

**October 25, 2011**

Chairman Mann: Ladies And Gentlemen, The Chair Apologizes For Our Tardy Beginning. We Have A Full Agenda. We Will Get About It. We're Trying To Get All The Blue Cards Separated Into Separate Groups So We Know Who Is Speaking For Us. And It Will Be A Little Confusing, Sober With The Chair, We'll Try To Do This As Well As We Can. Begin With An Invocation This Morning, We're Pleased To Have Reverend John Dougherty. If You're Comfortable Standing Would You Do That And Remain Standing For The Pledge. Good Morning, Mr. Chair, And Commissioners I Borrow My Prayer From Avolino Gonzalez Who Opened The Meeting Of Yesterday's U.S. House Of Representatives. Holy God Of History And Order, Our Heavenly Father You Have Anointed This Nation, This State, This County, Our Community Of Human Kind To Promote And Defend Freedom, Unity, Justice, Peace And The Common Good. You Inspired Our Forefathers To Recognize That Mankind Is Endowed With Self-Evident Rights Which Reflect Our Unique Status Of Being Created In Our Image And Likeness. We Pray That You Pour Out Your Holy Spirit Upon This County And On The Members Of This Commission So That The Deliberations And Decisions Of This Governing Body Will Be In Conformity With Our Great Call To Defend These Rights, And Thereby Help Build A Community Of Authentic Love, Justice And Peace. We Ask These Things In Your Most Holy And Eternal Name. Amen.

Chairman Mann: Thank You. I Pledge Allegiance To The Flag Of The United States Of America. And To The Republic For Which Stands, One Nation Under God, Indivisible With Liberty And Justice For All.

Chairman Mann: Thank You And Be Seated. I Need To Announce That Commissioner Bigelow Has Been Suffering From A Bad Back. Some Type Of A Strain Or Injury, And He Will Not Be With Us This Morning. So, You Are Looking At The Four That Will Conduct This Morning's Business. We Have A Couple Of Ceremonial Presentations That We Are Pleased To Deal With At This Time. And, Commissioner Hall I Believe You Have The First One.

Comm. Hall: Thank You. Is Chief Pye And His Family Here? There He Is. Boy, They All Came Out Today. To Recognize. We'll Have You Stop At The Podium. It Is Certainly My Privilege And Honor On Behalf Of This Board Of County Commissioners To Recognize Chief Pye Who Just Returned From North Fort Myers Fire District. Chief Pye Has Been A Stellar Individual In Our Community, And Has Worked With Community To Make Improvements, Make Sure That A Quality Of Life Is Balanced

There. And He Has Been The Voice Of Reason. He's Been The Link Between Residents And This County Government. He Has Served In So Many Different Capacities And It's My Honor, With The Fire District To Honor You This Morning And To Thank You For Your Hare Work And Wish You The Best In Your Retire. , Whereas Florida Began His Career In Service In 1977, He Moved Up The Ranked Being Promoted To Chief In 2001. And Whereas Chief Pye As An Instructor For Fort Myers Fire Academy Was Instrumental In Bringing The Community, Emergency Response Teams To North Fort Myers And Whereas Chief Pye Has Been An Active Member In Our Community For Many Years With The Rotary Club, Civic Association, North Fort Myers Chamber Of Commerce, The Fire Chief Association. Florida Fire Chief Association, International Fire Chief Association And His Church. And As Chief Pye, A Public Servant, His Relentless Effort To Better Lee County Through Business Development, Public Safety Improvements Have Benefited Both His Community And The People He's Surfed. Now Be It Resolved That The Board Of County Commissioners Of Lee County Florida Does Hereby Convey Our Appreciation To Chief Pye And Recognizes His Outstanding Contributions To The Citizens Of Lee County And Wish Him Very Much Happiness In His Retire. It's Executed The 25th Day Of October, Signed By Our Chairman The Honorable Frank Mann.

If I Can Present This To You, And Have A Photo With You And Your Family. [Applause] Thank You Commissioners. It's Been My Honor And Pleasure To Serve Lee County For All These Years. And I Know That Everything Revolves Around Partnerships And As My Years As A Fire Chief In Working With John Wilson And His Staff And Kim Dickerson And It's Been A Pleasure To Work With E.M.S. And Emergency Management, And, As A Team, We've Done Many Things In Lee County, And I Look At Lee County As One Of The Most Prepared Counties In This Whole Country When It Comes To Hurricanes And That's From A Lot Of People's Wisdom Over Emergency Management. Thank You All Very Much For Your Advice, Your Wisdom For What You've Done For Us. What You've Done For The Fire Service. I Know We've Agreed To Be Able To Disagree, But It's Ok. And We've Done That A Few Times, But, Overall, We've All Done Good For Lee County For Public Service, Thank You.

Comm. Hall: Thank You. [Applause] It's Now My Pleasure To Invite Elli Hagan And My Team. Where Are You Guys. Autism Group? Bring Everybody Down. We'll Give You Plenty Of Time And Get Around. Just Stop Right There, And In A Minute We'll Get A Picture Of Everybody, But If We're Reading The Resolution. Got More Coming. Autism Services, I'm Happy To Say Is A Little Personal Side Here, Runs Their Program Out Of A Church I've Been Associated With All My Life. Afternoon The Corner Here And We're Really Pleased To Have You Guys Back Here. It's Your Second Year Since You've Reestablished Yourself Over There, But It's My Honor And Pleasure To Read This Resolution For Your Group. Whereas, Autism Is A Term Used To Describe A Group Of Complex Developmental Brain Disorders That Lasts Throughout A Person's Lifetime And Whereas It's Estimated One In Every 110 Children Is Diagnosed With Autism Making It More Common Than Childhood

Cancer, Juvenile Diabetes And Pediatric Aids Combined, And Whereas The Eaton Autism Mission Is To Improve The Lives Of Children And Adults. Support The Lives Of Their Families To Meet Specific Needs Throughout The Life Span, These Services Include K-12 Schools In Fort Myers And Naples. Consultations And Community Training, And Adult Residential Vocational Training And Employment Services. And, Whereas Eaton Began Providing Services In Southwest Florida Way Back In 1986, Now Therefore Be It Resolved That The Board Of County Commissioners Of Lee County, Florida Does Here Recognize Eaton Autism Services For Their 15 Years Of Providing Services To Children And Adults With Autism In Southwest Florida, And Urges All Citizens To Support This Organization And In Its Efforts To Help Individuals And Their Families When They're Struggling With Awe Tip, And I Was Proud To Sign This As The Chairman Of Lee County Commission. We're Proud Of You Guys, And The Job You're Doing. [Applause]

Can You See The Lady With The Camera Up In The Balcony? She's Going To Take A Picture And One Down Here, So Just Smile. Somebody Is Going To Get You. How Are We Doing? Top Side Ok? Got It.

Chairman Mann: Elli, You Want To Say A Word? [Applause] Thank You, As Frank Said, We Have A School In Downtown Fort Myers. We've Been There For A Year Now. I'm A Parent Of A Child With Autism As Well As A Board Member Of Eaton Autism Services. It's A Wonderful Organization And I Invite All Of You To Visit Us. We're Three Blocks From Here And Learn From Eaton Does For Our Community And Children. Thank You.

Chairman Mann: Thank You Guys And Gals. By Way Of Our Recap, We Have Two Items, C-1a That Includes I Have A Motion By Commissioner Manning, Second By Commissioner Judah To Make That Change. Is There Objection? Show That Adopted.

Also On Item 6-C. Consent 6-A We Need To Change A Dollar Amount Motion By Commissioner Hall, Second By Commissioner Manning. Discussion? Objection? Show That Adopted.

Walk-On Number Three, Requires A Change In The Funding Source, I Need A Motion On That. Commissioner Manning, Makes The Motion, Commissioner Hall, Is That Ok To Second That.

Comm. Hall: Yes.

Chairman Mann: Discussion? Show That Adopted Out Objection. We Have Our Agenda In Proper Order At This Time, And We'll Take The Walk Ons When We Get To Them. We Are Now At Public Comment On Items On Our Consent And Administrative Agenda. This Will Appear A Little Confusing And I Know My Colleagues Will Try To Help Keep Me Straight. The Items That Are Listed As Public

Hearing Issues, We Will Take Your Testimony When That Item Comes Up. For Now What I'm Asking For Are Anyone And We Got A Stack Of Them Here, Anyone Who Have Comments On Any Other Issues That Are Not Officially Designated As Public Hearing. These Are Any Item Of Our Consent Agenda Or Our Administrative General, And If I Accidentally Call Your Name And You're Here For The Public Hearings We're Talking About Are The Bonita Issue On E.M.S., And The Recycling Issue.

Those Two We Have One On A Zoning Issue In East County, Is The Third Public Hearing. If I Call Your Name Accidentally For That Just Tell Me That That's One Of Those Other Three And We'll Put You In At The Proper Time. For Now, Phil Buchanan On A Walk-On Item, Where Are You, Phil? And You Will Be Followed By -- Are You Here, Dr. Buchanan? There He Is.

And One Correction, Phil, Before You Start, I See An Issue Here Involving The Next Speaker With Roadside Vendors. That's Not An Administrative Or Consent Issue. At The End Of Our Meeting We Have A Time For, Is That You, Sir? If It's Not On Our Consent Agenda Or Administrative Agenda Or Our Public Hearing Agenda, That Will Be Taken Up At The End Of The Meeting Where You Can Speak On Any Other Matter Of Your Concern. So You Will Have A Little While To Wait. You Can See What's Ahead. William You Might As Well Go Out There And Drive Around The Block. That Will Cost You More Than A Parking Meter, Probably.

Good Morning, I'm Here To Talk About The Walk On, The 164 Item. I Take It That Is A Walk On, But I Take It You Want To Take Testimony On This. Chairman Mann: Yes. Thank You. I'm Phil Buchanan. I've Also Served As A Legal Coordinator Of The 15 Or So Environmental Organizations, That Seek To Restore Fresh Water Flows From The Water Shed To Their Natural Path, Instead Of Being Dumped In One Place. The Issue Begs For A Court-Ordered Solution. And In Fact, The Path Has Been Paved To That End. Tallahassee Ordered To Deny The Barrier Permit. Even Though All Of The Scientists And Other Environmental Organizations Knew The Barrier Had To Go Back In, To Avoid Serious Environmental Consequences. So, While They Had To Deny Permit, They Listed For Doing So, Tongue In Cheek, They Knew Would Be Easily Overturned By A Court Of Law, Which Would Be A Win-Win For Almost Everybody. For Example, We Know That Estuaries Are Among The Most Productive Places On Earth. They Teach That In Grade School These Days.

Nonetheless, Their Denial Says The Higher The Solidity, The Bear. And That Fresh Water In The Man Go Would Adversely Affect Marine Life. They Know Bear Than That. It Is As The British Say, To Be Knocked Down. We All Know That Routing Storm Water Helps To Filter Water And Make It Cleaner. The D.M.P. Properly As Impaired But Some Rarely And Erroneously Would Improve. We All Know There Are No Archaeological Or Historical Resources. Nonetheless, The Denial Is Based On Damage To Those Nonexistent Resources. We Know That Barrier, The Absence Of The Barrier Created A Dangerous Current. In Fact The Cape Police Have Issued

Several Warnings To Boaters. The D.E.P. Claims That Routing The Fresh Water Back To The Pass Would Create A Dangerous Situation For Boaters. There Are No Boaters Transversing The Mangroves. The List Goes On, But My Warning Light Just Came On, So Let Me Just End With My Favorite Reason Of All, For Denying The Permit. The Person Has On The Denied, D.E.P. Said, Because Cape Coral Told Them In Writing That They Would Instruct Their Contractor To Refuse To Abide By Protection Procedures In Rebuilding The Barrier. I Doubt There's Ever Been A More Telling Example Of The Reason For Not Doing Something Nor An Example More Easily Overcome By Court Or. The Environmental Professionals Have Done Everything They Know How To Do To Get You To Bring This Lawsuit To Help You Win It. Don't Let Them Down.

Chairman Mann: Thank You, Doctor Buchanan. I Forget, I Should Have Done This. It Is Our Custom To Discourage Applause Or Demonstrations Of Any Kind. We Try To Be Very Fair To Folks On Both Sides And We Have People On Both Sides Of Every Issue Represented Here Today, So Once You're Outside And The Issue Behind You, If You Won You Can Go Crazy. But In Here We Ask You To Be Sensitive To Other Folks That May Not Feel The Same Way As You Do. Thank You. I Think I'm Down To Cards Relating To Essentially Three Issues Here. Two Are Public Hearing Issues. The One On The Library Is On Our Regular Agenda, And Let Me Ask, I See Honorable Mayor Here, But I Don't Have Cars For You Or The Honorable Councilman, Mr. Humphrey. Let's Start With You And You Can Set The Stage For That. Incidentally, Folks, You're Allowed Three Minutes To Talk, But This Is Just On This First Issue. And I Have At Least That Many On The Next Two Issues. You Are Not Required To Take The Entire Three Minutes. [Laughter] Mr. Humphrey. Good Morning, Members Of The Commission.

I'm Jim Humphrey. I Represent The Town Of Fort Myers Beach, And I Would Like To Acknowledge That The Mayor Larry Is Present, As Well As Council Members Allan Mindel. Joe Was Not Able To Be Here, I Think Maybe He Might Be In The Back And I Just Haven't Seen Him. I Will Be Addressing You On Behalf Of The Council. The Mayor And The Council Members Are Available To Answer Any Of Your Questions During The Administrative Item That You Have, But They Would Ask Me To Please Present Their Position. And I Think It Is Most Important For Me To First Explain And Make Sure It's Known For The Record That The Town Council Is Not Here To Request This Commission Stop The Library Expansion Project. Or To Dissolve The Library District. Or To Request A Budget Terror Review.

By Making This Request, Which Was A Unanimously Approved By The City Council, About The Town Council, The Commission Is The Local Governing Body With The Authority And The Responsibility For The Oversight Review Process. The Legislature In Adopting The Oversight Review And Particularly The Uniformed Special District Accountability Act Of 1989 Found It To Be In The Public Interest To Have This Review, As Well As To Help Public Facility Reporting Requirements. In Fact, Part Of The Requirements Under The Act Is For Independent Special Districts To Find, To

File Annual Facility Reports. And For Years Prior To This Town Making The Request, The Library District Had Not Filed Any Of The Facility Reports. And That's So Even Though They Were Planning For A Significant Library Expansion. So, Once The Town Council Was Made Aware By Myself, Of The Legal Or Rumors Associated With The Uniformed Special District Accountability About, Then We Made The Request. And The Request Was Frankly Made After Receiving Petitions And Contacts From Many Of The Residents, And Taxpayers, So, Once That Was Done And Hearing From Them, And Hearing And Understanding The Fact That This Body Is The Governmental Body With The Oversight Review Responsibility I Will Confirm With The County Attorney Said, That Since The Library District Ex-Sees The Boundaries Of Just The Town, Then Under The Statue, The County Commission Becomes The Oversight Review Authority, And Is The One To Determine Whether To Accomplish An Overnight Sight Review. It Is Now Under Your Jurisdiction. Again I Want To Be A Very Clear Though Because There Have Been Comments About The Fact That Well, The Town Wants To Try To Dissolve Or Abolish The Library District, That Is Not Correct. What We Do And I See My Red Light On, What We're Asking You Is To Look At The Purpose And Intent Of The Statue.

Look At The Requirements, And We Now Believe That The Town Has Followed The Legal Prerequisite. So We Ask You To Please Consider And Acknowledge As To The Legislative Decision For You To Make, But To Please Consider Moving Forward With The Oversight Review Process. Thank You Very Much.

Chairman Mann: All Great To Have I Don't Here On Behalf Of Whoever You May Be Representing At The Moment. I Have Quite A Stack Of Cards On The Library Issue And They're In No Particular Issue. There Will Be Some For The Review Or Against It. This Is Time To Speak Your Peace.

Sam Lori And You Will Be Followed By Karen Swanblo. Recycling Folks And Bonita Folks, We Appreciate Your Patience. It Will Be A Little While Getting To You. So If You Want To Go Get That Second Cup Of Coffee, It Might Be The Time. Good Morning.

Thank You For Hearing This. It's Been A Long Time Coming. I Have A Lot Of Comments. I Sent An E-Mail To All Of You Yesterday. I Hope You Will Consider My Previous E-Mails And With With Yourself And The County Attorney. And Please Visit Beachlibrary.Com For More Information. I Will Like To Cite A Few Major Violations. Chapter 189, The 5-Year Notification Rule. This Expansion Will Contain Commune Rule, Cafe, Theater. It's In Direct Competition With Other Existing Public And Private Businesses. And The 5-Year Notice Is To Give People A Little Bit Of Warning, Especially Other Businesses And Public Facilities That Have Duplicate Venues. As You Know The Operating Budget, This Entire Project Was Financed By Over-Inflated Budgets. Not As Capital Expenditure Items But Incorporated And Imbedded In Line Item Operating Items. And I'm Sure You're Aware Of That. There's Debate About The \$2 Million That Was Borrowed. Whether When You Borrow Money, And Issue

Debt From The District, Whether It's Necessary To Go Through Referendum. Aside From That Rule, There's A Petition You Will See Later. It's Got 600 Signatures On It, But They're Actually Over 1,000 Names On A Petition Signed By Citizens Of The Beach, Asking For A Referendum. Please Refer To Today's Package He Received A Petition Of Over 1,000 People. That Is Like You A Petition For 45,000 People For Red Sox Day In The Swim Center, Whatever. Can Too Increased Revenues. Part Of The Problem With The Facilities Report, Is That These Budget Items Convey To That. I Think You Should Examine Very Closely -- I'm Getting Yellow -- At The Report As It Relates To That. Any One Of Those Violations Would Be Disturbing, But They Should Be Unacceptable To Cause For Action. I Agree With Attorney Frazier In Her 2011 Memo, Page 7 Through 9 Of Today's Package, Representing The Bocc Designate Lee County Clerk To Conduct An Oversight Review. Here's Our Peculiar.

The Sign Is About As Big As A Fifth Grader Standing In Front Of It. I Drove By That Sign Four Or Five Years Every Day. It Looked Like A United Way Thermometer Sign. We Did Not Know That This Expansion Was Going On. Thousand Money Was Checked. Please Forward This To The Lee Clerk For Overseeing A. Thank You.

Chairman Mann: Thank You. You've Been Here Before, And We Know Of Your Strong Interest In This Issue. Thank You For All Your Energy That You've Committed Here. Karen Swanblo? You Can Help Me With That.

Good Morning, My Name Is Karen Swanbeck. Today I'm Addressing You As A Resident Of The Town Of Fort Myers Beach Where I've Lived Since 1981. I've Been Involved In The Community, The Library Has Been Considered A Tremendous Asset To Our Community. I Want To Focus My Comments Today On Financial Stewardship Of Taxpayer Dollars. As You Know Times Have Been Tough In Lee County, And Tax Revenues Have Decreased In Recent Years Since This Small Group Of People Have Come Forward Opposing The Library Expansion, The Library Spent Over \$18,000 Defending The District. In Addition, I'm A Resident Of The Town Of Fort Myers Beach, My Tax Dollars Have Been Spend By The Town To Pursue The Allegation Of This Group Of People As Evidenced By The Various Memos That Have Been Prepared By The Town's Legal Council. In Addition As A State Taxpayer, My Tax Dollars Have Been Spent While The State Reviewed The Allegations To The Joint Legislative Audit Committee. Again, Finding No Fault. Now Lee County Is Spending Taxpayer Dollars To Have The County Attorney Weigh In, And Whether The County Should Request Oversight Of The District. My Question To You Is When Does This Stop? How Many Taxpayer Dollars Need To Be Spent On The Basis Of A Few People In The Community, Trying To Discredit What Has Been A Very Successful Independent Library District? Thank You.

Chairman Mann: Thank You. Salary Seabury. My Name Is Sally Seabury. I Have Been To The Office The Last Week Delivering Letters From People Who Could Not Be Here Today. And A Substantial Number Of Letters. I Think Close To 70 Or 80 Because I've Come A Couple Of Days.

This Expansion Has Been In The Works For 10 Years. We've Been Planning, We Got Permission To Build This. We've Been Before The Town Council To Get The Permits. We've Been, The Beach Has Known About This. This Is No Surprise. We Asking That You Allow A Very Dedicated Board To Continue To Ruin A Very Fine Line. We're Proud Of What We Have Done, And We Thank You.

Chairman Mann: Thank You. Miss Gottlieb? We Need A Mic. We Have A Mic, If You Pull Further, We'll Give You A Hand Mic That You Can Weapon You Her. Thank You Very Much, Is That Better?

Chairman Mann: Pull It Close To Your Mouth. My Name Is Jean Gottlieb. I've Been A Property Owner On Fort Myers Beach Since 1955. I Have Library Card Number Three. [Laughter] I Consider The Library Probably The Heart Of The Beach In Many Ways. It Does Many Things For Many People. It Has Functioned Beautifully Ever Since I Have Been A Card Holder And User. I Have Been A Volunteer There, I Was On The Board. What I Want To Say To You Is What About These People Who Are Concerned About How The Library Operates? How Many Of Them Are Registered, Card Holders, Users? Are They Really Interested In What This Library Does For The Community And What It's Going To Continue To Do? That's My Question That I Think You Should Consider Very Carefully. Thank You Very Much.

Chairman Mann: Thank You Very Much For Your Special Effort In Getting Here This Morning. Mark Will Be Followed By Pat Smith. Good Morning. Seat Four, Board Of Directors, Fort Myers Beach Public Library. I'm Speaking As A Private Citizen For Reasons That Maybe Described By Attorneys, But, I'll Start With The Fact That About A Year And A Half Ago, Many Of Our Committee Members Are Misled By A Fictional Tale. It Was A Beautiful Story. Sold A Lot Of Papers. Generated A Lot Of I Guess There Was New News Last Summer. So Then Finally, You Know This Is Going On, We Defended This Library And Everything With All The Facts. But They Do Not Want To Look At The Fact That They've Got Their Story And They're Going To Stick With It. Very Frustrating For Us, Because It's Just, It's Politics At Its Finest. But What Frustrates Me Is That They've Misled Many Of Our Con Stitch Wants Into The Library. We Want Them In A Nonfiction Area. Obviously Fact Is In The Nonfiction Area. In The Statement Of Journalism, Never Let Facts Get In The Way Of A Good Story. And, That's What's Happened Here. True Facts Are Boring And Don't Generate A Lot Of Interest. I'm Going To Leave It To You As Our Elected Officials With Your Education, Your Experience And Your Intellect To Shift The Fact From The If I Can Shin On These Issues. We've Presented You With All The Information We Have In Our End, And, Its In Your Court Now. Thank You.

Chairman Mann: Thank You Very Much, Pat Smith? Good Morning, Commissioners. My Name Is Pat Smith, And I Have Lived In Lee County On Fort Myers Beach For 12 Years Now. There Are A Number Of Us Here Today, Can We See A Show Of Hands, Who Are Here To Support At A Fort Myers Beach Library, Board And Director. We

Regret The Necessity Of Taking Your Valuable Time, To Deal With What Really Is A Non Issue. There Have Been Many Allegations From Very Few Have Is About Wrongdoing On The Part Of Our Library Board. But After Months Of Various People Pouring Over The Books And Records, Including A Check By The State Legislative Audit Committee, Absolutely Nothing Has Been Discovered. In Fact It Readily Can Be Completed That There's Nothing To Uncover. We Patrons Are Very Proud Of Its History. What Its Meant And Continues To Mean To Our Community. Beginning As A Completely Voluntary Organization In 1955, And Being Established By Legislation As An Independent Library District In 1965, Our Library And The Special Taxing District Far Predates The Incorporation Of The Town. In The Library's 55 Plus Years Of Existence, The Various Library Boards Certainly Including The Present One, Have Shown Themselves To Be Good Stewards Of Fun. And Well Able To Accomplish Successful Long-Range Planning.

Through Five Larger Buildings, Our Library Over The Years Has Expanded Wisely. In A Timely Manner, And Now We're Doing It Again. Usage Continues To Grow Substantially Over 23% In The Last Decade. We See No Need For Special Oversight By The County. And Certainly Not By The Town Since Much Of The Library District Extends Well Beyond The Town Boundaries. I Believe Very Strongly That The Library Board And Its Director Have Conned The Fine Long Tradition Of Previous Boards, And Have Done An Outstanding Job Of Envisioning Future Needs, Planning To Meet Those Needs, And Ensuring The Proper Financing Of A New Library In Which We All Can Take Great Pride. I Urge You Not To Fix What Is Most Assuredly Not Broken. Thank You Very Much.

Chairman Mann: Thank You, Miss Smith. Gar Reynolds Followed By Al Durret. Good Morning, County Commissioners. I Ask You To Give Us A Serious Thought To This. I Have A Feeling You Will. Believe It Or Not, They're Learning Through Experience. I Believe If They Can Run This For 55 Years. I Don't Know What The Emergency Is Now, That They Need Someone To They Will Them What To Do. And I Would Ask You To Please Consider The Fact That These Folks, Most Of Them Are Volunteers But They're Good Educated People. They Can't Be Taken Lightly. I Would Like Very Much For You To Keep That Many Mind When You're Talking About This. When You're Thinking About This And Discussing It, And I Just Simply Almost Ask Myself, What Are You Doing Here. But I Know Some Processes Have To Come About. And I Believe They Can Get By With 55 Years Without Special From Someone Else Outside Their Operation. Just Like The Town Is, And Like The Fire Department Owner Which Is Independent, I Believe This Library Stands In Pretty Good Hands. I Tended, I Don't Know If The Last Director's Meeting, I Was So Very Impressed With The Intensity Of Interest And Involvement That They Have With This Library, And I Would Ask You To Vote Against This Committee. I Don't Believe They Need It This Time. If He Comes Forward At Another Time This Is Needed, Of Course I Hope It Will Get Back To You And Say, See What We Do. And I Thank You For The Time.

Thank You Mr. Ray Knolls And Thank You For Your Many Years Of Commitments, Fort Myers Beach. Al, You Will Be Followed By Katie Corning.

Good Morning, My Name Is Al Durret. The Last 26 Years I've Owned Fish Tail Marina. And The Last 13 Years Operated Santini Marina Plaza. Those Two Properties Have Paid \$43,000 Plus To The Fort Myers Beach Library. Which I Believe Is Highly In Excess. I'm Not Against The Library In Any Way Shape Or Fashion. I Have A Permanent Card Given To Me By A Very Dear Friend Who Is, Who Was A Previous Member Of The Library Staff. I'm Against Thousand \$9 Million Was Raised Without The Public's Knowledge. I Have Here 600 Friends Of The Taxpayers That Would Like To And Have Asked That The Town Of Fort Myers Beach Investigate This, And Find Out How This Could Happen That Most Of The Town Did Not Know That This Taxes Was Going For This Purpose.

I'm Going To Ask You This, When The State Passed Chapter 189, And Declared Oversight Responsibility For Essential Taxing Districts, And Most Recently, The New Legislation For Senate Bill 224, Specifically Outlines More Accountability, My Question Is What Was The Intent And General Purpose Of The Government's Role In Chapter 189 And Senate Bill 224. Your Response In My Opinion Should Not Be A Political Response, It Should Be An Answer Based On What The Law Says, And What Is Right. Our Government Is Without, Is Not Without Limits. I Think That In My Opinion, You All Have A Social To Be Good Stewards Of The Taxpayers Dollars. These Are Not Just Mine. Thank You, You Can Leave Those Petitions Related To Your Left, Or You Can Give Them To The City Of Fort Myers. They Are The Originals And If I Could Make Copies, You Can Have Copies?

Comm. Manning: He Done Need To Submit Them.

Chairman Mann: You Stated It For The Record, That Should Be Sufficient. Then I Will Turn Them Over. Who Gets These? Chairman Mann: Just Keep Them And Give Them. Thank You, Miss Corning And You Will Be Followed By A Barbara Hill.

Good Morning, Commissioners. My Name Is Katie Corning. I'm The President Of The Library Board Of Directors. I've Served On That Board For Nine Years. When You Get To That Agenda Item, I Will Be The Representative For The Library District, But For Now Please Consider My Comments From A Concerned Citizen Of Lee County. The Fort Myers Beach Library Has Been Quietly Serving The People Of Its Community, Thousands Of Tourists To The Away. For More Than 56 Years. The Library Has Had A Good Relationship With The Town In The 16 Years That It's Been Around. But That Relationship Changed When The Current Mayor Decided He Should Get Involved In How The Library Runs Its District. Now With This Mayor At The Helm, The Town Struggles With Planning, With Fiscal Social, With Getting Things Done. Despite Doubling The Number Of Staff Members They Have On Payroll Now. And Yet, This Mayor Sells Entitled To Private Off The Record Meetings, So He Can Advise The Library About How To Run Their Business. And The Library Declined

His Offer. Now The Mayor Will Tell You That He Has Brought This Request To You, Because His Staff Department Like The Library's Public Facilities Report Power Play But The Truth Is He's Been Taking Shots At The Library Since They Refused To Let Him Medal In Your Business.

Chairman Mann: I've Got To Ask You To Be Gentle When Using Other People's Names And They Don't Have An Opportunity To Respond. We Need To Stick With The Facts Of What's Before Us Here, And Leave The Personalities Out If Possible. I Understand But This Is Building Towards My Conclusion.

Chairman Mann: I Know, But We Do Adhere To Rules Of Order And That Requires That Leave Personalities Out Of Our Discussions And Stick To The Merits Of The Case Before Us, Which Is Whether Or Not The County Commission Wants To Pursue An Oversight Role Here. Exactly. All Right, My Point Is That We've Been Struggling The Library Has Been Struggling With Attacks Well Before The Town Knew There Was A Chapter 189. The Library Has Been Investigated By Two Different Law Firms. The Florida Joint Legislative Auditing Committee Has Already Weighed In And There's Been No Wrongdoing. There's Been No Wrongdoing, And I Think The Town Knows That. This Request For Oversight, Seems Like Nothing More Than A Last-Ditch Effort. For Them To Try To Punish The Library District. The Entire Council -- Well I'm Not Going To Go There. At The Library Veers Do Most Of The Work. They Shelve The Books, They Pull Weeds. They Even Clean The Carpeting. Even The Library Board Is All Volunteers And By The Way, We Paid To Run For Those Elected Offices. So It's Been Hard For Us To See The \$18,000 Of Painstakingly Saved Money Be Spent Instead Of On Books And Furniture.

As A Taxpayer Of Lee County, I Respectfully Ask That You Stop The Bleeding Of Tax Dollars Today By Rejecting The Town's Request For Oversight. Please Show The Voters That You Won't Put Up With This Nonsense And You Don't Expect Them To Pay For It. Thank You.

Chairman Mann: Thank You Very Much, And You Will Be Followed By Leroy. Good Morning, My Name Is Barbara Hill. And I'm A Taxpayer And Live On Fort Myers Beach For Almost 30 Years. And I Would Like To Say That I Have Not Only Used The Library And Services, And I've Seen First Hand There's Not Only A Place In Which To Enjoy Books, But A Facility For Social Networks For Our Series And Young People. The New Addition Is Not Only Needed, But Deserved. A Quiet Place In Which To Hold A Meeting Will Be A Beautiful Thing. We Have Very Few Of Those Facilities On Fort Myers Beach. The Work And Planning That Has Gone Into This Endeavor Should Be Commended, Certainly Not Unjustly Criticized. And All Due Respects To Modern Technology, And Contract The Beliefs Of Some, A Kindle Will Never Take The Place Of A Public Library. Thank You.

Chairman Mann: Thank You, Miss Hill. If You See Other Barbara Hill Of Fort Myers Beach, Give Her My Best Regards Thank You. Leroy Homerding. Good Morning,

Commissioner. I'm A Lee County Resident Of The Director Of The Beach Library. I Urge You To Bring Closer To This Oversight Request Today. County Attorney Michael Hunt Shares Two Points Clearly In His Memo Of Last Friday. Number One, Chapter 189 Involves Planning Issues, Widow Not Contemplate Or Require Budgetary Review And Number Two, The Library Board Of Directors Is Authorized To Provide The Residents Of The District, With The Most Complete Library Facilities As Finances May Permit Other Considerations Include, Number Three. The Town Claims It Requires Oversight Because Of A Facilities Report. We Provided The Extra Points That The Town Attorneys Felt Were Needed In Their Report. And Still The Town Continues To Find Fault And Spend Tax Dollars.

Number Four, The Beach Library, Serves The Community Beyond The Boundaries Of The Town Of Fort Myers Beach. It Took The Town A Long Time Until This Was Acknowledged. Number Five, After 10 Years Of Planning For The Expansion Which At This Point Is Almost 20% Completed, The Library Board Has Only In The Past Year Heard From A Handful Of Residents Who Claim That They Were Unaware Of The Plans. Reaction From The Wider Commune Is Noted That These Few Were Occupied Elsewhere And Simply Didn't See The Signs. Why The Town Request Before You Has Chosen To Align With This Council Not Clear. Number Six, Hundreds Of People Used The Beach Library Every Day. The Library Is A Community Hub. As The Library On Our County's Beach, We Have Many Visits Who Use The Beach Library, And They Often Favorably Compare Our Library To Their Library Back Home. It's Good Tourist P.R. For The Entire Region. Again And In Closing, Please Bring This Oversight To Closure Today, Don Send It Elsewhere. Let The Board Of Directors Spend Taxpayer Dollars To Make Construction Responds To What The Community Will Need Instead Of Preparing Reports. Spending Tax Dollars And Attorneys Fees And Energy That Does Not Benefit The Wider Community. Thank You. Chairman Mann: Thank You, Sir. Scott, Followed By Bobby Kemp. Apologizes For His Cold. I'm Trying To Keep It Up Here And Share It Only With The Commissioners. Good Morning.

I'm A Four-Year Resident Of Fort Myers Beach. It Was In The Papers. I Would Like To Say Something Positive About Our Town Council, Because I Very Much Favored Them Until They Brought Up The Library Fiasco. It Was Brought Up With Not No Residents Except, And The Mayor Went Over With His Town Manager And Confronted Mr. Humering.

Chairman Mann: Careful Not To Mention Names. It's A Good Idea Or Bad Idea To Have Oversight. If You Can Try To Do That, Please. Ok, But I Thought If You Knew The Bias.

Chairman Mann: No, Because We Cannot Prove Bias Or Motive. It's In The Transcript Of The Town Council. I'm Only Quoting. Well The Council May Allow It, But We Do Not, I'm Sorry. I'm Sorry To Offend You. May I Say This, You Guys Have A Sense Of Humor?

Comm. Judah: Absolutely.

Chairman Mann: You Wouldn't Be In This Job Without It. 15 Years Ago, Our Island Voted To Become A Town So They Wouldn't Be Under Your Council's Thumb. Now Our Town Council Comes Back To You Wanting To Get Under Your Thumb Again. I Just Thought Irony Or Humor, I'll Take A Different Tact. I Hope You See That. I'm Just Trying To Say To You, Don't Clear The Mud. Don't Let Them Off The Hook. That's All. Thank You.

Chairman Mann: Thank You Very Much. Appreciate Your Understanding. Bobby Kemp.

Chairman Mann: Chairman, Could You Pass Me Your Flask That's Under Your Desk?

Chairman Mann: That's Cough Syrup. I'm A Beach Resident And I Do Feel That Our Library Is A Hub Of Our Community. I'm Grateful To The Board Members, And Our Director For All Their Hard Work. I Support Our Library And This Expansion. Thanks For Your Time.

Chairman Mann: Thank You. Thank You. What A Fine Role Model This Lady Was. [Laughter] Charles, Whitehead? And You Will Be Followed By Ann Dalton.

Good Morning, My Name Is Charlie Whitehead. I'm A Resident Of Lee County And The Beach Library District. I'm Here To Resume You That Lee County Commissioners Don't Have To Be The Final Actor Of Everything. That's True Of The Library. Also True Of The Bonita E.M.S. But That's A Difference Thing. I'll Still Be Afternoon For That.

I'm Asking You To Leave What Are Not Yours To Do Alone. Thanks.

Chairman Mann: Thank You, Miss Dalton. Good Morning. My Name Is Ann Dalton And Represent The Fort Myers Beech Library District. I'm Going To Keep My Remarks Short This Morning For Two Reasons. First, There's A Lot Of People Here That Want To Talk To You, And Obviously Ice A Full General. And Secondly My Remarks Are Set Out In The Letter I Provided To The County Attorney On September 14th, 2011 Which Mr. Hunt Was Kind In You Have To Include In Your Pack. So I'm Going To Confine My Remarks To Merely Urging You Not To Proceed With This Request For Oversight Review. The Library District Is In Compliance With All State Laws. The Library District Has Been In Compliance On And The Library District Will Be Continue To Be In Compliance With All State Laws. For The Reasons Set Forth In My Letter And Bill Available If You Have Any Questions During The Actually Item. Thank You Very Much.

Chairman Mann: Thank You For That Quick Summary. Paul Martin, Followed By Jim Stevens.

Good Morning. I'm Paul Martin, And I'm A Resident Of Fort Myers Beach. 14 Years Ago, We Decided To Sell Our House In Redding, Connecticut. There I Used A Mark Twain Library Which Was Given Money For The Founding, In Fact, Just 102 Years Ago. And, So, I Definitely Like Libraries, And I Was Impressed With The Library Hear Here. Being Close To Library Was One Of The Criteria When I Decided To Come Back To Southwest Florida. I Grew Up In Florida. What Bothered Me Was About A Year Ago, I Found Out About The Expansion. And, The Library Already Has Twice The Space Requirement That The Florida Library Association Standards Have For Florida Libraries. Twice On The Exemplary Basis. And, And I Also See That In The Future, There's Going To Be Less Use For Space Because Of The Technology That's Coming Down The Pike.

Because Of This, After I Attended The First Library Board Meeting Back Just Under A Year Ago, I Wrote A Letter To The President Of The Library Board, And Suggested That The Library Board Send A Letter To The Voters Of The Town. Nine Million Dollars Is A Lot Of Money, And Based Upon My Input, It Appeared That Very, Very Few People Knew About The Library. What They Were Doing, What The Cost And Scope Of The Expansion Was Going To Be. I Received A Response To What I Suggested That The Letter Lists The Pros And The Cons The Library Board Could Come Up With The Pros. A Group That's Against, Was Against The Expansion Could Come Up With The Cons. And Then The Voters Could Express Their Opinion.

This I Received A Response Back That The Library Board Already Knew What The Voters Wanted And This Was Inappropriate. They've Been Very Courteous. They've Been Very Attentive And I Appreciate That. Based Upon Very Few People Knew About The Expansion. For Contacts That I Have Had. And The Scope Being Machine Greater Than Needed And Very Expensive, That, I'm Requesting Basically That You Do The Oversight Review.

Chairman Mann: Thank You Very Much Mr. Martin. Jim At The Presence Is My Name Is Jim At The Presence Is I've Been A Member Of Friends Of The Library And Served As Vice President Over A Number Of Years. I Was In The Focus Groups, That Put Together Some Ideas For The Library. After The Focus Group Was Over, We Never Heard Anything Back From The Library As To What They Were Going To Do. I've Attended Many Meetings, And The Point I Want To Make Right Now Is That I Don't Think We Would Be Here Today If We Had Competitive Voting On The Beach, And The 16 Years Since I've Been Here. There's Never Been A Competitive Vote. Any Requirement But When There Was A Vacancy On The Board, Was To Send An Ad To The News Press. And The Legal Department And Nobody Read Its. So It Was Only One Person Running. It Was Legal, But We Never Had A Chance For More Than One Person To Run For The Board So That Both Sides Down Heard. And, This Is The Reason Right Now Is That People Now Are Learning That The Library Is Not Under

The City, That The Library And Independent Unit. That The Money That Was Being Payed For The Library Came From Their Taxes And Not From Contributions. So, I Think This Oversight Situation Should Be Looked Into. And That's The Last Cards I Have On The Library Issue. If There Are Other People Overlooked And You Want To Speak On That Issue, I'll Need To Hear From You As Soon As Bob Miller Is Done.

I'm Resident Of Fort Myers Beach, And One Year, Not So Naive Taxpayer. I Was And I Am In Favor Of The Remodeling And Limited Expansion Of The Library, Based On Needs. I Think The Library Board Does A Fine Job With The Library Services. They're Dedicated And Hard Work. However, Having Said That, I Don't Believe They've Been Accountable To The Taxpayer. That Lack Of Accountable Is Shown By Inflating The Expenditures To Provide One Million Dollars Of Surplus Per Year, Year After Year After Year. More Than 60% Of The Budget Was Surplus. Funds For Construction Were Never Truly Appropriated. Where Is The Transparency To The Taxpayer? The Elected Officials Must Show Fiduciary Responsibility. Now That Fund-Raising Is Over, The Budget Should Be And Was Reduced. But Not Substantially. What Happy Been Stated Is That The Actually Operating Expense, Exclusive Of Contribution Has Been Increased 50% Over The Past Two Years. From \$700,000 To Over A Million Dollars A Year. I'm Sorry, New Expenditures Are Being Added Because They Can. There's Money Available. The Library Board Has Provided A Community Center For The District. Well Done. But, Where Is The Fiscal Accountable, The Ability To Resist Unnecessary Spending, And Prix A Lean Budget. The Special Taxing District Is That They're Concerned Only With Their Specific Function, The Disadvantage Is Their Concerned Only With That Specific Function. I'm Used To Local Government In The Midwest Where All Deposits Are Under One Agency, And Elected Officials Provide Services And Resources And They're Accountable To The Taxpayers. Because We Have Special Taxing Distributions, We Need Someone To Prioritize Those Expenditures, District Wide On Fort Myers Oversight Of Those Special Services Need To Be From An Outside Agency's View. The Taxpayers Need Friends Of A Taxpayer And That Should Be You The Commissioners Of The County. Thank You.

Chairman Mann: Thank You, Mr. Miller. Cletus Poser. I'm A Lee County Resident Nine Years There Are Two References To Petition. Second One Said 600 Or Maybe 700. I Had Heard This Before And I Looked At It. 14 Pages And No Way You Can Get 45 To 70 Names On 14 Pages. 37 Of Them Would Be With The Board Of Elections. So Before You Accept A Number, Take A Closer Look At The Petition. Concerning The Phenomenals Report, For This To Be Considered So Important That It Will Become An Agenda Item Here. The Statistics In It, We Need To Be Highly Relevant To Running A Business. But What Difference Has It Actually Made In Decision Making. What That Town Actually Learned From The First Time In January, That Weren't Available During The Whole Process. None. Thank You.

Chairman Mann: Thank You, Sir. That's All The Cards I Have On The Library. But We're Still People Who Want To Speak On Any Issue On Our Consent Agenda Or

Administrative Agenda. Card In My Hand. As The Last One. Good Morning Commissioners For The Record, I'm Speaking This Morning On Behalf Of Southwest From Florida. The Foundation And Most Important The Citizens' Association. Weapon You Involved In Protecting Our Coastal Waters. Just As The Water Pollutes Our Estuaries. The Waters That Run Off Have The Potential For Polluting The Pass, And Our Pine Island Sound. I Urge You To Move Forward With Whatever Appropriate Legal Action Is Necessary To Make Sure That We Protect Our Coastal Waters And You Will Certainly Have The Support Of The Folks I Rep. Thank You Very Much.

Chairman Mann: Thank You Very Much. As I Stated Before, When We Get To The Public Hearing Issues, On The Recycling Or On The Bonita E.M.S. Issue, At That Time We'll Take Up The Public Comments On That. For Now Is There Anyone Else Who Has Comments On Any Idea On Our Agenda This Morning, Or On Our Consent Agenda Or Our Administrative Agenda. Hearing None, We Will Return Now To The Board And See If There Are Those Items That Commissioners Would Like To Be Pulled On The Consent Agenda. Commissioner Hall.

Comm. Hall: 16-A.

Chairman Mann: 16-A.

Chairman Mann: I'll Do Two Quick Ones, 10-A And 10-B.

Chairman Mann: A Motion By Commissioner Manning And Judah, Is There Objection To It? Show The Consent Agenda Adopted With Those Two Items. Commissioner Hall. 16.

Comm. Hall: I Wanted To Point Out A Couple Things Out. This Is A Report The Clerk Does For Us That Shows Our Investments, And I Think It's Important Especially As We're Going Through These Trying Times That We Recognize That There's Been Significant Cuts In Our Budgets, Our Salaries And All Those Line Items Of Last Year To This Year. Almost \$4 Million A Month In Personnel Expenses. I Want To Know That Because That Was A Lot Of Our Discussion During The Budget Process. I Want To Know That While I Applaud The Clerk, We Still Have Receiving Very Little On Our Investments. We Have Approximately Just Over \$1 Billion In Investments That Are Restricted Funds. Some Are In S.P.A., Some Are In Other Investments. We're Receiving Approximately \$600,000 In Interest For That Chunk Isn't That Great, But I Think Overall It Shows That This County Is On Holiday Ground And That I Want To Applaud Our Administrative Staff And The Clerk's Office For Working Very Diligently To Hold On To Our Financial Position, In Still These Trying Times That We Have. And Maintain Schedule Services, Our Ability To Respond To Needs When They Arise. And To Keep Us Very Healthy. So, I Just Want To Thank The Staff And Clerk And His Team For Keeping Us On Our A Good Financial Course. So, Thank You.

Chairman Mann: I'll Second Your Motion.

Comm. Hall: To Approve. Chairman Mann: Second By Commissioner Manning. Further Discussion On That One? Hearing None, Is There Objection To It? Show It Adopted Without Objection. Commissioner Judah 1-A. Comm. Judah: This Has To Do With The Legislative List With Regards To Our Interest In The Legislative Session. There's An Issue That Is Still Out There, As We All Know Regarding The Septic Tank Bill. There's No Question In My Mind That Given The Degradation Of Our Waters, Streams And Lakes. One Of The Culprits Is And Will Continue To Be Septic Tank Pollution. Unfortunately The Legislature Done Seem To Understand That It Must Be And Should Be Addressed. There's Notice An Earth Afoot To Repeal That Bill. What I Will Ask Is A Proportioned Approach That I Think Is Something That The County Is Pursuing, That The State Legislature Should Consider, And That's An Inventory And Evaluation, And, Comprehensive Overview Of The Number Of Accept The Tick Tanks That We Have In This County. So That We First Won't Know What The Extent Of The Issue Is That We're Dealing With.

I Think At The Legislative Leave, A Compromise As Opposed To Repealing The Bill Would Be To Ensure That We Ask Our Legislative Delegation And The Legislature Comprehensively To Consider An Evaluation Inventory And Confess Process. That Need To Be Replaced Or Fix, Let The Pros Unfold. Requesting An Item On That Legislative List For An Evaluation Report By The State Legislature As Opposed To Repealing The Bill.

Chairman Mann: Is That Your Understanding.

Chairman Mann: So That Would Be Consistent Certainly With That.

Comm. Judah: Yes.

Chairman Mann: Do Up To Do That As A Motion.

Comm. Judah: Yes, Sir.

Comm. Manning: The Motion Is To Move 1-A With The Addition. Second.

Chairman Mann: Further Objection To That? I'm Taking That As An Amendment. Now, Commissioner Judah Moves The Item. Second By Commercial Manning. Objection To That? And That Was Your Item Commissioner Judah. I Asked For 10-A To Be Pulled. We're Locked Into A Motorola Contract. We Didn't Reach This Age Of Technology, Bring In Other Folks To Compete And See If We Can Get It Any Cheaper. I'm Looking Some Time And I Want To Keep Singing About It Until Somebody Hears My Chorus. And We Get Other People We're Looked Into A Single So I Cried. Accept A Motion Second By Commissioner Hall.

Comm. Judah: I Don't Know People Thinking That We're Not Listening To Your Concerns, Mr. Chair. I Will Like John Wilson Explain The Fact That We Have Been Involved In This Process With Motorola For Good Reason. With Regards To Technology But John, If You Will Like To Elaborate. John Wilson For The Record. This Particular Item Is The Agreement For Our Dispatch System That Provides The Dispatching Services For Fire And Ambulance. This Is One Of Three Main Disagreements We Have With Motorola. The Other Two Will Be Coming To You In The Not Too Distant Future Meaning This Particular Dispatching System We Have Is Going To Be Replaced In The Near Future. Public Safety Reason Working In Lieu To Look At Other Options In Regards To Replacing The One. Depending On How That Particular Investigation Goes, We May Be Looking At An With Something That Will Work For August Of Us. I Guess, At Least In This Particular Item, That You Are Eck Pressing Concern About.

Chairman Mann: I Understand The Background. Is There Further Discussion? We Have A Motion, Right.

Comm. Judah: It's Just A One-Year Contract.

Chairman Mann: Further Discussion? I Have A Motion, Right? Is There Objection To The Motion 3-1. Comm. Manning: Come On, Frank.

Chairman Mann: 10-B, Thank You To The Fishers Of Men Lutheran Church In St. James City For Their Willingness To Without Charge, Lured Us To Use Part Of The Their Facility If There's A Hurricane Emergency Down There, And There Are Lots Of Because Them, How We Would Get. Commissioner Manning. Show I Adopted Without Objection. Our Administrative Agenda.

Comm. Judah: Mr. Chair. Chairman Mann: Yes, This Is On The Library District.

Comm. Judah: Before I Comment, Our Assistant City Attorney Would Like To Comment First. I Don't Need To Put Anything On The Report, I'm Here To Answer Questions. Comm. Judah: Ok. I Was Hoping That We Could Just Adjourn At This Time And Take All The Library Patrons And County Sill And Head Down To The Beach And Just Drink By In A Coladas The Rest Of The Day. [Laughter] I'm Usually Dealing With Public Transportation Trolleys, And Personal Water Craft. I Say That Because Someone Said, Do We Really Have A Sense Of Humor? Well, Yeah, At Times. And I'm Trying To Put In Perspective Because I Love The Beach Community. It's Been Evident That Perhaps This Issue Has Been Super Contentious But Overblown From The Stand Point That There Have Been Spirited Discussions. I Would Understand As An Elected Official Why The Mayor And The Town Council Requested The Public Records. They're Doing It On Behalf Of That Are Requesting That Information. So It's A Natural Ever Loose For The Councils And To Make That Request So, Whether They Agree Or Disagree On A Particular Issue, They're Trying To Address The Concerns Of Their Wide Constituency Base. Having Said That, I'm

Very Appreciative Of The Incredible Like None Other And As To The Beach Community, It's A Senator Beach Community. It's An Area Where People Can Get To. Families, Friends, Tremendous Service To So What It Come Down So, Is The Lee County Commission Has. With Regards To Form Our Beach Library. And, Because, That The Overnight Pertains To A Public We Never Really Have In Great Zeal Requested These For Years Past, But Nonetheless, That Seems To Be The Linchpin Of Where We The County Commission Would Have Oversight, And That's The Public Facilities Report. That It's Out There. I Applaud An Issue Requesting The Potential But, As The Joint Legislative Had Stated If Their Response To Many Duran And Mr. Martin, Regarding The Expansion Of Library, The Two Main Loan, And The Information About The Project, The Joint Legislative With Regards To The Library District Decision. With Regards To The Information About The Project The Auditor General Provides That Information About The Project. So, I Guess What I Would Ask Is Keeping The Beach Community Intact, And Try To Minimize The Confrontation That Has Kurd Over The Last Several Months. I Know Everybody Is Ups The Library, All I Would Ask, And It Has To Be Voluntary, Would Be More Than Billing Based On Written Requests For Certain Types Of Public Information, Records. To Provide That Information. And, Do It So San Luis Obispo Voluntarily. I Would Just Ask That The Speech Library Be Forth Comes As They Always Have But From A Legal Standpoint, It Really Subpoena Our Business, The County Commission To Get Directly Involved.

I Think This Is An Issue That Sort Of Can Be Worked Out Between The Council, The Constituents Have Concerns About The Workings Of The Library, And The Fort Library And The Bay Support The Library, And I Just Feel Tremendous Faith In The Mayor And The Council. They're Good People, Just Trying To Do What's Right For Their Constituents Everybody Can Get Together And Work Things Out. The Report Has Been Submitted. And So Mr. Chair, I Guess The Best Approach Would Be To Table The Request And Let The Process Evolve With Regards To Community Working Things Out Within The Community.

Chairman Mann: Well, Seems To Chair If We Take No Motion And Take No That Nothing Would Occur. And It Would Be Status Quo And The There Would Be No Oversight From Part Teamed. So If There's No Motion, Obvious So, It Would Be Status Quo. And I Think What You're Tabling It Would Create The Same Thing.

Comm. Judah: I Would Make That Motion. That's Pretty Much What The Audit Committee Basically Stated In Their And Their Review, To Provide Additional Overseeing The Information Has Been Addressed.

Chairman Mann: We'll Take It That Way, Motion To Table Further Discussion Or Action On The Fort Myers Beach Library Michael, What Is Our Role To Be Now That The Report Has Been Sent To Us, And We Pass That Report On To The Clerk? I Don't Think Anyone Of Us Has Heard From The Clerk At This Point. At Least I Haven't. I Don't Believe You Have, And In Terms Of What You Have, You Have Know Further Responsibility Under The Report Itself. Puff An Ongoing Ask For The

Town To Conduct The Chapter Oversight, And To Table Further Review, And That's What You Have. Comm. Manning: So 189 Because The Library District Ex-Tends Beyond The Municipal Boundary, Because It Extends Beyond The Town Itself.

Comm. Manning: What Entails The Review? Well, 189 Is A Host Series Of Items That Go.

Chairman Mann: Like Eight Or Nine Items That You Would Have To.

It Does Not Encompass Or Envision A Review, Some Of The Commissioners This Afternoon Or This Morning. What It Does Look At Is The District Itself, Which Is More Aligned, Planning And Type Of Review.

Chairman Mann: Did We Give Clerk A Timetable To Bring That Back To Us? This Role To Step Report.

Comm. Hall: I Just Want To Role Other, He's Our Auditor And He's Not The Auditor Under Chapter 189, So This Is No Audit. Part Of 119 Looking At Making Sure That These Are Put On A Website And That They're Available To Anyone, Any Member Of The Public, And I Believe That's Where The Library, Some This Has Change I'm Ready To Go Forward And Accept The Motion.

Chairman Mann: I Have Referred To The Information I Had Been Behalf Of Our Corner Attorney's Office Here, It Fierce Me That As Far As What I Sense Where The Town Was Heading, As Far As Kind Of An Internal Review Or An Oversight Regarding The Budget. To Pursue That, I Think What We've Established Here, Is I'm Trying To Satisfy Most Everybody Here.

The Beach Library Into A Brighter Focus Than Its Ever Been In The Past. And I Think The Public Now Notices Where To Go With Their Concerns On This Project Or Any Future Projects Out There, Or The Operational Budget. So, The Focus Of Bright Attention I Think We Have Accomplished. I Hope That Helps The Town Of Fort Myers Beach, But I Don't See We Have A Role That We Can Play Beyond Having Just Been The Catalyst For Bringing This Issue To The Fore, And Giving It The Public's Attention It Needed. But That's Behind Us. I Would Like The District Commissioner Who Represents The Beach To Be The First To Speak On This. And We Do That As A Custom If There's An Issue Involving A Particular Part Of The County We Have His Motion, Any Further Discussion On The Matter? Is There Opposition To The Motion? Show It Passing Unanimously.

Quietly Beach Folks, Thank You Very Much, But You're Excused If You Would Like To Leave. Thank You Very Much For Your Patience In Working With Us This Morning. Ladies And Gentlemen, Let's Take A Three-Minute Break While We Get Ready For The Next One.

Chairman Mann: Hello, Testing. Back To Work. Break Is Over. Thank You, If You Can Take Your Seats, We'll Get Back To Work.

We Are Now On An Administrative Item. I Think It's Our Only Administrative Item This Morning. I'm Sorry. I'm Sorry. We Are On The First Public Hearing. This Is Public Hearing Number One, Scheduled For 9:30. Leer Right On Time, To Consider The Recommendation Of Special Magistrate. Councilor Do You Need To Get Us In Some Legal Format Here. Yes, Sir, I Do.

Good Morning, Assistant County Attorney. I Have Before Me An Affidavit Of Publication For This Morning's Public Hearing On This Item. This Is Your 9:30 A.M. Agenda Public Hearing Item Number One. The Affidavit Is Legally Sufficient, And I'm Going To Provide That To The Board's Clerk. As You've Noted, Mr. Chair, We've Had A Special Majesty Proceeding. This Was The Result Of A Rezoning That Was Heard By The Lee County Hearing Examiner Back In May 5 Of 2010.

A Recommendation For Approval Of That Request Was September Forward To The Board. The Board Heard The Case On September 10, 2010 And Denied The Request Citing Concerns Surrounding The Area Of The Project Were To Be Approved. As A Result Of That, The Property Owner Filed Suit In Circuit Court, And As A Result Of That, This Mediation Process Has Come Forward As An Attempt To Resolve Or Mediate The Outstanding Litigation. Special Magistrate Proceeding Was Held On September 15. And In The Blue Sheet We Have A Result Of That Proceeding And Outline The Original Request. The Revised Request Has Close To 30 Conditions That Apply. Plus Another 22 Or So That Are Contained In The Recommendation From The Special Magistrate. At This Point In The Proceeding, You Have The Ability To Accept The Special Magistrate's Recommendation.

You Can Reject It, Or You Can Modify It And Select Alternatives. We Investigate That You Allow 10 To 15 Minutes For The Petitioner To Address The Board. 15 Minutes For County Staff And Public Comment, Typically Since This Is A Zoning Case, We Would Suggest Five Minutes Per Person. And Then An Opportunity For The Applicant And Petitioner And The County Staff. The Department Of Community Recommended That The Board Accept The Rest Of The Special Magistrate's Recommendation And We Would Note That In The Recommendation It Includes Conclusions That Are Attached To That And Noting That This Litigation Resulted From The Board's Denial, And An Assertion That The Decision Was Unreasonable Because Of The Substantial Competent Evidence In The Record Below, That The Application Was Consistent With The Lee Plan, And That It Met All The Criteria For Approval That Contained In The Land Development Code. I'm Here For Questions, As Is Staff And You May Proceed, Sir.

Chairman Mann: Don Leave Yet. The Staff Recommendation Is To Accept The Special Masters. That's Correct. And Failing To Do That, Where Does That Leave Us?

If You Fail To Do So, Then That Is Deemed To Be A Rejection, And The Mediation Failed, And At That Point The Litigation Will Continue.

Chairman Mann: And Where Is It Resolved. At That Point It Will Be Decided By The Circuit Court. Again, The Petitioner, Matt Is Here. They Have Asked To Have The Original Underlying Request That The Hearing Examiner Recommended And That The Board Denied. They're Asking To Have The Court Affirm That Should Be Approved. Your Suggestion We Hear From The Applicant, And Then Our Staff, And The Public, And It's The Same Public Rules That They Had To Be Involved In The First Public Hearing. No It's Open To The Public. Front And Center. We're Here Today In Full Support Of The Consent Recommendation From The Special Magistrate Which Has The Support Of The Staff And The County Attorney's Office. I Just Want To Give You A Few Minutes Of Background As To How This Application Has Changed, And How This Situation Has Evolved. The Subject Property Is Roughly 24 Acre Parcel Located South Of The Caloosahatchee River, West Of Canal That Has A Development To The East Of It. East Of State Route 31 Bridge. That's A Marina To The West Of That, And North Of A Vacant Parcel Zone This Is The Property Here. The 24 Acres, Roughly. The Prepare Is In The Land Use Category And Is Primarily Zoned Currently For Multifamily At About Six Items, So The Current Installment For This Property With The Existing Zoning Is Roughly 120 Units, Most Multi Family The Analysis Indicated There Would Be A Consistent Number Of Docks For Accessory Uses That Could Be Built On The Site With The Existing Zoning. My Client's Had Two Parts. One Was A Hotel Of 300 Units. Was To Be Pit Built On The Northern Part Of The Property. That Would Have Included Commercial Uses Including A Restaurant. The Second Part In The South Was A Marina Which Would Have Consisted Of 45 Dry Slips, About 15,000 Square Feet Of Accessory Retail Uses. Office Uses, Some Residential Uses, And 10,000 Square Feet Of Buildings For Repairs. The Staff Recommended Approval Of That Application.

We Had No Issues With The Staff At The Hearings Examiner Hearing. The Hearing Examiner Recommended Approval. That The Board Did Deny It. It Seems To Us Largely Based On Testimony That Some Members Of The Caloosahatchee Shore Planning Committee Thought That The Plot Was Not Appropriately Commercial In Nature, So They Were Opposed To It. We Have In Fact Filed A Suit Given That It Was Clear There Was Going To Be Opposition From The Caloosahatchee Shores Group. I Made Sure We Would Have An Excellent Report In This Case, And Our Chances Are Very Good. Nonetheless When The Staff And County Attorney's Office Suggested We Do A Mediation, We Did Agree To Do That. And We Did It Not Through The Normal Mediation Process. So This Is A More Public Process Than Its Would Have Been, But For The Decision To Do That. The Plan You Have In Front Of You Today Is Laid Out To The Previous Bun But The Uses Are Much Moyer Intense Than The Previous Use. The Hotel Has Been Replaced By A Care Facility Consisting Of Assisted Living Facility And Independent Living Facility Uses. That Clearly Is Not A Commercial Use. There Are Ancillary Commercial Uses That Are Authorized In The Schedule Uses. But They Are Subject To Conditions That Prohibit Among Other

Things Any Outdoor Signage Or Direct Outdoor Access. All The Access Has To Come Through The Building, Which Means Effectively, That The Only Consumers Of The Commercial Uses There Will Be People Who Live In The Continuing Care Facility. The Session Part Of It, The Marina Has Also Been Dramatically Scaled Back, The Dry Slips, The 24 Dry Slips Have Been Removed. The 44 Slips Remain, But 17 Of Them Have Been Allocated To An Accessory Use For The Alfs. So, They're Similar To What We Can Have Down With The Existing Zoning.

The Remaining 27 Spaces Could Be Represented Out To The Public, But That's Not A Significant Difference In Terms Of The Impact. As Far As The Building Goes, It's Reduced That From The 15,000, And 10,000 Figure To Just One 5,000 Square Foot Retail Building For A Ship Store, And One 5,000 Square Foot Building For Repairs, And Just To Be Perfectly Candid With You, If This Is A Big Deal To You, My Client Has Indicated That He Would Be Willing To Give Up All Of The Commercial Ancillary Uses For The Marina Which Means All He Will Be Doing Is Representing Space To People, That Would Be More Analogous To Renting Your House Or Anything Else. So The Concern About Commercial Uses Would Not Be Well Taken, So The Bottom Line Is You Have A Choice Today, Obviously If You Turn This Down, We Can Go Back And Litigate About The Hotel. Or We Would Ask That You Approve This Today. I Would Point Out That The Plan Was Included In The Plan At A Meeting Last Month But That Amendment Has Not Become Effective Yet. So You Are Legally Able To Make The Change That's Being Proposed Today. If You Have Any Question, I Will Be Happen To Answer Them.

Chairman Mann: Who In Our Staff? We Have Some Staff Here, I Guess My Question For You Would Be Do You Actually Have Questions For Staff Tip? If You Don't-- We're Prepared To Have You Take Public Comment.

Chairman Mann: I Want You To Question Again That I Tried To Ask Earlier. Maybe I Didn't Understand The Response. It Has To Do With We Turn This Down, Feeling A Little Vulnerable Here What Happens? Again, If We Do Not Accept It, Then The Litigation Will Resume.

Chairman Mann: And What Kind Of Leverage Would The Applicant Have Against The Folks That Are Not Happy About This? I'm Sorry?

Chairman Mann: Because We've Gone As Far As We Have, Would The Magistrate, Does That Give Some Type Of A Leverage? Is That Permitted In The Tower. And Or Do You Go Back To The Hotel. At This Point It Goes Back To The Original Request. The Proposal That's Come Before You Today Is Significantly Reduced In Terms Of Its Impact. But They Are Not Bound To Accept That. And The Court Is Not Bound To Accept Agreement Of A Reduced Level Of Impact To The Project.

Chairman Mann: Major Points Of Contention In The Court. What Would The Court Entertain Here. At This Point It Goes Back To The Underlying Request Which The

Applicant Or Petitioner Has Said Meets All The Requirements Of The Lee County Supervisor And To Support That Assertion, They Have Is A Recommendation Of Staff And The Staff Report For Approval. They Have Is A Recommendation From The Hearing Examiner With Findings And Conclusions. So They Have Evidence That They Have A Request That Will Come Before You, That Meets The Rumors And Should Otherwise Be Approved. That Was My Point, Council. I Feel A Little Vulnerable Going Back Into The Courtroom With Some Loaded Guns Against Us. But Any Further Questions Of Our Staff And If Not, Then We'll Hear From The Folks That Are Not Real Happy About This Project. Rose Lee? Are There Others That Want To Participate In This Issue? Ed, Are You Going To Speak For Everybody? Ok. Good Morning, Commissioners.

My Name Is Ed Kimbel. And I Plan The Caloosahatchee Planning Committee. We Agree With Your First Decision To Reject It. We Had A Number Of Confusing Things That Took Place. You Approved Final Approval Of That Plan September 28th. At That Time That Map Included In The Plan Denoted This Property As Being Multifamily. Not What The Petitioner Is Recommending At The Time. Right Now What It Means Is If You Approve This, Next Year We Have To Go Through Another Amendment Cycle Just To Straighten That Out. We Don't Feel That This Conforms To The Basic Plan, Policy 4.0, Objective 4.2. We Were Very Conscious Of This During The Development Of A Plan And We Established The District. We Did Not Want Individual Applications Like To Pop Up All Out Of Place, With This Excuse. We're Trying To Create A Central Area, They've Given That Sense Of. I Realize It's Going To Create Legal Issues, We Didn't Go All Of That Work On Our Plan To Have It Fall Off The Track. Thank You.

Chairman Mann: I Have Your Cards. Good Morning. I'm Not Going To Reiterate What Ed Said. I'm Just Going To Say, I Agree With Everything He Said. If Our Plan Was Approved, We Wouldn't Be Here Today. So I'm Against The Plan As It Stands. Thank You.

Chairman Mann: Thank You, Ma'am. Jeanette Drift. I'll Turn My Back On You And Take A Little Swig. We Is The Down, We Discussed It, And What Was Discussed And What Are All Behind. I'm Going To Tell You What The Plan Was Finished When It Was. And, It's Not As You All Know, We Have Been Here For Many, Many Years. Thank You For Your Time. Thank You, Miss Trip, And Thank You All Three Of You For Your Many Hours Long Suffering On Behalf Of The Eastern Part Of The County. Are There Other Members Of The Public That Would Like To Speak On This Issue. Seeing None, I Will Come Back To The Board For A Discussion Or A Recommendation. Thank You, Mr. Chairman.

Comm. Manning: When We Originally Set Up This Process Many Years Ago, It Was To Not Politicize The Process Of Reasonings And Amendments Such As This One. Unfortunately The Mandate Of The Hearing Examiner's Decision, One Way Or The Other, If The Hearing Examiner Makes A Decision To Approve The Application,

There Has To Be Legal People Tell Me Where I'm Going Astray Here. Legal And In Some Cases Statutory Dictate Whites We Would Consider I Were Thing Down That Recommendation. We Did Turn Down This Recommendation On A Unanimous Vote, One Of The Few, Unanimous Votes We Have In Some Time, Quite A Bit. But, When You Go Through The Special As The Not Only State You Come To A Point Where A Decision Has To Be Made That Will Allow Or Disallow You To Make The Right Decision. If We Don't Go With The Special Magistrate In This Case, What The Applicant Can Do Is Go Back Into Court With As Was State On The Record, Compelling Legal Evidence And Very Strong Evidence To Go Back To The Original Proposition, The Original Plan Which This Board Rejected. You Have To Follow This Property Closely.

Comm. Judah: Mr. Chair. Staff, Whoever Is Representing Staff.

Chairman Mann: Legal Folks.

Comm. Hall: Ken Is Coming Up. Good Morning, For The Record Pam.

Comm. Judah: Condition We Have An Issue With Regards To The Increase In Density And The Impact It Would Have With The Language Concerning High Hazard Areas. Not To My Knowledge. The Density An Play Of The Day Was In The.

Comm. Judah: There Was No Plans For Coastal Hazard. No, Sorry.

Comm. Judah: Thank You, Pam, I Appreciate It, And To The Attorney's Office With The I'm Not Sure Whether Or Not We Have That Discussion. Legislation. In This Case We Will Not Be Able To Do So. We Have Susan Henderson From The County Attorney's Office. She May Be Able To Bear Answer That Question, Than I Can. But I Know We Had That Discussion At One. And, It Was Not Able To Do So Realizing That Was Pending. I'm Just Trying To Remember Whether We Had Discussion In Terms Of Invoking Smith V. Clearwater To Proceed To Address The Concerns Of The Residents On This Property And Susan, If You Want To. I'm Representing The Board Of County Commissioners In The Pending Litigation Which Is The Case That Was Filed Base Of The Original Rejection Of The Applicants Plan. The Fact That There Is A Pending Plan Amendment Does Not Have Any Effect On That. Is That What You're Asking?

Comm. Judah: Knowing There Was Penning Legislation That Was Actually Be Would Have Precedent Over That Which Is Being Requested For A Particular Use Of Property. But For The Fact That We Haven't Approved That Legislation, Actually Make A Commitment Based On The Pending Legislation, That Would Be The Grounds For Denying A Particular. Perhaps, There's That Position Had Been Contained In The World, But It Was Not.

Comm. Judah: Thank You, Susan.

Chairman Mann: Any Questions Of Staff This Is Tough, But We're Having To Deal With A Track Record With Regards To The Overturn The Hearing Examiner. I Don't Know If We've Ever Prevailed When Its Gone To Court.

Comm. Hall: To My Knowledge.

Comm. Judah: I Also Understand That The Very Precarious Defensible Position That Places This Board In, Have Now Gone To Special Magistrate. It's Clearly A Reduction In Intensity And Intrusion In The Neighborhood, In The Area. I Just Have To Be Able To Hang My Hat Legally On Being Able To Go Back To Court And Hayes The I'm Having Right Now.

Comm. Manning: Unfortunately Mr. Chairman, I'll Make That Motion.

Chairman Mann: Well I Need A Second For That. Well, I Don't Have A Second. Do I Have Another Motion To Either Reject It Or Modify It In Some Way? Well. Commissioners. If I May, County Attorney. You Did Have A Suggestion From Attorney Huley That They Would Consider A Modification Of The Request With The Review Of Certain Uses. That Could Be A Modification You Could Consider. I Asked The Extent Of That, If You Would.

Chairman Mann: That Offer Is Still On The Table, I Presume? Could You Dollar Fight, Please. The Offer Would Be To Remove All The Marina Accessory Unit So The Only Activity Would Be The Representing Of Submerged Lands, There Would Be No Repairs, No As I Indicated As No More Commercial Than And That's Not A Commercial Use. So To The Extent That The Caloosahatchee Shores, People Are Concerned About Having Commercial In Their Area That Will Minimize It, As Far As You Could Be.

Let Me Ask This Back To Our Attorney. If We Reject All This And It Comes In The Courts Now. Is The Hearing Officers Recommendation For Approval Admissible In The Court? Absolutely. Along With Our Staff Recommendation. Absolutely. Yes, It's All Part Of The Record. And, The You Know, A Recent Experience That This Board Had That I Would Call Your Attention To Ask Midtown Estero. Where I'm Going I Think Everybody Is Reading My Mind. It's I Think We're Vulnerable As We Proceed In Court. And It Might Be Judicious On Our Par. Do You Accept Mr. Uley's Kind Of And Further Limit The Potential Development Here. Any Comments?

Comm. Manning: I'll Try It Again. Offered To Truce Commercial Activity On Site. I Will Make The Motion To Concur With The Staff With The Amendment By The Applicant To Reduce Those Uses.

Comm. Judah: Would You Like To Pass Over The Gavel. Comm. Hall: The Chair Can Second The Motion. We Have A Motion. He Doesn't Have To Pass The Gavel.

Chairman Mann: I've Got Terrible Mixed Emotions About This As Do We All.

Comm. Manning: It's Going To Cost Us More Down The Road At Least For Now For Discussion Purposes, I Will Second The Motion, And See If There Is Other Thoughts Before We Vote Is There Objection To The Motion? Hearing None, It Passes 4-0. Thank You All For Your Patience And That's Where We Are On That One. We Are Now On The Next Item. Which Is The Public Hearing. On Solid Waste. Good Morning Members Of The Board, Andrea Frazier. I've Had The You Want The To Review The Application. I Fine It Legally Sufficient In Form And Content To Proceed. The Notice Was Published In The October 14th, 2011 Fort Myers News Press. And I Will Land It Over To The Clerk For Incorporation Into The Minutes.

Chairman Mann: Could You Simplify Ma The Blue Sheet Does. We Were To Go Forward With This, What Would We Be Doing? You Would Extent The 23 Mobile Homework Parks Until 2014 Or 2015. Of Allowing Them To Have Recyclable.

Chairman Mann: Correct. Like They've Been Doing And They Can Do It For Another Four Years.

Comm. Manning: Clarification, Correct Me If I'm Wrong, Sunset Provision Done Means It's Going To Be Sunset. What It Means Is That The Elected Body Will Review The Progress Of That Ordinance, And To Come To Some Conclusion Either On That Data Or Before That Dates, Is That A Fair Statement? Yes, You Have To Bring It Back Before On The Seventh.

Chairman Mann: Mr. Chairman, I Believe The Applicant Who Will Come Forth Will Be Request A Deferral Until November 8. When There Is A Full Board Again. Today's Meeting Is Only To Move This Public Hearing To That Date Certain, We Need To Open Up The Public Hearing As Was Done, But, If You Want To Come Forward And But On The Record What Your Folks Want To Do, That Would Be Great. I Was Hoping This Would Be Our Last Day But Apparently Not. Hopefully Not. We Believe This Issue Is Too Important When You Will Have A Full Board, If Commissioner Shall Not Going To Be Here On The 8th, 10 On The Following Meeting.

Comm. Manning: I Would Make That Motion, Commissioner Mann, I Have An Awful Lot Of People That Came Here This Morning And Want To Be Her.

Comm. Hall: They Can Still Be Heard. You Got In A Sense An Applicant Requesting For Deferral. We Can Still Take Public Input. Wee Take The Motion After The Public Hearing. It's Presumptuous Of Us To Make A Motion With Prejudice The Comments Perhaps People Want To Hear.

Good Morning, My Name Is Barbara Olivera And I'm The Association Manager For Tammy Village, Thank You For Allowing Me The Up The To Speak To Each Of You This Morning. Yesterday, I Had Forwarded An E-Mail To Each Of You, A Letter That I

Had Addressed To Commissioner Manning. And Early This Morning, I Realized That I Had Made An Error On Page Three.

I Used The Term Mr. V. Park Instead Of Mobile Home Park. It's One Of The 23 Mobile Home Parks That Fell They Had Been Grandfathered, Allowing Them To Continue Their Current. With No Limb On Time. The Belief Is Supported By Commissioner Manning's Motions. But First Being A Public Hearing On May 31st. Where He Stay Stated I Would Like To Move That We Eliminate The 2015 Sunset Provision, That We Can Continue The 2008 Grandfather's And The Grandfathers Included The 23 Or 25, Whatever The Number Is, Mobile Home Park, That A Being Service By Private Developer One, And Private Vendor Two. On June 6th, 2011, Commissioner Manning Reaffirmed That By Stating My Point Is This. As Long As The 23 Can Stay Where They Are, Status Quo Remains, And Obviously, If Anyone Of The 23 Want To Opt Back Out Of The Situation, I Believe That's Contained In The Motion I Made Last Week As Well. Plus, The Need To, I Don't Know How To Delineate The Classification From Business To If The Way They Are Presently Classified. Yes, On A Letter Addressed To Tammy Village Arrived Stating Exactly The Opposite. On August 13th, 2011, Mr. Samson September A Letter To Mr. Jim Suitor, Informing Him The County Commissioners Discussed The Subject Ordinance. Did I Miss A Meeting?

Where As The Commissioner Manning, Motions Were Rescind And A New Vote Was Taken, Because I Really Tried To Make All The Hearings That You've Had Discussing This Issue. At The September Meeting, Mr. Manning Asked Mr. Simpson If There Would Be Additional Cost Incurred By The 23 Associations If They're Changing. I Personally Do Not Provide Mr. Manning Or The Board With The Correct Information To Make The Decision That Was Made.

Chairman Mann: We've Run You Three Minutes, Can You Wind Up, Please. I Can Wind Up, Please. I Want To Stay State The 23 Associations Are Faced With A For Each Time The Boat Is Proud, That's An Crease Of \$11,000 A Year. At This Time, Would Everyone From Tammy Please Stand Up Or Raise Your Hand, Because Commissioner Hall, I Want You To Realize Each Time You Voted Against The 23 Associations, A Lot Of Your District And These Are Real People, You Voted Against, And They Need You To Reconsider Your Vote. I Have To Ask You To Conclude Your Remarks. I Would To Thank Commissioner Manning And Commissioner Bigelow, The You Want The To Be Heard. Thank You. Thank You Very Much.

Trevor Followed By Steve. We Have A Lot Of Those Mixed In With Recycling. And A Natural Mistake. Murphy? Larry Murphy? Can You Sit Down? On This Issue, Larry?

No Good Morning, Everyone. Hopefully There Be The Last Day You Have To Deal With This Issue, Because The Way I Understand It, I'm Hoping That It's In The Affirmative That It's Been This Is Taken Out To 2015, I Think My Friends And Associates At The Manufactured Home Communities Would Think It's A Fair Offer

Also. As You Probably Remember, I Was Here Several Times Advocating For The Communities. In All Fairness, With This New Situation, New Ordinance, The Way It's Hopefully Voted On Today, That Not Exactly Have Their Cake And Eat It Too. If I Understand It Correctly, And I Think I Do, The Fact That You Will Pay For Only Things That Are Taken Out, That They Have To Generate And Pay A Fair Price, Whatever That Number Is, Seems To Me As A Citizen, And Should Seem Fair To Anyone Involved. The Ticket That I've Been Subsidizing Someone Else's Pickup, Whatever That Might Be, The People Getting Use Of It Would Pay Their Fair Share. Sault, With That, I Hope This Doesn't Yet Again. I Know It's Not Pleasant For You. This Has Been On The Agenda For Six, Eight Times Every Time There's A Little Bit Of Confusion. Hopefully Today There's Not Much Confusion, Because Hopefully This Will Put This Thing To Rest. And You Want To Deal With It In The Future. Thank You Very Much, And I Think The Board Will Do The Wise Thing Today.

Chairman Mann: Thank You, Mr. Murphy. Mr. Weiler? Thank You. Followed By Ian Stewart. You're Ian Stewart? Thank You. Good Morning, Commissioners. I Appreciate The Time We All Spent This Summer Over The Situation. I Will Say Eye Been Very Confusing For Us. We've Left These Meetings Twice Thinking We Have Received What We Asked For, To Continue With Our Recycle Program, Not To Have To Change To. Sitting Here In The Meeting That Was The Motion Put Forth, And Approved. And Then We Leave And Come Back And Say, No, No, No, That's Not What's Going To Happen After All. For Us It's Been Very Confusing. My Fight Is For My Residents Who Work So Hard To Contribute To The Community, And That's Not Just Indian Creek, That's Lee County Also. We Are Asking To Keep Our Recycle Program As It Is, We Use The Fund Become Tax Fires The Community. Please Don Let Us To Be Commercial. And Do Not Put An End Date On That.

We've Been Told At This Meeting That The Money That Lee County Will Direct We Want To Encourage The Volunteers. That's My Point Here. They Volunteer At Indian. Anywhere You Go You Almost Come In Contact With A Volunteer. We Want To Encourage People, Not Discourage Them. Lee County Benefits More Dollars From The Time They Get Some Volunteers. Than What They're Going To Get From Getting Our Cans And Newspapers. Our Volunteers Also Volunteer For Many Things In The Community. The Relay For Life. We Have Distributed. We Have Another One On Our Property. We Have Won Best Limited Relay For Several Years. And We've Contributed Thousands Of Dollars To We Have Cribbed Over 20 Years Lee Connect Our Volunteers Take Part In Being On Call To Use These Defibrillators In Our Community For Our Residents.

They've Helped Other Communities Get Started In This. They Do Many Things For Community. Which Had A Pet Show Last Year And The Money We Want To The Animal Shelter. They Make Ambulance Committees For Their Animal And Donate Them. They Make Them And Donate. We Had A Dance Last Year Where They Had \$5 Worth Of Cans And Food To Harry Chapin. Our Residents Are Always Given To The Community And To Lee County And Ask You To Please Keep Our Program As It

Was, Which Has Been Agreed To Several Types At The Meetings. Thank You So Much. Chairman Mann: Thank You, Again. And You Will Be Followed By David Danielson. Thank You, David. Oh, My.

Good Morning, Commissioners. I'm A Transplant. I'm From New Ham, But I'm Now A Resident Of Florida. A Home Owner, A Homesteader. A Taxpayer And A Registered Voter. I'm Speak Of The Area Of Recycling. Our Sewage Costs Have Gone Up, And Now You Want Our Trash. Go Figure. I Come From A State With No Sales Tax, No Income Tax. Where The Obviously The People Up There, The Legislature Is Doing Something, And Doing Something Well, I Think. I Think A Rule Of Thumb Is Know When To Hold Them And Know When To Fold Them. Leave Well Enough Alone. It Works For Our Community And Works For The Greater Community. We Have Dozens Of Volunteers Within Our Community Who Peck Up This And So Far Organization Is Telling Us You Guys Can Do It Cheaper Than Free. Somehow We Wonder If It's An Offering. What We Want To Do Is Continue This. We Adopt Want A Date Of The 15th, If It Ain't Broke, Don't Fix It. Leave It Alone. That Man Goes Back To Our Community, Which Is Way, That Have Lost Contact With Us People Are Doing Or Trying To Do Within The Village, So I Thank You For Your Time.

Chairman Mann: Dick Gray, Followed By Sandy. How About A Dick Gray? All The Cars I Have On This One. That Second Dare Recycling, I'm Sorry, I Accidentally Have These Recycling Cards, But What You Wanted To Speak On Ask A Consent Item That We Already Passed. We're Going To Public Hearing, We Set A Date For It Earlier In The Consent End. If We Were Against It.

Comm. Manning: They Can Speak At The Hearing.

Chairman Mann: You Can Speak At Our Public Hearing Here In A Minute.

Comm. Hall: No Oh, There Was A Public Hearing Set For November 8th At 9: 30.

Comm. Manning: No.

Chairman Mann: Bus It Not?

Comm. Manning: No, Let's Not Confuse It. They Can Speak At The Public Hearing.

Chairman Mann: The Today?

Comm. Hall: No. The Public Hearing Is The 8th, November 8, Or They Could Speak Later This Morning Is What You Suggested. Two Opportunities If You're In Favor Of The Ordinance, You Can Come To The Public Hearing On November 8th At 9: 30 A.M. And Speak For It. But We've Adopted Moving In That Direction. I'm Sorry, We've Got You.

Comm. Manning: The Motion Is To Defer This Item To Readvertize For November 15th When We Hope There's A Full Board Here?

Comm. Judah: Second That Motion.

Comm. Manning: Thank You.

Comm. Judah: I Feel I Need To At Least Explain The Dilemma That I Have With Regards To This Issue. I Think That Those That Are Here That Are Interested In This Issue Give Some Thought To What's Cause For Concern For Me As A Policy Maker. I First Of All Fully Support What The Village And The Other 21 Mobile Home Parks Requesting With Regards To Being Able To Contract Out And Sell Your Your News Print To Bring In Revenue, To Fund Scholarship Replay For Life. Just A Variety Of Meaningful And Upgrading Your Own Mobile Home Parks, Even Though Lee County Is Trying To Continue To Operate A Solid Management Program, Where Everything Else Is Going Up, Where We're Reducing The Garbage Rate Us Because Everyone Shares The Solution To Off Set Cost. We're Looking At \$300,000. That Lee County Is Ready To For Go. Because I Recognize What The Community Has Been Accomplishing Over The Years Putting That Money To Good Use In The Community. Here's The Dilemma I Have, And This Is What I'm Asking Of You. What We Now Battled With To Reject Is That You're All Being Like A Commercial Business Category In Or To Be Able To Independently Contract Out And Sell The News Print And The Aluminum.

And Again, It's Fine. Somebody Has To Pay For That I'm Struggling With, It's The Other Small Businesses And Multi Family Residential To The Tune Of About \$120,000 A Year, That Has To Pay For The Removal Of Bulk Waste That You're Not Paying For. So What I'm Saying Is Yes, It's Ok To Get The Revenue For Those Needed Worthwhile Program To The Park, But What We're Doing Is Allowing The Other Businesses And Multifamilies To Subsidize The Operation. Because You're Not Paying. So I Know It's Going To Come Up On The 15th. That's The Dilemma I Have, And If Somebody Can Justify Being Able To Require The Other Businesses And Multi Family To Subsidize The Mobile Home Parks, That I Need To Hear That. So, I Appreciate Your Taking The Time, I'm Sorry About This Scene To The 15th, But I Look Forward To Your Presence At That Time.

Chairman Mann: Any Comments On The Motion To Defer To The 15th? I'm Sorry This Is Getting Dragged Out So Long, I Know There's A Lot Of Frustration Here. But, We Want To Finally Get This Right I Would Be Handy To Have All Five Commissioners Present On That Time, Is There Objection To It, Show It Passing Without Objection. Weil And We'll See You All On The 15th. Thank You, You All Want To Quietly Exit It Will Be On The Third Public Hearing Everybody Has Been Very Patient, We Appreciate Your People Interested In The Bonita E.M.S. Issue, That Will Be Next On Our Agenda When These Folks Able To Ease Out.