chairman Of The Lake Okeechobee Water And Resource Commission.

And During His 10th Year Of The South Florida Water Management District To Listen To The Concern And Requests Of All The Stakeholders.

Be It Resolved By The Board Of County Commissioners Of Lee County Florida That We Recognize Charles Dauray For His Service And Dedication To The Southwest Florida And Entire Southwest Florida Region.

Dually Executed This 21st Day Of June And Signed By Our Chairman Frank Mann.

I Would Like To Present This.

[Applause] Thank You.

Thank You.

I Want To Thank You Very Much Commissioners For This Recognition But I Also Want To Thank The People Of Lee County And The West Coast Of Florida For Their Support Of Me During The Past Four Years.

It's Been An Honor To Serve.

Many People I've Said Well, Are You Going To Regret Not Being On The Board? Well, I'm Not Going To Say Who, But In Of The Five Of You There, Not All Who Have Served On The Board Found It As Perhaps As Exciting As I Did.

It Was A Wonderful Challenge.

And Yes, I Would Have Enjoyed Being Reappointed.

I Enjoyed The Challenge.

I Enjoyed The Work.

But I Thank You Very Much For The Recognition And The Opportunity To Serve You When I Did.

I'm Still Going To Be Here Working In The Environment And As I Said To The Governing Board A Couple Of Weeks Ago, I Paraphrased Barry Goldwater In 1964.

I Am Just Going To Use The Rhythm Of His Words And Say And I Am Going To Say That, Extremism In Passions And The Attempt To Achieve A Sustainable Ecology Are Not Always Vices.

And I Am Going To Match That By Saying, Short-Term Solutions As Answers To Long-Term Challenges, Are Not Always Virtues.

It's A Very Difficult Balance.

But It Will Be Achieved If We Remain Determined.

Lee County Stands Somewhat Alone Of All Of The Counties In The District, It Is The Most Vulnerable Ecologically.

To Our North, Charlotte County.

Part Of The Southwest Florida Water Management District.

We Find Ourselves In A Unique But Perilous Position So Stay The Course.

Our Life Blood Is The Caloosahatchee And The Estuary System.

I Just Bought A Book By Ted Danson.

Yes, I Am Allowed To Read Him, Ray, On Occasion.

He Just Wrote A Book Called "Oceanana" And Stated By The Year 2060 All Of Our Oceans Will Be Fished Out.

Because Not Only Consumption Of Where Consumption Is Available, But Because Of

The Decline Of Our Estuary Systems.

That's Where It All Happens.

99.9% Of The Sea Life Starts In The Estuary Systems.

So It Is Absolutely Essential Ecologically And Economically To Protect The Caloosahatchee Estuary Systems.

So Stay The Course In That Particular Regard.

And This Is The Second Recognition I've Had And I Thank You Very Much.

And This Is About As Close To A Eulogy That I Want To Be.

Thank You Very Much.

Thank You.

[Applause] Now I See That We Have -- Mr. Chairman? I Apologize.

Charles, I Just Personally Want To Thank You.

You Had A Great Background Going Into The Job But Recognizing The Complexities It Was A Phenomenal Evolution Of Yourself As A Force Representing The West Coast Like None Other Representative We've Had On That Governing Board.

And I Mean This Sincerely, You Had To Deal With Great Odds In Trying To Represent The Coastal Community And Provide That Balance That We're All Struggling To Achieve To Protect Our Critical And Precious Water Resources.

And One Of The Landmark Decisions I Will Always Be Appreciative And So Will This Community Is When You And The Majority Of The District Governing Board Did Not Accept The Emergency Release Of Back Pumping Into Lake Okeechobee For Water Supply Purposes That Created The Problem Of The Nutrients And We Will Be Thankful.

Thank You So Much, Charles.

Chairman Mann: Thanks Again, Charles.

We're Proud Of You.

[Applause] Chairman Mann: And It Appears We Have Royalty Present Here Today.

Commissioner Manning? I Believe The Honor Is Yours.

Comm. Manning: It's My Pleasure To Ask Melissa And Lisa Benton And Anyone Else Connect Withed Mango Mania.

It Is My Pleasure To Read This Into The Record.

Whereas Mango Mania Was Held In The Catholic Church On Pine Island In July Of 1995.

And It Was An Effort To Help Growers On Pine Island Sell Their Fruits And Plants During Harvest Time When The Location Was Known By Very Few People.

Whereas The Greater Pine Island Land Chamber Of Commerce Decided Not To Hold The Festival For The Next Two Years Due To The Fact There Was No Suitable Fact On The Island, By Popular Request The Mango Mania Tropical Fruit Festival Was Reinstated In 1998 Utilizing The Campground In St. James City.

And Whereas The Festival Was Used As Fundraisers By The Great Other Pine Island Chamber Of Commerce To Enable Them To Make Contributions To Pine Island Elementary School, Fish And Other Charities And Whereas Mango Mania Was A Success By 2001 It Had Outgrown The Facilities And There Was No Other Suitable Location On The Island The Decision Was Made To Move The Festival To The German American Club That Saw More Than 10,000 Attendees Last Year.

The Board Of Commissioners Extend Their Best Wishes To The Mango Mania Festival.

Dually Executed This 21st Day Of June, 2011 Sign Bid Our Chairman Frank Mann.

Congratulations.

[Applause] Would You Like To Say A Few Words On The Record? Lisa Will Be Passing Out Some Goodies For Our Commissioners.

Mango Mania, We Have Had A Bumper Crop Of Mangos.

We Have Had Some People's Crops Have Two, Three -- If Not Four Fold Of Blooms.

They Had That Many Blossoming Seasons This Year.

We Had The Freeze In December And It's Been Beautiful Ever Since.

There Are Several Different Kinds Of Mangos.

Here's One Of Them.

There's Also Everything From The Little Tiny Apple One That Lisa's Got To Big Ones And Even Great Big Huge Ones.

Lisa Will Pass Out Some Mango Smoothies Now.

But We Do Hope Everybody Can Come To Mango Mania.

A Background On Me.

I Am A Fourth Generation Pine Islander.

I Did Grow Up On Pine Island.

My Grandparents, My Parents.

So Having The Mangos And We Don't -- Not Only Will Have The Mangos But We Have Turned Into More Tropical Fruit So We Have The Star Fruit As Well And A Tasting Table So People Can Come And Taste The Different Types Of Mangos.

One Mango Can Taste Totally Different From The Other As Well As The Star Fruit Is The Same Way.

The Mango Gets Its Fruit From The Starch In The Fruit.

You Can Take A Mango, Pick It And Let It Sit And Ripen.

Where On A Litchi It Gets Its Fruit From The Sap On The Tree So It Has To Stay On The Tree Until It's Completely Ripe And Then You Pull It Off.

Same With The Cambola.

It Has To Stay On The Tree Until It's Almost Orange.

And I've Had People Like My Father Say I Don't Like Star Fruit And I've Taken Him One That Is Completely Ripe.

He Grew Up On Pine Island.

He Actually Never Had A Ripe One.

So You Can Make Everything From Cakes, Smoothies, Cookies, You Name It And Most People Either Love Them Or They Hate Them.

But Most People Do Love Them.

And Thank You For Letting Us Come Here To Announce All Of The Mango Mania Events And It Will Be A Good Time And We Hope To Have A Lot Of People And Hope To Hit Over 10,000 This Year.

Thank You.

Mr. Chairman, It Wouldn't Be Right If You Didn't Tell Your Old Joke.

Chairman Mann: My Campaign? Comm. Bigelow: Yes, Come On.

Chairman Mann: Years Ago.

This Is Important.

A Friend Of Mine When I Was Running For Office So Many Years Back He Said You Need To Get A Picture Of A Mango And A Picture Of Yourself And Your Campaign Slogan Can Be Go Man Go.

You Want Me To Tell It Again Slow? [Laughter] We Didn't Use It.

Probably Was The Right Decision.

Comm. Bigelow: Thank You.

Chairman Mann: Commissioner Bigelow, I Believe You're Next On Our Agenda.

And Thank You For The Education.

That's Awesome.

I Didn't Know That About Star Fruits.

This Is To Recognize A Very, Very Important Issue Here In Lee County.

Actually In The State And The Country, Probably Internationally And Something As I Read This I Will Read For My Own Education And Reminders That When We're Driving We're Actually Performing A Very, Very Dangerous Activity.

And So I Would Like To In Recognition Of Distracted Driving Awareness Month Is Ask Jay Anderson Executive Director Of Stay Alive, Just Drive To Come Forward.

I Have A List Of Folks.

Anybody Associated With S.A.J.D. We Have To Have An Acronym, Stay Alive, Just Drive, If You Would Come Forward.

Mark, Good Morning.

Ann Pierce? Chuck, Steve Amber, Roman, Traffic Homicide Director.

Ed Summers, Traffic Homicide Investigator, Deb, Executive Director Of Drug Free Southwest Florida.

Brian, With The Metropolitan Planning Organization.

Michelle, Lee County Risk Management And Representatives From Highway Patrol.

Thank You For Being Here.

Mr. Chairman, As I Said This Is As Much For Myself As For All Of Us To Know And Heed.

Whereas The Introduction Of The Automobile Distractions Have Been A Major Factor And A Safe Operation Of The Vehicle.

And Whereas Over The Past Five Years The U.S. Is Experienced A 22% Reduction In Traffic Fatalities, Yet There Has Been A 42% Increase In Fatalities Attributed To Distracted Driving.

Whereas Driving Is The Most Dangerous Activity We Participate In On A Daily Basis We Must Not Forget How Distracted Driving Could Become A Nightmare.

And Recognize Stay Alive Just Drive Inc., Has Been Actively And Aggressively Educating The Public.

And To His Commitment Jay Anderson Has Been Recognized By The State Bureau Of E.M.S. And Is The Charter Recipient Of The Friend Of E.M.S. Award For 2011.

Oh Congratulations.

And Our Community Traffic Safety Team, Ctst, Lee County Injury Coalition And Has Been Instrumental To Remind All Drivers Safe Driving Is Not Expensive, It's Priceless.

And Whereas The Board Of County Commissioners Encourages All Agencies To Adopt A Hands-Free Cell Phone And No Texting Policy For All Employees.

Be It Resolved The Lee County Commissioners Do Hereby Proclaim The Month Of

July 2011 As Distracted Driving Awareness Month In Lee County And Urge All Of The Residents To Stay Alert And Stay Focused.

Stay Alive, Just Drive.

Brian, Dually Executed This 21st Day Of June 2011 Signed By The Honorable Chair Of County Commissioners Franklin Mann.

If You Would Like To Come Forward? [Applause] Thanks.

Thank You.

Congratulations.

[Applause] Commissioners, Thank You.

This Is The Fifth Year That We've Been Recognized.

And It Wouldn't Be Possible Without Your Support And It Wouldn't Be Possible Without The Support Of Our Team.

It's Not About Stay Alive Just Drive.

It's Not About Jay Anderson, It's About The Team That Supports Our Organization.

And Those Team Members Were Mentioned The Community Traffic Safety Team, Injury Prevention Coalition, Trauma Center And A Bunch Of Other Organizations Throughout The County That Continued To Support Us.

As We Do Try To Make People Aware Of The Dangers Of Distracted Driving.

I Would Like To Thank You.

I Couldn't Know If Ann Would Like To Say A Few Words.

She Has A Letter She Would Like To Read If You Don't Mind.

That Would Be Great.

Good Morning, Commissioners.

Thank You For This Opportunity To Speak.

Ann Pierce.

I Am Here To Support The Recognition Of The Distracted Driving Awareness Month.

Bike Walk Lee Is A Coalition Working For Complete Streets In Lee County.

Streets Designed, Built, Operated And Maintained For Safety Of All Users.

Bike Walk League Expresses Its Support For The Stay Alive Just Drive Program And Lee County's Recognition Of Distracted Driving Awareness Month.

We Advocate For Educational And Enforcement Programs Conveying The Message Of One Road For Many Users.

Nationally Such Programs Have Been Successful And Resulted In Consistent Decrease In Pedestrian Deaths Over The Past Decade With 2009, The Last Full Year Showing A 7% Decline Over Previous Years.

Still Some 4100 Individuals Were Killed Walking On Our Nation's Roadways.

630 Cyclists Were Killed And 51,000 Injured.

We Are Aware Of Florida Safety Record For Cyclists And Pedestrians.

It Is Rated One Of The Worst In The Nation With 22% Of All Traffic Fatalities Being Pedestrians Or Cyclists.

It's 22% When The National Average Is 12%.

This Record Is A Distinction That Ill Serves All Floridians, Drivers Or Otherwise.

It Requires A Significant Change Of Attitude Awareness And Behavior To Remedy.

That Change Can Begin Here With Your Leadership And Your Aggressive Response To A Cultural Shift That Has Put Automobile Primacy Ahead Of That Of Human Well-Being.

As Is Done With The Adoption Implementation Of Street Policies Lee County Can Assume Regional Leadership In Stopping Avoidable Traffic Deaths.

We Can Adopt A Policy Of Zero Tolerance For Those That Either Will Not Or Cannot Follow The Rules Of The Road.

We Can Protect The Most Vulnerable Road Users And A Sense Of Shared Responsibility For The Safety And Welfare Of Others.

And We Thank You For Your Support.

Thank You Both Very Much Again For Your Leadership Role In This Very Important Matter.

I Didn't Bring Any Mangos, But I Did Bring An Air Freshener For Everyone.

Especially Commissioner Bigelow.

Make Your Car A Distraction-Free Zone.

Excellent.

Chairman Mann: Okay.

I Don't Know How To Take This, But Thank You Very Much.

[Applause] Mr. Chairman, Can I Just Follow Up? This Will Behalf A Minute.

It Wasn't Until Laws Required Us To Use Our Seat Belt That Is Most Of Us Would Bother To Do That And It Took An Organization Known As Mother's Against Drunk Drivers To Make That Driving Drunk Or Impaired Register On Our National Conscience Enough That We Adopted New Laws.

Jay And Stay Alive Just Drive And Organizations Throughout The Country Seeking Legislation To Make It Illegal To Participate In This Distracting Activity Such As Texting Or Cell Phone Use I Think Is On Par In Its Importance With Seat Belt Use And Driving Impaired.

So I Will Hope That When We Consider Our Legislative Priorities For Next Year's Legislation, That We Will Get Behind That Whole Heartedly And Make Sure Our Local Delegation Is And Would Like To See Action Taken On That Regard.

Chairman Mann: Thank You Very Much.

It Is My Pleasure To Recognize Some Of Our Hard-Working Folks In Our Parks And Recreation Department.

Can You Come Forth And Bring A Team Of Helpers Or Do You Want To Take Full Credit? You Deserve It.

There's A Lot Of Them Here Today.

She's Got Her Number One Sidekick.

Show Of Hands Of Everybody With Parks And Rec.

They Are Spread All Over.

Keep Your Seats For Now But We May Do The Whole Picture Thing With You Guys Up Here.

I Think It Would Be Great.

It's My Pleasure To Read This Resolution.

Whereas The National Parks And Recreation Declared July National Parks And Recreation Month And Lee County Marks And Recreation Touches The Lives Of Individuals, Family, Groups And Community Impacting Upon The Social, Economic And Environmental Quality Of Our County, And Whereas Parks, Greenways And Open Space Provide A Welcome Respite From Our Fast Paced Lifestyles While Protecting Our Natural Environment And Whereas Parks, Playgrounds And Nature Trails, Open Spaces, Community And Cultural Centers And Historic Sites Make A Community An Attractive And Desirable Place To Live, Work And Visit, Whereas Lee County Parks And Recreation Activities And Leisure Experiences Provide Opportunities For Young People To Live, Grow And Develop Into Contributing Members Of Society And Whereas Parks And Recreation Agencies Provide Outlets For Activities, Social, And Stress-Relieving Activities, Lee County Does Proclaim July 2011 As Parks And Recreation Month In Lee County And Urges All Citizens To Visit Parks Especially The Weekend Of July 30th And 31st When All Parking Fees Will Be Waived At Lee County Regional Parks And Boat Ramps.

And Those Are \$10 And Sometimes More.

There Will Be Free Admission At County Pools On That Weekend Of July 30th And 31st.

Dually Executed This 21st Day Of June 2011 And I Was Proud To Sign It As Frank Mann As Your Chairman.

Now All Of You Guys From Parks And Rec Come Up And Take A Picture.

[Applause] Commissioners Thank You.

I Think The Resolution Says It All And Once Again We Want To Thank All Of Our Staff For The Great Job They Do And Invite Everyone Out On That Weekend, Every Weekend, And Every Day Of The Weekend, But That Weekend You Can Enjoy Free Parking Until The Park.

Thank You Very Much, Commissioners.

Chairman Mann: Thank You.

[Applause] And Now We Have An Award Presented To The Board Called Fit Friendly Lee And That Is Brought To Us By Lee -- Leslie, American Heart Association And Our H.R.Staff From The County, Right? Well, Leslie, Have At It.

Thank You.

Good Morning, Everyone.

As You Said I Am Leslie With The American Heart Association And I Am Accompanied By The Lee County Staff Responsible For Aligning A Culture Of Wellness And Sustainability For Lee County Employees.

The American Heart Association Start Fit Friendly Program Is A Catalyst For Positive Change In American Business.

Companies Throughout The Nation Can Be Part Of This Start Initiative By Demonstrating Progressive Leadership And Making The Health And Wellness Of Their Employees A Priority.

Increased Healthy Eating Options At The Worksite, Promoting A Wellness Culture.

Implementing Nine Criterias Outlined By The American Heart Association In The Areas Of Physical Activity, Nutrition And Culture.

It Is With Great Honor To Present This Award To The Lee County Board Of County Commissioners As A Gold Star Fit Friendly Company In 2011.

[Applause] Chairman Mann: Thank You So Very Much.

Well, Let's Get The Whole Team Up Here.

Ms. Brady Bring The Shy Little Ladies.

Chairman Mann: Thank You Very Much.

Comm. Bigelow: I Haven't Had A Gold Star Since Grade School.

Certainly Haven't Had One As A Commissioner.

Chairman Mann: This Will Occupy A Prominent Place In The Courthouse And We Are Grateful For Your Leadership On Making Us All Fit.

And Now It Is My Pleasure To Do A Recognition For Some Of The Guys From Our

Parks Department.

Again, This Is Specifically Directed Toward Pablo, Keith, Barbara And Dave, Would You Guys Come Back? This Has To Do With The Folk That Is Take Care Of Our Ballparks And Make Them World Famous.

Class Act Places.

Comm. Bigelow: The Ground -- Grounds Crew, Right? Chairman Mann: It Is My Pleasure To Read This Resolution.

Whereas The Grounds Crew Of Lee County Parks And Rec Department Working At The Lee County Sports Complex, The City Palms Park And Red Sox Complex Have Performed Their Duties Well.

The Grounds Crew Has Demonstrated Professionalism, Excellent Work Ethic, Dedication And Team Work In Preparing The Fields For Major League Standards For The Boston Red Sox And Minnesota Twins At The Spring Training Facilities.

And Whereas Professional Sports Contributes Greatly To The Tourism Industry And The Ground Crew Is An Integral Park Between Lee County The Boston Red Sox And Minnesota Twins.

Be It Resolved That Theboard Of County Commissioners Commend The Ground Crews For The Lee County Sports Complex, City Of Palms Park, Red Sox Complex For Their Hard Work And Continued Commitment To The Professional Baseball In Lee County Dually Executed This 21st Day Of June 2011 And Signed By Myself, Frank Mann, The Chairman.

You Are Nationally Recognized For The Work You Do.

I Am Very Proud Of You Fellas.

[Applause] Would You Like To Say A Word Or Two? Well, Get Your Picture Taken First.

Lost My Head There For A Minute.

Put Big Pablo Right In The Middle There.

Look At The Lady Upstairs There.

Chairman Mann: Good Job.

Pablo, Say A Word Or Two.

[Applause] Thank You.

On Behalf Of Our Department, Our Staff, We Appreciate This Recognition Today.

Without Your Support And Administration Support We Wouldn't Be Allowed To Do What We Do.

So Thank You Again.

There's Like 30 Or 40 Teams That Are In Our Town Right Now And A Couple Of Pro-Teams Playing Games Here This Afternoon So The Guys Need To Get Back To Work.

Chairman Mann: Okay.

Thank You So Very Much.

[Applause] Now, As We Are -- Look At Our Recap.

Let's Take Up The First Item On The Recap.

Commissioner Judah, That Would Be Another Recognition You Could Probably Read.

Comm. Judah: Thank You Very Much.

Paul Wingard.

Could You Step Forward? Mr. Chairman As We Have Seen This Morning, All Of Our County Employees Are Available Contributor To Our Community And It's Difficult When We Have To Say Good-Bye To Any Of Our County Employees.

In Particular Mr. Paul Wingard.

And I Know This Board Has Appreciated Your Service Over The Years.

Some 18 Years.

Being Very Diligent, Responsible, Respectful, Knowledgeable And Working On Probably Two Of The Most Contentious Projects In Lee County And That's The Construction Of The Midpoint Bridge And Causeway.

You've Never Forgotten That You Represent The Community.

You Work For The People.

And As Contentious And Adverse Environment You've Had To Work In You've Been Respectful Of Those That You Work For.

I Think That's Why You Gained Such Admiration And Respect.

And From Those That May Have Had Spirited Differences With Your Position Over The Years, But Certainly Your Fellow Employees.

They Have Respected And Admired You With The Way You've Treated Them Fairly And You're Really Going To Be Missed, Paul, And It's A Pleasure To Read The Resolution, But I Read It With Mixed Feelings Because I Wish You Well And Your Family As You Move On To Your Next Chapter In Life And In The Private Sector, But Boy, You've Left A Wonderful Legacy In This Community.

The Resolution Reads As Follows.

Where As Paul W.Wingard Has Dedicated The Past 18 Years Of Public Service To The Safety Of Lee County Residents And Visitors Alike.

He Came To Lee County Of The Project Manager Of The Midpoint Bridge In 1993.

His Skills And Acts Led To Him Promotion In 2001.

As Deputy Director He Oversaw The Reconstruction Of The Sanibel Bridge To The Modern Elevated Bridge We Enjoy Today.

Whereas These Two Bridge Projects Are Two Of The Three Largest Capital Improvement Projects Ever Undertaken By Lee County Government.

Paul Was Insuranceinstrumental In The Tolling.

Whereas The Lee County Transportation Department Paul Stood Up Providing Leadership To More Than 300 Employees.

Whereas For 20 Years Paul Has Fostered Cooperative Relationships With The Board Of County Commissioners, Citizens, Local, State And Employees And Lee County Staff.

Be It Resolved From The Board Of County Commissioners We Convey Our Sincere Appreciation In His Long-Time Service And Appreciate His Service To Lee County.

Signed By The Chair Of Board Of County Commissioners, Frank Mann.

Paul, I Think It Would Be Appropriate And You're The First One To Give Credit And Tribute To Those That Worked With You.

Is It Those That Are With The D.O.T. Today Could Stand Up As We Have Your Photograph.

Chairman Mann: Quite Appropriate.

[Applause] Chairman Mann: Paul, Stand In Front.

Don't Be So Shy Now.

You All Gather Around Him Here And -- We Got The Team Upstairs.

We Will Take Whatever Time It Is.

Chairman Mann: He Will Say A Word Or Two.

Commissioners, Thank You.

For The Record Paul Wingard.

Chairman Mann: You Don't Have To Do That This Time, Paul.

We Put You On The Record.

Thank You For The Eloquent Comments And Thank You For The Opportunity To Serve The Citizens Of Lee County For The Past 18 Years And To Have Worked Under Your Leadership.

It's Truly Been My Honor And My Pleasure.

We've Got A Lot Of Neat Things Done In That Time Frame.

It's Been A Great Ride For Me But It's Time To Start A New Adventure.

Just So You Are Aware It Is My Decision And My Decision Alone To Do That.

So Again I Want To Thank You For The Time I Have Been Here.

But The Real Thanks Goes To Those People That Were Just Standing Up Here.

I Think You've Got A Great Team In Lee County D.O.T. And I Think With The Right Guidance They Will Continue To Provide Great Service To The Citizens Of Lee County For Many Years To Come.

Again, It's Been My Pleasure And It's Always Difficult When You Work With Great

People To Say Good-Bye But To Say Good-Bye I Must And With That Thank You.

[Applause] Chairman Mann: Commissioner Manning Want As Word.

Comm. Manning: Paul, I Have One Question To You.

Midpoint Wasn't That Controversial, Was It? Well, People Remember Sanibel How Difficult It Was.

I Guess They Weren't Here At That Point In Time.

Yes, It Was Difficult.

Comm. Manning: Thanks For Helping Us Get Through That.

Chairman Mann: Thanks Again, My Friend.

Chairman Mann: As I Indicated When We Opened Up, It's Full Agenda And These Kind Of Things Do Take Some Time But It's Appropriate To Recognize The Peep That Will Go Above And Beyond The Call Of Duty.

Often Under A Call Of Criticism But These Recognitions Were Fitting And Appropriate And We Wish Them Well And God Speed As They Continue To Do The Good Work For The Citizens Of Lee County.

Now We Are At The Recap.

We Have On Item C1b.

I Need A Motion To Make That Revision.

I Have A Motion By Commissioner Hall For That And A Second By Commissioner Manning.

Is There Discussion? Comm. Bigelow: Yes.

I Believe This Is Where I Would Make A Motion Or Ask The Motion Maker To Amend It If So Fit If We Add Public Comment For Non-Agenda Item To This Agenda In Light Of The Fact We Would Normally Hold It Next Tuesday, But We've Canceled That Meeting And All Meetings In July And If There Are Any Members Of The Public That Would Like To Make Comment At The End Of The Agenda? Chairman Mann: Wait, I'm Sorry.

I Am Not Following You.

This Is Simply Speaking In The Language Of The Consent Item And Available To Be Spoken To As A Consent Item.

Is This Not Where We Are Adopting The Amended Agenda? Comm. Hall: No, We Are Adopting The Amendment.

We Will Vote On It Later.

Comm. Bigelow: To Add To It The Agenda.

To Change The Agenda With That Motion.

Chairman Mann: The Item C1b Is Before Us But We're Changing Language In It.

That's All We're Doing.

And Then We Will Take Up The Item As A Normal Item Of Consent.

Comm. Bigelow: Excuse Me, Mr. Chairman, If You Just Indulge Me.

I've Been Advised By The County Attorney's Office If I Would Like To Add Public Comment To An Agenda Item I Would Do It When We Were Adopting The Agenda Recap.

If I'm Mistaken In The Advice I've Got, Andrea, I Would Appreciate If You Would Help Me.

Once It's Matters Of Concerns Of Citizens At The End Of The Agenda.

There We Go.

I Knew It Was Somewhere.

It's Hard To Figure Out, But We Got It.

I Will Hold My Comments.

I Do Understand The Motion Before Us. Is There Further Discussion? Objection? That Is Taken Care Of.

And Those Revisions Will Be Now.

Is There -- Relative To That Apparently Commissioner Bigelow.

Comm. Bigelow: Right.

And I Apologize For Being Clumsy.

Next Week We Would Normally Take Public Comment On Non-Agenda Items, But We Do Not Hold A Meeting Next Week And We Do Not Have Meetings In July So This Would Be A Moment For Members Of The Public To Have Comment If They Propose.

Yes, Mr. Chairman, This Is A Point Of Clarification I Want To Make.

What Commissioner Bigelow Is Asking For Is A Suspension Of Your Rules In Order To Allow This To Happen.

That Is The Proper Course.

A Suspension Of Your Administrative Rules For The Board Procedure.

Because You Don't Allow Public Comment Except On The Second And Fourth Meetings At 5:00 P.M. And This Is Not Already Provided In Your Rules, So This Is A Request For Suspension Of The Rules For That Purpose.

Chairman Mann: And The Motion Would So State That And Now So I Fully Understand It, We're About To Take A Break.

The Public Is Not Going To Have An Opportunity For Input For At Least A Month.

We Would Normally Have Public Input Onto Second And Fourth.

Is This One Of Those? Or -- This Is The Third.

So We Won't Have A Meeting On The Fourth So The Public Next Week Won't Have An Opportunity.

So You're Saying If There Are People That Want To Get Us On Our Last Opportunity You Would Wave The Rules To Allow Input At This Meeting.

The Next Would Be Probably August 2nd.

Is There A Second To That Motion? I Will Second It For Discussion.

Would Somebody Like To Discuss It? My Question Is, Mr. Chairman, To Our Council Is Usually When Public Input Is On An Agenda It's Advertised And This Has Not Been Advertised.

This Is A Board Decision Whether To Suspend The Rules -- I Just Want To Make

Sure We're Legal.

You Have The Option To Do It.

One Step Further If You Chose To Suspend The Rules You Wouldn't Take Any Definitive Action Because It Hadn't Been Placed On The Agenda.

That's Your Decision In Terms Of Whether You Want To Suspend The Rules Or Not.

Chairman Mann: Commissioner Manning, I Had A Discussion With Ms. Fraser And I Asked This Same Question.

Are We In Violation Since It Wasn't Advertised The Public Input Would Not Be Something We're Taking Action On.

So The Failure To Advertise It Is Not A Major Issue And This Is A Technical Thing If The Board Want To Take Input At This Time Otherwise We Wait Until August.

Is There Discussion Or Objection? So Adopted.

Public You Will Be Recognized At The End Of The Meeting If You Are Here.

Now, Back On To Recap.

We Have One, Two, Three, Four, Five More Walk-Ones.

We Are Ready To Proceed With Public Comment On The Consent Agenda.

We Have The Honorable Clerk Of Courts Charlie Green And We Like To Start With Our Elected Officials.

Frank And Board Members If We Move Forward On The Swim Center My Suggestion Is They Put The \$25 Million In An Escrow Account And Then Negotiate A Bank Account.

It Can Be Held In Anyone's Name And Someone Else Can Write The Check.

I Am Not Implying Anything Other Than The Fact If They've Raised That Much Money They Would Be Willing To Place The Money In Escrow And If Not They Could Get Their Money Back.

We Could Put It In An Interest-Bearing Escrow Account.

It Would Be Available To Them If Nothing Came From The Deal.

That's My Advice.

Thank You.

Chairman Mann: Thank You, Mr. Green.

Thank You For All Of Your Advice From Time To Time.

Let Me -- Ann Pierce, Are You Here? She Had A Request To Speak On Two Of The Resolutions.

The Bike Walk Issue, Distracted Driving And The Fit Friendly, She Was In Favor Of Both Of Those.

We Passed Them So It's Good.

Phil Buchanan, Welcome Back On 8a.

I Want To Address Item 8a On The Consent Agenda As It Relates To Cape Coral Stone Water.

Sit A National Pollutant Discharge Elimination System Or Niptus.

The Federal Environment Protection Agency Delegated That Authority To The Florida Department Of Environmental Protection.

And They Call The Permits Municipal Separate Storm Sewer System Permits.

They Issue Them And Reissue Them But When They Accept The Permit They Get About 100 Pages Of Rules That Is Filing A Lot Of Reports And Among The Papers They Have To File Is A Statement That They Are Treating Those Polluted Water That Is They Are Discharging Into U.S. Waters To The Maximum Extent.

That's A Self-Certification.

The System Is Largely Managed And Policed From The Bottom Up With Little Accountability.

In My Personal Opinion It Does Very Little And Frequently Does Absolutely Nothing To Clean Up Our Polluted Waters.

That Might Some Day Change With The Adoption Of Other Objective Standards But The Fact This System Is Somewhat Going Along For 39 Years Now Does Not Offer Us Much Encouragement.

Last April The Next Five-Year Cycle Of Ms 4 Permits Were Released In Draft Form.

You Recall That I Complained That The Ms 4 Permits For Cape Coral Should Not Be Reissued Pending Reconstruction Because Without The Barrier They Didn't Have A Storm Water Treatment System.

Commissioner Manning Chaired A Meeting After That On The Subject.

And We Were Told By All Of The Local And State People That Storm Water Treatment And Ms 4 Permits Are Unrelated.

Whether Or Not You Had A Barrier Or Water Treatment System Had Nothing To Do With The Ms 4 Permit.

That's An Extreme Statement.

But The Fact That Those People Think That And Are Will To Go Say That Tells You How Unreal The Program Is.

So In Early March Having Failed On The Local And State Level I Went To The Renal National Epa Office In Atlanta And Asked Them To Review The Matter.

They Agreed There Is An Ms 4 Permit Should Not Be Reissued Without Addressing The Water Treatment System But They Did Not Agree That The Reconstruction Of The Barrier Had To Be A Condition.

They Said They Couldn't Go That Far.

But They Were Willing To Say There Has To Be A Water Treatment System.

That Was As Far As They Could Go.

They Put That In Writing And I Left A Copy On Your Desk Before The Meeting Started.

The Pertinent Paragraph Sentence Has Been Highlighted In Pink On Your Copy.

It Reads As Follows.

Based On Discussions With The Fdp Program Staff, We Understand That There Will Be Special Conditions For The City Of Cape Coral Within The Lee County Permit.

We Understand It May Redefine The Boundary, Redirect Storm Water To The East, And Provide Treatment For Those Areas Of The City That Now Discharge Into The Waters Of The United States With A North Spreader System Has Been Breached.

Well, Even If The Cape Did All Of Those Things We Would Have Severe Environmental Problems But It Would Be A Considerable Improvement In The Situation.

So The Epa Was Helpful To Get Us As Far As We Would Like To Go.

But You Can Be Assured That When You Apply The Existing D.E.P. Procedures To All This Even These Very Limited Measures Are Not That Likely To Take Place.

They Did Modify The Ms 4 Permit To At Least Generally Include The Epa's Requirements.

Also Attached To That Sheet I Gave You Is Page 26 Out Of The Ms 4 Permit And It Includes All Of That Stuff, But Look At The Timelines.

They Gave Them One Year.

A Year Just To Turn In A Map.

Chairman Mann: I Have To Ask You To Wind Down And Tell Us What You Want Us To Do.

All Right.

The End Measure Will Be That Cape Coral After Four Years Will Be Able To Certify That They Have A Plan To Treat That Water.

And Cape Coral Will Certify Its Own Maximum Extent Paperwork To The D.E.P. That's Not Going To Get Us Very Far.

Again, Complained To The E.P.A. And They Asked For An Audit.

They Said It's Unnecessary.

They Didn't Say If They Passed The Audit But I Am Guessing Passing Goes Without Saying.

I Read The Memorandum Provided To You By County Attorney And I Totally Agree With Everything He Said.

There's Not Much Profit To Be Had By Pursuing This Ms 4 Process Much Farther.

I Thank The Board For Bringing The Lawsuit, Administrative Appeal, If That Is The Action To Go.

Thank You.

Chairman Mann: Thank You Very Much.

Keith Dean.

Keith, You Will Be Followed By Jeff Webb.

Welcome Back To The Commissioner's Chambers.

Thank You, My Name Is Keith Dean.

I Am The Alva Member For The Advisory Board Appointed By Commissioner Hall Several Three Years Ago.

I Am Here To Talk About The Zip Line Proposed By The Caloosahatchee Park.

I Became Interested In The Advisory Board Simply Because My Involvement In Little League And Alva.

17 Years I Spent Out The There With Kids And Still Spend My Days And Nights Out There With Kids Almost Every Day, Every Night.

Coaching, Managing, Umpiring.

Past President, Past Vice President, Board Member, Cook, Chief, Bottle Washer, You Name It.

I Did It.

Simply Because I Think Our Kids And Families Are The Future Of Our Community.

I Tell You These Things Not To Boast.

I Tell You These Because That's What I Think Is Important In Our Community.

Alva Is An Important Part Of My Life.

I Lived There For 20 Years.

I Enjoy The Characteristics.

Yourself And Your Resolution You Just Read For The Parks And Rec For This Month How Important Our Parks Are.

How Important It Is For The Future Of Lee County And How Important It Is For The Families In Lee County.

We Have To Give Them Activities.

We Have To Give Them Places To Go.

We Have To Provide User Notice Our Parks To Keep Our Numbers Up.

You Know How Much Money? Lee County Gains By The Parks Programs.

You Just Recognize Keith And Pablo For The Work In The Sports And Red Sox And Minnesota Twins Because We Know How Much Money Come Toss Lee County Because Of The Taxes.

Because Of Property Taxes Are Enhanced.

The Quality Of Life Is Enhanced Because Of The Use Of Our Parks.

You Have In Your Wisdom You Have Given -- You Have A Leadership In Our Parks And Rec.

And Given You A Vision For Lee County Parks And Rec And Caloosahatchee Park.

Another Activity People Will Go.

People Will Use The Park.

Kids Will Have A Place To Go.

If You Believe The Resolution You Read Or Believe The Resolution You've Heard There's No Way You Can Vote Down On A Zip Line.

Vision Is What's Important For Lee County.

We Cannot Stand Still And Die On The Vine.

You Got To Vote For The Zip Line.

If The Person That Wanted To Tear Down The Oak Tree, If They Had Won, What Kind Of Vision Would That Have Been For Lee County? Some People Saw A Dead Oak Tree.

Some People Saw A Vision Of An Eagle.

What Kind Of Vision Will You Have For Lee County.

Thank You.

Thank You.

Jeff Webb? Good Morning.

My Name Is Jeff Webb.

I Reside In Lehigh Acres, Commissioner Mann's District Number Five And I Own And Operate The Hampton Inn And Suites With My Wife And Brian Bigelow's County Commissioner's District Number Two.

I Am Here To Ask You Guys To Vote Yes On The Administrative Agenda Item 1a With The National Swim Center Corporation.

In 2007 My Wife And I Opened Up The Hampton Suites And Endured Many Economic Challenges Like Many Of Our Citizens Have, But Now The New Challenge Is The Vacating Area Of City Of Palms And The Boston Red Sox Moving South And Along With That A Lot Of Our Business.

So The 25 Employees And I Have Been Concerned About How We Will Replace That Business.

We Are Working Hard To Do So, But We Are Encouraged About This Interesting Opportunity That Is Before Us.

Along With All Of The Other Owners That Own And Operate Hotels In Our Area Are Interested In This Swim Center And What It May Bring To The City Of Palms Arena.

What's Important To Know About Today's Vote And Why I'm Asking For You To Vote Yes Is It's An Opportunity For Us To Go Into Negotiations Today.

We Are Not Approve Thising Project.

We Are Not Saying This Is What We Want To Do.

We Are Only Voting Yes Today, If You So Desire, To Go Forth And Negotiate The Opportunity Of Whether Or Not This Is A Good Proposition For Us.

While It Is Fantastic At Face Value And We're Excited About It, We As Business Leaders Must Look At Every Opportunity Before Us To Make Sure We Continue To Keep Our Residents Employed, Bring Back More Vitality To Our Area And Bring Back

The Demands To My Business And All Of The Businesses In Our Area Now That The Red Sox Move South.

I Ask That You All Please Vote Yes On Entering The Negotiations To Explore This Opportunity And Allow All Sides To Enter Into Due Diligence To Make Sure This Is The Greatest Opportunity It Seems To Be At Face Value.

Thank You.

Chairman Mann: Thank You, Mr. Webb.

Caitlin Weber.

Followed By Ann And Artie.

Good Morning, Caitlin Weber Here On Behalf Of The Conservancy Of Southwest Florida.

I Would Like To Share Concerns With The Inter Local Agreement Between The City And Cape Coral.

I Believe This Is Consent Agenda 9a.

This Would Allow The City To Conduct Restoration On The 20/20 Land In Order To Fulfill Mitigation Requirements Under The Scrub Jay Habitat Conservation Plan.

We Recognize It Would Allow For Timely Restoration.

We Would Like The Board To Know It May Conflict.

It May Be Used By The School District Of Lee County.

We Support This As Taxpayer Land Awhich Significance Land Should Not Be -- Acquisition Lands Should Not Be Used For Public Projects But The City-Owned Festival Park Site As Well As Surrounding Lots, Our Understanding Is The Current Scrub Jay Territories Overlap Current Parcels.

We Acknowledge That County Can Use 20/20 Lands To Provide Opportunities For Impacts For The City-Owned Parcels, But To Also Off-Set On Private Lots Appear Toss Be Out Of Compliance With The Ordinance.

Accepting It As Proposed Seems To Conflict With The Ordinance.

Sit Not Finalized As The Fish And Wildlife Service And We Encourage The Commission To Examples Mror With Cape Coral Provisions To The Interlocal

Agreement To Resolve The In Consistencies While Retaining The Work For The Scrub Preserve.

And The Privately-Owned Lots And All Teventive May Be To Consider The Alva Scrub Reserve As Mitigation On City-Owned Lots And Private Parcel Achieved On Different Lands.

We Hope The Staff Will Address The Issue Further.

And Make Sure It Is In Accordance With The Ordinance.

Chairman Mann: Would Anyone Like To Speak On This? I Want To -- I Am Here Representing The Southwest Florida Lee County Fair Association And I Want To Thank The Board Of Commissioners For Their Support For Our Amendment We Have To Our Management Agreement.

Staff Did A Wonderful Job.

Parks And Rec Did A Wonderful Job And We Want To Thank You For All Of Your Support.

Chairman Mann: Thank You.

Ms. Dalton? My Name Is Ann Dalton.

I Am Here Represents The Lee County Fair As Well As Their Council.

We Have Been A Good Steward Of The Lee County Civic Center For The -- Lee County Civic Center For The Past 15 Years And This Amendment Would Enable The Association To Continue To Be A Good Steward And We're Grateful For The Assistance Of The Lee County Attorney's Office And Barbara Manzo.

Thank You Very Much.

Chairman Mann: Thank You.

I Have -- I Tried To Save All Of These Cards.

Are There Others That Want To Speak On Any -- These Are All That Want To Speak On The Swim Center.

Okay, We Will Get To That.

Brandon.

Followed By Fred.

Good Morning Mr. Chairman.

Commissioners.

Thanks For Allowing Me To Speak On Behalf Of The National Swimming Center Corporation This Morning.

It's Nice To See You All Again.

My Name Is Brandon.

I Am The Director Of Aquatics And Board Of Directors Of The National Swimming Center Corporation And Board Of Directors Of Usa Swimming.

Some Questions I Would Be Will To Go Answer.

I Want To Make A Few Points.

I Know You Will Hear From A Lot Of Folks This Morning.

This Project Is Not Only Important To The County And The City, But It's Important To Your Community And Your Constituents.

Obviously For The Health And Wellness Benefits.

I Understand There's Questions If Aqua Centers Can Make Money Or Not.

They Can.

I Run One Of The Largest Aquatic Center In Oregon.

I Would Like To Tell You A Little About The Circumstances Because The Circumstances Here Would Be Much Better In Terms Of Profit For An Aquatic Center.

At The Community College We Serve Over 30,000.

We're Working Around The Area Of 24.

In Addition To That's Just On The Wet Side.

We Have Dry Side Events That We're Talking About.

I Will Speak Specifically To The Wet Side.

Swimming Lessons, Lap Swim, Peep That Will Come Into Swim Meets.

80% Of Those Folks Come From Out Of Town.

I Know There's Some Issue Here.

They Are Broken Down In Several Areas.

There's Events That We Can Create Which Is A Large Chunk Of The Events That We Will Control And Create Ourselves.

There's Events That Local Swim Teams Can Rent The Facility.

There's A Smaller Number Where You Bid On Those.

Either Regional, State Or National.

And Those Are Much More Cyclical In Essence.

Really All I'm Asking Is To Be Able To Answer Questions To Come To The Table With Us.

Go Into Contract Negotiations To See If It's Feasible For You.

That's All.

We're Here To Talk.

We Want To Provide An Opportunity For You And We Want To Partner With You.

So Thank You And I Would Be Happy To Answer Any Questions If I Could.

Chairman Mann: Thank You.

Welcome Back.

Thank You.

Chairman Mann: Fred Yao.

Good Morning Commissioners.

Always A Pleasure.

I Would Like To Address Charlie Green's The Clerk Of -- I Guess The Court's Concerns.

In Negotiating Or Talking With The Staff.

We've Provided Them A Lot Of Information.

I Am The Financial Guy For It.

The Managing Partner For The J.V. We Have The Authority To Move Forward With A Project.

We've Provided Financials On Ourselves, Audited Financials On Ourselves, Interim Statements, Bank Accounts, Letters.

We Believe We've Been Responsive To The Staff's Concerns And Again In Discussions That When Commissioners Have Issues Or Staff Have Issues We Totally Agree That That Would Be Acceptable In Our Eyes As Mr. Green Has Said That Why Don't You Guys -- Why Wouldn't You Do That? Put It Into Escrow? I Think It's Not A Bad Idea When You Get Into Negotiations Going There's Certain Things You Want.

Maybe Commissioners Would Like To See Some Resources On The Other Side.

We Agree With That.

Those Are The Kind Of Things That Mr. Green Would Bring Up That We Handle In Normal Negotiations.

That's What We're Asking For.

We Would Like To Thank The Staff.

They've Been Helpful.

It's Been Back And Forth And Back And Forth And It's Been Interesting.

But We Appreciate All That They Are Doing And I Am To Available For Questions.

We Appreciate Your Support To Go Forward To The Next Level And Try And Negotiate Something For This Area.

Thank You.

Chairman Mann: Thank You.

Welcome Back.

John Naylor? Good Morning.

John Naylor.

I Want To Speak A Little Bit About The Overall Importance Of Sports In Lee County.

You've Heard Me Speak On That Before And Most Of You Know I've Been Involved With The Amateur Sports Committee Since The Early 90s.

That Started With A Vision Of Trying To Create About 2500 Off-Season Room Nights That We Thought Was Monumental.

The Last Two Years The Sports Authority In Conjunction With The Sports Organizing Committee Generated Over 100,000 Room Nights Each Year.

Frankly, We're About At The Capacity At The Venues And The Facilities Are Available To Bring More Events.

We Need To Look At How To Expand The Arena To Open It Up To New Business.

The Philosophy Over The Years Has Never Been To Go Out And Buy Business.

We've Based It On The Facilities We Have, The Services We Provide And I Would Be Remiss If I Didn't Pass It On To Barbara, Dave And Keith At The Fantastic Job They Do In Maintaining These Facilities.

With The Organizers They Would Not Come Back Year After Year Like They Do.

The Roy Hobbs, The Perfect Games, All Of Those Things Wouldn't Just Happen Without Their Involvement.

Several Of Us Have Been Involved With The National Swim Center For Five, Almost Six Years Now.

And It's Been An Up And Down Process At Best.

But I Think That We're -- The Current Proposal That Can Work And Produce Very, Very Badly Needed Room Nights.

If We Have The Hope Of 110 Room Nights To A New Level Of 140,000 Has Got To Come From That Kind Of Activity.

I Think That The Tremendous Result That Is We Produced So Far Could Be A Good Springboard To Moving Forward.

And I Would Encourage You All To At Least Move Forward To The Next Round Of Negotiation Toss See If We Can't Work This Out To Be A Win, Win For Everybody.

Thank You.

Chairman Mann: Thank You.

John.

And We Welcome You Back, Sir.

Good Morning Commissioners.

Seven Years.

Seven And-A-Half Years I've Been Here In Lee County.

And I Got To Tell You, I've Become Part Of The Community.

We Know People In Every Part Of This Community.

We've Been Here Every Two Or Three Weeks.

We Fell In Love With It.

We Became A Part Of It.

I've Done Just About Everything You Can Do In This Board Of Swimming.

When I Was Young And Thinner I Was A Competitive Athlete.

I Swam At The Highest Levels Of Swimming.

Swimming Got Me Into The U.S. Navel Academy And When I Broke My Back And That Was The End Of My Career, It Helped Me To Walk Again.

I Coached For 25 Years And I Had The Ability To Make My Add Vocation, My Vocation -- Chairman Mann: Excuse Me A Minute.

Pardon Me.

We Didn't Want To Run You Out Of Time Before We Hardly Began.

I'm Sorry, Go Again.

Our Company Has Proved That It Has The Resources, Ability And Passion To Do This Project.

I Don't Want To Take A Lot Of Time Up.

We've Talked A Lot.

I Would Like You To Read A Letter From One Of My Board Members That Could Not Be Present Who Just Sent This In Last Night.

Dear Commissioners, Sorry, I Can't Be In Fort Myers In Person For This Important Decision.

I Was Covering The Grand Prix In California And As You Know Swimming Is A 24/7, 365 Sport.

As A Founding Board Member This Glorious Vision Is Shared As I Worked Together At Usa Swimming.

We Are Prepared To Make This One-Of-A-Kind Facility With A Passion And Service All Levels.

Although There Are Many Communities That Want To Do This Area I Support The Board To Remain In Fort Myers To Bring This Facility To Fruition.

Be A Part Of History, Help Shape The History Of Aquatics In The United States.

Olympian, Florida Sports Hall Of Fame, International Swimming Hall Of Fame.

I Think He Sums Up The Position Of Our Company Very Well And I Thank You For Your Time Today.

Chairman Mann: Thank You.

And Your Persistence And Your Cause.

Mr. Albion.

Welcome.

Thank You Mr. Chairman.

Board Members, Before I Get Started With My Comments I Want To Take A Comment Personally And Thank Paul Wingard.

I Was One Of The Beneficiaries Of A Board Member For A Number Of Years Of Paul's Very Good Work.

D.O.T. Makes A Great Team But Paul You Did A Great Job On A Number Of Projects And You Got Some Of The Tough Ones That Seemed To Be Impossible And You Made The Impossible Possible.

Thank You Very Much.

I Appreciate Personally.

Mr. Chairman And Board Members I Think We Can Narrow This Down To A Few Key Points.

I Brought A Prop That I Can Leave.

Piece Of Bazooka Joe Bubble Gum.

That's More Money Than The Swim Center Is Asking The Board Of Commissioner Toss Put Into The Operation Of This Facility.

It Will Be Funded By Sponsorships And The Money They Raise.

Bazooka Joe Is More Money Than What It Would Cost The Citizens Of Lee County.

We Are Proud Of The Fact Of Being Able To Have This Opportunity Knowing These Economic Times.

It's The Right Way To Do It And The Right Thing To Do.

I Also Wanted To Point Out I Have A Letter Here From The Company Called Investor's Group.

It's A Company, Not Merely A Name.

The Company Is A Subsidiary Of I.M.G. And I Wanted To Read This Letter Because I Think It Makes It Very Clear.

When We Talk About The Ability Of This Center And How It's Been Vetted Money Wise, It States A Performance Bond Cannot Be Issued Without An Executed Contract Without A Lee County Contract.

They Don't Know The Terms And Conditions Of The Deal.

This Having Been Said Please Accept This Letter As Our Willingness To Provide The Necessary Surety Bond In The Event A Successful Contract Is Assigned On The Above-Named Project.

We Find It To Be Financially Qualified For Performance And Payment Bond In An Amount Equal To The Estimated Project Cost Of \$18.2 Million That We Submitted As Being The Projected Cost To Do That.

We Reserve The Right To Review All Executed Documents, All Final Construction Bids And Any Arrangement For Final Issue Between The National Swim Center Corps And Ourselves.

If You Have Any Questions You Can Call Larry Grega The Senior Advisor Of That Group.

They Are Will To Go Guarantee This Project As Long As The Terms And Conditions Are Met.

I Think It's An Important Statement Coming From An Outside Firm And They've Done That Work.

The City Of Fort Myers Came Forward With A 7-0 Vote Encouraging The Board Of County Commissioners Asking You To Go Forward To Contract Negotiations.

What's Key Is This Will Be A Flag Ship Facility For The United States.

I Think Its Ecritical The Fact That This -- It's Critical That This Has The Ability To Take A Facility That Right Now Has A Lot Of Consequences, A Projected Million Dollars A Year To Run Without The Red Sox.

And Instead It Will Be Totally Absorbed By An Outside Entity With No Cost To The Citizens Of Lee County.

I Think It's Key.

There's Also In The Pro Forma That There Will Be A Line Item Negotiated And Help The City Of Fort Myers With Some Of The Bonded Indebtedness.

They Want To Be Players In This Community.

They Will Work With The City Of Fort Myers And Lee County To Make Sure This Facility Is Successful.

I Will Remind You That We Know The Summer Break Coming That By The Time You Try To Go Out To An Rsp, You Could Know If A Contract Could Be Negotiated.

The Consequences There Going The Next Step We Feel Are Small To None, But The Benefits Are A Savings Of Citizens.

And Potentially As Many As 150 -- As Many As 79,000 Room Nights To Lee County Which Will Greatly Help The One Engine That Is Working Still For Lee County That Is Tourism As We Wait For The Construction Industry To Come Back.

A Great Opportunity For Lee County.

A Signature Opportunity I Believe For Lee County.

Lee County Sports Authority Has Been Supportive Of This Project For A Number Of Years.

I've Talked With Parks And Rec.

They Understand The Benefits Of It.

The City Of Cape Coral Is Behind It Too.

Let's Not Stop At The Point Of Negotiation.

Chairman Mann: Thank You.

Thank You For Your Many Years Of Service.

16, I Believe, To The Citizens Of Lee County.

14.

You Got The Other Two.

I Also Wanted To Mention That Brandon Has Agreed To Come Here And Run The Swim Facility Here So You're Getting The Real Deal.

You're Not Getting Someone That Says He Can Work.

He Can Make It Work.

He Has Proven It.

Chairman Mann: Thank You Again.

Did You Want To Speak? I Don't Have A Card From You -- Well, You Can Talk, But You're Going To Have To Sign One Of Those Cards Or You Will Be In A Lot Of Trouble.

My Name Is Adam.

I Work For The Lee County Property Appraiser.

I've Been Involved -- I Live Downtown And Have Been Involved In Competitive Swimming All Of My Life.

I Live Here On A Daily Basis.

I Don't Think Anybody Would Argue That We Need An Anchor.

To Me, Three Simple Points.

The Proposal Seems To Have Limited Liability.

I Don't Think That You Can Get Reward Without Risk.

Secondly, The Economic Impact, Let's Talk About The Anchor.

Pools Are Liquid Gold.

They Are.

You Just Need To Run Them The Right Way.

It Is That Simple.

You Get A Pool, Run It The Right Way, Liquid Gold.

I Ran The Swim Program In Atlanta Before I Moved Down To Fort Myers.

Operating Budget Less Than A Million Bucks, Average Revenues Over \$2 Million A Year.

Two Tiny Pools.

It's Not As Big As These Moving Forward.

Pools Are Liquid Gold.

And Really, I Think The Third Thing -- I Didn't Hear About This Until Friday.

I Am Embarrassed.

I Am A Downtown Guy.

I Like To Think That I Listen And Read News Press, I Know What's Going On.

I Wouldn't Have Known Until Somebody Saw The License Plate On My Car "Swim Hard" And Asked If I Was Involved In The Swimming.

Brian You Joked Be Getting A Gold Star? This Is A Gold Star Opportunity, Man.

It Really Is.

Comm. Bigelow: Two Gold Stars.

That's All I Have.

Thank You For Your Time.

Thanks, Adam.

Thank You.

Blue Card? Or You're Not Allowed To Leave.

That Brings Us Back To The -- Are There Any Other Speakers Out There? I Am Sorry, Sir.

I Believe He Wants To Speak To Us About Non-Agenda Items, Is That Correct? I Would Think So, Yes, Sir.

Chairman Mann: You're Not Speaking About An Item On Our Agenda Today So You Will Be At The End Of The Meeting.

I Apologize.

I Didn't Know The Protocol.

Chairman Mann: This Is A Little Out Of Ordinary The Way We're Doing Things Today.

Thank You Very Much.

So It Is Back To The Commission For Items To Be Pulled.

Commissioner Hall? Comm. Hall: None.

Commissioner Manning? Comm. Manning: None.

Chairman Mann: I Have Two.

9b And 10a.

Commissioner Judah? Comm. Judah: Hold On One Second.

7c, 8a, 9a -- You Pulled 9b? Chairman Mann: Yes.

Comm. Judah: I Was Going To Also.

That's It, Thank You.

Chairman Mann: Commissioner Bigelow? Comm. Bigelow: Yes.

1c, 6a, 7a, I Was Going To Pull 9b, But You Did.

12b, And 13e.

Comm. Judah: Move.

Chairman Mann: I Have A Motion To Move The Balance, If There Is Any.

We Will Figure That Out.

Is There A Discussion On The Motion? Objection To It? Let's Start In Reverse Order.

Commissioner Bigelow? Comm. Bigelow: Okay.

Mr. Chairman I Have Six Items, Three Of Which We Can Pull Together.

1c, 7a, 13e, Request Of County Management To Concur With Selection Committee.

Move The Item.

Chairman Mann: I Have A Motion By Commissioner Judah, Second By
Commissioner Hall To Move 13c, 7a And 1-- 13e, I'm Sorry, Is That Right? Comm.
Bigelow: 1c, 7a, And 13e -- Chairman Mann: And You're Standard Objection?
Comm. Bigelow: I Am Registering An Objection.

Chairman Mann: Further Discussion? 4-1 Commissioner Bigelow Dissenting.

Comm. Bigelow: This Is Request Of County Management To Request Approval Of Grant Application And Existing Funding During The Board's Recess From June 22nd To August 1st.

The County Manager Is The Official Representative Authorized To Take Such Action.

There Is Some Description Here As To What These Are.

This Item Is A Request Of County Management, Human Services, For Us To Authorize The County Manager To Sign Grant Applications.

That's Okay.

I Mean, I Am Not Terribly Concerned, But The Substantial Amendments To Existing Funding During The Board's Recess That Has Me A Little Curious And Concerned.

There Is A Provision Here That I Guess We Will Be Notified As To What Was Signed Or Approved Authorized In Our Absence.

However, I Would Ask That If We Do This, We Have To See This -- Well, Let Me Say, I Am A Little Troubled.

I Don't Know That I Want To Extend That Authorization To The County Manager Because I Don't Know What Kind Of Outstanding Existing Funding Might Be Made.

Chairman Mann: Would It Help To Hear From Staff As To What They Might Anticipate In Our Absence? Comm. Hall: We Do This Every Year.

It's Not A New One.

Comm. Bigelow: This Is The First Time I've Seen Substantial Amendments To Existing Funding.

Ann, Human Services, Our Federal Funding Requires That If We Move A Certain Dollar Threshold From One Project To Another It's Considered A Substantial Amendment Over A Percentage.

Some Things We Can Do Internally Without Authorized Approve And Some Things Are Over The Threshold.

If We Have Projects That Money Needs To Be Moved In Between, We're Asking For Authority To Get County Management To Sign Those.

We Still Have To Do Public Notices, We Have To Conduct Public Hearing, But In Case A Project Stalls We Don't Want To Not Be Able To Meet A Time Frame During The Board Recess.

Comm. Bigelow: Okay.

And If Any Action Is Taken During This Break Will Be Reported To The Board When They Reconvene In August, But There Is No Apparent Limit As To What Kind Of Substantial Funding Amendments Might Be Made.

Am I Correct In Assuming It's As Much As The Funding Amounts Are? Or -- No.

Our Community Development Block Grant Around \$2 Million.

Current Year.

That All Gets Laid Out In A Plan So We Don't Just Create New Projects At This Time.

It's Making Modifications To Existing Projects.

So We Wouldn't Be Developing Something New.

It's If A Bid Came In For Less We Could Move Money To A Different Project.

We Need To Make Adjustments And Need The Ability To Do That To Continue Projects Moving Forward.

We Did This Last Year And We Sent A Recap A Couple Of Actions That Got Taken.

We Don't Want To Miss A Grant Deadline And Jeopardize Funding Or Be Unable To Proceed On Projects In A Timely Manner During That Recess.

Comm. Bigelow: Okay.

And You're Talking About Federal Money But What About The Federal Money That Comes Through The Neighborhood Stabilization Program? What Kind Of Dollar Amount Are We Talking About In That? Our Neighborhood Stabilization Nsp 3 Is \$6.6 Million.

That Pot Of Money I Don't Anticipate Doing Substantial Amendments To Because We Would Then Be Not Buying Single Family Houses, We Would Change Our Whole Strategy And We're Not Anticipating Doing That.

That's Set How Much Money Is Going Into Single Family And How Much Money Is Going Into Multifamily.

Comm. Bigelow: That's Conclusive -- So You Would Be Okay If We Strike Neighborhood Stabilization Program? You Can Strike That If You'd Like.

If We Would Like A Target Area That's To Expand Our Geographic Location.

I Don't Anticipate Us Doing That But Staff Was Trying To Cover Everything That Could Potentially Come Up.

Comm. Bigelow: I Guess I Would -- I Mean If We Could Strike That I Think I Would Be A Little More Comfortable.

That's A Big Chunk Of Change I Prefer We See.

Chairman Mann: You're Not Anticipating Any -- Funding Changes.

Chairman Mann: On That Particular Item Any Way.

That Was My Question.

What Can You Realistically Tell Us Today.

Have You Got Three Or Four Or One That You're Worried About Missing Some Date On If We Don't Take Advantage Of It In Our Absence? Can I Make A Point Of Clarification? Ann, Correct Me If I'm Wrong, But I Think This Might Help Some.

The Department Submits A Substantial Amendment To The Action Plan.

It's Not Actually Spending The Dollars.

We're Just Moving The Dollars Around In The Annual Action Plan.

Is That Correct? So We Can Proceed With The Project.

You Can At A Later Date Spend The Dollars.

But It Authorizes The Expenditure.

You Just Take It From One Pot To Another.

Correct.

And What Is The Largest You Might Anticipate? Moving? Yes.

Probably \$50,000, If Even That.

Usually There Are Clean-Up Type Of Things That Happen As Projects End And Come In Under Budget And We Have Money In One Line Item That Needs To Go To Another Line Item So We Can Use It.

Comm. Bigelow: I Will Move It With Striking Neighbor Stabilization Program From Being Included In The Authorizations.

Chairman Mann: That's An Amendment To The –

Comm. Bigelow: What's Being Requested.

Chairman Mann: Is There A Second To That Amendment? Don't Hear One.

Move 6a.

Second.

I Have A Motion To Move The Item, Second By Commissioner Manning.

Is There Further Discussion? Is There Objection? Yes.

Chairman Mann: One Objection.

Thank You, Commissioner Bigelow Objecting.

Commissioner Bigelow, You Had 12b, I Think? Comm. Bigelow: Yes.

I Was Going To Go To 9b.

12b.

Something I've Objected To For Some Time.

Well, Actually More Recently.

And That Is Moving Ahead With Capacity Increases For Alico Road Commission.

I Think This Is Premature And Will Encourage Sprawl In An Area.

So I Will Stand In Objection To This.

Comm. Hall: Move The Item.

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

Judah.

Discussion? Passing 4-1 Commissioner Bigelow Dissenting.

Commissioner Judah, 7c? Comm. Judah: What We Have Here Is The Generous Contribution For The Boca Grande Community For The Amenities.

Would I Like To Move The Item.

Chairman Mann: Second By Commissioner Hall.

Further Discussion? Just My Amen And Thank You Commissioner Judah For Pulling That.

These People Never Stop Helping Our County And Our Citizens.

We Are Very Grateful.

Is There Objection To The Motion? Show That Adopted Without Objection.

8a.

Commissioner Judah? Comm. Judah: Mr. Chairman, I Thought That There Were Good Points.

I Would Hate To Go For Renewal Of The 120r78 Water System When In Fact The North Spreader Swale Is No Longer Acting In Its Capacity.

And Former Capacity To Deal With Storm Water Treatment.

I Really Am Not Of The Opinion That It's Appropriate To Go Forward To Seek The Renewal Of The Permit And In Fact Would Rather Position Ourselves With The E.P.A. Having Delegated To The D.E.P. The Negligence On D.E.P.'S Part Not To Support The City Of Cape Coral Permit Application For The Replacement Of The Boat Lift.

That Would Ensure The Spreader Swale Would Act As A Storm Water Treatment System As Opposed To Direct Discharge In The Matlacha Pass.

Chairman Mann: So With Regard To The Item Itself? Comm. Manning: I Will Move 8a For Discussion.

Comm. Hall: I Will Second It For Discussion.

Chairman Mann: We Can Move It With Or Without The Necessity Of Discussing.

Comm. Manning: We Can Talk About The Spreader Issue All We Want And Unfortunately The Outcome Has Not Been Beneficial In My View.

However, Having Said That, There Was Several Meetings As A Matter Of Fact If Remember That We Engaged The D.E.P. And City Of Cape Coral As Well As Stakeholders On Both Sides Of The Issue.

I Think You Were Involved In One Or Two Of The Meetings.

In Addition To That I Spent Some Time Alone With Counsel Member Brandt And We Negotiated I Thought Some Items In Case The Barrier Did Not Go Back In.

Which I Think You And Mr. Andrus Were Involved In The Discussions.

That Never Went Back To The Board Or Back To The Council.

There Were Several Months That Went By On That Issue.

It Was Time Not Only To File The 120 Action But To See If We Can Win In That Venue, If You Want To.

This Is Never Easy When You Go Against Another Jurisdiction.

You Said It Best.

The E.P.A. Is Going To Give Us A Little, Not Give Us What We Want.

And To Hold Up The Permit In My View Would Be Detrimental.

I Think We Need To Link These Two When We Get To The Administrative Hearing And I Would Be Supportive Of Our Staff Being Involved In That Linkage.

I Think It's Important That We Do That But We Need To Move That Permit Application Forward So We Get Other Issues On The Table.

Thank You.

Chairman Mann: Further Discussion? Comm. Judah: All Of The Issues Are Rejected By The City Of Cape Coral.

A Meaningful Way To Provide For Storm Water Treatment.

The Issues You're Referring To, The Time Frames Are Unreasonable In Terms Of And As Well As Cost In Regards To The Installation Of The Appropriate Sewer System In The Cape.

To Me, This Is Just Supporting The Ongoing Destruction Of Matlacha Pass.

There's No Storm Water Treatment Provided For And I Don't Think We Should Move Forward And We Should Get The Attention To Get Involved And Hold The D.P.E. Accountable.

Comm. Manning: I Look At This For Another Opportunity For Discussion With Our Colleagues.

It's Painful But I Support Going Forward With This.

Chairman Mann: Further Discussion? We Have A Motion And A Second.

Is There Objection? Comm. Bigelow: I Will Object.

Chairman Mann: Show It Passing 3-2 With Commissioner Bigelow And Judah In The Minority.

The Next Item Is 9a.

Commissioner Judah? Comm. Judah: 9a Represents The Conservative Brought Up A Good Point.

In Regard To 20/20 Lands Are Eligible For Mitigation Of Public Entity But This Appears This Might Be A Hybrid Request From Cape Coral That Involves Private Development.

And Maybe You Could Sort This Out Or Clarify.

I Will Let Dawn Respond Our County Attorney's Office.

Assistant County Attorney.

You Are Correct In Noticing That The It Appears To Provide Private Rights To Citizens With Respect To The Scrub Jay Mitigation.

There's Other People Here That Probably Can Explain This Better Than I Can, However, The Way I Understand It Is The Fish And Wildlife Service Seek Toss Grant Habitat Conservation Plans That Are -- Have More -- A Bigger Jurisdiction As Opposed To A Project By Project Conservation Plan.

And This Is For Festival Park That Is A Public Project For The City Of Cape Coral.

There Are Scrub Jays On That Land And It Is Not Good Scrub Jay Habitat.

More Likely Than Not When They Start The Construction The Birds Will Move And They Potentially Could Go To A Property That Is Also Not Good Habitat But Surrounding Area Which Is Going To Be Private Property.

So What The Fish And Wildlife Services Seek To Do Is Recognize That That May Happen And Provide For A Limited Period Of Time.

I Think It's 25 Years.

The Ability For The Take Permit To Be Applicable To Those -- To The Entirety Of The City Of Cape Coral So They Can Go Forward And In A Manner That Is Beneficial To Their Constituents As Well As To The City Itself.

Comm. Judah: I Don't Have Any Problems For That Component Of The Problem That Is Publicly Related.

The City Of Cape Coral Project But This Involves The Private Sector.

It's All Related.

The Hcp Is Being Issued And If Fish And Wildlife Services Issues It In A Way It's Requested It Will Have A Private Component Like I Just Described.

So You Have An Issue Here.

It Runs With The 20/20.

This May Need To Be Further Addressed And Refined.

Okay.

Chairman Mann: Commissioner Manning? Comm. Manning: Were All Of The Parties Notified That Fish And Wildlife Would Issue The H.C.P. In That Manner? I Don't Know Who You Mean By All Of The Parties.

You Have A Private Component, Public Component, Us And City Of Cape Coral And Fish And Wildlife.

With Everybody Sitting At The Table We All Knew What Was Going On, Correct? I Believe So, But Somebody Else May Be Able To Answer.

Yes.

U.S. Fish And Wildlife Service Was At The Table.

Comm. Manning: And Everyone Knew That Was A Private Component To These Negotiations? The Way The Plan Has Been Drafted Is You Look At Surveys During Certain Specific Period.

At That Point All Of The Birds Within The City Limit Were On Festival Park.

The Way The Habitat Conservation Plan Is Written If Territories Shift That The Territory Is Not Wholly On Festival Park, It Is Covered.

Did The City Of Cape Coral Vote To Approve That Negotiation? Yes, Sir.

I Understand Where Fish And Wild Life Is Trying To Go That Right Now Everything Is On Public And They Don't Want To Go When They Shift To Private They Will Have An Umbrella Because They Do Know They Will Shift.

I Am Struggling Where I Don't See Where We Are Improper As We Sit Today.

The Goal Is That We Keep It As Clean As Possible.

We're Not Entering Into Interlocal With A Private.

The City Is The One That Has The Issue At This Point.

And In The Future, Other Properties May Have It But Our Interlocal Is With The City Not With A Private Entity.

Will Private Entities Be Able To Take Advantage Of This In The Future? Probably.

But Right Now That's Not The Case.

I Am Not Uncomfortable With This Request.

I Will Move The Item, Mr. Chairman.

Comm. Hall: I Will Second It.

Chairman Mann: I Will Accept The Motion By Commissioner Manning, Second By Commissioner Hall.

Comm. Judah: The 20/20 Committee Has Been Guarding The Intent And Letter Of The Ordinance Of The 20/20 Lands And Use Of Those Lands And It Was Expressly Stated That The Lands Could Be Used For Public Purpose And Not For Private.

There Have Been Bee Keepers, Private Sectors Being Rejected Because The Surety

Of This Program Has Been The Way In Which It Has Led To The Community Support Of The Program.

And Once We Open Up This Opportunity To Use Conservation Lands For The Private Sector, That Is The Precedent I Am Concerned About And I Think This Needs To Be Sent Back In Which It Could Be Further Refined So That Component Of The Private Sector That May Be Used On 20/20 Lands For Mitigation Is Removed.

That Can Be Accomplished Rather Than Rush Into This One I Think We Are Setting A Precedent.

Chairman Mann: Commissioner Manning? Comm. Manning: Unfortunately This Is A Unique Situation That Happens Once In How Many Years.

Hurricane Charley And Other Storms Had Some Cause To This.

I Am Sure This Could Be Further Discussed Down The Road Once We Get The Components Of The H.C.P. In Place.

If You Remember Commissioner Judah The City Of Cape Coral Unfortunately Waited A Few Years To Get The Ball Rolling.

I Would Appreciate The Board's Support.

Chairman Mann: Following The Motion.

You Have One More Bite If You'd Like It Commissioner Judah.

Commissioner Bigelow? Comm. Bigelow: Dawn? Okay, So I Hear You Saying Yes, This If Approved Runs Afoul With Our Ordinance.

Which In Its Simplist Terms As I Understand It Is -- I Understand It Is That We Don't Use Our 20/20 Lands For Private Mitigation Purposes.

Now, It's My Understanding That That -- The Genesis Of That Part Of The Ordinance Was That We Didn't Want Developers To See 20/20 Lands As Helping Them Make Money.

In This Case We Have Scrub Jays Who May Or May Not Choose To Go To Private Land And They Are Not Looking For Title.

They Are Looking For Habitat.

If They Do Find Habitat And Let's Hope They Do.

It Is Then The Private Owner Can Seek -- The Last -- The Question That You Asked Is, If The Birds Move, Can The Private Property Owner Take Advantage Of What Would Be The Incidental Take Permit Under The H.C.P. If They Came Into Develop The Answer To That Question Would Be Yes Assuming The Permit Is Issued To Allow That To Occur.

Comm. Bigelow: Okay.

Is That The Answer? Comm. Bigelow: I Believe So.

That Sets Up This Possibility But For The Fact That The Birds Would Find New Habitat And -- The Incidental Take Permit Is With Respect To The Habitat.

It Is Not The Birds.

It Is The Habitat.

So When They Go To Develop Festival Park They Are Taking The Habitat And If The Birds Want To Survive I Suspect They Will Move.

We Don't Know Where They Will Move.

And That's What The Fish And Wildlife Services Is Intending To Issue The Permit This Way.

This Is My Understanding.

They May Choose Not To Issue The Permit This Way.

You Did Say If We Go Into And Enter This Interlocal Agreement That Our Office Would Deem A Violation Of The Ordinance And I Don't Believe That's True.

I Believe This Is An Extraordinary Type Of Situation.

It's Distinguishable From Other Issues With Respect To Use Of -- Private Use Of Habitat Of Conservation 20/20 Lands.

Although I Think You Can Make The Argument That The Conservation Has Made Too, Which Is Why This Agreement We Do Not Come Out And Say We Are In Favor Of It.

We Say That We Will Not Object Should Fish And Wildlife Services Issue A Permit In That Manner.

Comm. Bigelow: If I Understand That You Don't See A Need To Amend The

Ordinance? The Permit Requested Is For The Benefit Of A Local Government.

City Of Cape Coral.

It Is Not Specifically For A Private Entity.

That's The Reason Why -- Comm. Bigelow: Our Ordinance Still Stands, Right? You Can Choose Not To I'm Okay, Thank You.

Chairman Mann: It's Ironic.

These Scrub Jays Not Unlike Bats No Matter What We Do Here Administrative Leaders, They Will Go Where They Want To Go.

No Matter How Much Money We Spend On Them Or Policies We've Adopted To Protect Them.

Mr. Judah I Hear Your Points But I Lean As Viewing This As An Agreement And Arrangement With The City Of Cape Coral.

We Fight About Enough Things.

If This Will Help Us In Their Park's Program I Am Okay With It.

I Don't Think There's A Great Threat Here.

Is There Further Discussion? Is There Objection? Show It Passing 4-1, Commissioner Judah In Opposition.

Now, So Who Can Tell Me This Continues The Program Of Trapping Wild Feral Pigs.

We Did This Several Years Ago.

Bring Me Up To Speed.

We Had The 80-Plus-Year-Old Lady And She Lived Right Adjacent To The Park And Her Yards Are Continually Torn Up By Pigs.

Does This Give You The Flexibility Or What We've Done So Far To Ask The Trapper To Look At Her Area So Her Yard Doesn't Enjoy Continual Visits From Our Pigs?
Barbara Manzo, Parks And Recreation.

This Is An Interesting Issue.

As Development Occurred The Feral Hogs Were Driven Into The Remaining Wild

Green Areas In The County.

They Are Everywhere.

We And Parks And Recreation Have Tried To Take A Proactive Approach And Remove The Hogs, As Many As Possible From All Of Our Park Lands And Conservation Lands.

What This Does Is Allow Us To Contract With The Trapper To Do That.

We Cannot Allow The Trapper And Pay For The Trapper To Trap On Private Property.

Chairman Mann: But Adjacent Property Is What I'm Talking About.

Our Pigs Tear Up Her Yard.

Okay.

If The Hogs Choose To Go Across The Line To Private Property And Do Their Destructive Damage Which Is What They Are Doing In Many Cases, We Can Only Hope That They Can Come Into Our Property On The Fringe Lines And Hopefully Get Tracked By Our Trapper.

We Know Where They Are -- Chairman Mann: Can We Put Traps Out There Near Her Home On Our Property? On Our Property, Yes.

Chairman Mann: Policy Now -- That's Where They Are.

Yes, Sir.

Chairman Mann: Okay.

We Can Talk About This Later.

Anyone Have A Question?

Comm. Judah: Just A Quick One.

The Company Is Called Quality Lawn Care And We're Contracting With Them To Take Care Of Feral Hogs? Yes, It's The Name Of The Company But The Same Person Trapping Hogs For Us For Many Years.

Okay And This Is A Big District Five Issue? Yes, Big District Everybody's Issue.

Comm. Hall: I Will Move The Item.

Chairman Mann: Motion By Commissioner Hall, Second By Commissioner Manning.

Further Discussion?

Comm. Bigelow: I Was Going To Pull This As Well.

You Are Speaking A Waiver Of Minor Informality With Respect To The Bid You're Asking Us To Accept Which Is Quality Lawn Care.

You're Asking For These Three Waivers, Contractor Qualification Engineer, And Quarter -- Contractor History.

This Might Be A Precedent Setter Because You Are Willing To Waive Qualification Requirements In Order To Take I Presume One Of The Two Bids, This One Being Lowest.

That Raises Some Legal Eyebrows For Me And I Am Raising It Here So If It's Later Found To Be In The County's Best Interest To Waive Something We Might Deem A Minor Informality To Go With A Lower Bidder, I Hope That We Will Keep This Day In Mind.

And To You The County Management And County Attorney's Office To Keep In Mind That This Is A Precedent Setter Perhaps.

It Is For Me As A Commissioner That Has Been Here Four-Some Years.

But I'm Okay For Now.

Chairman Mann: Further Discussion? Objection? Show It Passing Without Objection.

10a.

Mr. Wilson, This Is My Annual Plea.

We're Buying From Motorola Because They Are The Only Provider.

In This Day Of Technology That I Would Feel That Surely Somebody Else Would Provide This Type Of Equipment And Especially Now Because We're Moving Into A New Building, How Are We Stuck With A Single Source Provider? For The Record, John Wilson, Division Of Public Safety.

We Have Chosen Over The Past Years To Maintain And Improve A Motorola Propriety Rating System.

We Started Out Back Of The Late 80s, Early 90s With A System.

We Built On To It Further And Now Going Into The Additional Radio System We're Continuing To Build Upon That System.

As We Continue To Evolve Into The Digital Radio System Users Will Have The Ability To Purchase Radios That Are Outside The Motorola Family.

It Is What We Are Trying To Go To So Users Will Have Flexibility.

Because Of The Economic Situation And Because Of The Recession We Have Not Been Able To Completely My Migrate Our System To The Current System.

Chairman Mann: My Frustration Is Particularly In These Economic Times I Would Think The Competition Would Be Keen And In This Age Of Technology I Would Think That There Would Be Far More Out There Able To Look At This And Make Proposals To It.

At What Point Do We Once Again Go Out On The Street -- This Is Hundreds Of Thousands Of Dollars We Recommit Annually And I Am Not Picking On Motorola.

They Do A Superb Job And We're Satisfied With Them.

That Has Taken Us Out Of The Ability To Competition Which I Would Like To Bring Us Into.

We're Not Going To Do That This Year.

As We Get Into The Design And Construction Of The New Building, Is That A Possible Opening? That Was My Other Question.

In My Mind The Design Of A New Building Is A Component Of The Communications System.

It Doesn't Necessarily Drive It.

Our Users Are County Wide.

They Go Outside The County System And Others As Well.

If We Made That Decision We Would Have To Bring Them In And Have Them Part Of The Discussion.

If The Board Chooses For Us To Go To Any Of The Other Two Firms That Currently

Provide Proprietary Systems We Can Do That And Certainly Present To You Should The Board Choose What The Costs Would Be To Convert To Another Infrastructure System.

Because That Is Essentially What We Have And What We Have To Maintain With The Motorola System Is Infrastructure.

The Electronic System That Allows Radios To Talk To One Another.

The -- Chairman Mann: Okay.

I Remember This Speech From Last Year And The Previous Year And Previous Year.

I Am Still Frustrated And I Would Hope That We Can Device Some Overture To The World Out There Where We Might Be Able To Receive Some Suggestions From Them As To How We Might Get More Competitive As We Move Forward.

I Will Accept The Motion On This.

Comm. Manning: So Moved.

Chairman Mann: I Have A Motion By Commissioner Manning.

Is There A Second? Second By Commissioner Judah.

Further Discussion? Commissioner Bigelow? Comm. Bigelow: When We Discussed This Before I Always Consider This Dollar Amount And In This Case It's 780 -- \$580,000 For 18 Months.

A Year And-A-Half.

And As I've Raised This Point Before, Can We Not Train Or Hire Someone That Is Trained To Provide Maintenance Service On This System? I Think You Previously Indicated We Could.

We Do Provide Some Maintenance In House And With That We Have Been Able To Save Almost \$300,000 Annually.

Because Of The Nature Of The Certifications Of The Mechanics -- The Electronic Technicians That Are Part Of This System, It's Actually Less Expensive To Do What We're Doing Rather Than Doing It In-House.

Less Expensive Than To Find Someone That Is Trained And Certified.

\$580,000 For A Year And-A-Half.

The Other Advantage Is That Mot -- Motorola Can Take The Overhead And Spread It Around And If We Go Into The Business Ourselves Shall The Amount Of Overhead We Will Have To Capture And Retain Makes It Less Desirable Or More Expensive For Us To Do It In House Or Rely Upon An Outside Vendor That Can Spread The Cost Over Other Customers That Are In This Particular System.

Comm. Bigelow: There's A Lot Of Things We Do In-House.

Fleet Manage, Grounds Keepers, A Lot That We Do That I Would Think That Maybe If You Could Get Those That Are Trained And Maybe That Would Be A Way To Bring This Number Down.

Thank You.

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

Thank You Mr. Wilson.

I Believe That Completes The Consent Agenda.

I Hope.

That Puts Us On The Administrative Agenda.

The First Item Is The Swim Center.

Commissioner, Excuse Me.

I Don't Know If You Want To Take Further Comment And Also -- Not For The Swim Center.

Chairman Mann: Are These Administrative Items? We Always Recognize Honorable Elected Officials At The Proper Time But We Are Way Past The Time For Public Comment On This.

Could You Just See If I Recognize -- If I Recognize You, I Have Somebody Else On The Swim Center As Well That Wants To Come That Didn't -- Wasn't Here When We Took Up The Item For Public Input.

Look, In Fairness So Nobody Feels They Got Left Out And The City Did Take The Item -- On Action On It Last Night.

Could You Give Us -- We Will Recognize You For A Brief Report On Behalf Of The

City.

Is That Where You're Coming From Councilman? Councilman Leonardo City Of Fort Myers, Ward 6.

I Came From A Meeting And It Wasn't An Official One So Forgive Me As I Appear Before You In Jeans.

You're Right, The City Council Took Up A Resolution Urging The Commissioners To Look At This Proposal Thoroughly And We Just Support The Use Of The Stadium Because We Don't Want To See It Be Vacant.

At The City Council Meeting After Listening To Testimony On Behalf Of The Applicant, I Brought Up The Following And I Will Share It With You Briefly.

Whatever Happens To The City Of Palms Park, Whatever Agreement That Lee County Decides Is Best, One Thing I Urge And I Urge My Fellows On City Council Last Night Is This, Don't Forget That The City Of Fort Myers Has A \$19 Million Debt.

Now, My Ward, Ward 6, Has 52% Of The Land Area And Pays 52% Of The City's Taxes And Most Of This In My Ward, Being A New Annexed Land Did Not Live Here When The County Took Over The Exploration Of It.

I've Had A Lot Of Resentment From My Constituents Saying Why Is It We're Supporting 52% Of That Debt And We Had Nothing To Do With It.

So On Behalf Of Myself And Constituents And Brothers And Sisters Of City Council, Whatever Deal You May Make With Whatever Applicant, Perhaps There's A Way Of Addressing Payback Much The City's \$19 Million Debt.

We're Small.

We Only Have About A \$78 Million Ad Valorem Budget This Year.

Can We Set Aside A Proportion, Up To A Certain Dollar Amount Every Year To Help Us Offset It.

I Guess I'm Coming Before You To Plead Consideration Of That.

Thank You For Your Time.

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

Adam? Adam, Are You Here? I Think He Spoke Earlier.

I Don't Think So.

This Was Just Handed To Me.

Okay, That Takes Care Of That.

Comm. Bigelow: He Did Speak Earlier.

Chairman Mann: He Was The Man That Gave The Card At The End.

I'm Sorry.

Thank You Very Much.

Commissioners Let Me Ask This.

Is There Any Sentiment To The Next Item Is The Swim Center On Our Agenda To Setting That To The Last Item And Try To Go Through The Others? Comm. Hall: Yes, Let's Do That.

We Have Others -- Chairman Mann: Show The Agenda Change To Take The First Item Last So We Can Try To Zip Through These Others.

Chairman Mann: Is There Discussion On A 5a? Objection? Show That Adopted Without Objection.

A Motion On 7a By Judah, Second By Manning.

Is There Discussion On That? Objection To That? Show It Passed Without Objection.

On 9 Dts A -- 9a.

We Have To Send Our Recommended Program To The State And They Will Send It Back For Approval.

But You Have Mixed Emotions About The Zip Line Itself As To Whether That Should Be A Part Of The Program And You Need Us To Express Ourselves On That? Yes, Commissioner.

For The Record, Barbara Manzo, Parks And Recreation.

This Is A Little Bit Of A Complicated Issue.

I Will Give A Quick Rundown On What Took Place.

We've Had Caloosahatchee Regional Park Is State Property.

We've Had The Property Since 1989 On A 50-Year Lease.

We Are Mandated To Prepare A Land Stewardship Plan Every 10 Years And Prepare An Update On What's Going On In The Park.

In 2009 We Were Approached On Having The Possibility Of A Zip Line In The Park.

Our Land Stewardship Staff Did Extensive Research, Risk.

We Agreed This Might Be A Viable Use Of The Property And We Were Mandated By The State To Hold A Public Hearing And We Did That In October 2009.

At That Public Hearing By State Regulation The Zip Line Was Approved.

That Particular Public Hearing Was For The Inclusion Of The Zip Line.

We Went Forward.

After That The Staff Went To Tallahassee To The State.

Presented This To The State And The State Unanimously Voted To Accept The Zip Line As A Viable Use Of The Park.

We Proceeded Towards Going Out Toward Bids For The Particular Zip Line Project.

In The Meantime We Were Coming Up To The Second Ten-Year Update Of The Management Plan For Caloosahatchee Regional Park.

That Plan Had To Be Presented Again To The Public In A Public Forum.

According To The State Statute.

And At That Particular Hearing, The Zip Line Was Already In The Next Phase Of The Management Plan Along With Some Of The Other Changes We Had Made To The Park In The Last 10 Years, The Addition To The Lodge.

Some Of The Additional Mountain Biking Trails And Additional Parking.

All Of These Things Were Updated In The Plan.

At That Public Meeting We Heard From The People On The Committee And Some Of The People In The Audience That They Wanted The Zip Line Removed From The Possibility Of Being Built In The Park.

So That Particular Group Voted To Accept The Management Plan But With The Removal Of The Zip Line.

The State Inform The Us That You Are The First To Have To Approve The Management Plan.

Since The Plan Has The Zip Line In It And Some Of The Public Requested It Come Out At That Particular Public Hearing, It Would Be At This Point The Commission's Decision As To Whether Or Not We Send That Plan To Tallahassee With Or Without The Zip Line In It.

It Had Already Been Approved By The State.

Now The Question Remains Do We Keep It In There? Chairman Mann: Thank You Very Much.

It Is My District.

I Attended The Meeting, The Last One She Referred To.

There Was As The Issue Became More And More Known There Began To Be More And More -- This Is My View Of What Happened.

More And More Objections To The Idea Of A Zip Line.

There Happen Today Be A Lot Of Horse Riders There That Night That Take Advantage Of Horse Trails So They Were Particularly Upset About The Possible Activity Of The Zip Line And Squealing Or Whatever Noise Accompanies It.

I Have Been Unhappy About It Frankly From Day One And I Think I Represent The Overwhelming Majority Of People That Visit There.

It Was An Opportunity For Some Revenue Enhancement Here.

They Have Some In Other Place Notice The State But It Seems Incompatible With Camping And Hiking And The Type Of Low-Impact Activities That Go On Out There.

It Will Almost Certainly Require Substantial New Parking In Order To Accommodate Enough Vehicular Traffic Daily For This Fella That Would Build It To Be Able To Make A Living.

It Seems Incompatible For A Low-Impact Park Activity And That's My Thoughts.

I Hope We Could Submit This.

The Motion Would Be To Submit It For Final Approval Without The Zip Line Included.

Comm. Judah: Mr. Chair?

Chairman Mann: Commissioner Judah.

Comm. Judah: Well, Ladies First.

Comm. Hall: Don't We Have The Dirt Bike Trails Up There? Yes, We Have The Mountain Biking Trails On The Northside Of The Park.

The In Order Side Of The Park Which Is Separated From Southside By A State Road 78 Has The Horse Trails And Mountain Biking Trails On That Side Of The Park.

Comm. Hall: I Don't Look At That Park As Being A Low-Impact Park.

Is It Supposed To Be Passive? It Is Supposed To Be Passive Activity But The State Has Deemed That Zip Line Something A Passive Activity.

You Mention Additional Parking, The Zip Line Would Not Acquire Additional Parking On The Southside Of The Park.

It Is Scheduled To Be On The Southside Of The Park Away From The Horse Trails.

And There Would Not Be Any Parking -- Additional Parking Required.

Comm. Hall: I Did So The Looking Up Of Eco Parks Where People Want To Get Elevate Today See More.

I See Them In A Lot Of Eco -- Much More Passive Parks Than This Park.

So I'm Not So Concerned About That Not Being Passive Or It Being Non-Friendly To The Ecosystem.

It Might Just Be If You Don't Like Them, You Don't Like Them.

I Think It's A Better Argument.

I Don't See If There's A Conflict From The Ecosystem.

I Think There's A Lot Of Misunderstanding About A Zip Line.

The One Interesting Item Interesting To Note In Order To Ride A Zip Line Or

Participate You Have To Make Arrest'er Vagus.

The Zip -- A Reservation.

It Will Accommodate A Group Of People.

It Is Not One Of Those Attractions Like You Build It And All Of A Sudden Lots Of People Come To Ride The Roller Coaster.

You Have To Make A Prior Arrange Ment.

These Are -- Arrangement.

The Fiscal Responsibility Is Totally On The Vendor Along With A Bond As You Were Discussing Before The Swim Center For -- Should Something -- The Vendor Go Away Or Something Happen, The Bond Is There To Either Remove It Or Do As We Would Want To Do With The Property.

We Saw It As A Low Risk And Some Return And Eco-Tourism Opportunities And Working With The B.C.B. And Hoteliers, So That Was Our Thinking At The Time.

Chairman Mann: Your Advisory Group March Of This Year Recommended 6-0 With One Extension That We Do Not Include The Zip Line.

Comm. Judah: The Parks And Recreation Advisory Board Has Supported The Zip Line To Be Included In The Master Plan.

Chairman Mann: Has In The Past And Changed Their Mind.

I Am Sorry, You're Talking About The Parks And Recreation Advisory Committee Not The Committee Set Up For That Evening.

There's Sufficient Parking.

I Think This Will Be Well Received In The East Part Of Lee County.

And Will Prove To Be A Tremendous Asset And Amenity For Our Community.

I Make The Motion To Support The Motion That Includes The Zip Line.

Chairman Mann: I Will Second It.

Is There Further Discussion On It? Comm. Bigelow: I Am Sold On The Zip Line As A Recreational Activity And Natural Native Environments And Parks And Maybe 20/20 Lands And I Am Curious Why This Particular Project For This Particular Use Could

We Maybe Embrace The Zip Line But Study It For A Different Location? I Will Add To That This Thought, North Fort Myers We Have One-- Wonderful Parking Facilities And Restrooms And When I Travel By There There Are Very Few Cars There Ever.

I Would Think That's A Wonderful Opportunity.

It's Huge And As A Lot Of Horse Activity There But I Think This Might Be A Use That We Could Use To Attract Folks, Particularly Younger Folks, Because I Think We Do Have A Problem In Younger Generation That There Is A Name For It.

Nature Deficit Disorder.

A Lot Of Younger Generations Are More Interested In Texting And Virtual Experiences Than Real Experiences.

So I Think I Am A Little Concerned About This Use There.

But I Do Like The Use.

The Idea Of It.

Commissioner -- Chairman Mann: Wait A Minute.

You're Through.

We Have A Motion Before Us And The Commissioners With Further Discussion Of Any Commissioners? A Comment Is It Is Incompatible With Horses And The Horse People Have Spoken Loudly.

With Camping, With Hiking And The Canoeing And The Woods Setting.

There's Probably A Dozen Better Places In Lee County For This.

It's A Beautifully Run Park, But Totally Insanity To Think About Putting A Screaming Zip Line In The Middle Of This Beautiful Setting.

So Is There Further Discussion? Is There Objection? One, Two Objections.

Show It Passing 3-2, Commissioner Bigelow And Mann In The Minority.

Thank You.

Move 14a, Mr. Chairman.

Chairman Mann: 14a.

Is That It? Move 14b.

Second.

Chairman Mann: 14b.

Yes, I Have A Motion By Commissioner Hall.

Second By Commissioner Judah.

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

The Next Item Is A Public Hearing Item That We Will Take At Public Hearing Time.

We Are Back To The First Item And We Appreciate The Patience Much The Folks That Were Here.

I Am Looking For Mr. Moore? That Would Be Our Presentation.

For The Record My Name Is Jim Moore.

The Director Of Economic Development Office.

The Staff Has Given You The Staff Recommendation And I Would Be Prepared To Answer Any Questions You May Have.

Chairman Mann: Commissioner Hall? Comm. Hall: We Had A Lot Of Discussion About The Swim Center Going Back And Forth.

And I Think One Of My Top Concerns Is The Funding For This.

It Hasn't Been The Concept Of It Because I Do Support The Swim And I Do See The Benefits Of Having A Swim Facility Of This Type Here.

The Fact That The County At This Point Cannot Participate Because Of The Challenges The Ftcu Is Going Through And The Fact They Are Asking Us To As Well Is A Concern.

But I Don't Have An Issue Moving Forward With A Contract.

That's The Point We Have -- You Mean Contract Negotiations? Yes, Because That's Where The Rubber Will Hit The Road.

And I Mean, We Can Sit And Talk In Theory But I Don't Think We Can Go Beyond

Where We Are Unless We Authorize The Contract Negotiations And I Think That Will Be The Big Decision.

So For Me To Belabor For Hours -- Second.

I Don't See The Purpose Of It.

We Have To Get To Documentation And Items.

I Am Prepared To Allow The Staff To Go Forward.

I Have Lots Of Questions On The Overall Programming And Bigger Picture And Those Need To Be Worked Out In The Contract Phases Because All I Will Be Talking About Is What If And I Don't Want To Spend A Lot Of Time Talk Being What If.

I Want The Document In Front Of Me To Go Through It.

If You Will Accept A Motion I Am Prepared To Go Forward.

Chairman Mann: Let's See If There's Other Discussion And We Will Take A Motion.

Motion For Purpose Of Discussion.

He Won't Take The Motion.

Chairman Mann: Normally The Chair Sets The Motion.

If There Is A Motion That Eventually Come Toss The Floor, If You Could -- If The Maker Of That Motion You Would Include To Do The Due Diligence On The Company That Is Issuing The Surety Letter.

My Understanding Is That's A Canadian Firm.

I Know Nothing About Them.

The Other Issue Is To Verify And Make Sure That In The Contract There Is Language That Would Stipulate To The Fact That The Cash That Would Be Put Forth For Phase One Would Be Put In An Escrow Account As The Clerk Of The Courts Indicated That There Would Be Ain The Contract There Would Be No Financial Obligation On The Part Of Lee County Now And In The Future And If You Could Include The Sports Authority In These Discussions So You Could Have Backup In Case Things Don't Go As Well As They Should.

Mr. Chairman, Thank You.

If There Is A Motion, Hypothetical Or Otherwise That Should Come To The Floor, I Would Ask That Those Ingredients Be In The Mixture.

If I Could Make A Comment To Commissioner Manning's Comments.

When We Last Talked Here We Were Sent Away With The Clear Direction That One, Everybody Was Supportive Of The Swimming Complex.

But The Clear Direction That We Were Given Was To Protect The County.

Absolutely From The Development, Construction And Operational Risks Of This Facility.

We've Attempt Today Ascertain Our Ability To Do That Prior To Entering Contract Negotiations.

We Have Not Been Able To Do That.

I Fully Understand The Logic Of What You Are Saying.

It Would Be My Recommendation That The County's Intent Is To Have A Contract That Once Signed Assures Completion And Delivery Of A Completed Facility As Agreed To By All Of The Parties.

If We Get That And You Have A Performance Bond Plus A Contingency To Your Point, Commissioner Manning, That Will Assure That.

The Surety Obviously Has To Be A Reputable Company That Issues These Type Of Bonds And It Would Care Of The Financial -- Take Care Of The Financial Risk.

If The Maker Of The Motion Puts In The Request That This Is The Final Negotiations I Would Appreciate That As Well And I Would Support It.

Chairman Mann: It May Be You That Makes That Motion.

Further Questions Of Staff? Comm. Judah: I Don't Want To Complicate The Issue, Except I Recall At One Point In Time That With The Discussions With Ftcu On The Money That Was Spent On The Pool So They Could Reimburse The County To Have Use Over The Facility, That Money Was Coordinated To An Aquatic Center, A Pool.

A Swimming Facility.

I Didn't Want To Rule Out The Potential If There Was A Request For That Funding, If We Saw Fit -- If The Board Doesn't Want To Entertain That Because They Are Not Asking For It At That Time, Fine, I Don't Want To Complicate The Waters But I

Don't Think At This Time We Would Want To Restrict Ourselves, But If We Do, Then Fine.

I Do.

Commissioner Bigelow? Thank You Mr. Chairman.

You Know, A Lot Of Times We Preface Comments As Saying The As The District Commissioner As These Are Words From On High.

They Say Whereas The City Of Palms Park Does Not Have A Baseball Tenant That Is Death Riment -- Detrimental To The City Of Fort Myers And Lee County That I Agree Because Of Red Sox Wanted A Green Monster Here In Lee County And We Did That.

We Shot Ourselves In The Foot.

With This Park By Approving That Park And Spending A Lot Of Money.

At A Time In The History Of This Nation That May Be Like One We Had Before Which Is Called The Great Depression.

And Here's What I Want To Say About This, We Have This Park, Lee County, Has This Park Because The City Of Fort Myers Was Not Able I Guess At The Time To Keep It Up To Snuff To The Red Sox Liking.

And So We Took It And We Were Able To Do It And We Did A Wonderful Job In That Respect.

Just A World Class Spring Training Facility.

And The Red Sox Said No, We Want Better.

And So We Did What We Did And Now We Have This Problem And We Have This Agreement When The City Gave This Park To Us, Gave Us This Park, And It's Training Facilities Or Practice Field, There Was A Caveat That If This Is No Longer Used For Professional Spring Training Purposes The City Of Fort Myers Would Be In A Position To Be Able To Take That Park Back.

Of Course They'd Have To Pay Us For What It Is We've Expensed In The Period Of Time That We've Owned It And Managed It.

The Resolution For The City Doesn't Address That Part Of Ownership Transaction.

I Think It Is Important Enough To Be Pointed Out Here That If We're Not Going To

Use This For Professional Spring Training Purposes, We Need To Tell The City That And Offer This Back To Them.

Put A Dollar Figure On What It Is That They Would Have To Pay And Let's First Have That Discussion As To If They Want To Pay Or If We Want To Forgive What They Would Pay And Then They, The City Of Fort Myers, Can Choose To Use This For A Purpose Which They Clearly In Their Resolution Last Night, Unanimous Support Believe Is A Better Use For It.

I Want To Say This.

I Am Extremely Concerned About How We Are Spending Money As A County And Where We Are Going.

I Agree With A Lot Of Sentiments Out There In Our Community That We Are Detached From The Seriousness Of The Financial Straits That We Are In And This Project I Think Has Caused Me To Think That Or To Feel That This Is Too Risky Potentially For Lee County Government.

I Don't Gamble And I Don't Play Lottery Even.

I Don't Think I Can Get Good Conscious Support Negotiations If The County Has To Ultimately Or Potentially Ultimately Carry The Financial Risk.

We've Got A Lot Of Risk In Monies That We've Spent Already.

I Would Like To Know To What Good End Is The \$10 Million Spent On Algae Research Really Gotten Us? To What End Will This Pharmaceutical Company --
Comm. Hall: I Would Call A Point Of Order To Stay On This Subject.

Not The Algae And Research Lab.

Comm. Bigelow: The Point Is Risk.

Comm. Judah: Call To Question, Mr. Chairman? Chairman Mann: We Have A Point Of Order That You Were Not Germane To The Subject At Hand.

I Will Rule That Her Point Is Well Taken And Would Ask Mr. Big To Conclude His Remarks On Target If Possible.

Comm. Bigelow: I Cannot Support Moving Forward With This At This Point.

It's Too Potentially Risky For The County And We Have I Think More Important Task And Problems To Solve In Front Of Us Than This.

I Would Support And I -- I Will Let Mr. Leonardo And Councilman Banks Know The City Of Fort Myers That I Could Probably Support For Giving Whatever It Is That It Would Cost Them To Take This Park Back.

And I Would Also Say This, That If The City Wanted To Negotiate With The National Swim Center Corporation And Propose For Us How We Might Be Partnering With That Agreement, City And Swim Center, I Will Entertain That At A Later Date.

But I Think It's More Appropriate To Be Honest With You That The City Of Fort Myers Negotiate This With The National Swim Center.

Chairman Mann: Thank You.

I Notice The Urgency Here But The Chair Is Reluctant To Rush This Issue Through.

Sat \$20 Million Asset We're Talking About.

You Can Debate That But It's Thereabouts And As Much As Attention That Is Devoted That All Five Of Us Should Have An Adequate Time To Express Ourselves And Concerns No Matter Which Direction It Goes.

If We Loaded It Down It Would Still Be With Us.

I Noted The Persistence Of The Folks Out There.

But These Are My Thoughts I Want To Put On The Record.

If We Move Forward And Put -- Give Staff The Onerous Task Of Trying To Find Harmony In A Contract, Commissioner Judah Will You Regard -- Will You Regard The \$4 Million That We Might See From The University As A Payback On That Partnership? We Did Discussion That At Some Length.

That Was When The Proposal Was To Us To Fund This Operation And Make It Work Somehow And We Saw That We Had Perhaps At Some Point \$4 Million That We Might Drawback When The -- If The University Were To Buy Its Way Back Out Of The Partnership And Take Over Total Control That Is Now Joint Owned And Managed.

But That Went By The Wayside And The Approach That We Ended Up Taking And I Thought Fairly Unanimously Is That We Would Give The Swim Center Folks An Opportunity To Rethink It If They Want To Assume The Entire Financial Risk And Perhaps They Could Come Back To Us And That Was The Direction We Gave Clearly To Contact Those Folks And Send That Message Forward. That \$4 Million To Me Still Belongs To Lee County In Very Desperate Times And I Don't Want To Say Anything That Would Indicate My Willingness To Begin Any Type Of A Subsidy Here.

The Whole Thought Is The Risk Is On The Back Of The Swim Center, Not On The Citizens Of Lee County.

And Whatever Support I Give Now Or Ever Will Carry With It That Disclaimer And That Clarification.

To The City, Thank You For Being Here.

I Know You Don't Have A Great Stake In This Thing But We Can't Change History And I Don't See Enough Profit Coming Out Of A Swim Center Operation That Would Ever Be Able To Take Care Of The \$19 Million Or So That Is Left On Your Balance Sheet There.

So I Would Just Caution Any Of The Leaders Of The City Of Fort Myers To Not Get Their Hopes Up.

This Is Long Way From Proving Itself As A Financially Viable Project To Begin With.

And The Numbers We've Thrown Around Only Allow For The County To Recover \$100,000 A Year.

That Was Just Never Thrown Out There And Friends That's Like Giving It Away For Free Any Way.

That's Nothing.

I Don't Want The City To Start Counting Any Money That Realistically Is Not Going To Materialize.

I Don't See That Happening.

But In The Final Analysis Let Me Say This, Four Years Ago, We At The Beginning Of The Worst Recession We've Seen In Our Lifetime Committed \$25 Million For Economic Development.

We Took The Taxpayer's Money, Surplus Dollars, Real Cash Dollars And Devoted That And Committed It To Economic Development.

And We've Adopted A Number Of Programs.

Not Always Unanimously And I Don't Want To Reopen Any Wounds There, But My Way Of Looking At This Now If We Could Make It Work Is This Is Completely The Other Way Around.

Somebody Else Is Coming To Lee County With \$25 Million.

Offering To Partner With Us With An Asset That We Have That For All Practical Purposes We Don't Have Another Use For Right Now.

The Baseball Industry Doesn't Want It And Nobody Else Is Suggested Anything Else.

So My Conclusion Here Is I Don't Have Another Alternative So I See Nothing That We Can Lose Here In Moving Forth On Contractual Negotiations To See If In Fact We Can Make It Work.

I Am A Long Way From Having Been Sold On This.

I Need To Know Who The Players Are Still, With The Money And I Am Talking To You Folks Out There.

I Don't Even Know Who The Board Members Are That Control This \$25 Million.

I Don't Know How Much Fly Paper We Have To Attach To The \$25 Million Or Whether It Can Fly Away.

All Of It Will Be Worked Out And Clarified In The Weeks And Months To Come.

But You Got To Show Me And I Haven't Seen As Much As I Need To See And Do Not Miscalculate My Support As A Commitment To Sign Off On A Contract That Later I Will See In My View Of Having A Lot Of Holes In It.

So I'm Ready To Move Forward.

Further Discussion? Comm. Judah: Let Me Thank The National Swim Center Corporation For Unbelievable Patience And Commitment Into Lee County Community And In Regards For Absorbing The Risk That Has Been Discussed Here Today Because I Think We Need To Get It On The Record, No This Is Not A High Risk On The Part Of Lee County's Community Because Of The National Swim Center Corporation Stepped Forward To Absorb That Risk.

They've Very-- Verified With The Letter Deeming There Is Sufficient Funds To Move Forward With Phase One Of This Project.

Also, \$100,000 Of Annual Payment And Lease Provided.

A Commitment For A Performance Bond To Restore Back To The Stadium Field Conditions If This Doesn't Work And Taking \$1.5 Million To Maintaining And Managing The City Of Palms Park.

I Am Thankful.

At Least There's A Majority Of The Board That Wants To Go Forward With The Contract Negotiations.

Commissioner Manning, Let Me Recognize You For A Motion.

Manning's Comments With The Items He Has Labeled, I Think Minutes Has The Items He Listed Out For Us.

Do I Need To Repeat Them? Chairman Mann: Commissioner Manning Is Leaning Backwards.

Comm. Manning: I Will Second The Motion To Move Forward With Contract Negotiations Contingent Upon The Surety Issue, The Cash Issue, Bank Statement Issue, Escrow Account Of No Financial Obligation To Lee County Now And In The Future And That This Would Be The Final Contract Negotiations.

Under Discussion? Chairman Mann: We Have A Motion By Commissioner Hall.

Second By Commissioner Manning.

Since You're Going To Have To Tote This Load Have You Got Clarifications You Need On The Motion? That's What I'm Looking For.

Are You Saying That You Want That \$25 Million In Escrow To Be Released When The Bond Suitable To The County -- Yes, According To The Clerk Of The Courts That Made A Statement On The Record Today.

I Just Want To Be Clear About That.

Chairman Mann: We Have A Motion And A Second.

Back To Commissioner Hall.

Comm. Hall: Karen, I Don't Know If This Is Where You Keep Jim Moore In These Negotiations Or It Moves Over To Doug But It Is Important That He Is Engaged.

I Want To Make It Clear For The Record.

Since The Day This Issue Has Come Up, We Have Been Meeting With The Mayor, The City Manager, City Attorney And Various Individual Down -- Council Members.

I Think It's Important The City See What This Contract Is.

I Have Under My Chairmanship Went To The City And Asked Them Take The Stadium Back And We Will Work On Your Behalf As A Negotiator Of A Contract.

At That Point They Were Not Comfortable With That.

So I Still Would Like To See The Stadium Go Back To The City And Let Them Take Advantage Of Any Rent That Is Done.

I Am Happy To Stay In The Position Of Negotiations But I Think This Is A City Asset And We Took It On To Keep The Red Sox Here As A Major League Stadium, But Once We No Longer Have The Obligation I Am Hoping We Can Go Back To The City And Say We're Happy To Remain On As Consultants To Make Sure It Gets Done As It Should Be Done But It Should Be A City Asset.

And I Hope At Some Point We Can Get To That As We Move Forward But That's Something Down The Line.

I've Shared That With The Mayor And City Manager And Hopefully They Will Take It To The City Council Members And We Have Two Council Members Here That Can Share That With Their Colleagues.

I Would Only Add That The City Man Skwler And His Staff Have Been Involved In Every Step Of This.

Comm. Hall: Right.

Chairman Mann: Let Me Make Certain In The Understanding Of This Motion.

That The Items That You All Were Including Were Within The Spirit Of Includes But Is Not Limited To -- Comm. Hall: That's Correct.

Chairman Mann: And Whatever Else Is Important.

One Of The Recommendations That Mr. Moore Gave To Us In His Written Report Was That He Would Like To Entertain Outside Council In Helping Draft Such A Contract Or Negotiating The Provisions Of The Contract.

Do You Have Any Comments You Would Like To Add To That? Only That This Is A Unique Project In The Context Of We Need To Make Sure We Are Doing Everything We Need To Do To Protect The County And City In This Matter.

We Will Probably Need One Or More Outside Consultants And Perhaps Special Council.

I've Talked To The County Attorney About This Briefly And He Has No Objection If

That Proves To Be The Case.

There Is Costs Obviously And That's The Reason I Pointed It Out In My Memo.

Chairman Mann: It Would Seem To Me To At Least Have Someone To Comment Or Overview As We Move Forward.

People Who Deal With These Types Of Contracts And There's A Lot Of Unusual Components Of This, It Would Seem To Make Sense That We Let Staff Give Us Some Number We Can Look At As Far As A Dollar Figure That We Might -- We Have Bond Council.

Other Than That It's A Typical Contract.

Chairman Mann: There's More Than Bonding.

We're Not Bonding It, They Are.

I Want To Know If There Was A Consensus Here To Use Outside Council For At Least A Part Of What -- Comm. Judah: I'm Fine With That.

Chairman Mann: Okay, We Will Have To Talk About This.

Pardon Me.

I Want Some Clarification Because I Am A Little Confused.

There's A Lot Of Discussion Going On Here.

What I Want To Make Sure Is Are You Saying That Go To The City First And Ask Them? Because We Are Entering Into A Negotiation With The Swim Team And Then Saying We're Going To The City? No.

Chairman Mann: No, I'm Sorry.

This Is My Conception Here That This Is A County Project.

And The City We Hope We'd Do Well And We Hope That This Will Be An Addition Everybody Can Be Proud Of But Don't Count On Any Money Coming Your Way Any Time Soon.

We Would Do Our Best In Complete, Continual Dialogue With The City.

Because You Do Own The Parking Space All The Way Around And Nothing Happens Here That Will Not Involve You Guys.

We Have To Partner.

There's So Many To Partner With.

Eye Want To Get A Clarification And That Was I Did Talk To Mr. Moore About Outside Council But The Advanced Majority, My Suggestion Is We Do It In-House And Only If We Felt It Had To Be Taken Outside That We Would Do It.

Because For Lack Of A Better Word, I Have 30 Years In Contracts So I Should Be Able To Guide The County Along This Issue.

Chairman Mann: Well, That Was My Thinking That -- I Think We Said That.

We Would Try Here And Do Everything We Can Here, But This Is A Unique Situation No Matter How Many Years Of Contracts, How Many On A Swim Center Have You Done On A Used Ballpark.

I Expect Most Of The Work To Be Done Here.

Commissioner Bigelow?

Comm. Bigelow: If It's In Or Out Of The County Attorney's Office Or Consultants That Mr. Moore Seems He Needs To Hire, This Is A Very Controversial Project And We're Already Now Talking About Costs.

I Would Like To See That We See This, The Citizens Of Lee County, See The Costing And I Hope The Time Sheets Will Be Kept On What It Is Your Office Is Expending On This Effort As Well As Yours.

Well, We Could Always Ask For Them To Give Us An Option, Deposit, Nonrefundable To Fund Those Costs.

Chairman Mann: I See Us As Having A Direction Here And For Mr. Moore To Come Back To Us Or Administration To Come Back To Us If They Want Some Assistance From Outside Council.

At That Time We Will Deal With It When It Comes To Us.

Okay.

Is There Further Discussion? Any Further Clarification Required On The Motion? Objection To The Motion? Yes.

Show It Passing 4-1, Commissioner Bigelow Objecting.

Thank You Mr. Moore For All Of Your Hard Work And Thank You Swimmers For All Of Your Hard Work.

I Am Sure We Haven't Seen The Last Of You.

Okay, We Are Now On Comm. Hall: Public Hearing.

Chairman Mann: We Have A Page Full.

Council.

Can We Take This As One Or Do We Have To Take This Separately? Good Morning Commissioners.

Scott Here For Your 9:30 Public Hearing Item Number One To Consider Approval Of 11 Resolutions To Assess For The Following Municipal Benefit Units.

Anchorage Inter Coastal Canal Dredging, Country Estates Unit Number Three.

Street Lighting Unit.

[Reading Resolutions] I Have Reviewed The Affidavit And Find It Legally Sufficient In Form And Content To Perform This Public Hearing.

Chairman Mann: Help Me To Understand What This Is.

We Have Hundreds Of These.

Walk Through One At A Time.

Why Are These Taken Up Separately? The Reason They Are Taken Up Separately Is Because You Have A Specific Toll Lar Amount For Each Unit And If The Public Would Like To Come Forward And Submit Their Opposition Or Support, They Can For Each Unit.

That's The Way I've Done It As Opposed To The Whole.

The Public Had The Opportunity During The Public Hearings.

The Others Are Millages That Would Be Correct.

What About The One For Gasparilla Island.

Special Improvement For An Assessment For Equivalent Millage Rate Of .0307.

Are You Saying That's An Assessment That You Are Describing It As If It Were A Millage? I Will Let Staff Address That Question.

Comm. Bigelow: It's The Only One That Is A Millage.

Good Afternoon.

Donna, The One Exception To The Methodology For Assessments Of Gasparilla Island About Six Years Ago They Converted Their Millage To A B.U. And It's A Computation As We Would Do As Millage Rates But Sit An Assessment.

Back To You, Do We Have To Take These -- I Know You Will Tell Me Yes.

One At A Time? Yes, Sir.

Chairman Mann: I Wish You Guys Would Find A New Ordinance.

This Is Crazy.

We Will Follow Your Direction.

Chairman Mann: Somebody Needs To Research That And See Why We Have To Review This.

We Are On Item 1a, The Inter Tra Coastal Canal Dredging For An Assessment? Is Anyone Here To Speak On In? Do I Have A Hearing? I Have A Second, Is There Discussion? Objection? Show That One, I Am On Cherry Blueberry Improvement, Are There Members Of The Public Here To Speak In Hearing None.

I Have A Motion And A Second.

Discussion? Objection? C, Country Estates.

Members Of The Public Wish To Go Speak In Hearing None.

The Motion As The Previous Two.

Discussion? Objection? Show It Adopted.

Are There Members To Speak To Item D? I Will Accept A Motion To Country Lakes.

Same Two Motion Maker And Second.

Show It Adopted Without Objection.

Item E, Dewberry Lane Special Improvements.

Are There Members Of The Public To Speak To The Issue? Hearing None.

The Same As The Same Two Before.

Show That Adopted Without Objection.

Gasparilla Island, F, Is There Members Of The Public To Speak To That Issue?
Hearing None.

The Same Two Motion Makers.

Show It Adopted Without Objection.

G, Golden Lake Heights.

Members Of The Public To Speak To That Issue? Hearing None.

The Same Maker Of The Motion Before, Is There Discussion? Objection? Show It
Adopted Without Objection.

Pine Lake Streetlighting, Are There Members To Be Heard On That Issue? Hearing
None.

Back To The Board For The Motion.

The Same Two Makers Of The Motion, Is There Discussion? Is There Objection?
Show That Adopted Without Objection.

Take Up River Forest Streetlighting Number I.

Are There Members Of The Public To Be Heard On That? Hearing None.

Accept The Same Motion.

Is There Discussion? Objection? Show That Adopted.

Item J, Are There Members Of The Public To Be Heard? Hearing None.

The Motion Is Made By The Same Two And Recorded.

Is There Discussion? Objection? Show It Adopted And The Final Item K, University
Overlay Landscaping, Are There Members Of The Public To Be Heard On That Issue?

Hearing None.

We Accept The Same Motion As Previously Recorded For First Motion And Second, Discussion? Objection? Show It Adopted Without Objection.

Councillors Anything Else We Need To Do With That Item? Thank You Very Much.

We Have Walk-Ones.

We Have Five Of Them.

I Move Item Number Two The Minutes For The Board Meeting.

I Have A Motion And A Second.

Show It Adopted Without Objection.

A Motion By Hall Seconded By Manning, Discussion? Is There Objection? Show That Adopted.

Move Item 4.

This Is Different From The One That -- This Is For The Sheriff's Office.

Chairman Mann: Okay.

Motion By Commissioner Hall.

Second By Commissioner Manning.

Discussion, Objection? Show It Adopted Without Objection.

Number Five.

Hall Comm. Hall: Move The Item.

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

Discussion? Objection? None.

Item 6.

Comm. Hall: Move Item 6 For The Expenditure Of \$6.9 Million.

Discussion By Commissioner Manning.

Discussion? Can You Tell Us When We Might Expect This Flow To Now Go To North Fort Myer's Facility? I Mean, What Kind Of Timeline Projection I Believe In About Another Year.

They Are Trying To Do It About This Time Next Year To Do The Cut Over.

Comm. Bigelow: Okay.

Thank You.

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

That Concludes Our Walk-Ones And Carry Overs.

We Are On Commissioner Items.

Commissioner Hall? Comm. Hall: Yes, I Want To Thank Rose Young.

She's A Resident Of Cape Coral And I Welcome You To Come In.

She Will Be In The Office Through August.

Thank You.

Chairman Mann: Commissioner Manning? Comm. Manning: I Don't Want To Belabor This Point.

I've Asked Based On A Letter We've Received From Garden Streets Council To Revisit This Item.

I Would Like To Go Back And I Have Some Of The Transcript Portions Of That Meeting.

The Motion Was Status Quo Which Meant That The 23 Mobile Home Parks Would Be Grandfathered In Under The Same Status They Were Before.

Not To Reclassify Them As A Business.

I Know I Have Opposition On That And Appreciate That.

If We Can Bring That Up When We Come Back.

We Don't Have To Discuss It In Length But That Is My Position.

I Would Be Happy To Bring It Up Again.

Chairman Mann: How Do You Want To Bring It Up? Another Blue Sheet? Comm. Manning: It Will Have To Be An Amendment To The Ordinance.

Scott Is Shakes His Head.

I Think I Understand And Agree We Probably Just Need To Go Back Through The Public Hearing Process.

And Amendment To The Ordinance Will Do That.

Chairman Mann: We Will Just Restart The Blue Sheet.

Xhithser-- Commissioner Judah.

Comm. Judah: The Status Quo Referred To The 23 Mobile Home Parks In Getting Their Special Exception It Would Be Classified As Residential But They Could Contract That With Another Vendor -- However, Twice, Those At The Board Meeting And Also When We Got A Clarification Is Requested From Attorney Michael Hunt, There Was Abundant Information On The Record That Everything Else Would Be Treated As A Business.

Because They Can't Expect The Other Systems To Subsidize These Mobile Home Parks -- You Mentioned That Discussion, Commissioner.

I Don't Want To Argue.

Chairman Mann: It's Your Item And You Can Go Back To It.

Comm. Judah: I Am Suggesting That This Issue Has Been Discussed Ad Nauseam.

We Have Kept Our Promise To The 23 Mobile Home Parks When The Request Was Made To Be Treated Like A Business So They Could Contract Out With A Separate Vendor, But They Would Still Remain Classified As Residential And If They Got -- They Knew Going In Because It Was On The Record Because All Of The Other Materials Would Be Treated As Bulk Waste Where Separate Payments Would Have To Be Made Like A Business Would Have To Make A Payment To The Vendors Making The Pull Can Waste.

That Was Clear At The Board Meeting And Clarification From Michael Hunt.

Chairman Mann: Let Me Ask, Mr. Hunt, Is It My Understanding That Any Commissioner Request A Blue Sheet Item Be Brought Forward? Correct.

That's What Mr. Manning Is Asking.

We've Had A Little Discussion But I Will Leave You To Work That Out With Staff When It Comes Up.

Commissioner Judah? Comm. Judah: If Again We Have All Of The Ramifications Of What Is Being Requested, I Believe, From Mr. Manning.

Put Them On The Table.

Comm. Judah: I Want To Make Sure The Long-Term Contract We Have Is Predicated On The Rate Structure.

That We Understand The \$300,000 Plus That Comes Out Of The Government's Ability To Maintain The Program And The Fact That We Are Going To Expect The Rest Of The Balance Of The Rate Payer Toss Subsidize The Bulk Rate Pick Up.

Chairman Mann: Do You Have Commissioner Items? Comm. Judah: I'm Good.

Chairman Mann: Commissioner Bigelow? Comm. Bigelow: Yes, I Have A Few Emails That I Would Like To Put On The Public Record.

I Will Provide It To The Clerk.

Yesterday At 3:15 The County Manager Informed Us That She's Working Out With The Clerk I Guess To -- For An Independent Review Of The D.O.T. Hiring Practices And Will Interview Employees.

I Followed That Up With A Couple Of Questions To Her As To What Is Causing Her To Do This.

She Says Over The Past Week There's Been Stories On The Local News Regarding D.O.T., And Unless I Am Unaware There Is No Stories At That Point Yesterday.

Chairman Mann: Would You Like To Ask The County Manager To Clarify? Comm. Bigelow: No.

Chairman Mann: No, I Am Sorry.

Comm. Bigelow: As Of 3:15 There Were No Stories To My Knowledge.

I Could Stand To Be Corrected, About D.O.T. Hiring Practices And Yet That's What She Points To As The Cause For This Independent Review.

Would I Like To Say That I Applaud Her Efforts To Get Independent Overview Or Review Of Hiring Practices That Under The County Manager She Is Solely Responsible For.

But I Hope This Is Not To Be Confused With What I Brought Forward Last Week Which Was A Request For An Independent, Hopefully Objective Opinion Or Preliminary Inquiry As To What The County Manager Had Said On The Same Day That Mr. Wingard Tendered His Resignation.

They Are In Conflict With Each Other.

My Point Here Is I Don't Want What She's Proposing To Do To Be Confused With This Other Issue That I Raised Last Week.

I Sense That That Might Be What You Could Easily Do In This Respect.

I Will Say That I Would Like To Submit For The Record County Manager's Email Of June 20, 2011 Of 3:15 To The Board And My Response Which Was Two Questions To Her And Her Response At 5:14 And I Will Provide That Copy To The Clerk.

Chairman Mann: Thank You.

Do You Have Further Items? Commissioners, We Have A Member Of The Public That Would Like To Be Heard.

This Will Not Take Long.

I Have One Item.

I Want To Put On The Record As Lehigh Item.

The Chicken Housing Issue.

I Will Tell You That Our Code Enforcement Has Been Brought Into This.

They Have At The Moment While They Are Researching The Issue Decided Not To Bring Charges Or Whatever They Do To Citizens Out There Until They Have Had A Chance To Review It And See What Other Cities Do And See If They Might Want To Suggest To Us Some Type Exception To The Ordinance Under Which We've Been Operating The Last How Many Years.

I've Discussed This With Ms. Gibes And Maybe They Will Bring Thoughts Back To Us.

That Research Is Going On Behind The Scenes.

County Manager Items? Wait A Minute.

There's One -- I Thought You Were Asking For Public Comment At That Point.

That's Why You Brought That Up? Chairman Mann: No, I Have Public Comment After County Attorney.

Comm. Bigelow: Oh, I Thought Someone To Speak About Chickens -- Chairman Mann: No, That Was My Commissioner Item.

Commissioner Thank You, We Have Originally We Had Scheduled --The Proposed Millage Rate Discussion To Be -- Or Actually Set The Proposed Millage Rate On August 2nd Which Is A Tuesday At Our Board Meeting And There Is A Scheduling Conflict.

And We've Had A Request To Move That To August 3rd Which Is A Wednesday.

So The Board Would Need To Vote On That To Move It.

Well, I'm Sorry -- There's A Scheduling Conflict For -- Is It Is A Trim Notice? Isn't That Tentative Notice? I Can't Hear.

That's The Maximum Millage You Set For Trim Notice.

Is That The First Meeting Or Second? It Will Be The Second Meeting.

When Was This Originally Scheduled For.

It Has To Be August 3rd.

We Have To Get The Information -- We Set The Trim Notice.

The Trim Millage Maximum On That Date And Then It Gives Us Lot Of Time To Think About It When We Come Back.

We Need A Motion To Set That Date.

So Moved.

Can I Ask A Question? Second For Discussion.

I Will Take A Motion Because We Have To Pass Something Here And Seconded By Commissioner Judah.

Motion By Manning, You're Recognized.

Why Is That A Conflict We Can't Hold It At The Board Meeting? We Would Like To Have A Full Board And One Of The Commissioners Would Not Be Present.

Comm. Bigelow: Okay.

And Then Why Are We Having To Make A Motion To Move A Meeting Date If We're That Far Out? You Proposed It.

You Could Just Propose A Different Meeting Date.

I Don't Understand Why We're Treating This Any Differently Than The Other Meetings.

Why Is That? Why Do We Have To Take Action? Commissioners, Because We Had Set -- It's Fairly Short Time Frame.

The Property Appraiser Has To Have This Information On The 4th.

So We Had Set It For The 2nd, But After Doing That We Found Out That We Would Not Have A Full Board And In The Interest Of Having A Full Board -- You Set The First One, The Staff -- Administration Set It But You're Asking Us To Reset It.

Is It Required Or Could It Just Be Advertised And Set It? We Could Do That, But Because Everybody Had Cleared Their Calendar -- We Have A Motion Before Us And A Second To Change It To The 3rd.

August 3rd.

Is There Further Discussion? Objection? Show It Adopted.

Before I Go To Council, I Skipped Appointments.

Commissioner Manning? Comm. Manning: A New Appointment.

[Reading Appointments] Chairman Mann: Seconded By Commissioner Judah, Discussion? Objection? Showing None.

Appointment? Comm. Bigelow: Yes, I Have Four To The Human Services Council.

[Reading Appointments] Chairman Mann: I Have A Second By Commissioner Manning.

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

Now, Mr. Hunt? No Items There.

Now, Very Patient Member Of The Public If He Would Like To Come Forward Now.

This Is Your Opportunity.

Your Moment In The Sun.

Thank You.

Chairman Mann: Your Three-Minute Moment.

All Right.

Well, Thank You For The Opportunity To Speak.

Upon Viewing Of The Tuesday June 7th, 2011 Commission Meeting I Find What Appears To Be Some Serious, Very Intentional Attempt To Misinform This Honorable Board By Both The County Manager And Mr. Demure Director Of Public Works.

In So Much That They Made Statements Of Contradicts Responding To Mr. Bigelow's Regarding The Rating Of The Candidates That Were Interviewed To Fill The Position Of D.O.T. I Wish To Press Mr. Demure To Reflect To The Employee Staff Meeting That Occurred On March 10, 2011 A Thursday.

7:30 A.M. Within The Traffic Facility.

In My Presence And Some 50-60 Others Supervisors And Employees He Stated To Us All That Mr. Paul Wingard Was The Panel's Second Choice.

Out Of All Five Candidates Interviewed, However, He Went On To State That The Collected Opinion Of That Panel Was Decided, Mr. Wingard Did Not Possess The Vision With Which They Were Looking For In The Next Director Of D.O.T. To Date This Position Has Gone Unfilled.

And Again To His Great Credit, Mr. Paul Wingard, Has Manned Up To His Job As Acting Temporary Director.

In Light Of Mr. Wingard's Letter Of Resignation And For The Reasons He So Stipulates Causes Me To Question The Real Purpose, Intention And Interest Of The Other Government Officials That Have Been Entrusted By Us To Use Their Official Offices And Positions In A Manner To Improve And Enrich Our Quality Of Services.

In Closing, It Should Be Mentioned That Both Our Elected And Appointed Officials

Possess Our Trust And Confidence For Honesty In Their Efforts Of Molding The County's Future.

I Hope My Words Have Not Fallen On Deaf Ears.

In My Humble Opinion There Is No Room In Our County Government For Any One Person Regardless Of Position To Utilize That Position For Political Personal Gains Or Political Favoritism.

Commissioner Mann, You Stated On June 7th, 2011 Meeting, That Is Not The Board's Job To Oversee The Hiring And Firing Process, But Should You Not Like What Is Going On, You Would Take It Up With The County Manager.

Sir, I Would Hold You To Your World.

Respectfully Submitted For Everyone's Consideration, Steve Sherman, Traffic.

Chairman Mann: Thank You Again For Your Patience.

And Remaining With Us This Long Meeting This Morning.

I Think We Have Concluded Our Work Here Today.

We Are Adjourned.