

August 12, 2008

Comm. Judah: Have Everyone In Attendance.

We Will Start Out With The Invocation By Reverend Joseph Gabriel.

We Come Before You This Morning To Thank You For Everything That You Have Done For Us.

We Know That You Will Continue To Guide And Protect Us Through The Trials We Are Living.

As We Approach To The Time Of The Relation.

We Ask Of You Security For Our Country.

For Our Leaders, Especially For Our Commissioners, Please Lord Continue To Shed Your Guidance, Wisdom, Compassion And All Of The Things That Can Be Faced With Them To Be Better Leaders, Thank You Lord, We Pray To You.

Amen.

Amen.

Comm. Judah: Please Remain Standing.

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

Thank You.

Comm. Judah: We'll Proceed With The Ceremonial Resolutions That Are Scheduled Before Us This Morning.

I'm Delighted To Have An Opportunity Read The First One It.

Pertains To The Family Health Centers Of Southwest Florida.

Ask If John Collier Is Here, And Terry Sterling.

Present -- President And Ceo.

John The Junior Vice President Of Human Resources And It Is Wonderful To Have You Here

This Morning.

You Indeed The Safety Net This Community And Region Relies On.

I Am Privileged To Read The Resolution.

It Reads As Follows.

"Where As Family Health Centers Of Southwest Florida Inc Is A Private Not For Profit Corporation With Quality, Comprehensive Medical Care To The Mentally Underserved People Of Lee County For 44 Years And Family Health Centers Made Affordable Healthcare Services Available To Approximately 60,000 Residents Of Southwest Florida During 2007.

With 2,000 Lacking In Insurance Coverage, Many While Working Full-Time Jobs.

While Family Health Services Delivered 1715 Babies In 2007 At Health Park And Gulf Coast Hospitals.

Where As Family Health Centers Has Provided Centering Pregnancy Group.

Prenatal Care Classes For Over 3,000 Women Since 2006.

Resulting In A 16.8% Decline In The Percentages Of Low Birth Weight Babies Born To These Women.

Family Healthcare Centers Of Continues To Expand To Regions Rapidly Growing Children And Target Patients With Diabetes, Hypertension.

Cardiovascular Problems For Preventive Care.

And Family Healthcare Centers Serves As A Vital Safety Net Organization By Providing 323,000 In 2007.

To Individuals, Regard Will He Of Their Insurance Status Or Ability To Pay And By Contributing To The Economic Vitality By Employing 250 Staff.

Let It Be Resolved By The Board Of County Commissioners We Proclaim The Week Of August 10-162008 As Community Health Centers Week In Lee County And Recognize The Important Contribution The Family Health Centers Of Southwest Florida Inc In Safeguarding Health And Improving The Quality In Lee County.

As Chairperson Of The Lee County I Was Proud To Sign This 12th Day Of August, 2008.

[Applause]

It Is Wonderful To Have You Here.

Thank You.

We're Very Proud Of You.

We're Taking Pictures.

Probably Stand Right Behind You, While We Take The Photograph Here.

I Need To Pick Them Up, So I Can See How Much I Have Changed.

She Just Passed Down A Budget Request, Mr. Chairman.

Thank You, I'm Sure I Would Like To Hear From You Les.

In The First Place, Thank You All For Coming To Visit With Our Board.

Each One Of You Spent Some Time, And They Really Appreciate It.

Now I Bring You Greetings From Them.

Kim Thompson Who Would Have Been Here Is Developing A Cold.

And We Don't Let People Out Contaminating The World.

He Really Is.

And So He Couldn't Be Here And We Have Three Other People That Bring You Greetings From Our Place.

They All Went To Orlando To Learn To Do A Government Report.

It Took Three Of Them So, Any How It Is A Change.

But More Confusing -- We Do Appreciate You All Supporting Us And -- And Just That Our Being.

And We Do A Job Here.

We Are -- Just Like You Said, The Safety Net And To Have 203 Almost 204,000 Visits That Means The 60,000 People That Came In That Many Times For Different Things.

We Do Not Duplicate Counts.

I Will Say, This Year Though, That Is Less Than Last Year And Our -- The Babies Are Less Than Last Year.

So The Trend -- It Is Just Like The School Systems And Lee Memorial.

The Thing Where People Are Going Out, Which Shows That Our People Work, Because A Lot Of Them Were In Construction.

So, They're Off Looking For Jobs.

They Will Be Back, Because This Is Where They Like To Live.

Any How, We're Proud To Be A Part Of The Community.

In Fact The Communities, As You Know, Are In Labell And Charlotte County, The Major Part Of The People Are Here.

Cape Coral And Downtown Fort Myers.

We're With The United Way House In The Soup Kitchen And All Of The People Part Of That In Dunbar.

They Took One Of Our Facilities And They Moved In Together.

East Fort Myers By The Burger King.

Lehigh Acres, And -- Where Else Are We?
South Fort Myers Twice.

We're In The Health Park Building.

And -- With Where The Gymnasium.

We Put Pediatric Practice In There.

And We're In Bonita Springs And I Have To Tell Y'all These Things, Because We Have A Test Later.

Pet Pedestrian Tricks And Family Care.

We Have Opened.

Lehigh Has Two Offices.

We Couldn't Get Facility, But We Had Space Next Door.

And -- In Fact The Lehigh Hospital Had A Place In There.

We Have A Practice On One Side And Adult Medicine On The Other.

So That's, And Cape Coral Has Become A Pediatric Practice.

Pine Island Has Dental And Medical.

So We're All Over The Community.

We're Now Looking In The North Fort Myers Area, With Some Other People For Another Location United Way House.

Thank You Very Much.

[Applause]

Comm. Janes: I Must Add A Little Personal P.S.

To These Proceedings Right Here.

Mr. Hammeric, And I.

You Won't Believe This.

We Were In The First Grade Together At Edison Park Elementary School.

I Know I Look A Lot Older.

Yeah.

Comm. Janes: It Is Hard To Understand That.

In My Previous Life In The Legislature, Let's Go Back 30 Years.

I Visited Her First Facility, Which Was A Little Trailer Off Of M.L.K.

Some 30 Years Back.

What I'm Pointing Out Is How They Have Grown.

She Wasn't The Leader At That Time, But Shortly There After She Became The Executive Director And The Service They Provide Under The Leadership Is Overwhelming.

She Stated Several Of The Things I Have Done.

I'm Proud To Know You Layla, For What You Have Done You Are Personally To Be Commended.

Keep Up The Good Work I'm Proud Of You.

Thank You.

41 Years.

Sometimes I Get A We Bit Tired, But I Still Love It.

That's What Keeps You Going.

Comm. Janes: There's No Time To Get Tired, Girl.

Get Out And Go Some More.

[Applause]

Comm. Judah: Thank You Commissioner Mann.

Comm. Judah: I Would Ask To Hear From The Florida Association Of Counties Please Step Forward, If They Are Here, Because They Represented Some Counties Kind Enough To Be Here This Morning In Recognition Of Some Really Fine And Meaningful Work, By Both Commissioners Tammy Hall And Frank Mann.

This Recognition Is For Commissioner Mann Today Receiving Awards Because Of His -- Valiant Effort, Quite Frankly In Making Sure That Lee County And Other Counties Throughout The State Of Florida Were Able To Exercise Local Home Rules.

We've Had A Lot Of Difficulty With The Legislature, Particularly The Last Session Where The Legislature Was Attempting To Preempt The Local Government In Mining And Fertilizer Ordinance And Health And Protection.

I Think The Communities Throughout The State Realize It Is A Far More Appropriate Job In Protecting Our Own Natural Resources If Left Alone To Work With Our Own Community And Commissioner Mann Spearheaded The Effort, Working Through His Contacts With The Legislature To, Make Sure That The Legislature Left Local Communities Alone, Allowing Us To Develop Our Own Local Ordinances I Think It Is Appropriate Commissioner Mann Be Recognized Today.

Good Morning.

Thank You For Having Me.

I'm Amanda Good Fire With The Florida Association Of Counties.

It Is A Pleasure To See All Of You This Morning And To Be In Lee County.

I Want To Thank The Board For Making The Time, In Its Busy Schedule To Allow Me To Say A Few Words This Morning And Make A Brief Presentation.

I Want To Thank The Board For The Proactive Membership In The Florida Association Of Counties It Would Not Be An Overstatement To Say Lee County Is One Of The Most Active Members As At State Level, And The National Level.

The Members Of This Board Have Advocated On Issues Related To Property Tax Reform, Water Policy, Growth Management.

Mental Health And Medicaid Reform And A Growing Mining.

Without Your Active Participation And Knowledge Of These Issues, Our Association Would Certainly Be At Tremendous Disadvantage In Tallahassee, As Well As In Washington, D.C.

For That, I Would Like To Say Thank You On Behalf Of Our Association, As Well As The Citizens In Our State.

But My Main Purpose This Morning Is To Provide A Special Recognition For Two Commissioners, Who Worked Tirelessly On An Issue That Has Taken An Increase Importance In Tallahassee, Specifically In Aggregate Mining.

Three Pieces Of Independent Legislation Were Filed That Would Have In One Form Or Another Pre-Empted County Land Use Authority, In Aggregate Mining.

Without Getting Into The Specifics, County Governments Fought An Up-Hill Battle On The Issue From The Very Beginning.

However, I Am Pleased To Announce Ultimately None Of The Bills Passed.

It Should Be Noted That The Defeat Was Not An Accident, Rather A Result Of Coalition Building Of Interest-Working Tirelessly Together At The Local And State Level To Legislative Members That Such Legislation Would Not Only Impact Local Residents Negatively, But A Fundament -- But At A Fundamental Level They Were A Front To Local Authority.

Contributing To That Effort Last Year Were Commissioners Mann And Commissioner Hall.

Both Worked Tirelessly On The Issue.

Traveling To Tallahassee On Several Occasions Lobbying Members.

Testifying In Front Of Committees.

Writing Letters And Op Eds To Get The Work Understood.

Their Work Made A Difference And Had A Real Impact.

For That I Am Pleased To Announce Both Commissioners Hall And Mann Are Resilient Of The Presidential Advocacy Award.

This Award Is Given To Those Commissioners, Who Despite All Of Their Local Obligations And Responsibilities Take The Time To Work On Issues That Benefit Counties At A Statewide Basis.

Please Join Me In Congratulating Tammy Hall And Commissioner Mann For Being Recipients Of The Important Award.

And We Already Presented Our Award To Commissioner Hall At Our Conference In June.

And This Morning We Are Presenting Commissioner Mann With His Award.

[Applause]

Comm. Mann: Mr. Chairman, My Mother May Be Watching?

Can I Go Down And Get The Plaque?

Comm. Judah: Absolutely.

Thank You So Very Much.

Thank You.

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Comm. Judah: You Took The Time To Come Down Here.

We Appreciate It.

How Are You Guys?
Congratulations, Commissioner Hall.

Yes, I Was At The Meeting, When They Presented It.

Comm. Mann: I Wanted To Say Thank You To Commissioner Hall Who Lead The Interference From Day One And Has Ever Since She Got On The County Commission.

This Was A Hard-Fought Battle Last Year.

It Was, Unfortunately, I Must Say, Probably The Dress Rehearsal For The One Coming Next Year And Perhaps The One After That.

So, There's No Time To Rest On Any Laurels.

It Is Time To Tough Up And Get Ready To Do It Again.

Commissioner Hall, I Will Be Looking Forward To You Stomping Through The Minefields With Me Again, Probably This Coming Year In Tallahassee.

Amanda Thank You For Coming All The Way Down Here.

See Ya'.

[Applause]

Comm. Hall: Mr. Chairman.

Amanda, I Want To Thank You And Your Staff, Chris Holly, Dianne, Who Worked With Commissioner Mann And I.

Without The Coordination Of The Staff, All Of The County Has Put In And Provides The Salaries And The Expertise That Really Make Us Look Good As Elected Officials.

This Staff Works 24/7 During Session.

There's Not A Moment That They're Resting And Their Families Sacrifice, Diana Was Pregnant.

At The End Of Her Term During Session When The Mining Bill Was Going On.

She Never Missed A Beat.

She Had Tennis Shoes On And Ran The Halls With Us.

The Staff Of The Florida Association Of County I Put Up Against Any Lobbying Firm In This Country.

They Are By Far The Best There Is.

I Want To Thank You And Tell Chris That The Entire Staff, Amanda.

You Guys Really Do Make Us Look Good.

And The Research That You Do To Prepare Us, When We're There For The Two Seconds That We Have To Comment, Do Make A Big Difference, But A Lot About Those Comments Are Coming From The Research And Background You're Going On Our Behalf.

I Want To Personally Thank You.

I Wish I Could Stand Before The Board And Give You An Award For The Work You And Your Staff Do.

I Hope The Accolades Will Hit You Know How Much You Do On Behalf Of The Citizens Of The State Of Florida For Good Laws, And The Quality Of Life, We Can All Be Proud Of So Thank You Very Much Amanda.

[Applause]

Comm. Judah: Very Well Stated, Commissioner Hall.

It Is Unviable Task Is Dealing With The Legislature, And Protecting The Public Interests.

We Thank You.

And Again, Congratulations Commissioner Mann.

The Next Resolution.

It Is Bittersweet.

We Know Regina Smith.

She's Dedicated Over A Decade.

14 Years Of Service To The County Economic Development Department.

I Remember When Janet Water Mire The Former Executive Director Decided To Go In The Private Sector.

I Think We All Took A Deep Gasp, And Wondered My Goodness How Will We Fill Her Shoes.

Regina Stepped Right In And Took Us To The Next Level.

If You Could Step Forward And Jim Moore, Jim Is The Interpeople Executive Director, Filling In With Our Economic Development Office.

We All Know How Important It Is To The Economic Welfare Of This Community.

Regina.

Not That I Can Blame You, That You Decided That Time Was To Retire And Enjoy -- Some Special Moments With Your Family.

I Know You Have A Tremendous Passion For Scuba Diving.

You Will Certainly Get A Chance To Find Jaws, If You Can.

But Regina, I Am Proud To Read The Resolution.

We Will Miss You.

Thank You For The Long And Faithful Service To This Community.

And Jim Welcome Aboard.

Where Is Regina Smith Has Dedicated 14 Years Of Service And Has Been The Economic Development Director Since 2003.

And Has Asked To Begin With The Economic Development Office In 1994.

She Will Be Leaving The County To Pursue Other Opportunities And Spend Time With Her Family.

As Where Regina Successful Career She Was Instrumental In Bringing Economic Development Activities Through Her Leadership State Level And Through The Economic Development Florida.

Regina Is Recognized Throughout The County And Respected By Her Piers For The Vast Contribution In Bringing Aviation And Biotech Industry.

Regina Has Balanced Her Strong Work Ethic For Other Passions For Her Family.

Boating Underwater Photography And Lobster Seasons In The Keys.

The Lee County Convey Her Appreciation For Hard Work, Outstanding Satisfies And Contributions To Lee County And Thank Regina For The Economic Development Of Our Commute As Chairperson Of The Board Of County Commissioners I Was Pleased And Proud To Sign This Resolution.

[Applause]
Thank You.

Commissioners Thank You So Much.

It Is Truly Bittersweet From My Standpoint.

I've Thoroughly Enjoyed The Past 14 Years I've Been With Lee County Government It.
Has Been A Wonderful And Rewarding Experience.

I Have To Tell You How Proud I Am To Be Part Of Such A Professional, And Dedicated Team
Of Lee County Employees.

I Think We've Been Truly Blessed Here In Lee County With The Leadership And With The
Commitment Of The Employees We Have Here.

And I Really Have Enjoyed It.

I Will Miss Everyone Here At The Board.

And Certainly The Leadership From The Horizon Council And Natural Development
Authority.

Truly We Have Great Leaders In The Community That Care About Our Communicate And
I'm Real Excited For The Future For Lee County.

Thank You So Much.

[Applause]
I Was Just Kidding.

There Are No Great Whites In The Waters Of Florida, I Don't Believe.

Regina I Wish You The Very Best And Happy Lobstering.

We'll Go Out Back, Then To The Main Agenda.

We Have The Recap.

And On That Recap, It Looks Lincoln Sent Item 6-5.

Entertain A Motion.

Motion By Commissioner And Second By Commissioner Hall.

I Hope It Won't Be Indefinite.

Comm. Judah: It Needs To Be Under Conservation 20/20.

In Further Discussion, Objection Motion Passes.

Okay.

We Have Several Walk-Ons And A Carry-Overs.

To Public Consent Administrative Agenda.

Beverly Gradey.

Beverly?

-- Okay.

Very Good.

I'm Sorry.

And -- Let's See -- It Looks Like The Same Thing With Jocelyn Naggon Delestang, Also For The Vacation And Bruce Esilon.

We'll Call You At The Appropriate Time.

Thank You.

Yes, I Do.

Steve Defrano.

Administrative Agenda Number 3.

Hi, Good Morning.

I Would Like To Know, If I Can Be Heard, When The Full Context Of This Comes Up?

Comm. Judah: This Is The Time To Be Heard.

Thank You.

So Let Me Begin By Saying Thanks For Doing What You Guys Do And The Leadership You Bring To The County, Because I Know, It Is Sometimes Thankless And People Come Up And Complain, Which Is What I'm Not Going To Do.

I'm Just Going To State What Happened.

Hopefully You Can Have Some Compassion For What Happened With Me.

I Loaned Money To Someone To Purchase Property, With A Home On It About Two Years Ago.

And It Was A Fire That Did Some Damage.

The Person Was Working To Clean Up The Property.

And -- He Did Not Clean It Up In Time.

I Was Never Noticed By Code Enforcement That The Building Was Going To Be Demoad.

And -- Then The Building Was Demoad And A Lien Was Put On It.

So Now I Have No House, Security, And Just A Vacant Lot,
Assessed For \$8,000 And Change.

And I Have A Loan On It Of \$17,000.

Not That People Aren't Upside Down On Stuff All Over The Country.

Yet This Wouldn't Have Been Upside Down, If I Had Been Given The Chance To Be Noticed.

From What I Was Told I Was Supposed To Be Noticed Of Henry Winning At Code
Enforcement And County Attorney, I Should Have Been Noticed As Far As I Know All Banks
Are Noticed, Otherwise It Would Be Scary To Loan Money In The County, Where The Bank
Stands To Lose Their Security, Because They Didn't Get Noticed.

The County Attorney Said, How Do We Know You Would Have Done Anything About It?
My Response Is, This Is What I Do.

I Buy Damaged Buildings.

I Have A History Of Doing It In The City Of Fort Myers.

I Do What I Got To Do, When I've Been Notified To Do It.

I've Been Working On This For Eight Months, Just To Get Here.

I Was Told In The Beginning Of January By Bobbie Stewart.

Yeah, We Missed It.

Get On The Meeting.

And Then -- Somehow I Got To Michael Jacob And -- Since The Beginning Of January, It
Took Me To Get Here.

>Thought We Were Going To Work Something Out And Nothing Ended Up Working Out.

That's Why I'm Here Pleading My Case And Try To Get Some Of This Lien Removed
Otherwise I Might As Well Give It Back.

Comm. Judah: If You Could Stick Around With.

Will Be Addressing This Issue Shortly.

All Right.

Thank You.

Comm. Judah: Any Else From The General Public Wish To Comment On The Administrative Agenda.

Back To Items Pulled On The Consent Agenda.

Commissioner Hall, None.

Commissioner Jane.

11 A.

Comm. Judah: Commissioner Mann?
None.

Comm. Judah: I Have None.

Entertain In The Motion.

Move, Motion By Commissioner Hall.

Second By Commissioner Mann.

Here No Objection.

Motion Passes.

Item A.

Mr. Chairman I Move The Approval.

Comm. Janes: Someone From Public Safety -- .

Comm. Judah: You Want To Move The Item.

We Have A Second By Commissioner Man.

Discussion.

Comm. Janes: The Question I Had Is In The Agenda That There Is Some Perceived

Business Of The Local Ordinance I Would Like To Know What Those Perceived Burdenons Are?

David Cane With Lee County Public Safety.

The Burdenons Are Under The Current Ordinance And The Statute That We Had Prior To The -- Prior To The Florida Legislature Removing The Burdenons With That The Public Was Required To Call Lee County Lee County Public Safety And Register, Notify Us That They Had An A.E.D.

Head.

And Comply With Certain Training.

It Will Remove The Burden With Are No Longer Mandated.

Comm. Janes: Now They Don't Have To Have Train Something.

They Still Have To Have The Training, But It Is Not Mandated Training.

We're In The Position Of Policing It Any More.

Comm. Janes: I Have No Problem With That.

But Someone Is Doing That, However,?
That's Correct.

Comm. Janes: That's It Thank You.

Comm. Judah: Thank You, Any Further Discussion?
, Objection.

Hearing No Objection.

Motion Passes.

We Go On To The Administrative Agenda.

Item 3 A.

Bobbie Heinz Good, Morning.

Regards To The Lack Of Notice.

Good Morning.

Bob Stuart With Community Development.

This Is -- A Request To Have A Lien Mitt Gated To An Amount Of Zero And A Satisfaction Record On A Piece Of Property, Where The County Demolished An Unsafe Building.

The Own -- The Building Had Caught On Fire And Burned Up.

And -- We Have, Of Course Went Through The Notice Process.

We Did Not Notify A Lien Holder.

There Was A Private Mortgage On The Property.

We Did Not Catch It.

And Our Requirement Is To Send Them A Letter.

Of Course, The -- Of Course The Procedure And The Building Code Is Clear, That Does Not Negate The Process, But It Is One Of The Requirements That We Send A Letter To Anyone That Might Have An Interest In The Property.

We Did Not Do That.

The Building Was Demolished.

The Lien Was Recorded.

And In January Of This Year, Mr. Levraino Said, I Didn't Know That All Of This Was Happening.

Now I Don't Have The Building That I Could Maybe Have Done Something With It.

We, Of Course, Recommended Denial.

We Were Having A Little Trouble -- Attached Pictures In His File There To See Exactly What Would Have Been Done With This Burned Up Building To Recover Any Equity There.

Well Spending Much More Money.

We Didn't Understand How That Was Going To Happen, And How We Had Somehow Prohibited That From Happening, Without Sending The Notice.

We Recommended Denial Of The Request.

Comm. Judah: Okay.

Any Questions Of Bobbie.

Comm. Hall: I Don't Have Pictures.

Comm. Janes: I Don't Have Pictures.

Comm. Hall: They're Not In Our Book.

I'll Start At One End And Y'all Can Pass The File Along.

Comm. Judah: While We're Looking At The Photographs.

I Was Going To Suggest To This Board.

Usually I'm Pretty Adamant About Collection Of These Liens In This Particular Instance Without The Notice To The Lien Holder, I Think It Is Would Be Appropriate To Have Our Administrative Staff Go Back With Mr. Lefrano And Hammer Out A Negotiated Settlement.

Comm. Hall: Commissioner Judah, I Don't Disagree With You.

I Think In Somewhere -- Bobbie Says That -- Of Course I Didn't Pull The Code Number, Bobbie To Look At It.

I Appreciate The Comments That It Doesn't Negate The Process.

But, If This Was A Financial Institution It Might Even Be A Different Situation That, They Weren't Noticed And We Took The Asset.

I Don't Disagree That's Pretty Heavy Damage To The Structure, Without A Doubt.

And The Opportunity Of The Property Owner To Demo, It Versus Us Demoing Would Have Been An Option, Maybe Less -- I Don't Know.

I Think That's Probably Where I Would Have An Issue.

Is That The Property Owner Could Have Taken On This Demolition Himself Or The Lien Holder, Who Ended Up Being The Property Owner Back, Could Have Taken That Action, If They Would Have Known, If That Was The Ultimate, What Was Going To Happen Ultimately.

Even Having A Little Bit Of Background In Construction, That's Pretty Heavy Damage.

Comm. Judah: Mr. Chairman.

Comm. Mann: Was The Lien Recorded Somewhere?
We Record It In The Public Records.

We Record A Few Notices, Going Through That Process.

We Post A Big Orange Sign On The Building.

We Record A Dangerous Building Notice In The Public Record, Before We Do The Demolition.

And -- I Think We Were In Contact With The Owner, Who Is -- Defaulted, I Suppose.

Then, Of Course, We Record The Lien In The Public Record As Well.

Comm. Mann: Mr. Chairman, I Echo, What I'm Hearing In Terms Of The Spirit.

At Least The Lien Holder Would Have An Opportunity To Get His Own Bulldozer And Crew, And Perhaps Save A Little Money.

At Least That Option Would Have Been Available To Him, So Yeah If, We Could Send This Back And Work Something Out.

Comm. Judah: I'm Not Suggesting From \$5500 To Zero, Bobbie, But I Think In Good Faith W Can Hopefully Work Out Some Settlement Agreement.

But Let Me Make Sure The Other Board Members Seem To Concur.

Comm. Hall: I Will Make A Motion, Because That's What's Is Official On The Roared.

Comm. Judah: Motion By Commissioner Hall To Revisit This Issue.

Second By Commissioner Mann.

Discussion?

-- Bobbie, We Appreciate Your Involvement.

Thank You, Thank You For The Facts.

Any Further Discussion, Objection, Hearing None, Motion Passes.

Okay.

On To Item 9 A.

Motion By Commissioner Hall.

Second By Commissioner Janes.

Discussion?

Do We Need To Get Anything On The Record?

No, For Discussion, Any Objection, Hear No Objection, Motion Passes.

Item 15 A.

Comm. Hall: It's A Public Hearing -- .

Comm. Judah: I Think The County Attorney Filing Suit Against Essex Homes.

Do We Have A Motion.

Do We Want To Hear From The Attorney.

Comm. Mann: Let's Do.

Comm. Judah: 15 A.

Comm. Hall: There It Is.

Comm. Judah: John Good Morning.

Good Morning This My Request To File A Breach Of Contract Against Kentex.

Briefly The County Had A Contract To Realign Through Oak Parkway On Their Project.

There Are A Number Of Obligations Between Centex And The County.

Most Of The Obligations Have Been Met.

There's One Obligation That Has Not Been Met, Which Is To Provide Lee County With The Easement Over A Link, Between The Northern Portion Of A Drainage Easement And The Southern Portion.

Which Is The Drainage Easement Lee County Acquire.

Centex Has Sold The Property.

They Did Not Resolve The Easement With.

Le Have To Go Back And Condemn That Easement And Seeking Authorization To File Suit Against Centex For Any Costs We Acquire To Require.

Comm. Judah: Moved By Commissioner Hall, And Second By Commissioner Janes.

Any Discussion?

John, When It Says Centex Homes Has Failed To Provide All Of The Promised And Necessary Drainage Easement And Required By Eminent Domain From Another Property Owner.

Another Property Owner Is The Current Property Owner Of Formerly Owned Centex -- Is That Part Of The Development Order That Still -- .

It Is Part Of The South Florida Water Management Drainage Permit.

It Was Approved For The Entire Property.

And The Pending Of The County's Agreement With Centex They Sold The Property.

It Is Still Part Of The Water Management District Agreement And Permit.

According To Our Agreement, The Drainage Easement Was Suppose Today The Flow

Through That Property.

We Could Put It On The Other Side Of The Road, But It Would Be Much More Expensive.

And Much More Disruptive And It Wouldn't Comply With The Water Management Permit.

Comm. Bigelow: We Don't Have Anything That We Could -- Used To Avoid Going To Court.

In Other Words If, We Could Work Out Some Development Order Agreement -- There's No Other Option, In Other Words?

The New Owners Haven't Been Very Receptive To Acquire An Easement.

We Will Give It Another Shot, Once We Get The Braces And The Resolution And Necessity.

We Will Try To Negotiate An Acquisition.

In The Event That Fails With.

Will Have To Condemn It.

Comm. Bigelow: It Sounds Like You're Saying This Is Part Of A Current Process, To Try To Get Them To Cooperate -- And -- May Not Come To Actually Filing Suit?

Yes, That's Correct.

Comm. Bigelow: Thank You.

Comm. Judah: Any Discussion?

Discussion?

Hearing None.

Motion Passes Thank You John.

On To The Public Hearing Portion With The Evacuation Request.

We Have Three Of Them, I Believe.

Michael, Good Morning.

Good Morning.

Good Morning Michael Jacob.

Assistant County Attorney.

I Have The 9:30 Public Hearing.

We Have Three Positions To Evacuate I Have Reviewed The Application To Each Of Those And Read It Into The Record Now.

The First Item Is Vac 20070043.

This Is A Petition To Evacuate A 50 Foot Wide Unbuilt Right Of Way Located At 17293, And 17343 E Street North Fort Myers.

This Is To Allow The Subject Lot To Be Combined For Rezoning.

It Will Not Be Necessary To Accommodate Future Traffic Or Drainage Requirements.

Comm. Judah: This Is A Public Hearing.

We Will Take.

Second.

Comm. Judah: The First Evacuation Request In North Fort Myers And A Motion By Commissioner Janes.

Second By Commissioner Hall.

We'll Take Public Comment If, Anyone Wishes To Comment.

Seeing None.

Back To The Board.

Any Ox, No Objection, Motion Passes.

Yes Sir.

Cac 2008-0112.

This Item Was Continued From June 246789 The Petition To Evacuate Two Undeveloped 177 Plat Easement And Platted By The Right Of Way Within Those Two Plats.

This Will Be To Fulfill Mixed Use Development And Associate Infrastructure On The Combined Lots.

This Will Not Alter Traffic Or Drainage Cons And Right Of Ways And Easements Are Not Necessary To Future Traffic Or Drainage Comments.

Comm. Judah: Questions?
So Move.

Motion By Commissioner Hall, Under Discussion.

Chair Happy To Take My Public Comments On This Evacuation Request.

No One Wishes To Talk Us Out Of It.

Back To The Board.

Any Further Discussion?
Objection?
Motion Passes Third Item.

Vac 2008.

1007.

Petition To Evacuate A Five Foot Wide Public Utility Easement Located At 331 Martina Court North Fort Myers To Clear Title On An Rv Carport Constructed Into The Easement.

Negation Will Not Alter Existing Conditions And The Easement Is Not Necessary To Accommodate Future Utility.

Comm. Judah: Questions?
Seeing None.

So Move.

Moved By Commissioner Hall.

We Have A Second.

Purpose Of Discussion?
We'll Open Up For The General Public, Who Wish To Comment On Evacuation.

Anyone From The Public Wish To Comment?
Seeing None.

Back To The Board.

Commissioner Janes.

Comm. Janes: I Was Curious How To How The Carport Was Inadvertently Constructed.

How Did That Happen?
Comm. Judah: You Need To Hear From Pete Or Michael.

I Don't Believe The Applicant Is Here.

Good Morning.

For The Record Petecin Road Development Services Commissioner, To Answer Your Question, This Particular Carport Was Properly Permitted.

And The Drawings Were Submitted For Purposes Of Obtaining A Building Permit.

Showed The Proper Setback Limits And Also Indicated That It Was Not Encroaching Into The Easement.

On The Basis Of That Application.

The Permit Was Submitted And Very Often, What You'll Get Is A Contractor Error.

That's What Happened Here.

That Particular Portion Of The Carport, A Little Small Portion 1.4 Feet Or So.

That Was Inadvertently Built Into The Subject Easement.

It Was Not Caught During The Inspection.

Sometimes A -- Sometimes With That Small Of An Encroachment, It Might Not Be Visibly Apparent.

In Order To Resolve The Title Issue, This Came Up As Part Of A Transfer Of Title On The Property.

And -- They've Obtained The Required.

Setback Variances So The Adjacent Property Owner Will Have The Ability To Appear And Comment On It.

And That Particular Variance Has Been Approved.

Now, The Next Step Is To Formally Evacuate That Portion Of Easement Containing The Encroachment And There By Clear Up The Title.

So That's What Happened In This Particular Case.

Comm. Janes: That Answered My Question.

Comm. Judah: Any Objection, Any Discussion?
Hearing None, The Motion Passes We Go On To The Walk On Item Number One.

Regarding \$9667.

Comm. Hall: So Moved.

Comm. Judah: Motion By Commissioner Hall.

Do We Have A Second.

Comm. Judah: Second By Commissioner Janes.

David You're Doing Great Work.

I Think We're Set To Roll.

In Discussion, Objection.

Hearing None, Motion Passes Thank You.

Walk-Ons Number Two.

This Is To Receive Support From Our Southwest Florida Delegation To Move Forward With Emergency Dredging.

Comm. Hall: Moved.

Comm. Judah: By Commissioner Hall.

By Second By Commissioner Man.

Hearing No Objection.

Motion Passes.

Thank You Marine Sciences Working So We Can Dredge Down The Pass And Use The Material To Nourish Fort Myers Beach.

The Carry-Overs Item Number One, I Did Call That Motion.

Did I Not.

Approved Unanimously Carry-Overs Number One.

This Is An Item I Asked Be Deferred One Week.

I Have Sent Brief By Our Staff, Phil Compton What We Are Doing With Our Management.

Comm. Hall: So Moved.

Comm. Judah: Motioned By Commissioner Hall, Second By Janes.

Hearing No Objection, Motion Passes Thank You For The Time On That Commissioners.

Okay To Commissioner Items And Committee Appointments Commissioner Hall?
None.

Comm. Judah: Commissioner Janes.

Comm. Janes: Mr. Chairman I Have One Comment I Would Like To Make.

I Received The Letter From The Florida Engineering Society And I Would Just Like To Make My Colleagues Aware Of The Their Efforts To Help Children In Our Community.

At The Same Time, To Increase The Number Of Future Engineers.

-- Engineers In Southwest Florida.

And The Caloosa Chapter Is In The Founding Stages Of Launching A Program In Our Lee County School Item, To Encourage Our Children In Southwest Florida To Pursue A Career In Engineering.

I Would Just Like To Commend This Profession, For Their Efforts And Offer Our Public Support For Them.

Comm. Judah: Well Stated Anything Else Commissioner Janes?

Comm. Janes: I Don't Know.

We Were Not Going To Bring It Up This Week Or This Meeting, Okay.

No, That's It.

Comm. Judah: All Right.

Commissioner Mann.

Comm. Mann: Were You About To Refer To That Captiva Issue?

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>>.

Comm. Janes: I Understand That He Wanted To Wait A Week.

Comm. Mann: Okay.

I'm Not Comfortable With The Issue.

Comm. Janes: I Was Comfortable With It Too.

In Discussion With The Staff This Morning, Suggested That Talking To The Attorney.

He Wanted To Wait Two Weeks Or A Week?

Comm. Mann: It Is My -- .

It Is My Understanding A Couple Of Weeks Would Be Appropriate, Yes Sir.

Comm. Judah: Leave It Up To Staff And Our Legal Council.

Any Time You Want To Bring That Forward.

We'll Bring It Become In A Couple Of Weeks.

Comm. Judah: Fine.

Mann No Other Items.

Comm. Judah: Commissioner Bigelow.

Comm. Bigelow: I Need To Ask Mr. Schwartz Something.

You Have Looked Into Wiring The Courthouse, The Chambers, Specifically With Internet Service.

Could You Tell Me.

Is This Currently Wired With Ether Net Wiring?
-- So That We Could Accommodate Internet?
I Honestly Don't Know The Answer.

I Can Find It Out And Make Sure We Get The Answer To You.

Comm. Bigelow: It Is My Understanding.

I Have Looked And It Looks Just Like What I Use At Home For--
We'll Get You An Answer.

Comm. Bigelow: Thank You.

Appreciate It.

That's All Mr. Chairman.

I Have One Item It.

Was Late Yesterday, When I Left A Copy Of Correspondents From Becky Swiggert From Environmental Sciences.

She Had Written A -- A Correspondence To Mary Give, With Regards Right To The -- It Is Actually A Situation Involving The City Of Bonita Springs.

And -- Having Contested The Bonita Bay Properties Request To Reduce The Amount Of Buffer Around The Eagle Nest On Their Property.

In Compliance With The Change In The Federal And State Guidelines.

Comm. Judah: They Voted Against Allowing For That Change.

It Went To The Landed Judication.

And Voted To Up Hold Bonita Bay's Position On The Matter.

You Have The Federal Died Lines.

You Have The State Guidelines And The Regional Planning Council, All Having Supported Bonita Bay's Request.

And -- I Had A Request Of Me, As Chairperson Of This Board.

I Know The Issue Would Have To Come Back To This Board To Determine Whether Or Not We Wanted To Join With The City Of Bonita Springs To Appeal This Decision.

At First, I Was Somewhat Reluctant Because Of A Jurisdictional Matter, That We Really Didn't Have Jurisdiction.

What Concerns Me.

This Is Why Becky Wrote This Correspondence.

It May Have A Bearing On Ultimately, When We -- When We Restructure The Performance.

Trying To Confirm With The Federal And State Guidelines And Appropriate Protection Of The Bald Eagle Nests And Habitat, There Seems To Be A Concern, That Particular Case Might Have Some Bearing On Our Ordinance.

What I'm Asking This Board, You Can Hear From David, You Give Our Attorneys A Week To Get Back To This Board, As To Whether Or Not We Want To Get Involved In This, Because Of The Potential Ramification, With Our Own Bald Eagle Protection Ordinance.

Comm. Hall: So Moved.

Comm. Judah: Commissioner Hall Moves To Move That Direction.

-- .

Comm. Hall: To Investigate Our Options.

Comm. Judah: Second By Commissioner Mann.

Discussion?

Comm. Judah: Commissioner Janes And Commissioner Mann.

Comm. Janes: It One Week Enough Time?

Comm. Judah: It Will Have To Be.

Comm. Janes: Well, I Don't Want A Rushed Time.

Yes, Sir, I Was In That Meeting Yesterday Afternoon Commissioner Janes.

And We Can Come Back.

Comm. Janes: That's All I Need To Know.

Then You Can Make A Decision.

Comm. Janes: That's All I Need To Know.

Comm. Judah: Commissioner Mann.

Comm. Mann: Where Does Our Own Ordinance Stand, As We Are Reviewing Some Constitutional Issues?

Are These Two Going To Be Related Can You Bring That Back Too?
Only Tangentially.

I've Have To Check.

Commissioner.

We Are Still Going Back With The D.E.P., As To Whether Or Not The County Has Sufficient Authorization, Under The New Guidelines To Exceed Those Guidelines Under The Federal And The -- Mandates.

That's The More Difficult Piece Of That.

This Is A Little Different.

It Has Some Different Ramifications.

We Do Have An Order From The Governor As To Land And Water Commission.

You Have To Be Careful, What You Are Asking For.

Just A Little Preamble.

If It Appears The Board Wants To Go In That Direction.

I Caution You, If You Go To The First District Court Ah Peels.

That Order Will Become Binding On All Of The Counties And The State, When You Do That.

If They -- If They Agree Or Disagree Or Whatever.

And That's The Risk That You'll Be Running.

I Will Go Over More Detail Next Week.

Comm. Judah: Thank You Very Much.

Thank You David.

Any Further Discussion?
Discussion, Objection?
Hearing None.

Motion Passes.

Comm. Judah: Committee Appointments.

Comm. Hall: None.

No.

Comm. Judah: I Have None.

We Will Go To County Manager Items. County Attorney?
We Are Going To Recess Until 5:00 P.M.

Where We Have A Public Hearing.

And Look Forward To Seeing All Of You Then.

5:00PM Public Hearing

Chairman Judah: Good Evening Everyone.

We'll Go Ahead And Get Started With Our Public Hearing.

Nice To Have Everybody Here.

It's Been A Delightful Day.

And Andrea If You Would Like To Go Ahead And Start It Out.

Good Afternoon Mr. Chairman, Members Of The Boarded For Andrea Fraser From The County Attorney's Office.

I Have Your 5:00 Public Hearing Agenda.

I've Had An Opportunity To Review The Notice Of Intent For The County Ordinance Published In The July 31st2008 Edition Of The Fort Meyers News Press.

After Review I Find It Legally Sufficient To Proceed With This Public Hearing.

If There Are Any Questions Staff Is Here And If There Are Any Legal Questions I Will Be Able To Answer Them.

Chairman Judah: Questions For Andrea, Seeing None We'll Take Public Comment Regarding The Lee County Rescue Service Ordinance.

I Have Two Cards But I Don't Believe It's On This Issue.

Anyone Else That Would Like To Comment?
Seeing None, Go Back To The Board To Incorporate The Changes.

Comm. Janes: Move For Approval.

Chairman Judah: We Have A Second By Commissioner Man.

Hearing No Ox, Motion Passes.

Moving On To The Next Item Regarding The Lee County Land Development Code.

Good Afternoon Commissioner, Donna Leonard.

I Have The Affidavit Of Publication In Front Of Me With Respect To An Amendment To The Lee County Land Development Code To Create Chapter 12.

Pertaining To Resource Excavation.

This Ad Indicates That We Are Creating A New Chapter 12 To The Land Development Code.

This Is First Of Two Public Hearing.

First Will Be In These Chambers.

The Affidavit Is Specific To Form And Content And I Enter It Into The Record At This Time.

We Have A Presentation That I'm Going To Have Mary Gibbs Would Like To Speak To You First. Chairman Judah: Sure, Any Questions For Donna?
Okay, Thank You Dawn, Mary, Good Evening.

Good Evening, Just Very Briefly, This Is The First Public Hearing On The Mining Amendments And These Amendments Address Mining By Putting Them Altogether Into One Chapter Or As They're All In Different Place Before.

Chairman Judah: Let Me Just Make Sure All The Drafts Have Been Circulating, The Date Of The Most Recent Draft.

Is August 6th.

Chairman Judah: Okay.

And There Was One Draft I Hope Everybody Has Before Them.

August 6th Is Very Colorful, It's Blue And Yellow Low And What We've Tried To Do Is Put

This Together And Make It Easier To Understand And Follow So You Can Only Look At One Place To Find It.

We Are Requiring More Information Up Front At The Time Of Zoning Under This Proposed Regulation, Mandatory Pre-Application Meeting, And More Monitoring At Various Stages Of The Process.

And We Also Have Transportation-Related Information And Requirements That We're Not In The Ordinance Before.

And Some Ways That We Could Achieve More Connect Activity, Reclamation Standards And Stricter Enforcement And We Can Go Into This In More Detail But I Know There's A Lot Of People That Have Public Input.

So We Can Answer Questions After.

I Did Want To Mention This Was Reviewed By The L.P.A. On July 28th.

They Asked For It To Be Continued So We Do Have It Rescheduled Back On August 25th.

But, They We Took A Lot Of Public Input, That Meeting Was About Three And A Half Hours Long And There Were A Lot Of Issues Brought Up And Based On The Public Input We Got At The L.P.A. Meeting We Went Back And Made A Lot Of Redecisions To The Document So We Tried To Address The Concerns That Were Brought Up At That Meeting.

So That We Can Take Care Of The Issues That We Could.

So We're Hoping That We Could Minimize The Issues Of Discussion.

And That's Basically It.

We've Got Staff Here, If We Want To Take The Public Input, We Can Co That.

Mr. Chairman.

Chairman Judah: Yes, Commissioner Hall.

Comm. Hall: Deferred Continued Until August 25th.

But I Didn't See Any Backup, You Know, What Their Issues Were Question What Got Changed Based On That Comment And That They Would Want To Defer Until August 25th Before They Could Make Recommendations.

Our Next Public Meeting Is The 25th.

There's A Lot Of Changes Some That Are We've Been Talking About, Prior To A Year Ago Some That Are Involved With What's Been Going On Between The Moratorium Is, And I Think A Lot Of When You Look At The Minutes, There's A Lot Of Interesting Dialogue That When On.

I Think It's A Really Pitch It Will Decisions That We're Making And I Hate Not To Have The Opportunity For Time Between Those Two Meetings.

Plus To Have The Benefits.

I Hope At Some Point After All The Public Input We Can Talk About That Next Public Hearing.

Because For Me Personally, I Don't Want To Have A Workshop Between The Next Public Hearing To Really Have A Better Understanding Of Some Of The Recommendations And Changes That Are Happening.

But It Into That Context So I Mean As I Went Through All This, There Are Things That Are Obvious.

But There Are Other Things That I Could Probably Spend Three Hours Hearing A Public Meeting Going Through Myself.

Chairman Judah: Good Point.

Let Me Just Respond In Terms Of Time, Because I Know Moratorium Was Lifted September 10th?

September 10th Is Moratorium Expires So We Were Trying To Schedule These Two Public Hearings In August, So You Could Get The Public Input And Make Good Decisions For The Moratorium Expires.

Only Meets Once A Month So They Met At The End Of Jump.

Meet Again At The End Of The August. I Think We've Addressed A Lot Of Other Issues So We'll Have To Go Back There.

And Then You'll Have Your Hearing On The 26th And Then You Know You Can Always Have Third Public Hearing If You Need To.

Which You Could Do Before The Moratorium Expires You Could Do I Think The Next Regularly Scheduled Public Hearing Would Be September 9th.

Or You Know, You Could Schedule A Public Hearing.

It's Not Your Usual Date But If Upped To Have That You Could Do That.

Chairman Judah: Okay.

In The Meantime I Wanted To Say Too, We Are Meeting With Several Mining City Groups, Have Been Trying To Meet With Us And We Do Have This Compressed Schedule Because Of The Moratorium.

So We've Been Meeting And We Have Meetings Scheduled Later This Week And Next Week

With Some Of Them To Try To Work Out What The Issues That We Can.

Comm. Hall: I Guess I Would Just Like To Know What They Are In Detail And Briefly Started Watching The Planning Meetings Tapes, And There's A Lot Of Good Points, So Nowhere Is There If You Will To Us To See Where Some Of These Things Have Done.

And I Have The Opportunity To Read The Old Amendment And Went Up To Half Of This One Because I Just Got It Today Actually Because I Was Calling Yesterday.

So, I Guess My Concern Is I'm Uncomfortable.

I Think The Typing Of These Things Need To Be Considered.

This Is A Major Change In Adoption.

I Think We Need To Be Prudent That We All Understand All The Ramifications The Public Done There's Time To Do That.

I Think There Is Time Before Moratorium Is Lifted.

So I'm Less Interested In Meeting These Defined Dates But We Have The Public Obligation For Notice, So At Some Point I Would Like To See What The Board Wants, If We Need To Push One Of These Hearings Or Have A Third Before Actually Adoption.

But I Would Like To Try And Have The Process Be As Clean As Possible So If We Need Another Week Or We Can Push To It The Ninth At Our Normal Meeting So It's Not Unique Where People Wouldn't Come Normally, I Would Like To At Least Have That Because It's Too Important An Amendment Not To Be Sure That We Vetted Out What The Planning Board Has Vetted Out And That The Dialogue Is Happening.

Because There's A Lot Of Dialogue That Ended Up Talking About Cost And Litigation.

Existing Mines Versus New Mines And I Didn't Get Through The Whole Thing But It Raised A Lot Of Questions For Me As I Read Through This.

Chairman Judah: Mary Could You Take Them Before The 2nd Public Hearing Which Is On The 26th?

In Which Staff Agreed With The Comments Made The L.P.A. And You Then Incorporate In The Latest, That Outstanding Issue.

With A Couple Of Page Summary Of Some Of The Things.

I Think You're Going To Find From Some Of The Public Input Tonight The Remaining Issues Still Are.

And Then, We Can Explain Some Of The Things That We Changed Since The L.P.A. Meeting.

In Response To Those Comments.

For Example, Reclamation Of Standards And Open Spaces Or Issues That Came Up We've Moved Some Changes And All That Could Still Evolve A Little Bit More Before The Next Public Hearing.

Chairman Judah: I Think That Would Be Helpful.

Okay.

Yes.

Commissioner Mann.

Comm. Mann: Along The Same Lines We Were Talking About Here.

My Compliments Mary To You And Your Whole Staff For The Job You Have Done.

But This In My Way Of Thinking Is One Of The More Important Things The Commission Is Going To Deal With, And It's Going To Be Hard To Get It Perfect But It's Close To Right Is What I Want To Do.

And It Is It's Frankly So Voluminous I'm Going To Continue To Need Time And Perhaps More Help In Figuring Out What The Status Quo Is And What The Recommended Change Is, And Then Maybe A Third Column, I'm Just Asking You To Make This Out So It's Really Designed For The Elderly.

And A Third When It Says The Industry Objections Or Other Suggestion Between Now And The Next Time We're Back Here Together If That's Not Asking Too Much, Because I Can't Put This One And Weigh It Beside The Status Quo Of The Existing, And Make Much More Out Of It.

I'll Probably Learn From The Industry Today And The Public As Well How To Assemble Enlighten.

But Before We Come Back Here Again, I Need That Sort Of Summary Form A Major Points.

Bullets.

Okay, So Going To Be Elderly In About A Week, I Think It Will Be Easier To Do.

Comm. Mann: Do It Quick, Because It Gets A Lot Harder.

Chairman Judah: Mary Thank You, If There Are Any Questions And Dialogue After We Hear From The Public.

Okay.

I Only Have Three Cards.

I Can't Believe That That's All We're Going To Hear From.

So Hopefully If There Are Others That Would Like To Speak Tonight, If They Could Fill Out A Card.

Bill Mcdaniel.

Comm. Mann: Mr. Chairman It Appears There Are Only Three Cards, But I Asked The Chair As Little As You Can Possibly Can On The Three-Minute Rule, If At All Possible.

I'm Not Asking For 20 But If Somebody Have Done Their Three And Have Just A Little.

Comm. Hall: We Always Let People Finish Their Thought.

It's Ironic Maybe Coming Here First And Asking For An Extension.

Comm. Mann: I Just Kind Of Anticipated.

Chairman Judah: Good Evening.

Good Evening Commissioners.

For The Record My Name Is Bill Mcdaniel.

I'm The Owner And Operator Of Big Island Excavating, And Earth Mining Operation Located Within The Drbr At The Intersection Of Bell Boulevard And State Road 82.

The Main Reason I'm Here To Speak Is To Not Necessarily Object To The Necessity Of Your Effort, The Timing Within Which Two Of The Commissioners Have Spoke On This Evening Is Where I Have The Issue.

I Am An Owner Of Property In Your County.

I'm An Operator Of A Mining Operation Of Your County.

And Until Last Thursday, I Was Not Aware That The Substantive Amendments To The Zoning Were Being Effectuated.

I Would Like To Clarify A Point.

Your Staff Has A Hugely Dawning Affecting The In An Effort To Communicate With The Public.

But, Here I Am, An Operator, Alone An Owner Of Real Estate And, As Mary Shared With You The Goal Behind These Revisions Is To Promote Consolidate, The Code To Promote Understanding Of The Code, To Dismiss Overhappening Of Multiple Agency Reviews And In The Hour And A Half I Had Or So To Review It Briefly Before I Came Here This Evening, I Saw Military Approximately Overlaps In Multiple Agencies That We Are Responsible To Report To And Have Review Done By Our Operations.

So, I Would Really, Really Like To Ask You To And I Know You Have Things You Have To Do Because Of The Moratorium As Well.

Statutorily, But I Would Really Like To Have Some Consensus Of Additional Time To Review And Have An Input In And On Record, I Would Certainly Volunteer To Be Party To Those Discussions With As Mr. Mann Talked About, Reality Of What's On Paper.

Thank You.

Chairman Judah: I Just Want To Make Sure That You Get A Full Copy Of The Draft.

Before You Leave Here Tonight.

And Also To Understand The L.P.A. Will Be Meeting On The 25th.

I Was In The Back Sir, Yes, Sir.

And I Finally Did Figure Out Through The Web Site How To Get To It And I Have It On My Computer.

I Do Have A Pretty Copy That Mary Spoke Of With The Blue And Yellow Low.

Chairman Judah: And We Welcome Your Input.

Thank You, Sir, I Would Be Happy If In Fact You Do Go That Route I Would Be Pleased To Serve To Help You And Your Staff Get Through This Process.

Chairman Judah: Thank You.

Thank You.

Chairman Judah: Steven Brown?
Steven, Good Evening.

Good Evening.

A Copy Of The Comments.

Okay.

We Can Just Read Along.

Steven Brown Representing Our Membership In Lee County.

As I Go Through My Comments You May Find That They're Out Of Sync With Regard To Page Numbers Because I'm Not Working Off The Draft That You All Have, But I Believe All The Comments Will Be Pertinent And I Will Try To Refer To Them By Section Number.

The First In Section 12, 104-A, Exempt Excavation Activity Permitted Under 10.329 And

10329-A That It Does Not Apply To Mining Activities, Regulated By 341652 Through 1681.

The Problem Here Is Just Housekeeping Thing.

Those Section, 1651 Through 1681 Are Proposed By Staff To Be Removed And Replaced That Control The Activities That They Used To Control.

So, It Really Should Just Say That Excavations For Mining Activities Regulated By Chapter 12 Which Is The New Reference To This Comprehensive Mining Ordinance.

And I Should Have Prefaced This With The Comment That The Conservancy Is In Support Of This Document In Staff Efforts And We Too Feel There's A Major Effort On The Part Of Staff And We Congratulate Them On Taking The Steps To Do This.

Just A Few Changes That We Would Recommend.

In Section 12109-B, Two And Three, It Provides A Failure To Diligently Pursue The Activity Under The Conservation Approval And Completion Within The Time Frames Will Cause The Site Conservation Permit To Expire.

Just Looking For A Definition Of Diligent Pursuit, And Staff May Have Covered That Already.

On Page Or Section 12, 112.5 It Stipulates The Proving Title To The Plant Development Rezoning By Demonstrating Among Other Things Approval Of The Request Preserves Indigenous Hearsay Are Occupied Have Habitat.

Our Comment Here To Protect Habitat For Florida Panther On Primary And Secondary Habitat And The Dispersal Zone Some Of Which May At This Point Not Be Documented As Occupied By The Panther.

This Documentation Has More To Do With The Availability Of Research Dollars To Prove The Presence Of Panthers In An Area Than It Serves As Proof Of Their Absence.

It Is Important To Protect The Potential Habitat As That Currently Occupied For The Survival Of The Species And The Expansion Of Their Numbers To A Sustainable Level Of Southwest Florida.

We Recommend That This Section Should Be Revised To Include After The Word Habitat, And The Section Bolded Up Above, The Following Words, Or Areas Identified As Primary And Secondary Habitat And Dispersal Zones For Florida Panther.

Section 12113 P-1 Talks About Wildlife Corridors An A Comment Here Is That It Provides A 100-Foot Wide Design And Should Add Include Something More Reasonable, A Reasonable Travel Corridor Should Be At Least That Of The Animal's Home Range If The Intent As Is Stated Is To Provide Interconnect Activity Of The Florida Panther And Florida Black Bear Habitat And To Allow These Large Mammals To Move Locally Within Their Range.

Greater Care Must Be Give On The Proper Sizing Of The Corridors That Provide Connect Activity And I Give You A Citation From The Book Echo System Management Adaptive

Community Conservation, Where The Authors Talk About The Fact That This Habitat Or These Connective Portions Of The Habitat Need To Be At Least As Wide As The Panthers Home Range.

We Have Done Some Further Research, And We're At A Minimum Of What Mile Corridor If You Really Truly Want Connect Activity.

On 6112 And 115 Requires A Monetary Report As Part Of The Renewal Process.

This Post Operation Cumulative Impact Monitoring Report May Allow The County To Evaluate Cumulative Impacts So The Mine Under Consideration For Renewal That Is Limited To The Impacts Of That Mine Alone.

And Not The Other Permits That May Have Been Approved In The Area That May Add Up To More Of An Back On That Individual Mine.

And The Fact Of Having A Five-Year Post Operation Cumulative Impact Will Only Tell You About The Impacts Of That Mine After It's Already Caused Those Impacts.

What We're Suggesting Is That The Review Of T.I.S.

Or I'm Sorry, The Cumulative Backs For Plant Developments Should Be Conducted As Part Of The Permit Review Process.

Not As The Post Approval Process But As Something That's Considered And Deciding Whether Indeed To Grant A Permit.

So It Would Be A Prepermit Cumulative Impacts That We Can See What The Impacts Are Going To Be Before We Get Involved With It.

Section 112, 116 A, B And C Of Concern To The Development And Our Issue Here Is That There Seem To Be Very Few Quality Of Life Issues Covered On There And This Would Be The Impacts To Citizens Who Reside In The That's Are Going To Be Subjected To The Truck Traffic.

There's Plenty Of Impacts Mitigation For Backs Contained In This For Traffic Impacts, Damage To The Road And Things Like That But The Element Is Left Out Of This We Feel.

341671 Eliminates If You Eliminate This Section Your Eliminating The Requirement For Excavation To Address Compatibility Concerns.

With Think That's Just As The Assessment Is An Issue That Should Be Taken Into Account Before You Decide To Issue A Permit For Project That Has Such A Significant Potential For Environmental Degradation.

I Thank You Again For Your Indulgence And Again We Would Like To Lend Our Support To Staff's Recommendation For The Approval Of This Ordinance.

Chairman Judah: Thank You Steven.

Followed By Ron.

Good Evening, Chuck.

Good Evening.

>>Ford Charles With Henderson Frank And Reping Alico Agri Limited.

It Has A Number Of Acres That They Still Hold Title To Out South Of Alico Road And East Of Ben Hill Griffin Parkway Within The Drgr Area.

The Main Portion Of One Of Their Sites Is An Existing Mining Site For All Intents And Purposes, The Mining Has Been Completed.

They Have Some Fill On The Site Still That May Be Removed, May Be Used At A Later Date For Post Mining Development And They Need To Go Through The Reclamation Of The Site That I Believe They Have Permitted Already.

Part Of The Problem That I Have With This Particular Ordinance And I'll Keep My Comments Brief This Evening But It Has To Do With Sections 12-121, Existing Mine Operations, And Section 12-122 Post Mining Use Of Land.

It Would Appear And I'm Not Real Certain By Reading Through This Because I Find The 12-122 Post Mining Use Land Section Very Ambiguous And Difficult To Understand Exactly What's Going To Happen Long Term.

Relative To These Mining Operations In Lee County.

But My Point Is That These Folks Years Ago Started This Operation.

They've Already Completed The Operation For All Intents And Purposes, Before This Ordinance Is Going To Come Into Effect.

And, Their Point Is They Don't Think They Should Be Subject To The Structures Of This Particular Ordinance.

There Are A Number Of Requirements That Could Come Into Play With Potentially The Removal Of The Fill That They Still Have On Site, The Reclamation Plan That They Have And The Post Development Use Of The Property.

And Given Their Prior Mining Experience If You Will, That They Require Permits That Have Been Issued, It Is Their Position And Mine That This Ordinance Should Apply To Those Particular Insurance Stances Where They May Have Had A Mining Operation That Was A Viable Operation At One Point, For All Intents And Purposes That's Completed At This Point.

And, In Their View And In My View They Shouldn't Be Subject To Having To Comply With This Particular Ordinance.

Again It's Part Of It Is That When I Read Through Particularly 12-122 I'm Not Certain What's Going To Happen.

I Think That Section Is Nebulous Enough Where It's Going To Be Difficult For Minute To Sit Here Today And Tell You Five Years Down The Road For Instance If You Have An Existing Mining Operation What Does It Mean In Terms Of This Post Mining Use Of Land Section.

I Don't Know.

And So Part Of It Is I Think A Question For Me To Your Staff To Please Either Clarify What You Mean In This Section, Through Rewriting It Or At Least Tell Us What It Is You Mean And Then Secondly, To Exclude Projects Mining Projects That Have Already Been Completed To The Extent That They Are The Actually Mining Operation Itself Has Been Completed.

Thank You Very Much And I Appreciate Your Time.

Chairman Judah: Thank You, Chuck.

Ron Edge?
Followed By James Flatman.

Comm. Mann: Mr. Chairman May I Just Make A Point Here.

My Opening Comments Referred To What You Were Bringing To Us.

If There's The Existing, There's A New Proposal, And There's The Industry Suggestions, And Talking About Post Mining Use Of The Land, There's Something A Language That You Would Like To See Hope In These Next Two Weeks You Would Specifically Write It Out, Share It With Them, Share It With Us Too.

So That I Can Start To Really Make Sense Out Of The Whole Thing.

Thank You.

Chairman Judah: Okay, Ron, Good Evening.

Good Evening Mr. Chairman.

Members Of The Board.

I'm Here Representing Harper Brothers Incorporated, And Operates Mining Operations In The Drggr Area Of The County And Has Done So Since 191 So We've Been Many This Particular Area Of The Community.

We've Worked With The Various Issues That Come Up To Try To Do The Best Thing For Not Only Our Operation But In Terms Of The County The Protection Of The Water Supplies And What Have.

As Many Of You All Know As We Mentioned Before We Operated Within 500 Feet, For Over

Two Decades Without Any Problems whatsoever And Stay In Constant Contact With Your Staff In That Regard.

So We Have An Existing Operation.

I Had Also The Privilege To Work With Ford Rock Industries As Part Of The Expansion, And What We Call The Ford Rock Mine Number Two, It's One Interval Parcel Operation As We See It.

Through That Whole Association I've Had A Chance To Work With Various Regulatory Regimes And Throughout The Regulatory Process In Approximately Five Or Six Different Jurisdictions, Four Different States, I Have To Tell You That The Regulations That Are Being Proposed Here Are Some Of The Most Extensive Complicated And Far Reaching Regulations Without Seeing Many Any Of The Four States I've Been Involved In Over The Last 20 Years.

Very Extensive And Complicated Rule.

Very Difficult To Understand.

There Still Needs To Be Work Done On This Document.

There Are A Couple Of Things That Are Problematic And I Only Have A Certain Period Of Time To Be Able To Tell You About This.

The First That Through The Operation Of The Regulations, Existing Mines That Have Current Zoning Could Lose That Zoning And Have To Cop Back To The Regulatory Process Again.

I Don't Know Of Any Other Zoning Category In Lee County That Has An Operation That Has Been Previously Zoned Especially One That's In Operations That Runs The Risk Of Having To Come Back Through That Process.

Secondly Some Of The Regulations That Are Proposed Significantly Alter Mining Footprint That's Provided For Under The Current Approved Plans.

We Lose Reserves Approximately 28% Under The Interpretation As They're Written Right Now.

That's A Big Significant Difference.

For Instance Also The Harper Mine Has Been In Existence Since 191, If Certain Time Frames That Are Outlined In The Regulations Aren't Met, We Could Lose Our Zoning Through Again Not Needing A Certain Time Frame Some Of Which We Don't Have Strict Control Over And Come Through The Zoning Pros For An Operations That Been There For Two Decades.

That's A Very Significant Problem.

I Know We Have Concerned And Many Are Talking About But We Have To Do Something Before The Moratorium Expires.

I Don't Agree With That.

The Moratorium Is On Zones.

You Currently Have Existing Regulations That Adequately Address And Significantly Address Mining Operation In 1997 When Harper Brothers Renewed Its Five-Year Operating Permit, We Got One.25 Pages Long In 2002 We Went Through That Same Process On The Same Parcel Of Property, The R.A.I. That We Received From County Was Six Pages Long Because Of The County Request That We're Willing To Provide.

Now You Have Much More Extensive Regulation That Exist Today.

So To Say That We Have To Do Something Prior To The Exploration Of A Moratorium Our Mining Is Unregulated Is Patently Untrue.

There Are Chapter 34-1681 And Further Sections Adequately Governing That, Does It Need Tweaked Perhaps Based On New Regular Laces, Perhaps So.

These Regulation Goes Far Beyond That.

I Agree With Commissioner Mann And Hall, We Need More Time To Adequately Address This.

Significant Issues Were Raised That Have Not Yet Been Addressed That Will Come Up Only A Day Before The Second Hearing.

When You Deal With The Mining Regulations And The Fact That It Is A Major Decision, Just Remember The Old Adage, There's Not Enough Time To Do It Right But There's Always Plenty Of Time To Do It Over.

Let's Not Place Ourselves In That Position.

Let's Take The Time To Make Sure We Do This Right And Make Sure That We Get Valued Input From The Industry.

We've Already Provided Your Staff With Several Articles And Items Of Information We Continue To Work With Them.

I'm Not Sure We're Going To Get All This Done To A Point Where It's Presentable To You Guys In A Two-Week Period.

I Have Concerns About Doing That Because The Issues Are So Large That We Have To Deal With.

Just Make Sure We Don't Rush Through This Because It Has Significant Implications And We Don't Want To Be In A Position Where The Industry Is At Odds With The County And That We Would Prefer To Work With You To Try To Address What You Need To Ensure These Existing Operations Can Continue As They've Been Permitted.

Thank You Ron.

All Right James Followed By Robert.

Good Evening Sir.

Here Representing The North Fort Meyers Design And Review Board.

I Would Like To Speak To An Issues That You Discussed This Morning About Eel Out Of My Turn Here Should I Wait?

Chairman Judah: You Will Be Able To Discuss That But It Will Have To Be When We Have An Opportunity For The General Public To Comment On Any Matters, Hang In There.

Roger Sims?

Followed By Russell Shroud.

Good Evening Sir.

Good Evening.

Many Chairman, Members Of Board.

I'm Roger Sims.

I'm A Partner With Holland And Knight Law Firm.

Based In Orlando But Grew Up In North Florida.

So, If I Refer To My Client As Sea Mix That's Just An Old Habit.

Operates An Existing Quarry In The Alico Road Corridor.

Ready Mixed Products And Related Building Materials, And Has Been Represented Tonight Or Is Represented Tonight By A Team Of Folks Who Are Here, But, We Decided That I Would Be The Only Speaker So If I Could Have A Little Flexibility.

I'm Not Going To Go Long.

But I Appreciate A Little Flexibility On Time.

Some Conduct Mining Operations In Lee County Which Would Be Directly Affected By Regulated By This Proposed Ordinance And We Feel We Stand As Full Party In These Proceedings.

The Quarry North Of Alico Road Has Been In Existence For Over 40 Years.

With No Problems.

The Operations Are Fully Permitted And Compliance With All Existing Environmental And Other Land Use Permits Is A Top Priority.

We Have Written Comments We Would Like To Submit For The Record If We May, They're Very Brief.

And Basically Just Confirm Our Position As An Existing Order.

Our Biggest Concern Board Members With What We Have In Front Of Us Has Already Been Stated By A In Of Speakers.

You Have A Very Complicated Comprehensive Ordinance, It's Going To Have Far Reaching Implications And No Time To Work Out The Problems.

I Think Other Companies Represented Tonight Is Committed To Working With Staff To Try To Resolve As Much As Possible So That We Can All Go Forward And Not Have Unnecessary Friction.

Our Biggest Concern At This Point Is There's No Recognition Of Vested Rights.

We Are An Existing Operator.

And Our Existing Operation Status Should Be Allowed Until We've Completed The Vested Footprint.

Some Of The Requirements Of This Ordinance Basic Country Create A Loop In Which We Could Find Ourselves Losing Those Vested Rights.

In Other Words They Would Be Distinguished And That's Not Only Unfair.

But We Think It's Legally Inappropriate.

There's Been Some Discussion Tonight Of Deferring A Decision To September 2nd Or September 9th We Absolutely Support That.

We're We Also Would Suggest As Did The Last Speaker There Are Ways To Deal With The Exploration Of The Moratorium Other Than Rushing To A Decision And Basically Saying That's It.

One Option Would Be If You're Going To Adopt Something, Some Said It For A Few Months, So It Expires And We Can Then Come In With Something That's Workable But We Really Don't Think What You Have Right Now Is Close Enough To Workable To Be Done In Two Weeks.

It Just It's Not Going To Happen.

Having Said That We Do Have A Meeting Scheduled With Staff We Are Committed To Doing As Much As We Can With Them, And We Hope We Can Be Successful.

I Wanted To Mention The Environmental Resource Permit Process Or E.R.P. That's Administered By The State Of Florida Department Of Environmental Protection.

It's An Extremely Comprehensive Review That Looks At All Aspects Of Mining.

That Is Staffed By D.E.P. But Plenty Of You Want The For The County To Participate In That.

And I Guess We're Wondering If You Adopt What's In Front Of You Tonight Who Is Going To Administer This And What Staff Are Going To Be Required To Make The Review Fair And Technically Competent.

We Would Recommend To You To Take A Hard Look At All The Other Requirements And This Would Include Federal Core Of Engineers The E.R.P. The Water Management District And Take That Into Account Rather Than Trying To Do It All One Ordinance.

We Have Concern Of A Number Of Issues Which I Won't Go Into Tonight, But To Give You Some Examples, The Traffic Analysis Sections, We Think, Says That The Existing Trips From The Existing Quarry Could Be Counted Essentially As New Trips Subject To Mitigation And That's Just Not Fair.

The View Of This Ordinance And Comments By Fdot Is Another Point.

By Statute The County Is Obligated To Request Comment From D.O.T. And Accept Its Input.

The Requirement In Section 12-122 For The Conceptual Plan Raises Major Concerns For Us As Stated By Mr. Bassinet.

Having Said All That, We Will Proceed To Work With Staff, We Would Appreciate Your Direction And Support To Staff, To Try To Work With Us And The Other Existing Operators To The Maximum Extent Possible To Avoid Unnecessary Friction.

That's.

Chairman Judah: Thank You Mr. Sims.

Russell Followed By Jim Lotto.

Mr. Chairman If I May Approach I Have A Short Handout.

Chairman Judah: Sure.

Thank You.

Good Evening.

Good Evening.

Ford Russell With The Franklin Law Firm, I'm Her Today With Scott Mccaleb And Matt Mcnoll At The In The Audience There.

As You're Aware, Florida Rock Has A Mining Operation Located In The Drgr Area Of The County.

The Mining Operation For Florida Rock Is Essentially Consist Of Two Parts.

The First Part Is What We Refer To As The Old Harper Brothers Mine And This Taxes On To What Ron Was Talking To You Earlier About.

This Portion Of The Mine Was Before You Were About Two To Three Months Ago For A Zoning Modification You May Recall It.

The Second Part Of The Mine Is What We Refer To As Mine Number Two Which Is The Part That Ron Indicated As Immediately North Of And Adjacent To The Old Harbor Brothers Mine.

Mine Number Two Receiving Zoning Approval From The County Commission In 1993.

And Florida Rock Has Been Diligently Pursuing Other Permitting To Implement That Mine Since Approval Was Obtained From The County Commission.

Florida Rock Has Presently Fdep Permit For Mine Number Two And Is Very Close To Issues Of A Core Of Engineers Permit For The Second Time On The Project The First Permit Was Challenged.

The Concerns That I'm Here Today To Express To You Are From The Perspective Of A Previously Approved Mining Operation.

And The Effect Of These Regulations And Proposed Amendments On The Florida Rock Operation In Particular.

Since The Proposed Amendments Were Released For Public Review In Approximately July, Late July Of This Year Florida Rock Has Worked Closely With Dawn To Try And Resolve Some Of The Issues That They Have And To Provide Forcible Treatment Of Previously Approved Mining Operations Under The Regulations Some Changes Have Been Made To The Draft Regulations But At This Point, We Do Not Believe The Proposed Regulations Adequately Or Fairly Address Previously Approved Mining Operations That Exist In This County Including Florida Rocks Operations.

We Will Commit To Continue To Work With Staff To Try To Resolve Some Of These Issues And Provide An Acceptable Way In Which The Regulations May Accept Previously Approved Mines But If An Acceptable Refinement Can't Be Found Before Adoption, I Suspect We'll Be Discussing These Regulations In Another Form Or A Different Form Than The One We Are Here Tonight On.

Rather Than Get Into Several Issues, It's Difficult To Go Line Item By Line Item At This Point, But I Thought I Would Relay To You That In Our Opinion Fair Treatment Of Existing

Mines Under These Regulations I Think Hinges On Two Major Concepts And That's Provided In The Brief Handout That I Provided To You Today.

A Few Minutes Ago.

The New Regulations We Feel Must Do Two Things.

First Is It Must Respect And Retain The Approved Mining Footprint And Depth That Was Previously Proved In Prior Zoning Actions By This Board.

So That The Area In Depth And Material That Can Be Mined Is Not Reduced And Therefore The Value Of The Mine Is Not Reduced As Well.

The Previously Proved Mining Footprint And Depth Cannot Be Reduced Directly Or Indirectly Through Additional Requirements For Expanded Open Space, Reclamation Requirements And Other Such Similar Requirements.

That Will Have The Effect Of Reducing The Overall Mineable Area.

And Depth.

The Second Major Concept That We Think The New Regular Laces Must Incorporate Is That The New Regulations Must Not Contain Any Time Restrictions By Which You Must Move Forward With The Next Stage Of Permitting And Actually Into Mining Operations.

You Have To Remember That Previous Approvals Granted By This Commission Were Based On An Underlying Assumption That These Operations Are Going To Take Place Over Many, Many Years.

They Were Required To Be Phased.

They Were Required To Be Shown Out Into The Future.

And The Intent Consistent With The Lee Plan Was To Designate These Areas On The Zoning Map As Future Mining Searns That People Would Be Put On Notice That There Was Going To Be Significant Mining Operations Occurring Many This Area.

That's What Needs To Be Recognized.

So Any Requirement That You Now Come Back With And Put On These Mining Operations To Go Forward, With Immediate Permitting And Immediate Implementation Of The Mines Runs Counter And Contrary To The Intent Of The Mining Operations And The Zoning Approval Grabbed Years Ago.

In Our Recent Zoning Action, I Think What You Caught Was A Clear Reflection That Florida Rock Has Been A Good Corporate Citizen In Lee County.

When Staff Requires Additional Reporting Or Monitoring We've Provided It And We Will Continue To Provide It.

But One Thing You Need To Understand Because I Don't Think Staff Really Does At This Point, Is That The Previous Approvals That This County And This Commission Has Issued To Florida Rock Have Been Relied Upon Extensively, There's Been Significant Sums Of Money Expended In Pursuit Of For The Permitter.

And Existing Operations At The Mine Have Receded On The Assumption That The Mine Will Be Able To Continue Into The Future After Such Approvals.

We Would Like You To Know That We're Perfectly Willing And Able To Try And Abide By Some Of The Requirements That Staff Has Suggested.

The Monitoring Requirements, The Additional Reporting Requirements We're All Willing To Try And Provide And Work With The Staff On Those Requirements.

I Believe Staff Will Confirm It Just About Every Time We've Asked For Additional Information Or A Report Of Some Kind We've Been Able To Provide It And Provide It At A Time That Meets The Requirements.

But We Cannot Sit By And Let Our Previously Approved Mining Rights Be Stripped Away By The New Regulations.

And Unless The Regulations Are Modified To Incorporate The Two Concepts That I Passed Out To You At The Beginning Of My Presentation, I Suspect Florida Rock Will Be Opposed To The Regulation In The Form That They Are Presently Proportioned Or Adopted And Specifically Those Concepts That I Would Ask You To Direct Staff To Try And Incorporate Into The Regulations Are First Of All To Reason And Maintain The Previously Proved Zoning Footprint And Depth Approved In The Zoning Action And To Not Implement Or Put Into Effect Any Time Restrictions By Which The Zoning Would Either Have To Be Implemented.

Chairman Judah: Thank You Russell.

Appreciate It.

Chairman Judah: Jim, Good Evening.

Followed By Happen In A Montgomery.

My Name Is Jim Wright, I'm A Resident And, My Neighbors And I Have Been Active In Resisting Mining Proliferations Out Farther East In Existing Mines.

Because It Has Such A Detrimental Effect On Our Way Of Life And Our Expectation Of What We Had When We Moved Out There And Lived There.

And The Urgency Of Time I Think Is Probably Going To Be A Mining Applications As Soon As This Moratorium Is Over And I Just Like To Thank Everybody The Staff, I've Been To A Lot Of These Meetings And Consultants And You Commissioners And All The Staff That Are Working Hard On This Because My Neighbors And I Have Sat Through About 30 Days Of Very Expensive Hearings For Both Sides.

On Mining.

Further The Expansion Of Mining Further East On Corkscrew Road And At This Point We've Held Off The Mines Through The Hearing Process.

But, Eventually As We've Discussed Before, We Will Be Worn Down Financially, And By Time And I Didn't Expect To Spend My Life In Lee County As A Mine Fighter.

I'm A Marble Restoration.

I Moved Here 40 Years Ago And Lee County Has Been Good To Me.

It's A Great Place To Live.

And This Thing We've Been Going Through The Very Arduous Here.

I've Sat With Miners In Meetings And Things.

To Me It's A Real Pleasant Experience How Government Really Does Work.

And It's Not Corrupt.

When We First Started Fighting Mines People Would Say They're So Wealthy They Will Just Buy The Commissioners Off Or Whoever They Need To Do.

That's Not The Way It Really Works.

And I Think That I'm Pretty Pleased With The Way Things Are Going So Far And Want To Thank You.

That's All I Had To Say, Thank You Very Much.

Chairman Judah: Thank You, Jim.

Lynn Montgomery.

Will There Be Anymore Speakers Regards To The Mining?
Okay, Good Evening.

Good Evening, For The Record My Name Is Lynn Montgomery.

I Want To Comment On Some Of The Comments Made Here This Evening Particularly Chuck's Comments.

I Do Encourage You To Take The Time The To Answer Some Of The Questions That Were Raised At The L.P.A. I Think That Toes Are Some Good Questions And Good Issues That Need To Be Addressed.

The Or Minutes The Is Written, It's Cumbersome.

It's Extensive.

It's Expensive.

It Overlaps, There Are Several Points In The Ordinance Where You Have The Ability To Be Timed Out.

I Don't Know If You've Ever Applied For An Application On-Line, If You Don't Get It Fast Enough You Get Timed Out And Have To Go Back To The Beginning.

There Are Several Points In The Pros Where You Can Spent Considerable Hubs Of Thousands Of Dollars And Get Times Out And Kickback And Get To Start Again.

So If You're Just Picking That Up And Looking At It You Get The Feeling You Will Never Get True, You Will Just Get Timed Out And Sent Back To Go Again And Don't Get To Collect \$200.

There Are Issues In The Ordinance That Need To Be Looked At.

There Are Exact On In The Ordinance.

They're Equal Protection Issues In The Ordinance.

There's Terminology That's Very Broad-Based.

You Could Drive A Mac Truck Through It In Terms Of What Does It Mean.

I Think It Boils Down If You're A Property Owner, And You Own Property In The Drgr When That Category Was Created, There Were Very Limited Uses Out There And One Of The Use That Everybody Expected They Could Do Was Resource Extraction And As Written Protects The Right To Do That I Think It Raises Lots Of Legal Concerns That Are Seriously Look Concerned And Even Though The Folks In Washington Haven't Recognized It Most Economists Agree That We've Been In A Recession Since The First Quarter Of This Year And We Run The Risk It Will The Turn Into A Depression.

For The Folks Who You Know Just Got Their Tax Bills And Realized They Have Lost A Lot Of Value In Their Homes When Roads Get Built It's Going To Cost More Money Because We're Making Everything A Lot More Expensive Without Necessarily A Reason To Make It More Expensive Just Because Of The Process Is Something We Need To Step Back And Take A Look At Before We Adopt It.

Thank You.

Thank You Neil.

Larry, Good Evening Larry.

Good Evening Chairman And Commissioners.

My Name Is Larry St.

Aman From Cape Coral.

I Want To Let The Board Know That I'm Just As Disappointed Today As I Was In September Of Last Year When They Put A Moratorium.

A More Or The Jump A Pretty Bad Word.

I Think It's A Very Strong Word And I Think That You Guys Really Need To Think About Property Rights.

All These People Are Paying Taxes On This Property And They Do Have Rights And I Think That That's Something That This Board May Have Forgotten About And The Fact That We Paid This Year \$1.4 Million Dollars For A Study In The Drgr And From What I Can Tell We're No Further Along Than We Were This Time Last Year.

Now We're On A Deadline So We Went A Whole Year, Still Don't Know What We're Doing.

I'm Just Disappointed As A Citizen.

I Don't Own Property But I Believe These People Have Property Rights And I Don't Think It's Been Handled Well.

I Spoke On This Last Year And I'm Against A Moratorium Of This Kind Especially When It Is Already In The Comp Plan.

These People Know It Better Than I Do And I'm Sure You All Are Aware Of A Lot Of The Facts But The Thing Is There Is I Think Some Mismanagement Here With This.

I Mean Here We Are A Year Later And We're Up Against A Deadline.

I Don't Look Too Well On It, Like I Said The Property Rights, The Other Thing I Wanted To Discuss We Have A Whole Division Economic Development, Always Trying To Get Business The To Come To Lee County.

Where We Have A Business Right In Our Backyard And We're Trying To Shut It Down.

I Don't Know That Makes A Lot Of Sense And I'll Let You Guys Figure Out The Rest Of It, Thank You.

Chairman Judah: Thank You Larry.

Anyone Else Wish To Comment?

Okay, We'll Go Back To The Board.

Discussion By The Board, Commissioner Hall?

Comm. Hall: I Have A Question, Thanks.

We're Talking About Dead Lines And Times That Things Have To Be Certain Things Need To Commence But Nowhere In Here Does It Put Timing On Staff Turnaround.

And The Efficiency, Put Something In That It Will Be Done That The Review Process Needs To Have Deadlines Also.

That's A Concern If We're Going To Time People Out And Put Them Back To The Begins Of The Process And It May Be In Here For, What Is You Know We Say In A Timely Manner, Those Aren't Definitive As You're Being As Definitive To The Applicant And I Always Worry That We're Not Definitive Because I Think It's A Great Area.

So If We're Going To Put Those Deadlines There, What Is The Review Process Turnaround So That We Can Ensure That We're Not Holding Up Their Reason, That We Need A Deadline.

We Do Have Some Time Frames In The Ordinance, That I'm Not Sure If We Took Them At A Chapter 12 Or Not But We Have Turnaround Times, We Can Revisit That And Look It Up Before The Next Hearing Too.

We Have Like Is A Days For Reviewing Sufficiencies Of Planned Developments And We Have Certain Amount Of Those For Development Orders.

So, We Do Have Some Time Frames.

I Don't Know If They're In There, I'll Go Back And Look At That.

Comm. Hall: I Think If We're Trying To Keep Everything Clean In This New Chapter 12, There Should Be Lessons On The Staff's Obligation Even If We're Referencing Back Some Other Areas.

If You Have To Have, There Should Be Something That Collates Them Back To How Staff Deals With That.

This Gentlemen In The Back And I Can Look And You're Saying We're Going To Put Everything In Chapter 12, Let's Put Everything In There And If There Is Other References Somewhere Else, We Can Also Reference It, But If We're Going To Make It Clean, Let's Make It Clean So We Don't Have To Look At 15 Different Chapter.

That Would Be Easier For Me Anyway To Be Able To Look At Regulation Make Sure We're Covering Our Bases.

So, Thank You Mr. Chairman.

Chairman Judah: Other Commissioner Would Like To Comment?
Commissioner Mann.

Comm. Mann: Feel So Inadequate And I'm Certain It Shows.

To Ask Intelligent Questions Here, But A Couple Things Catch My Attention And I Will Say That As I Think Most Of You Have, I've Visited With Some Of The Industry Folks That Have Come To Explain To Me Their Concerns About This Proposal.

And I Visited With Mary And I'm Trying To Make Sense Of Out Of This.

One Of The Huge Issues That It Seems To Me Involves What Mr. Is Talk About Their Concerns About Changing The Footprint And Depth.

And I Think He Was Saying The Same Thing On Behalf Of The Same Client.

And Another Way When He Said It Looks To Be A 38%.

And The Proposed Changes Here.

Maybe I'm Not Looking For A Detailed Answer Right Now But Just Some General Summary Because I Chatted With You About This The Other Day.

Your Staff And The Industry People View This Quite Differently To Say The Least. Dog Do You See Some Areas Of Discussion Where Perhaps We Might That Are Row This? I Think We're Going To Have To Revisit The Existing Mines Issue Again And We Did Try After The L.P.A. To Cut Back On Some Of The Environmental Things Which Were What Was Reducing The Footprint.

So We Did Come Some Ways But I Don't Know You Know If That's Enough, So, I Knee We Have Meetings Coming Up.

I Think We're Just Going To Go Back And Revisit That Existing Mine Issue Because Of All The Comments.

You Will Find Me Supportive And I Wouldn't Be Surprised If All Of Us Up Here Wouldn't Be Supportive Of Certain Environmental Considerations Based On What We Know Today We Might Need To Deal With.

But, What Begins To Concern Me Is If We Become So Severe In Additional Restrictions That We Do Take Away Rights That Have Been Granted Before, And My Fear And You Heard Me Speak About It Before As We Enter Right Up In A Courthouse.

For Prolonged Agony, If The Litigation Process.

And Also Almost Certainly Triggers Some More Debate In Tallahassee And I Don't Look Forward To The Extent That We Can Make Reasonable Additional Reconstructions Here, That Take Into Concern All The Things We Talked About.

Surface Water Flow.

Aquifers.

What's Happening There.

Even The Public's Need For Transportation Corridors And We're Giving Up A Lot When We Permit A Mine For Some Really Draconian Changes And There's Got To Be Some Give And Take And I Believe The Industry Is Willing To Participate That And To Some Extent Has Shown That In The Past. I'm Just Thinking Out Loud With You As You Go Back To A Very Difficult Affecting The, The Things That Come To My Mind And I Hope That We Can Be Bounding Back And Forth.

But, The Footprint And The Depth Issue Seems To Me To Be A Huge One Out There, And We Need To Spend A Lot Of Time Thinking About That.

That's My Comments For Now Mr. Chairman, And This Is Very The Tough.

I Do Feel Still A Little Rushed And I'm Not Certain I Understand The Legal Significance Of The Drop Dead Date When The Moratorium Expires And Whether That Forces To Do Something Hastily Here That We Might Regret Doing If We Haven't Been Very Careful About How We Get There.

So, I Would Rather Take A Little Bit More Time To Do It Right And Protect Themselves From That Litigation And From Trying To Come Once Again And Use Our Ability To Do What We've Been Doing Here.

An People That Work So Hard For A Year And Then It Would All Be For Nothing If It's Taken Away From Us Again.

I'm Just Rambling Mr. Chairman, But Thank You.

Chairman Judah: First Of All, I Would Like To Comment Too, But.

Comm. Hall: I Would Like To Ask David The Difference Between Or Dawn, If We Adopt This On The 26th Versus If We Adopt It On The Ninth, What Does That Mean?

Good Evening Mr. Chairman, Commissioner Hall, It Doesn't Make Any Difference Whether You Adopt It On The 26th Or On The 9th.

The Object Thai Is To Have Your New Regulations In Place Prior To The Lifting Of The Moratorium So There's New Regulations Will Be In Place When All The Applications Come In For The New Mines.

That's Just The Basic Playing Field That We're Working On.

This Is What You Direct Us To Do About A Year Ago To Get More Information To The Board At The Zoning Level.

So That You Can Have A Thorough Well Informed Review Of That Application Before You Make The Decision As To A Go Or No Go With Respect To The Zoning.

It's That Simple.

Mr. Chairman, Again, Just For The Record, Eye Not That Old But, I Usually Can Get My Arms Around A Lot Of These Issues.

I'm Having A Problem With This Bun Because It's Got So Many Pieces I Came In And Then It Changed Again And Maybe A In A Couple Days I'll Feel Better With It When I Have More Time But I Would Really Like To Have A Workshop Between The Two Public Hearings Before The Second Public Hearing Just For The Board To Interact With The Staff In A Timely Fashion Where We're Not Pressed It's A 5:00 Public Hearing Just A Time For Us To Go Through Where We're Not At, If You Will With Our Staff So That By The Time That Public Hearing Comes And We're Getting Comments In, I Feel That I've Sort Of Gotten My Thoughts From The Colleagues, To Shake Out Either As Individuals Or As The Industry Or Not, They're All Calling Us And Reds Also.

I Don't Want To Say Anyone To Think That We're Only Hearing From The Industry Because I'm Hearing From Residents Also.

That All Of Those Things Have Been Taken Into Consideration As We Move To The Public Hearing What I Don't Want To See Happen Is Something Raise Itself At That Second Public Hearing.

And Then Something Changes.

I Would Like To Be Prepared And I Would Recommend We Push This 26 Back To The 9th And Somewhere Between The 25th, And That Meeting There Has A Workshop So We Can Actually Take In And The Dialogue Of The I.P.A..

Chairman Judah: We Can Accomplish That.

I Think The Key Here Is What David Owen Was Just Indicated Is That The Time For The Board To Act Is Before The 10th Of September.

We Do Have I Think No Less Than Eight Pending Zoning Applications For Mining.

Maybe Six.

I Thought There Was About Eight.

Maybe Five.

There's A Fair Number Of Them That Are Going To Involve A Significant Am Of Land And Potential Impact To Crucial Water Supply.

To Protect The Water In Any Open Space And Whatever Mining Is In The Future, There's No Question That Mary And Her Staff Have Worked Diligently.

We Also Have On The Track The Drgr.

I Know Paris An Her Staff Are Waiting For Direction From This Board, I Disagree With One Speaker Who Said That We're No Better Off Than We Were A Year Ago.

We're Far Better Off.

We Have The Benefits Of That Drgr Study That Will Allow Is To Proceed In A Specific Direction.

It's Going To Make A Difference As To Which Direction This Board Proceeds In.

If We Decide To Go With Scenario One Or Variations Of That Scenario Where We Rely And Focus On The Corridor Reason The To Understand The Importance Of The Inventory That's In Place With The Existing Zoning On The Mining Tracks That Are In The Alico Quarter That We Wouldn't Want To Constrain And Other Conditions Where There Would Be 38% Reduction Of Being Able To Mine That Material, If That's Where We Feel The Mining Should Occur Otherwise We'll End Up Forcing Ourselves, And We Don't Try To Place Ourselves Ms. That Position Because We're Trying To Provide A Balanced To Protect Our Environmentally Critical Source.

I Don't Know Mary Is Waiting On Direction From The Board As To What Scenario We Will Choose.

Recommendations, I Believe That Staff Hears The Industry Lab Clear And Also The Comments Tonight.

I Would Think We Could Go Forward With The Second Public Hearing On August 26th Knowing Full Well, Has A Lot Of Merit Commissioner Hall.

That We Would No Locker Need To Hold A Workshop Between That Date And September 9th.

On The 9th We Need To Act But At Least That Will Give Us The Time To Continue To Work With The Industry, Fine Tune Particularly The Existing Who Is Perceived As Lands That Are Zoned For Mining.

And Address That Issue And Mary Said She Will Have To Look Back And See How She Can Work That Out.

I Think What Gives More Credence To Those Existing Mines If We As A Board Decide On A Particular Segment Of The Community Where There Is Mining Ongoing That We Would Want To Preserve The Inventory Of Those Mines, And That Be So Punitive.

Or Overreaching.

Having Said That, We Need To Open It Up To All These Proposed Changes So Ultimately We'll Protect Our Water Supplies, Wildlife Corridors.

Potential For Restoring Flowaways.

I Think This Is The Ultimate Approach That This Board Needs To Take And Prepared To Adopt The Modified Version Of The Land Development Code On September 9th, But I Would

Think That Yes, August 26th We Would Have That Public Hearing And No Doubt Continue To September 9th, We Can Give Direction To Mary Tonight Too Schedule A Workshop Between The 26th And The Ninth.

Comm. Hall: Assuming There Would Be Three Votes To Continue It To The 9th So We Could Actually Adopt It Without Going Through That Pros Which Means They Could Cancel The Workshop Between The Two.

Chairman Judah: I'm Not Certain We Will Be In That Position That Night.

If We Are, Fine, We Seem Need To Feel Comfortable With The Board.

Comm. Mann: Perhaps He Was Thinking Of That Workshop Prior To The 26th.

Comm. Hall: No Because I Want To Incorporate.

If You Start To Look At The Minutes, They Raise A Lot Of Questions That I Didn't Think About.

And Some Are I Think Very Valued.

Others Are They For Whatever Reason They're In The Mix.

And I Want To Be Able To Vet Out As We Heard Today From The Industry There's Reasons To Do Things Because There Is A Good Reason To Do It And There Are Reasons That We're Doing Things That I Don't Think Have Been Thought Out Well Enough To Say That's A Good Land Development Code Policy.

And I Think Some Of The Points That Commissioner Judah Has Got Up Are Very Valued.

Those Are Some Of The Issues That Were Discussed At The L.P.A. They Had A Three And A Half Hour Meeting And Had To Continue The Meeting, I Think Mary Has Addressed Some Of The Issues But I Think There's More There And I Want To Be Able To Vet Out All Of Those Items Before I Cast A Vote An Say That's It And Then As We Heard Earlier, Go Back And Have To Redo It, Quite Honestly, I Agree With The Commissioner Man, This Is Probably One Of The More Important Codes And Do I Feel A Little Pressure That I Feel Like I'm Being Forced Into Some Decision Trail Without -- I'm Not Sure What I'm Supposed To Be Asking Is What I'm Saying, Usually I Come To The Meeting Very Prepared And Knowing The Questions I Want To Ask.

I Don't Have The Questions I Think Immediate To Be Asked So I Can Feel Confident That The Vote I Cast Is One That I Will Feel Good About Later And I Guess That's An Awkward Way To Say That But I Think There's Things Out There That I'm Not Thinking Through Yet Because I Don't Have Enough Information To Do That And I Would Like To Have That Time To Do That.

I'm Not Uncomfortable Meeting That Deadline On The 10th.

That's Not An Issue For Me, I Think That's Very You Know We Need To Do That On A

Completely Support That.

But I Do Want To Have Some Time To Really Go Through What Our Advisory Point That We Appoint.

Some Of The Concerns They Have.

Some Of The Things They Support And Why They Want Them A Certain Way.

I Wanted Time To Vet That Out Because They're Taking Am Of Their Time, And I Want To Make Sure We Understand All The Recommendations And Concerns Because Even The Lpa Is Split On This Issue And I Think It's Good To Hear The Pro And The Con That They've Gone Through To Get To What They Can Recommend Because A Lot Of Times We Only Get What They Recommend Not What They Couldn't Recommend And Why And I'm In This Particular Case I Don't Want To Just Hear The Notes On This One.

I Want To Get A Little Bit More Detail In What The Thought Process Was.

So, I Mean That's Just My If You Will, But I Don't Have A Problem You Know, Again, We're Asking All These People To Come Back On The 26th To Only Then Probably Continue It And I Was Just Looking To Save People Their Time So We Would Be Able To Have A Meeting Of Presentation That Was More Meaningful.

I Think We Want To Go To The 26th And Get Back Section Only To Feel We're Not Comfortable Enough To Go Forward And Continue It To The 9th I'm Okay With That Too.

Chairman Judah: You Know, There's Another Approach And That's The Recognition Will Follow Through With The Public Hearing On The 26th With An Understanding That We Are Going To Schedule A Workshop And Actually Make A Final Decision On September 9th So We Would Only Meet On The 26th To Continue It To The 9th Which We Would Have To Do Formally.

Chairman Judah: Commissioner Janes.

Comm. Janes: That Was A Question I Wanted To Address Commissioner Judah The Meeting On The 26th Seals To Me Not Particularly, That Meeting On 26th Is We're Going To Have A Workshop Following That.

Seems To Me We Would Want The Workshop Prior To The Second Public Hearing, And Then Go On From There.

But I Just Raised That As A Possibility Of Perhaps Delaying That Second Public Hearing Until The Ninth And Then That Would Give Us A Chance To Have The Public Hearing, Items.

I'm Sorry The Workshop Prior To That Which Is When It Should Be Because Usually, The Second Public Hearing Is A Hearing That We Take Action On.

Chairman Judah: The Only Reason I Mentioned The Workshop Is If It Were Needed If There's Still A Lack Of Clarity Or Consensus, As Best We Could Hope, By The 26th We

Would Have That Workshop.

Now You Would Have To Go Ahead And Schedule The Workshop In Advance Anyway.

If What We Would Needed To Is Re-Advertise, I Don't Know If We Can Do That.

We've Already Tried For The 26th I Believe.

Chairman Judah: I Want To Know If You Can Schedule A Workshop Between Now And The 26th.

What I Was Going To Say, Scheduled The Workshop The September 5th Work Shot That We're Having On The Scenarios And The Land Use, That Was The Earliest Date I Could Get A Date Scheduled.

If You Wanted To Have A Workshop I Would Have To Look After September 5th, I'm Not Sure I Can Find A Date When You're All Available Or We Can Tag It On To Mnp On September 1st Because I Already Looked At Every Date Up Through September 5th And There Weren't Any.

Comm. Hall: We Can Take Some Things Off, And Move Them Forward.

I Had Another Question On The Workshop, When You Mean A Workshop You Mean Staff To Go Through In More Details The Issues With You All, Not Public Input.

Comm. Hall: Not Just A Workshop For Us And Staff.

Chairman Judah: Just Heard From Commissioner -- Is That The Second? Labor Day.

And We Have A 9:30 Joint Port Authority Meeting On September 8th.

Chairman Judah: September 8th?
Mr. Chairman.

Chairman Judah: Go Ahead.

Comm. Bigelow: I Should Respect Your Elderliness.

If You Finished.

Comm. Mann: The Public Out Here Both Residents And Industry Folks, The Only Time They Get To Hear Us Collectively Because, Is When We Meet Here So That's Why I'm Inclined To Encourage Us In The Direction I Thought I Heard You Say Let's Meet On The 26th But Let's Find Final Action On The Ninth Because That Does Allow For A Dialogue And Some Of That Specific Language That I'm Asking For May Be Will Have Come Forward By Then And We Can Start Weighs Things And See What We Can Feel Good About.

I'm Just Encouraging, I Thank You For Your Suggestion About The Two Just Do The 26th

With The Understanding That There's A Continue Answer For Adoption On The Ninth Or However We Get There I'm Comfortable Doing That.

Comm. Janes: I Have No Problem With That Either.

Usually What We Do On The Second Hearing That's The Decision Hearing And It's Strange To Have A Second Hearing And Then Have A Workshop Afterward Which May Provoke A Whole Range Of Other Issues And Problems, That's The Only Thing.

Comm. Mann: Mr. Chairman I've Already Confessed To My Own Inadequacy Here.

Such Ripple Effects That Will Have Years Of Impact, I Just Want All The Time I Can Possibly Put Together Here To Do This Right.

Comm. Janes: I'm Sorry I Raised The Issue, I Don't Have A Big Problem With It.

It Looks Like It's Turning Into A Big Deal So Let's Just Move It Ahead And Schedule Our Second Hearing For The 26th.

Chairman Judah: Before We Do If I Could Just Turn It Over To Commissioner Bigelow.

Comm. Bigelow: Just Say That There's Nothing That We Would Do At A Workshop That We Couldn't Do On The 26th.

We Could Just. Chairman Judah: That's True Too.

Comm. Bigelow: Treat It As A Workshop But Technically It's A Public Hearing.

Comm. Hall: The Only Reason I Was Saying It's Hard Is That The L. P.A.

Meets The Day Before And Spends Three Or Four Hours And That Gives Staff, They Don't Have, I Look At You, It's Your Staffer That Has To Turn Around This Dialogue That Occurred You Know 10 Hours Earlier, So Assuming The Staff Goes To Bed On The 25th, Wakes Up In The Morning And Can Pull All This Stuff Together And That's Why I Was Looking At It As A Challenge.

Certainly We Can Have A Workshop Before Or At 5:00 And Say That We Agree Tonight We're Going To Continue On The 25th To The Ninth And Set That So That The Industry Knows We're Not Going To A Mild Vote On The 26th.

That's What Their Looking For.

Tonight We Can Agree, We're Going To Have A 26th.

The Staff Of Can Spend Time And I Think All Of Us Need To Try To Set Aside A Couple Hours That We Can Agree On To See If There's Not Time That Needs To Be Put In There That At The 9th If We're Not Still Comfortable There's Something A Date Set Aside That We Can Turn Away, We Can Go Forward And In Between Because I Prefer To Have This Dialogue In This Form Than In Individual Form And I Think It's Important Enough That The

Public Has Access To This Guy Log That The Questions We're Raising.

So I'm Okay With That, If That's The Understanding That We're Going To Today Make A Motion To Instruct And Advise A Third Public Hearing For The Ninth, Retain The 26th, And That In The Meantime Whatever Mary Can Provide For Us On The 26th, For That, But See -- This Is Another Issue I Have I'm Going To Get That Information, On The 26th For The First Time, And I Have To Absorb It All And I'm Having I Don't Know Why I'm Having Such A Problem With All This.

So I Was Looking For Time To Be Able To Take The Information Sort Of Like What We Did With The Drgr Where I've Been Able To Formulate A Lot Of Other Thoughts Without Having To Respond And That's Why I Was Looking For That Second Interaction Before The Next Public Hearing Or If We Look At The Ninth Maybe We Set Aside Time At 3:00 On The Ninth To Workshop Were We Go To That Final Public Hearing.

I Don't Know, I'm Okay With Us Going Forward And Keeping All Those Things And If We Can't Set A Workshop In Then I've Meet With Staff On My Own.

Chairman Judah: We Will Work Together With The County Commissioners Office And Get That Resolved But The Board Okay, We'll Continue The Advertising With August 26th The Second Public Hearing, At That Time We Will Continue To The September 9th.

Just One Second.

Commissioner Bigelow, .

Comm. Bigelow: Let Me Make Sure I Understand You're Going To Get A Workshop In There In Addition To The 26th And The 9th.

Chairman Judah: That's Correct.

Comm. Bigelow: What Do You Think?
I Would Like To Hear From Mary.

The L.P.A.'S Concerns Are Not Ailing.

We Know Where They've Been, They've Had Public Discourse On This.

So It's Not Like We Have To Wonder What They're Going To Be Talking About.

I Think The Next Couple Weeks Are Crucial With The Industry And Try To Rethink These Things And Sigh What We Can Work Out And I Think It Would Be Good To Have The Hearing On The 26th Anyway To See What Things Will Remain.

I'll Have Quick Turnaround Between The L.P.A. But That's Okay.

I Think We Can Narrow Down Those Issues.

And If Not I'll Just Tell You What We Disagree With What The L.P.A. Said.

I'm A Concern Concerned About Trying To Squeeze A Workshop In Since I Gave You Wrong Date.

Comm. Hall: That's Fine On The 26th.

Chairman Judah: You Think You Can Turn Around With A Response On The 26th Then We Would Not Have To Have The Workshop.

We'll Have The Hearing On The 9th.

Chairman Judah: Right.

That Would Give You Time In Between.

Comm. Hall: I'm Comfortable Staying Late.

Chairman Judah: Okay, Very Good.

Comm. Bigelow: That's Right.

We Ought To Be Able To Reduce What Needs To Be Negotiated And As A Result Of Meeting With The Players In The Game And That Sort Of Thing, So I Think That It's Personally Possible To Do This.

Chairman Judah: Okay, Go Ahead And Entertain A Motion.

Comm. Hall: I Move That We Schedule A Third Public Hearing For September 9th2008, At 5:05 In These Chamber.

And Move The Second Public Hearing On September 26th.

-- August 26th.

5:05.

Many These Chambers.

Chairman Judah: Okay, We Have A Motion Then.

By Commissioner Hall, Do We Have A Second.

Comm. Mann: Yes.

Chairman Judah: Second By Commissioner Mann.

We Will Be Meeting On August 26th And Then Again On September 9th To Make The Final Decision.

Any Objection?

Hearing No Objection, Motion Passes.

We Thank You For Your Comments.

We'll Take A Two-Minute Break And Come Right Back.

Good Evening, We'll Go Ahead And Get Started With The Final Item Of Our Agenda.

This Evening And That's To Hear From Public Mares By Citizens.

I Would Like To Open Up An You Want For James To Step Forward And We Would Love To Hear From You Sir.

Too Good Evening Again My Name Is Jim Latman I Represent The North Fort Meyers Community Panel An Design Review Board.

I Would Like To Speak On The Issue You Had This Morning And I Would Like To Apologize That No One Would Be Available Due To Work Requirements.

The Item Is The Piece Of Property That Lies South Of Littleton Road.

There Has Been Some Approvals And, We As Our Committees Would Not Made Aware Of Anything Happening There And All This Clearing Was Going On The Land.

And, We Understand That There Is Some History With Things That Have Been An Proved Before We Were And Would Like To Request To Help Get Us Further Ahead On The Curve.

On Some Of These Issues So We Can Increase The Effectiveness Of Our Bodies If Order For Us To Be Effective And Remain Effective To Our Community We Must Be On The Leading Edge Of The Curve.

And We Would Certainly Welcome Any Help And Provide Any Help To Get Us On The Leading Edge Of The Curve We Would Appreciate It.

Gets Together With You To Get Your Name, Phone Number On Further Issues To Be Properly Notified.

Thank You.

Jim English Good Evening, Jim.

Good Evening.

On Behalf Of The Board Let Me Thank You For Agreeing To Work With Lee County For Our Capping Program That We're Gap Capping Throughout The County To Cap One Of Those And We Thank You Very Much.

I Appreciate The Fact That You All Are Doing That.

You Dropped The Ball And That's A Real Good Program And We've Got At Least One Other Out There, We Head Coach You're Going To Take Care Of Before It's Over.

Again I Want To Thank You For The Program.

It's A Problem And Nothing In This World That's Where The Salt Water Is Coming From.

Just No Question About It.

Thank You.

New York City This Is An Old Letter.

Four 14 Years Ago And I Thought Might Be An Interest To You All.

Chairman Judah: This Is Great.

It's Been 10 Days Or Two Weeks Ago, Somebody Provided Me For The Record I'm Jim English.

Somebody Provided Me With A Document Which Indicated That Johnson Engineering Had Made Application To The South Florida Water Management District.

To Divide The Permit There That Involving The Property, The 90 Or 100,000 Acres.

Into 30 Different Or Anyhow Involved Lee County's Land.

The State Land.

And So, I Think I Gave Each Up With Of You And Put A Handwritten Note And I Want To Know Who Authorized Johnson Engineering To Be Representing Lee County.

And Wasted On What I Later Learned Johnson Engineering Isn't.

Representing Lee County.

And What They've Made Application To Do, The Indication Is That They Represent In Babcock And Such An Undertaking May Represent May Benefit Babcock And May Benefit The Babcock Community And May Mr. Kitson's Partnership But In My Judgment And In The Judgment Of Other Knowledgeable People, It Doesn't Benefit Lee County.

It Doesn't Benefit Its Citizens And Voters I Would Appreciate Very Much If You Advice That Mr. That Johnson Engineering Is Not Representing Lee County.

With Regards To That Matter.

I Further Would Like To Request That You All Oppose Any Such Thing Because We've Got

41 Million Dollars Worth Of Land That Severely Affected By Serious World Management Problems And If They Divide That Permit It's Going To Be Probably Impossible If Not Very Difficult.

To Resolve That Problem.

Item Going To Be A Killer.

If They Divide That Permit And I've Had My Attorney Notify The South From Florida Water Management District, That We're Going To Oppose It.

They're Going To Go Forward With It.

I Would Like To Further Say That I've Got A Communication, From My Attorney,.

This Is Dated August 9th By E-Mail I Think It Was After That Closed The Business On Saturday.

Item Crested To Me And It Says Dear Jim Which I Think Was In Response To Some Calls You Have Been Making.

He Wanted To Let Me Know It Was Respect To The Permits But Johnson Engineering Is Not Working On Behalf Of The Direction Of Lee County.

They Are Working For Babcock And They Always Have Been.

David Said It Is His Understanding That What They Are Proposing To Do Is To Periods For Agriculture Area Only And He Does Not Think It Affects The Is Doing Some Development.

I Have Not Examined This To This Is If There Is Great But You May Want To Check With Tommy Perry, He's My Engineer To See What These Proposed Permits Actually Could Or Do Not Cover.

And He Tells Me The Only Thing Agriculture Feels, Would Be Those Kitson And Term Are Figuring Putting Houses In.

And The Problem That We Have And I'm Going To Speak Directly To You Mr. Chairman Because We've Been Involved In This For A Long Time, About 25 Years Ago, Somebody Came Up With A Proposal To Take Some County Land Out There East Of Alba And To It Was Good.

And Habitat That I Know Of Anywhere In The State Of Florida.

An It Was Opened By Lee County Was To Take It And Clear It And Use It To Dig A Ditch And Build A Dike To Divert The Rest Of The Creek North Offer Highway 78, It Hadn't Already Been Diverted From The Mining Direct And No Developers Out There.

And The Staff They Understood The Problem And What Their Correct Solution Was.

But They Were Ignored.

And The Staff And The Upper To The County Bureaucracy, Cooped With The South Florida Water Management District And Took That Lee County Land And Dug That Ditch An Built That Dike And The Creek Is Still Diverted As You Well Know And If One Of The Things That If One Of Your Concerns Has Been Over The Years And I Know From Recent Conversation That You're Still Mr. Chairman, You're Still Interested In Doing Something About It And I Am Too.

And Like I Say I've Just Got This Saturday Night.

And Mr. Benson Has Been In Court.

And, Mr. Perry Was Out Of Town Yesterday.

And I Got A Call In To Him Today And He's Are Left The Office But I'll Get Something Together At Some Point.

In Respond To This.

But, Mr. Owens Is Evidently Laboring Under Some Folks Impressions With Regards To All This And I Would Like To Say Also Say This.

They Must Be Communicating With Johnson Engineer And They Must Be Communicating With The Kitson People.

By They Don't Want To Communicate With Me If They Communicate With Me, They Have To Communicate With My Lawyer And My Lawyer Can Tell Me.

My Observation About That Is I Pay A Lawyer \$200 Or \$300 An Hour, And I Guess I'm Paying The County \$200 Or \$300 An Hour If That's What They Go For So I Find Myself In A Situation Where I Have To Pay A Couple Of Lawyers So They Can Talk Things Over And One Can Come And Talk To Me About It.

And Then We Get Into This Information In The Process.

And I Wanted To Bring All That To Your Attention And I Would Appreciate Your Help And Cooperation In Resolving That Situation Out There.

This Is A Critical.

If We Don't Get It Done While This Permit And That Development Goes On Up There, If We Don't Get It, It May Never We May Never Been Able, This Is You Know, If One Of These Once In A Lifetime Opportunities To Get A Bad Situation Straightened Out And I Would Appreciate Being, I Will Be In Touch With Some Of You, And I Hope That We're Going To Be At Work Together To Solve The Problem Instead Of Cooperating With The Bureaucrats And The Out Of Town Developers To Get Done.

Thank You Jim.

Thank You For Take Time.

Lara Did You Want To Comment.

Anyone Else From The Public Wish To Comment?
Okay For The Board Members We Are Adjourned.