

June 24, 2008

Chairman Judah: We'll Go Ahead And Get Started With Our Meeting On June 24, 2008.

First Of All, Before We Start The Invocation, Let Me Thank And Welcome Bob Janes
Welcome To The Board Of County Commissioners After A Horrific Accident.

You Cannot Keep A Good Man Down.

Good To See You, Commissioner Janes.

Now We'll Ask That Pastor Becky Robbins-Penniman Of Lamb Of God Church Give Us The
Invocation.

Good Morning.

Good Morning.

Let Us Pray.

God Of Joy And Wonder, If We Listen Only To The Air Waves We Only Here Of Trouble And
Heartache, Tough Times And Worry.

If We Listen Deeply To The Human Lives Around Us We Will Hear People Rejoicing Because
Of The Delights Of The Community And The Goodness Of The Earth.

Folks Delighting In Sea Turtles And Mangoes.

As The Board Of County Commissioners Take Up Their Work Of Guiding And Governing We
Are Thankful Of Their Willingness To Be Good Examples Of How We Act For The Greater
Good In The Community As We Work, Play And Drive.

We Ask You To Give Them The Grace To Remember All We Have To Be Grateful For And To
Be Examples Of How To Lead With Profound Respect For Each Other.

Deep Appreciation For All Who Serve In County Government And A Rousing Passion For
Peace And Justice For All.

Creating God, We Ask Your Blessing On Our Commissioners And On Our Community This
Day And Every Day, Amen.

Chairman Judah: Thank You, Pastor.

Please Remain Standing.

[Together]

I Pledge Allegiance To The Flag Of The United States Of America.

Thank You, Pastor.

Chairman Judah: This Is Truly Probably One Of The Greatest Days In The History Of The State Of Florida.

Many Of You Probably Read The Paper This Morning And We'll Discuss It But At 10:00 This Morning Governor Checklist Will Make An Announcement That The State Of Florida Will Acquire 185,000 Acres Of Land.

It Will Be The First Meaningful Step Toward Restoration Of The Everglades And Eliminating The Impact The Back Base And Estuaries Right Here In Lee County.

Looking Forward To The Media Covering And Certainly To Governor Crist For Having The Courage And Vision To Move Forward In Conjunction With The Water Management District At 10:00 This Morning.

Having Said That, It's All Going To Be Good From Here On Out.

Let's Go Ahead With The Ceremonial Presentations.

The First One Is Stay Alive Just Drive Week By Commissioner Hall.

Comm. Hall: Thank You.

Is Jay Anderson Here?

Jay?

There You Are.

Any Members Of Your Task Force.

If You Would Come To The Podium, The Members Of The Task Force, Also If They Would Come Forward.

Here At The Podium, We're Going To Read The Resolution And Take Photograph And Ask You To Say A Few Words.

Certainly Want To Thank This Group.

Our Sheriff Has Taken This As A Priority On Our Roads.

We Have A Lot Of Visitors Who Come To Southwest Florida Along With Our Residents.

A Very Diverse Population And It's Very Important That We Recognize Staying Focused And

What Our Driving Habits Are And Certainly Buckling Up.

On Behalf Of The Board, The Resolution Reads Whereas Most People Today Consider Inattentive And Unsafe Driving By Others As A Major Personal Threat To Themselves And Their Families And Whereas The Stay Alive Just Drive Safety Campaign Encourages South Floridians To Curb Distracted Drivers And Whereas Typical Distractions Last Three Seconds, Enough Time For A Car Going 60 Miles Per Hour To Travel The Length Of A Football Field And How Understanding One Second Can Change A Life.

Whereas Every 13 Minutes Someone Dies In A Motor Vehicle Crash On Myriam Bedarding's Roads.

Crashes Injure Millions And Claim Lives.

Whereas 82% Of Motorists Rated Distracted Driving As A Serious Problem But Over Half Admitted To Talking On Cell Phones While Driving.

Whereas We Urge Residents And Visitors To Practice Safe Driving Habits And Follow The Simple Philosophy Of Stay Alert, Focused, Stay Alive Just Drive.

Now Be It Resolved By The Board Of County Commissioners We Pro Claiming Distracted Driving Week.

Thank You Very Much And If I Can Award This To You And We Can Take A Photograph.

[Applause]

Chairman Judah, Members Of The Board, I'd Like To Thank You For Taking The Time Today To Recognize The Efforts Of Stay Alive Just Drive.

As You're Aware We Have Recently Begun To Receive Statewide Recognition.

The Broward County School System Came On Board.

The Florida Professional Firefighters Have Joined Our Efforts Along With Text-Free Driving, An Organization From Tallahassee Pushing For Legislation Regarding Text-Free Driving.

Very Quickly, 82% Do Rate Distracted Driving As A Serious Problem And, Yes, Over Half Admit To Driving While Talking On The Cell Phone.

14% Admit To Text Messaging Or Reading While On The Road.

Seven Of Ten People Rate Red Light Running As A Serious Problem, Yet Half Of Them Have Sped Up To Get Through A Red Light And More Than 5% Admit To Speeding Up To Get Through A Red Light.

Three Out Of Four Listed Speeding As A Major Issue Yet Over 40% Of People Admit To Driving 15 Miles Per Hour Or More Over The Speed Limit, Especially In Residential Neighborhoods Putting Our Children At Risk.

Driving Distracted And Unsafe Driving Is A Public Health Threat.

We Kill 43,000 People A Year And Injure Millions More On Our Roadways.

If It Was A Disease We Would Be Sponsoring Golf Tournaments, Fishing Tournaments, Bake Sales, Silent Auctions, Walk-A-Thons Yet It's Hardly A Blip On The Radar Screen.

Realistically The Cure Is Simple.

It's In Our Hands.

We Are The Cure By Practicing Safe And Law Abiding Driving Habits, Pulling Over To Eat Your Happy Meal And Hanging Up The Cell Phone, We Become Part Of The Solution To Reduce The Number Of Crashes And Injuries On The Road.

I Thank You For Your Acknowledge.

Today And I Hope Everyone Remembers To Please Stay Alert, Stay Focused, Stay Alive.

Just Drive.

Thank You.

[Applause]

Very Quickly Before I Leave, These Are Signs That Were Placed In All High Schools.

As You Leave The Campus, What I Would Like To Do Today Is Get A Commitment From The Board To See If We Can't Place These Signs At Our Park Exits, Libraries, Any County Facilities To Remind People Quite Naturally, Again, Stay Alert, Stay Focused, Stay Alive, Just Drive.

Thank You.

Comm. Bigelow: All Right.

Thank You.

Chairman Judah: Don, Bill, You'll Be In Touch?
Absolutely.

Chairman Judah: Thank You, Sir.

Comm. Bigelow: Jay, Before You Leave, I'm Sorry.

Thank You For Putting Us On The Spot.

That's Good.

Thank You Very Much For What You're Doing.

I Think Awareness Is The Key To This Disease They Think Is Appropriate To Call It As Such.

You Once Gave Me A Sobering Factoid And Said That Talking On The Cell Phone While You're Driving Has The Same Effect On The Conscious Mind As Being Legally Intoxicated.

Absolutely.

Identical To Being Under The Influence Of 0.08.

As A Matter Of Fact, Studies Indicate That Individuals Who Are Intoxicated Actually Drive Better Than Someone On A Cell Phone.

Very, Very Scary.

Comm. Bigelow: That's Very Sobering And A Scary Fact.

Because Of That And Information Like That That We Don't Have, I Think, As The Public At Large, You Are To Be Commended For Your Hard Work And Keep It Up.

If We Can Put Those On County Park Signs, I Would Definitely Support That.

Thank You So Much.

Chairman Judah: Thank You, Jay.

The Next Ceremonial Resolution Is Going To Be A Treat.

It Regards The Recognition Of Mango Mania And I Turn It Over To Bob Janes.

Comm. Janes: Thank You Very Much, It's A Pleasure To Present This Proclamation.

Come On Up To The Podium.

I Just Have To Say That This Is Truly One Of The Exciting Times Of -- Oh, My Goodness.

Exciting Times Of Year.

I Hope It's Just Mango Juice.

Just Mango Punch This Morning.

Comm. Mann: Oh, Sure, Just Mango.

Chairman Judah: Thank You Very Much.

Comm. Hall: Thank You.

Comm. Janes: Oh, Thank You.

Appreciate It.

Comm. Bigelow: Thank You So Much.

Breakfast.

Chairman Judah: Thank You Very Much.

Comm. Mann: Thank You, Your Highness.

Comm. Janes: As I Was Saying, Nothing Really Can Replace The Thrill And Excitement Of The Mango Mania Fruit Festival.

You Know, Christmas Is Great.

Santa Claus Is Neat.

The Easter Bunny Is Terrific, But Unbelievable That Nothing Will Ease Your Excitement And Anticipation More Than To Attend Mango Mania Tropical Fruit System Particularly For Our Beautiful Queen And Handsome King.

This Is A Rare Treat To Go Out There And I Want To See All Of You People Out There Celebrating Mango Mania.

It's A Fun, Fun Time.

If You Have Never Been, It's Way Past Time You Got Out To See It.

I Have A Proclamation To Read.

Whereas Mango Mania Tropical Fruit Festival Was Originate Bid The Greater Pine Island Chamber And Held On Pine Island In July 1995 And Whereas Establishing The Festival Was An Effort To Help The Growers Sell Their Fruit And Plants During Harvest Time And When The Location At Pine Island Was Known By Very Few People And Whereas The Greater Pine Island Chamber Of Commerce Decided Not To Hold The Festival For Two Years Due To The Fact There Was No Suitable Land On The Island.

By Popular Request, Pine Islanders, The Mango Mania Tropical Fruit Festival Was Reinstated In 1998 Using The Koa Campground In Saint James City.

Whereas The Festival Is Used As Fund Raisers To Help Enable Groups To Make Contributions To Pine Island Elementary School, Scholarship Programs, Fish And Other Charities And Whereas Mango Mania Was Such A Success And It Out Grew The Koa Facility And The Decision Was Made To Move The Festival To The German-American Club To Allow For Continued Growth And That's All More Than 10,000 Attendees Last Year.

Therefore Be It Resolved That The Board Of County Commissioners Of Lee County Does Extend Best Wishes For A Successful 2008 Mango Mania Tropical Fruit Festival Signed This

Day Of June, 2008 By Chairman Judah.

[Applause]

Comm. Hall: Thank You.

Chairman Judah: We Want You Up Here, Too.

Do You Want To Take A Picture First?

Comm. Hall: We'll Have Kim Take One With The Camera.

Comm. Mann: Did You Get That?

Comm. Hall: And If You Could Take One With The Other Camera.

I Promise Not To Eat A Mango While Driving.

[Laughter]

Chairman Judah: We'd Love To Hear From You.

Comm. Janes: Please Tell Us What's On Top Of That Stick, Too, In Case People Don't Know.

That's A Mango!

Chairman Judah: We're Not Going To Let You Go.

Comm. Janes: You Have To Say Something.

Comm. Mann: You Can't Dress Like That And Go Away Quiet.

Well, Thank You All For Your Help On Keeping Pine Island The Paradise That It Is.

You Have Done A Lot For Us.

Thank You For The Proclamation And I Hope To See You All At Mango Mania Which Is The 12th And 13th At The German-American Club.

Chairman Judah: Sounds Great.

Thank You Again.

[Applause]

Comm. Mann: Mr. Chairman, I Can't Let This Festive Occasion Pass Without Sharing With You All The Personal Roles That Mangoes Have Played In My Own Life.

As A Matter Of Fact, My First Political Campaign Many Years Ago We Used As Brochures To Pass Out Yard Signs A Young Picture Of Myself And A Picture Of A Mango And The Slogan Was Go, Man, Go!

[Laughter]

Comm. Mann: You're Surprised I Got Elected.

So Was I.

Chairman Judah: You Continue A Fine Tradition And We Thank You And We're Honored With Your Presence.

Take Care.

I'm Going To Ask That Barbara Manzo Come Up.

She May Have A Contingency With Her.

We'll Get A Chance To Celebrate National Parks Month.

Thanks For Being Here.

Thank You.

Chairman Judah: To The Rest Of You, Too.

Comm. Hall: Yes.

Chairman Judah: This Has To Do With The Recognition Of National Recreation Parks Association Declaring July As National Parks And Recreation Month.

I'm Pleased To Read.

Whereas The National Parks Association Has Declared July As National Parks And Recreation Month And Lehigh County Parks And Recreation Uh Touches Families Groups And The Community Positively Impacting The Social Economic And Environmental Quality Of The County.

Whereas Parks Greenways And Open Space Provide A Respite From The Fast-Paced Lifestyle While Preserving The Natural Environment.

Whereas Parks And Playgrounds And Community And Cultural Centers Make Communities Attractive And Desirable Places To Live, Work, Play And Visit.

Whereas Lee County Leisure Experiences Provide Opportunities For Young People To Live, Grow And Contribute To Society.

Whereas Parks Agencies Provide Outlets For Socialization, And Stress Reducing Experiences.

Be It Resolved By The Board Of County Commissioner That Is We Hereby Proclaim July As Parks And Recreation Month In Lee County And Urge Citizens To Visit The Parks, Especially On July 26 And 27 When All Parking Fees Will Be Waived At Lee County Regional Boat Ramps And Parks And Free Admission To County Pools.

This Day Of June As Chairman I Was Pleased To Sign The Resolution.

[Applause]

Thank You, Commissioners.

On The 26th And 27th We Invite Residents And Visitors To Come Out And Experience The Parks And Particularly That The Parking Fees Will Be Waived.

So Thank You For Allowing Us To Do That.

We Appreciate Your Support.

Chairman Judah: Thank You, Barbara.

[Applause]

Chairman Judah: Our Best To John, The Director Of Parks And Recreation.

Also Just To The Entire Parks And Recreation Staff, They Provide Such Wonderful Programs, Activities And Amenities For The Community We Thank You For The Good Efforts.

Don't Forget -- Oh, Of Course, I'll Get Right To The Mayors, But We Want To Have The Recap First And Then We'll Here From Them.

On The Recap, Let's See.

On Consent Item 8-A And B They Are To Be Deferred And They Will Be Brought Back At A Later Date.

We Have A Motion By Commissioner Janes, Seconded By Commissioner Hall.

Hearing No Objections, The Motion Passes.

It Appears That There Are The Following Changes The Walk On Item Four Os Proposed Under The Corrections.

Motion By Commissioner Hall.

Seconded By Commissioner Janes.

Hearing No Objections, The Motion Passes.

We'll Move 4-A To The Administrative Agenda.

Then We Have All The Carry-Over And Walk-On Items That Should Keep Us Here Until 5:00 And Then We'll Start The Public Hearing.

Before We Go To Public Comment And Consent And Administrative Agenda, Actually We'd Like To Afford The Opportunity.

We Appreciate That The Mayors Are Here This Morning To Talk About A Particular

Amendment.

I Would Ask That Those Mayors Please Step Forward.

The First I Have Is Mayor Eric.

There He Is.

Good Morning, Mr. Mayor.

Good Morning, Mr. Chairman.

Members Of The Commission.

I'm Here With Mayor Humphrey From The City Of Fort Myers.

I Don't Know If We Have Any Others With Us But I Represent The Bonita Springs Mayor, From Fort Myers Beach And Also Sanibel.

We Are Here To Express With One Voice Our Concerns To You In Regards To The Proposal For A Charter Referendum Which, If Approved Would Require Consent Of The Lee County Board Of Commissioners Before Annexation Can Be Approved.

The Mayors And City Managers Met Regarding The Issue.

There Are Many Issues That Transcend Municipal Boundaries Like Water Quality, Environmental Protection.

Our Common Interests Have Many Ways To Be Addressed And The Ways You Are Considering Addressing Them Is Through Annexation.

Our City Will Be Interested In Continuing To Foster And Will Work To Develop A System To Satisfy The City And County Viewpoints But At This Point We Don't Feel This Referendum Proposal Will Foster Cooperative Metro Governments Through Increased Coordination Of Land Use, Urban Service And Resource Management Issues.

Therefore, We The Cities Of Bigs, Cape Coral, Fort Myers, Fort Myers Beach And Sanibel Request That The Proposed Charter Amendment Be Postponed And Work With Us To Create A Proposal Through The Acts Which Is Enacted In 2006 By The Florida Legislature.

We Are Confident That This Is The Best Way To Encourage Local Governments To Jointly Determine How To Provide The Best Services To Residents And Property And The Most Efficient And Effective Manner Balancing Needs And Desires Of The Lee County Community.

We Pledge Cooperation As Your Cities Mayors And Manager And Look Forward To Cooperation With Lee County Regarding The Matter And Any Matter That Will Bring Us Better Government.

I Stand Ready To Take Questions You May Have.

Chairman Judah: Thank You, Mr. Mayor.

I Know We Have Mayor Humphrey Here Out Of Courtesy To The Both Of You And The Other Mayors I'm Going To Ask The Board To Take The Issue Before You Leave For Action.

Thank You.

Good Morning, Mr. Chairman, Members Of The Commission.

For The Record I'm Jim Humphrey, Mayor Of The City Of Fort Myers.

What We Did When We The Meeting So We Wouldn't All Take Up Your Time In Regards To This Matter We Would Have One Spokesman And The Mayor Just Expressed The Opinion Of All Of The Cities Within Lee County.

There Is Possibly A Little Communication Issue Of Why You Don't See The Other Mayors Here.

On Your Agenda It Said 5:00.

So We Didn't Know That This Was Going To Actually Come Up This Morning, But I Can Tell You That The Mayors As Well As The City Managers And The City Attorneys Were All To Be Present Today To Show You That We're United Behind The Statement That Was Just Made To You And Hope That You Will Make The Decision To Work With The Cities In An Effort To Come To A Resolution Rather Than Putting The Issue As You Have Proposed In Your 5:00 Public Input Of Public Hearing Item.

Chairman Judah: Thank You, Mr. Mayor.

Let Me Get A Clarification From Administration Or Legal Counsel.

It Appears There Is Inconsistency Here.

We Have A Carry-Over Item Number 1 And It's Scheduled On The 5:00 Public Hearing Agenda.

Commissioners?

The Reason It Was Scheduled For 9:30 Was In Order To Determine Whether You Wanted To Go Forward With The 5:00 Public Hearing.

Chairman Judah: O.K.

Thank You.

I Understand Mayor Humphrey The Confusion.

However, I Think It's Appropriate -- We'll Certainly Take Public Input.

I Think It's Appropriate.

What I Was Going To Ask And I Think We Can Get To The Chase Here.

First Of All, We Appreciate You Attending And I Think Certainly The Potential Referendum Has Everybody's Attention Which Is A Good Thing So We Can Work Together On Interlocal Agreement To Address Concerns About Provision Of Infrastructure And The Impacts To Unincorporate Lee County Where Time And Recourses Have Been Spent To Provide For Certain Types Of Land Uses.

And This Proposed Referendum Would Not Eliminate The Opportunity For Municipalities To Annex Land.

It Would Preclude Them From Being Able To Change The Land Use On Lands To Be Annexed Unless The Board, Having Oversight Supported The Proposed Changes To The Land Use.

Having Said That, I Think At This Point In Time Is It Possible To At Least Get Some Input From Either One Of You With Regards To A Cooperative Effort Wherein Which We Would Work Towards The Inner Local Agreement And There Would Be No Annexation By Municipalities Until We Were Able To Resolve The Urban Service Boundary, Interlocal Agreement Issues.

Thank You, Mayor Of Cape Coral For The Record.

Speaking For The City And I Believe We Have Agreement From The Other Cities Though I Can't Speak For All Of Them.

The Best Way Forward Is To Set A Finite Time Where Annexations Will Not Be Occurring In Our Cities And Again, You And I Talked About This Before About The Fact That Some Annexations Are In The Pipeline Going Forward And The City Would Suggest That The Two We Have Going Continue But Our City And The Other Cities Would Not Accept Applications For Annexation For A Period Of Time.

I Would Like It To Be Six Months.

I Think It Will Generate Efficiencies In Us Being Able To Get To A Goal More Quickly, But I Would Defer To Your Judgment To See Uh How Long You Think It Would Take For An Agreement.

I Think 6 To 12 Months Is Reasonable.

The Final Comment Again And Our City Is A Problem.

We Have Many Enclaves In The City That Do Not Provide Public Benefit To The County Or City.

I Would Request That The County Commissioners Consider Allowing The Small Enclaves To Come Through During This Time.

I'm Not Aware Of Any, But It Would Be Best To Allow Those To Continue.

I Know The Point Is For Those That Have A County Wide And Regional Impact.

Chairman Judah: What You Say Makes Sense.

I Appreciate The Response.

Commissioner?

Comm. Mann: Thank You.

I Think It's Important That I Make A Statement In That Regard Because We Have To Get City Council Approval.

What We Did Have Approved Is That We're Committed To Working With The County Commission On Trying To Get A Resolution Of This Matter -- The Urban Services Area And Then How We Will Go Forward With Zoning.

I Cannot Commit The Council -- -- To Delay Because It Hadn't Been Presented To Them.

I Don't Know If We Have Any In The Pipeline.

In Fact, I Don't Believe We Do.

But I Would Also Remind This Commission, In Fact, We Had A Chance To Work With You Closely On That, Mr. Chairman, Is That The One Issue Of When This County Had A Concern Regarding The Zoning, This City Came Forward And Said We Will Ensure That Our Rezoning Is Consistent With The County's Plan, Consistent With The Counties We Hired An Independent Consultant To Work With The County And We Actually Received County Staff Input As Well As Their Recommendation Of Approval.

So Our Record Of Supporting And Working With This County, I Think, Is Good.

I Cannot -- And Maybe His Council's Already Spoken -- But I Cannot Commit That We Will Go Forward With Annexations In The Pipeline.

I Don't Know Of Any, But Until This Council -- Our Council Makes A Decision In That Regard.

Thank You.

Comm. Hall: Mr. Chairman?

Chairman Judah: Yes, Commissioner Hall.

Comm. Hall: I Think Wayne And I Have Been Working With The Mayors And Our August Meeting Is Dedicated To Going Through The Process And How We're Going To Work With Each City.

I Think Wayne Would Agree With That Kind Of Commitment We Could Probably Pump Something Out In Six Months.

They May Be A Little Bit Different -- There May Be Peculiarities To Cities And Overall And Specific Things Dealing With Specifics To The Cities.

I Don't Have Any Doubt That We Cannot Be Prepared Within Six Months To Go To The Councils And Come To This Board For Approval And Go To The City Council For Their Approval.

I'm Not Uncomfortable But Would Like To Ask That We Be Able To Take This To Council So All Council Members Know What We Are Trying To Accomplish.

Again, In Our Meetings With The Mayors Not All Council Members Have An Opportunity To Be Brief Ed.

So I Would Like To Ask Is Between Now And The August Meeting That There Is A Chance For Council To Ask For The Six-Month Moratorium To Be Put In Place And If Wayne Can Be Available, I Will Make Myself Available Where We Can Be Present To Answer Questions Of The Councils.

I Think That's A Good Way To Cooperate, But It Bring It Is Councils Up To Speed Also.

What We're Trying To Do Is We Have Some Of Them At The Mpl Level.

We've Working But Sometimes They Are Left Out Of The Loop And Don't Feel They Are Part Of The Process.

I Would Like To Request They Go Forward And Ask For The Six-Month Moratorium And Give Us The Time.

If We Feel We Are Getting Close, We'll Come Back And Make An Amendment If We Need To.

Maybe Some Will Come Forward Sooner Versus Others.

I Don't Want To Hold Everybody Up.

But Maybe After August I Think We'll Have A Better Handle On The Peculiarities To Each Of The City.

I Don't See Us Not Being Able To Resolve This.

We Have A Draft.

We're Halfway There, I Believe.

As Mayor Of Fort Myers, I Will Accept That Commitment And We Will Present It To Our City Council Prior To The August Date.

Comm. Hall: That Would Be Great.

Chairman Judah: I Believe, Mayor, If You --
Absolutely.

I Agree With That.

I Appreciate The Work We Have Done To Date Already.

Comm. Hall: I Had An Opportunity To Speak With Mayor Nelson With Bonita Springs On
Friday And He Had No Problem Bringing It To Council I.

Did Contact The Mayors To Come To The 9:30 Meeting And I Was Even Confused When I
Saw The Agenda.

I Appreciate You Being Here Regardless Of The Confusion.

I Know Then We'll Be Here, But I Will Call Between Now And 5:00 Depending What
Happens At This Vote.

Chairman Judah: This Has Been A Good Discussion.

Let Me Open It Up To Commissioners And Then The Public To Speak.

Commissioner Mann?

Comm. Mann: Mayors, Thank You For Being Here.

I Want To Say This Out Loud In Front Of God And Everybody.

I Support Delaying This And Giving A Chance To Work On It.

One Thing I Hate About Government Is Government Agencies Getting In Litigation Against
Each Other.

It's So Wasteful And Damaging To The Relationship.

Many Times On Annexation Issues There Are Ways The Cities Can Respond More Effectively
In Providing Services That The County May Not Have In The Near Future Available To
Them.

Where We Have Gotten Into Trouble Is Land Use And Where It Appears For The Specific
Purpose Of Getting Around Standards On Quality Of Life Issues That The County Had In
Place Under The Comprehensive Plan And To Be Able To Circumvent That By Becoming Part
Of The City And Then Having In Essence Lower Standards.

That's What's Troubled Us And Has Brought This To The Logger Heads It Has.

I Think That's What Was Troubling Us.

I Hope We Can Deal Forthrightly With That In The Future.

But Whatever We Do To Avoid Litigation And The Confrontation Of The Cities And Counties, We've Got To Do And I'm Offering My Hand Of Friendship On This One, Too, To Give You Guys Time To Do What's Necessary To Bring This Back Together.

Thank You.

Chairman Judah: Thank You, Commissioner Mann.

Any Other Comments?

Yes, Commissioner Bigelow.

Comm. Bigelow: Thank You, Chairman Judah.

I Support Most Of What We Are Trying To Do, Bringing This Early In The Agenda.

I Also Support Trying To Work Out Interlocal Agreements With The Cities.

But I Tell You, I'm Very Troubled By What's Already Happened Through The Process Of Annexation.

It's Almost As Simple As Once We Get In The City, We Justify It As Being More Intense And Therefore It Shall Be And That's The Way It's Gone.

When We Have Not As A County Planned For That Kind Of Intensity And Quite Honestly.

It's Not Gone So Well For Many Of Our Ecological, Environmental Eco-Systems.

Very, Very Troubled By What Cape Coral's Contemplating.

With Respect To The Lands.

I Was Working As A Planner With The City Of Fort Myers When The Arbor Wood Annexation Happened.

I Just Have Not Appreciated What's Resulted As A -- As The Consequences Of The Status Quo.

I Don't Understand Why We Can't Move This To Public Hearing Which Seems To Be Contrary To What The Will Of The Board Is To Do And Hear From The Public.

As Well As The Mayors And The Cities.

And Let The Voters Decide Whether Or Not They Want The County Commissioners To Hold The Right To Deny Land Use Changes On Those Lands That Are Annexed.

We Can Still Work Out Interlocal Agreements, But Absent That Right By This Board To, In

Effect, Veto Those Interlocal Agreements, We'll See Ourselves In Court.

Commissioner Mann, That's Exactly What Not Supporting Moving This To Public Hearing In Anticipation Of Possibly Going To Referendum Will Do.

Maintain The Status Quo.

We Continue To Enter Court Over Annexation Issues.

I Have To Commend Wayne Daltry In The Back There For Moving This Forward Like This.

Without This I Don't Think We'd Be Hearing These Cooperative Words From The City.

I Am Extremely Troubled By What's Already Happened And I Would Prefer That We Preserve Or We Try To Grab Hold Of The Power To Veto Or Deny The Annexations Because They Will Not Become Attractive To Land Holders If They Know That They Can't Increase Their Intensity And Densities.

Thank You.

Chairman Judah: Certainly.

Comm. Janes: I Would Like To First Commend Commissioner Hall As Well As The Mayors.

Commissioner Hall For Using Her Liaison To The Mayors In An Attempt To Bring This Matter To Fruition.

And I Would Like To Thank The Mayors As Well For Their Interest In Coming Together And Working And Proposing An Interesting, I Think, And Rather Novel Solution To A Very Vexing Problem Concerning Annexation.

The Problem I Have Though -- That I'm Having -- It Just Seems To Me They Are Addressing Two Different Things.

The Mayor's Proposal Is Excellent.

We Need To Move Forward Because It's An Excellent Preparatory Meeting, Series Of Meetings, Hearings And Fact-Finding, If You Will, We Need For Us To Make A Decision On Whether Or Not We Want To Support An Annexation Movement.

And I Just Don't Necessarily -- Am I Convinced That We Ought To Substitute That Process For Another.

It's A Very Excellent And, Like I Say, The Mayors And Commissioner Hall Are To Be Commended For Getting Everybody Together To Talk About The Problem.

It's Very Much Needed.

And We Have Had Instances Where, You Know, Either The City, County Or Both Sometimes

Claimed They Didn't Know What Was Going On.

This Sort Of Gets Around That Issue.

With The Proposal The Mayors Are Submitting It Will Help.

It Gets Everybody Involved In The Process Early On In Terms Of The Working Relationship That's So Necessary.

However, I Do Not Like The Idea That We Might Somehow Be Abdicating Our Responsibility To Make An Aye, Yay Or Nay Vote Because We Are Trying To Refer To A Committee Or Group Of People Or Just Between The Mayor And This Sort Of Thing.

I Agree With Commissioner Bigelow In That A Public Hearing May Not Be Bad.

Let's See What The Individual People In The Communities, Particularly The Enclaves That The Mayor Identified.

That's Where I Am On It.

Comm. Hall: Chairman?

Chairman Judah: Commissioner Hall.

Comm. Hall: For Discussion Purposes I Will Make A Motion That We Remove The Public Hearing Item Today At 5:00 And Not Move This Item Forward To A Referendum And That We Work With The Mayors As The Statute Allows Us With Interlocal Agreements To Take The Next Six Months To Work With The Cities To Create The Interlocals.

Chairman Judah: That Will Include A Request To The Mayors --

Comm. Hall: That Will Include A Request To Go Back To Council For Moratoriums For A Six-Month Moratorium On Annexations Coming Forward.

Chairman Judah: We Have A Motion By Commissioner Hall.

Do We Have A Second?

Comm. Mann: I'll Second.

Chairman Judah: I'll Second For Purposes Of Discussion.

Let Me Open It Up For Members Of The Public To Comment On The Matter.

I Know I Have A Number Of Cards But I'm Going To Open It Up For Anyone Who Wishes To Speak On The Item.

Anyone Wish To Comment On The Annexation?

Yes.

Good Morning, Brian.

Good Morning.

Brian Griffin.

I'm Sorry When I Moved From Massachusetts That I Didn't Bring My Snow Shovel With Me.

I Have To Point Out That Six Months From Now We've Going To Have Different Mayors,
Different Council People.

We Don't Know If The Spirit That Exists Today Will Exist Six Months From Now.

I Have Complete Confidence In What Commissioner Hall And Wayne Daltry Have Been
Doing And There Is No Person In Lee County Who Has Spent \$12,000 Of Their Savings To
Sue On These Charter Issues In The Past.

I Am Very Passionate About It.

The Zimmel Deal A Few Years Back Preceding The Present Mayor Of Cape Coral Was About
As Slippery And Slidy As You Ever Wanted To See.

I'm Going To -- In The Spirit Of A Good Friend, John Manning, Former County
Commissioner, Propose That Rather Than Put A Six-Months Timeframe On This, That We
Place And Deputy County Attorney Fraser Will Have To Qualify This.

Put A Sunset On Whether Or Not To Place This On The Ballot.

The Sunset Would Be October 1 Of This Year.

If Between Now And October 1 Of This Year The Cities Have Moved Forward And We See
We're In Real Good -- In A Real Good Stead Moving Forward With The Interlocal Then,
Again, It Gets Dropped With The Sunset.

I Don't Like The Idea If Something Goes Wrong We're Looking At 2008 For The Next
Charter Amendment Which Is A Governor Election Or 2010 After A Redistricting Due To The
Census -- Federal Census.

So I'd Like To See The Feet Remain Held To The Fire In Some Manner Or Other.

Thank You Very Much.

Chairman Judah: Thank You, Brian.

Anyone Else From The Public Wish To Comment?
Yes.

Mr. Shaye?
Good Morning, Kevin.

Good Morning, Mr. Chairman.

Commissioners, Distinguished Council, Distinguished Managers, Ladies And Gentlemen, It Is Distressing To See How You Are Proceeding In This Manner.

Last-Minute Rearrangements, A Lack Of Adequate Time And Documentation That The Public Can Understand What's Going On Here.

From A Technical Standpoint I'll Let Legal Counsel Correct Me If I'm Wrong If You Place This On The Ballot It Has To Be Certified, I Believe, By July 7, I Believe Is The Date, By The Supervisor Of Elections To Put On The Ballot.

You Can Want Just Hang Things Out There Unless You Change Some Constitutional Law Since I Have Studied It.

The Problem Is You Have An Out Of Control Problem.

The Situation Is Broken.

You Just Can't Let These Cities Continue In This Undisciplined Octopus Expansion Without Any Sense Of Orderly Development.

And Obviously From Some Of These Past Annexations, There Were Great Suspicions By Some Members Of The Public At Rather Shady Dealings Going On As Has Been Noted.

And In An Effort To Evade Responsible Development Standards And Slip Things By And A Quick Alteration Of Requirements, Relaxation Of Con Currency Requirements And Various Other Slick Deals.

And Speaking On My Own Behalf About East County Where I Live In Lehigh Acres, We Really Don't Want To See The City Of Fort Myers Continue To Expand Eastward.

That's Not In Our Long-Term Future.

We Don't Want To Be A Part Of The City Of Fort Myers.

And This Constant Conniving To Keep Expanding.

There Has To Be Some Reasonable Rational Basis Or Just Make The Whole County One Big City And One Consolidated County, Slash, City Government.

But You're Just Creating A Duplicity, Multiplicity Of Government, Cross-Taxations And The Poor Old Property Owner And Taxpayers Of This County Are Getting Slaughtered In The Process While You People In Government Engage In Your Free-For-All Of Who's Top Of The Mountain, Who's Got The Power, Who Decides Things And So Forth And All Of This Constant Bickering.

Hopefully Some Reasonable Rational Minds Will Prevail.

Thank You.

Chairman Judah: Thank You, Mr. Shaye.

Anyone Else From The Public Wish To Comment?

Yes?

Good Morning.

Good Morning.

I Don't Know If I Should Address This Now Or Later.

Chairman Judah: On The Annexation Issue?

Well, This Is In Regards To 2020.

Chairman Judah: No.

That's Not This Issue, But I Will Be Happy To Bring You Back To Talk About It.

I Appreciate It.

Comm. Bigelow: Might Relate To Annexations.

Comm. Hall: No.

Chairman Judah: Anyone Else Wish To Comment On The Annexation?

We're Back To The Board.

A Question, Andrea, With What Mr. Griffin Commented On.

I'm Not Certain The Flexibility That This Board Has To Pull An Item Once It's Been Scheduled To Go To Referendum.

Is That The Call Of This Board To Make A Request Of A Supervisor To Pull An Item Or Is It The Call Of The Election Supervisor Predicated On The Commissions On Which An Item Would Be Withdrawn?

Commissioner, After Reviewing The Item, We Have Determined That Only A Court Can Direct The Supervisor To Remove An Item From The Ballot.

What Happens Is If The Tim Goes Forward On The Ballot, If The Board Determines That We're Not Interested In The Result, You Can Forward That Opinion To The Supervisor Of Election And She Will Not Count The Results At All.

Chairman Judah: Hmm.

Comm. Hall: Mr. Chairman?

Our Ballot In 2008 Is Riddled With A Lot Of Issues Including What's Happening With The Tbrc Board.

For Us To Put, Again -- And I Appreciate What Mr. Griffith And Mr. Shaye Are Saying.

The Statute Gives Us Authority To Interlocal And We Have Only One Mayor Changing In The Up Coming Election.

All The City Elections Have Occurred.

The City Councils Are In Place.

No Changes Will Be Occurring.

These Are Items That Have To Be Voted On By A Majority.

No Mayor Rules As One.

That's Why I Felt It Was Important To Get Councils Up To Speed Between Now And August.

I Spoke To Several Individual Council Members From Fort Myers, Cape Coral, To Some In Bonita Springs And I See A Strong Interest In Us Working Together.

I'm Going To Dove-Tail Into The Comments.

We Don't Want To See A Proactive Taking Of Land Where It Comes To Zoning Or Land Use Issues And I Want An Opportunity For The City And County To Do The Same In A Cooperative Effort.

In Other Words, I Want To Walk The Talk.

We Constantly Are Being Bullied By The State For Decisions That Should Stay Here In The County.

If The County -- If We Have To Use The Big Club Of A Referendum, I Don't Know If We Have Time To Edge G-8 The Public On What This Means Or Doesn't Mean.

I Think It Will Be One Of The Votes That Goes Like This.

I Believe Strongly That There Is A Commitment By Not Only The Mayors But Council Members To Work With Us And Do This The Right Way And Not Have To Go Out To The Voters.

They Have Elected Us To Represent Them.

You Have Two Commissioners That Represent Cape Coral.

I Represent North Fort Myers Which Is The District That I Have.

We All Represent Lehigh Acres.

Commissioner Mann Is The District Commissioner From Lehigh Acres.

We Know What The Challenges Are With These Annexations.

Cape Coral East To North Fort Myers And Fort Myers East To Lehigh.

We Recognize Clearly What The Resident Concerns Are With The Annexations, But I Don't Believe -- I Believe We'll Have A Better Program By Working This Out Through Interlocal Than A Referendum And Then The Interlocal.

Regardless We Have To Do An Interlocal.

We Have To Set Parameters Whether The Voters Vote For It On How To Deal With It.

I Believe Strongly Ta We'll Have Better Results, More Cooperation From The Staff Because Ultimately The Staff See It First Before It Comes To Elected Bodies.

I Don't Understand The Hesitation To Afford This Opportunity After All Of The Dialogue We Have Had Over The Past Two Years And The Challenges We Have Been Dealing With.

I Think We Should Be Embracing This Opportunity.

I'm Proud Of The Mayors And Their Attitudes In Saying, You're Right, We Have To Stop The Cities With The County And We Need To Work Together.

When We Speak With One Voice We Are Much Stronger Whether Dealing With State Or Federal Issues And Certainly Local Issues.

It's Not Them Against Us.

It's Us Working With What Happens In This County For Quality Of Life Issues.

I Would Hope A Majority Of The Board Will Support Giving Wayne And I An Opportunity To Come Back In August With The Moratoriums That Have Been Approved By The Cities And By The End Of The Year We'll Have The First Draft, I Believe, With At Least Some Of The Cities And I Think Six Months Is More Than Enough.

We Have Drafts Of The Interlocals.

Some Of The Staff Have Seen Them.

I Don't See It As A Monumental Time Frame.

I Think Most Of Us Are Prepared To Do The Right Thing, Staff Included.

The Staff People I Have Talked To In Community Development From The Cities Agree.

They Are Welcoming The Opportunity To Do Better Planning.

We Have A New Dca Reviewer Out Of Secretary Palm's Office.

This Sends A Huge Message As We Are Challenged With The Next Phase Of Growth.

Let's Do It Together And Not With A Club.

Chairman Judah: Wayne?
Can I Ask You To Step Forward?
I Want Ta Thank You.

The Board Recognizes The Work You Have Put Into The Draft.

Do You Feel That A Window Of Six Months Appears To Be An Appropriate Time Frame?
I Was Thinking More Like As Much Time As It Takes To Work Out The Annexations Are Put
On Hold Until The Agreements Are Reached.

If You Think Six Months Is A Workable Time Frame, I Would Like To Hear From You.

Commissioner, Chairmen, Of Course You Asked Me And I Will Always Ask For A Year.

But If We Can Launch It Soon The Issues Will Dictate The Content Of The Interlocal, The
Complexity And How Much Time It Will Take.

If The Cities Commit To The Doors Are Shut For Annexations For Six Months, It Would Be
To Their Advantage If We're Working Toward Interlocal Agreement With Issues And
Somebody Comes And Says, Well, That's What We're Worried About, They Can Say They
Won't Accept It.

It's Their Decision How Long They Can Withhold It.

It's Our Effort To Make Sure The Issues We Are Raising Get Addressed Well And For The
Ones That Finish Early, They Can Terminate Their Own Moratorium First Shot Out Of The
Box.

I Think We'd Like A Commitment That All Of Them With Withhold Annexations Until They
Get The Discussion Going And For Each Of Them, The Length Of Time They Would Have It
Is The Length Of Time Necessary To Address These Issues.

I Would Take The Opportunity To Say This Gives Us The Chance To Work On Urban
Redevelopment Within The Cities Because They Do Ask For Tiffs.

They Do Ask For Understanding On How We Can Jointly Use Our Financial Tools And This
Enables Us To Not Only Talk About The Periphery But The Center And How We Can Get
Mixed Use And The Transit Hubs And All Those Other Things We Want For The 21st Century
Metro Area We're Building.

So The Answer Is Yes.

Chairman Judah: I Think I Heard --
Yes.

Chairman Judah: I Also Interpreted That For Those Municipalities That Are Not Quite To Table On The Interlocal Agreement Perhaps More Time Needs To Be Given.

And The Possibility Of Annexation Needs To Be Held Off.

For Each Community.

Chairman Judah: Pardon Me?
For Each Community The Issues Will Be Different.

Comm. Bigelow: Mr. Chairman?

Chairman Judah: Well, I -- Oh, Commissioner Bigelow?

Comm. Bigelow: I'm Not Sure I Understand What Wayne Said And In Difficult Budgetary Times We May Hire An Interpreter For Him.

But What I Would Like To Point Out, Mr. Chairman, And Because You And I Have Discussed This Before At Board Meetings, What Happened With Respect To Annexation.

You Shared With The Board That It Troubled You That You Tried To Stick Out And Yet Our Feet Were Held To The Courthouse Fire Because It Was Within The City's Legal Right To Annex Simply Because They Wanted To.

We Have Been In The Back Seat On This Issue Forever.

And This Referendum -- If The Voters Pass It -- And That's A Big If And I See You, Commissioner Hall, Rolling Your Eyes.

If The Voters Pass It They Would Allow Us The Prerogative To Decide If These Annexations Are In Their Best Interest.

Absent This Happening We Will Have Status Quo, Bar None.

There's No Interest On The City's Part To Work Out An Interlocal If They Can Preserve The Right To Go To Court And Annex.

There Is No Incentive There For Them To Work It Out.

If We Keep This Moving Forward, The Incentive Stays Alive.

The Motivation Stays Alive And We Can Start To See The Day When We Won't See The Kind Of Annexations That Have Troubled You, Mr. Chairman, So Greatly.

I'm Telling You, The Annexation Of Arbor Wood In The City Of Fort Myers Has Had Detrimental, Huge Detrimental Long-Term Effects On The Slew Because It Was Not Appropriately Buffered.

You Tried To Work It Out.

You Couldn't Work It Out And Now We're Left With What We're Left With And Unfortunately

It's Forever.

I Don't Know If You Have Put Your Foot Down On One Side Of The Issue Yet, But To Think Long And Hard About Whether Or Not You Want To Continue To See These Kind Of Land Grabs Continue To The Detriment Of Environmental Eco-Systems.

Thank You.

Chairman Judah: You Know -- First Of All, Any Questions Of Wayne?

No?

O.K.

Thank You, Wayne.

This Is A Sensitive Issue.

If This Goes To Referendum, We Recognize That Everybody In The County -- Unincorporated And Incorporated Parts Of The County -- Will Be Voting On The Referendum.

My Fear And My Concern Is That This Would Actually Potentially Exacerbate Decisiveness And That's The Unfortunate Potential By-Product Of What Would Be Perceived As A Strong Arm Approach By Lee County Commission.

With Regard To Oversight In Changes In Land Use That The Municipalities May Require Through Annexations.

And So I Have To Try To Balance That Potential Divisiveness That Could Occur With An Understanding That We Have Municipalities At The Table.

We Have Seen Representation By Two Municipalities Here Today, Actually Representing More Of The Other Mayors With The Good Faith Proposal That They Would Support Once And For All An Interlocal Agreement So We Can Assign The Kind Of Conditions And Urban Service Levels That We Would Expect With Annexations That Would Occur And Who Would Be Responsible For Providing Those Services Under The Interlocal Agreement.

I'm Very Upset Over What's Happened In The Past And Unfortunately The Legislature, State Law Hasn't Given The Unincorporated Counties Much Teeth To Try To Prevent Drastic Changes In Land Use After Unincorporated Counties Have Expended A Tremendous Amount Of Resources And Money To Try To Provide For An Orderly Development Of A Community With The Appropriate Infrastructure To Accommodate The Protection Of Resources.

As I Said, I Think We're In A Situation Where We Have A Commitment That The Municipalities Would Back Off On Any Future Annexations Recognizing That There Are Enclaves To Be Annexed.

There Are Ones That Are Annexation Requests That Are In The Pipeline.

They Would Be Vested To Continue With The Process, But There Is Still A Lot Of Large

Track Lands That Could Be Vulnerable If Annex Changes To Increase Density And Intensity What The County Currently Provides Under Its Plan.

With The Understanding That Would Not Go Forward Until We Have Interlocal Agreements In Place I Believe Would Be The Most Appropriate Approach To Take.

What I Would Ask Of The Mayors And This Board Is I'd Feel A Lot More Comfortable That We Don't Necessarily Restrict It To Six Months.

I Would Like To Think We Could Work Out The Interlocal Agreements In Six Months, But I Would Like To Tie It In -- And This Would Provide The Incentive -- That The Interlocal Agreements Would Be Delivered At Various Periods Of Time By The Various Municipalities And That The Annexations That Potentially Would Occur Would Be Held Off Until Such Time That Each And Every Of The Interlocal Agreements Were Worked Out.

It May Be Three Months, Six, Nine, A Year And A Half.

But I Would Really Hope That We Could Work Out An Understanding That The Municipalities Would Feel That Would Be Fair And Equitable.

That There Would Be A Willingness To Hold Off On Annexations Until The Interlocal Agreements Are Delivered.

I Think That Way, Everybody Is Treated Fairly And There Is The Incentive.

So Mayor Humphrey, If I Could Ask --

Comm. Hall: And I Think From The Standpoint We Can Always Have An Understanding To Hold Them Off, But From A Legal Standpoint For It To Be Law They Have To Have A Date Certain.

They Can Always Extend The Date, But I'm More Than Happy To Change My Motion To A Year Because They Have To Give A Specific.

They Can't Have An Endless Moratorium.

Andrew, Correct Me If I'm Wrong.

If The Mayors Are Willing To Accept A Year And, Of Course, If You're Done In Two, Three Months And We Have A City Going Beyond That We Would Ask They Extend It.

But We Have To Give A Date Certain On Moratoriums.

In Particular Response And, Of Course, Mayor Jim Humphrey Again.

To Your Concern, I Expressed Earlier I Can't Really Take Action On My Own Until It's Presented To The Council.

What I Will Commit To You Is That I Will Recommend To The Council That We Delaney Further Annexation Applications Until We Reach An Agreement.

And Maybe If We Have A Year Timetable, But I Will Recommend Because I Think -- And I Disagree With The Statement That There Is No Incentive.

There Is Always Incentive For The City And Counties To Work Together.

I Think Commissioner Mann And All Of You Said It Well.

It Is Not In The City's Best -- Or This Community And County's Best Interest For Us To Be Involved With A Dispute And Litigation Over A Public Policy Or Jurisdictional Issue When We Have A Good Record Of The Past.

I Think Of Working Together.

I Commend Commissioner Hall.

She Has Been The Liaison And Has Worked With Us On This.

We Have Been Not Only Receptive But Also Supportive In What You're Trying To Accomplish.

As We See All Along And Heard A Great Report From The Regional District In Middle Florida, We Have To Work Together Not Only Among Cities And County, But Among Counties.

We Have To Look At Regional Land Use Issues.

When We Saw The Impact -- You Were There -- When We Saw The Impact Associated With Even Adherence To The Plan, We Need To Do Better And That's The Commitment That This Mayor Who Does Not Leave This Office In 2008 But Not Until November Of 2009, I'll Commit To You As Long As I'm In Office That I Will Encourage My City Council To Work With You On That Regard.

Chairman Judah: I Appreciate That And Also Knowing That If That Language Could Then Reflect What The Discussion Is Culminating In.

Recognizing There Are Unique Circumstances Like The Enclaves Where We Wouldn't Really Have Problems With Those Issues.

Mr. Mayor?

Thank You, Mr. Chairman.

We Have A Strong Incentive To Work With The County.

Since I Took Office, Tammy Hall And Others Have Worked On The Zimmel Annexation.

I Know Everyone Isn't Happy With It But We Haven't Changed One Square Inch Of Land Use Yet On The Property And We Look Forward To Working With T County.

For Several Years We Came Up With A New Land Use That Preserves Over 50% Of The

Lands And You May Agree That's Not Enough.

I'm O.K.

With That.

I Think The Density Needs To Be Looked At.

I Agree With Commissioner Hall And All Of You We Don't Want To Put That Density Up There.

As Long As I'm Mayor I Won't Support Land Use Changes Up There Until We Come To Agreement From The County And City Perspective.

If There's One Other Annexation Of Significance In The Past Five Years Really We Have Not Done Anything To Harm The Environment Or The County Through Annexations.

With That Said As Mayor Humphrey Indicated I Am Supporting Strongly With Council That We Don't Allow Any More Annexations Through The Pipeline.

We Have One Coming Forward Off Burn T Store Road.

It's In A Mining Area.

I Don't Think We'll Have An Issue With The Public And I Would Like That To Go Forward.

If There Is An Enclave An Pine Island Road It Makes Sense To Come In.

As Far As I'm Concerned I Don't Want Our City To Be Any Bigger.

And There Is No Desire To Expand Further.

I Think You Will Find Strong Support From Mayors Today And Those In The Other Cities To Work With The County.

It's Taken Three Years On Zimme Will.

That's Why A Finite Time Is Important.

If 12 Months Is The Right Time To Go, I Don't Think The Council Would Have A Problem.

I Support Giving The Amount Of Time Necessary.

I Think A Year -- I Think We Can Do It Faster Than That, But I Leave It To Your Judgment And Look Forward To Working With Everyone.

Chairman Judah: Commissioner Hall, Are You Willing To Amend The Main Motion?

Comm. Hall: Yes.

I Will Make A Motion To Remove The Six-Month And Request Up To A One-Year Moratorium.

If It's Done Sooner Then The Council Would Lift It But With The Intent That The Goal Is Not To Have Annexations Until The Interlocals Are Made Recognizing That We Have To Have A Time Certain Legally.

But The Intent Isn't To Have Annexations As I Said Earlier And At You Stated Until The Interlocals Are Completed.

But Recognizing The Differences Between The Cities To Go Ahead And Put On The Books A One-Year Moratorium To Not, I Guess, Put Undue Pressure On My Staff Of One Down There Of Wayne And Myself To Get Around To The Five Cities.

Chairman Judah: Under Discussion?

Commissioner Bigelow?

Comm. Bigelow: I Tell You, First Of All, We Don't Have Within Our Legal Power To Invoke A Moratorium On Annexations.

That Is Why This Is So Para Mount That We Ask The Voters For Their Permission To Hold Veto Power Other The Land Use Changes That The Annexations Are All About.

The Reason For Annexations Is All About The Greenback.

It's All About The Greenback.

The Land Owner Wishes To Increase The Land's Intensity And Density In Order To Net NrnI Gain.

The Cities Want -- Financial Gain.

The Cities Want To Expand The Tax Base.

I Don't Blame Them, But What We Are In Effect Doing By Not Asking The Residents Of This County To Give Us The Right To Veto The Land Use Changes That The City's Proposed By The Annexations, We Throw The Environment Under The Bus.

That's What We Are Doing Here Today.

I Won't Support This.

I Will Support Moving It To Referendum So We Can Ask The Voters To Debate It And Understand That What's Happened Is To The Detriment Of Our Environmental Systems Here In Lee County.

And I Would Disagree Strongly With Both Mayors Here.

The Two Cities That Need To Not Be Sprawling Out Are The Two That Are Most Motivated To Do So.

The City Of Cape Coral, I Believe, Should Be Looking More Toward The Downtown Urban Core As A Place To Accommodate Its Future Growth Population Need In The City Of Fort Myers As Well And Not Be Moving Out.

This Is All About Urban Sprawl And Gaining More Greenbacks For The Tax Base Of The Cities And Greenbacks For The Land Owners.

Chairman Judah: O.K.

I'm Going To Suggest That This Is Not Putting The Environment Under The Bus And Further Suggest That The Way I'm Looking At This Now Is The Perception Of The Municipalities Would Be That Indeed Is A Power Grabby Unincorporated Lee County And It's Not.

It's To Provide For An Orderly Pattern Of Growth That's Properly Planned, But I Believe The Divisiveness Could Be Catastrophic.

There Is Opinion Here In The Court Of Public Opinion And It's Stated On The Record The Municipalities' Intent On Coordinating With The Board To Develop The Interlocal Agreements.

Uh Think The Additional Time Frame Will Allow Us To Do What We Need To Do In The Appropriate Time Frame.

Some Municipalities Will Have A More Difficult Time With The Urban Level Type Service Issues And Also Developing An Understanding Of What The Urban Boundaries Should Be.

That's Why I Believe We Need The Additional Time.

I Think This Will Give Us Flexibility.

I Think We Have The Good Faith Commitment By The Municipalities And I'm Prepared To Go Forward.

Comm. Mann: Mr. Chairman, One Final Tag Here.

I'll Try Not To Repeat Myself.

I'm Proud To Say There Is No One On This Commission That's Been More Out Spoken On The Issue Of Density And How It Will Affect The County In The Future Than Myself.

I Think The Mayors Are Sensitive To That.

It Was The Zimmel Issue That Brought This To Us And Brought Expensive Litigation Between Us And The City Of Cape Coral.

That Has Now At Least To Some Point Succeeded In Creating A Dialogue We Didn't Have Before.

It Didn't Exist And Has Been Positive And We're Making Progress.

All I'm Asking Through This Motion And My Second Is To Give It An Opportunity To Work And I Think The Seeds Have Been Sown To Allow That To Happen.

We Can Always Be Right Here And Trust Me, I Will Be Leading The Pack If We Don't See That This Is A Movement In Good Faith In The Weeks And Months To Come.

So I Hope This Will Work And I Hope It Will Be The Beginning Of A New Chapter In Relationships Between The Cities And Counties.

I Believe It Has That Possibility.

That's Why I Still Support This.

Chairman Judah: Any Further Discussion?

Comm. Janes: Yes.

I Want To Explain My Direction On This.

First Of All, As I Indicated Earlier, I Think The Mayors Are To Be Commended For Being Willing To Talk About The Issue And Work With The County In Resolving Many Of The Issues Connected With Annexation.

Let Me Say That I Also Believe In The Futility Of Attempting To Put This Matter On The Ballot For This Fall.

I Think The Ballot Will Be Such That It's Going To Be Almost Un-Intelligible For The Average Person Unless You Want Them To Spend Hours In The Ballot Box We Have To Call A Halt To The Number Of Ballot Items We're Putting On.

It's Unfortunate This Appears Now, But Here It Is.

So We Have To Deal With It.

I Guess I'm Going -- What I Will Do Is Support This With The Longer Time Frame For Putting Together An Agreement.

I Am Unhappy With It Because I Don't Think It Goes Far Enough.

Although Let Me Say That What The Mayors Are Proposing To Do In Annexation We Need To Do In Other Areas.

We Need To Do This In Terms Of The Whole Area.

We Need To Do This.

Maybe This Is An Important First Step And Maybe It's An Example Of Ground Breaking.

Time Will Tell.

But I Will Support It With The Caveat That I Really Don't Like Us To Give Away Something Or To Be Generous With Something That's Our Right To Provide Now Or Have.

For That Reason, I Will Support It.

Comm. Bigelow: One More Comment.

I Want To Close With This.

I Don't Believe This Is, A, An Aggressive Defense Of The Environment And I Don't Believe It Is Wise Growth Management.

I Would Beseech This Board To Recognize That We Have Seen Too Many Things Go Badly With The Annexations And I Really Regret We're Not Going To Ask The Voters To Give Us The Authority To Restrain This Addiction To Annexation In Lee County.

Thank You.

Chairman Judah: Any Further Discussion?

Any Objection?

Comm. Bigelow: Yes.

Chairman Judah: Motion Passes 4-1, Commissioner Bigelow Dissenting.

Thank You, Mayors.

It Would Be Incumbent Upon Us To Get The Message To The Other Mayors.

Comm. Hall: We'll Call And Let Them Know It's Pulled.

But If Someone Wants To Comment We'll Allow Them To.

I Will Let The Mayors Know They Are Not Needed At 5:00.

Comm. Mann: Mr. Chairman, It Doesn't Cost A Lot Of Money, I Would Suggest We Send Them A Tape Of The Discussion.

Chairman Judah: We Can Take Care Of That.

You're Not Going To Edit My Comments?

That Was Nice.

Chairman Judah: We'd Like To Thank Public Comment Now On All Issues On The Consent, Administrative Agenda.

Gerald Le Fever.

For The Record My Name Is Gerald Lafefebvre.

I Want To Talk About The Fees In 2007 Going Up --
Chairman Judah: I'm Sorry.

Is That On The Consent Or Administrative Agenda?
It's A Public Hearing That Will Be At The Conclusion Of This Agenda.

Chairman Judah: I'll Call You Right Back.

I Apologize, Sir.

Could You Hang In There For A Bit?
Sure.

Comm. Bigelow: That's A 9:30 Public Hearing.

Chairman Judah: Peter?
Good Morning.

Good Morning, Mr. Chairman.

For The Record My Name Is Pete Quashous.

I Was Going To Talk About The Eagles, But Looking At The Agenda We May Be Here At
5:00.

I Would Like To Comment Briefly On The Proposal For A Management Plan For Babcock
Which Is Coming Up.

I Learned Not Long Ago That The Most Effective Communication Takes Not More Than Nine
Seconds, Uses 27 Words And Has Not More Than Three Ideas.

I'm Already Over My Limit.

But There Is A Real Concern With The Babcock Property That We Provide Immediate Or At
Least As Soon As Possible Public Access To The Public Lands And Waters.

There Are Now Two Public Trails Open In The Preserve.

One At Burrmount And One Near The Witness Operation.

I Urge As The Stewardship Program For The Lee County Owned Portion Of The Babcock
Preserve That We Get Public Access To There And Than Appropriate Way As Soon As
Possible.

Thank You Very Much.

Chairman Judah: Thank You, Peter.

Kevin Shaye?

I Rise On A Point Of Order.

I Am Again Very Distressed That Your Agendas Are Not Placed Out In The Public Vestibule More Than A Couple Of Minutes Before The Meeting.

I Am Also Distressed That We Do Not Have Effective Government In The Sunshine When You Lay Before This Board, I Believe Five Items Of Walk-On With No Preparation In Computer, No Supporting Documents And Effectively Denying The Public An Effective Opportunity To Investigate And Make Intelligent And Responsible Inquiry And Input On Public Policy Decisions.

This Walk-On Sheet Was Two Minutes Before The Meeting Commenced This Morning.

You Should Have A Procedural Rule Change That Says Any Agenda Item Will Be Laid Upon The Table For At Least Two Full Working Days Before Your Meetings And That On The Computer Public Records, Every And All Document And Supporting Document Associated With These Agenda Items.

You Are Blind-Siding The Public.

The Public Doesn't Know You're Going To Raise The Issues Before Your Meeting This Morning.

I'm Here Only Because I Speak Regularly And Inquire On These Matters.

But People Don't Know And It's Going To Be 5:00 Or 9:30.

You're Bamboozling The Public And We're Tired Of It.

On Two Minor Points You Have An Element On The Agenda Again Considering Storage Tanks And Proper Regulation And Inspection.

I Would Ask That You Extend Such A Concept Of Regular Inspections To Septic Tanks In This County.

Just To Let These Things Be Put In And Not Routinely Inspected To Make Sure They Are Working Does Not Aid Our Environment.

On That Note I Guess We'll Have More Ongoing Proceedings Today At Some Time Trying To Figure Out When You're Doing What.

Thank You Again.

Chairman Judah: Kevin, You Know The Lee County Health Department Or The State Agency Issues The Permits For The Septic Tanks?

That Makes A Difference.

Brian Griffin, Did You Want To Speak On Any Other Issues?

No.

Chairman Judah: Pam Mccarthy?

Comm. Bigelow: Mr. Chairman?

Chairman Judah: Hang On.

Let Me Get Through Here.

Comm. Bigelow: Point Of Procedure.

We Don't Normally Respond To Public Comments As --

Chairman Judah: It Needed A Responsibility.

The Chairman Feels We Need To Provide Clarification On The Issue That's Misunderstood.

Pam?

Juddson Mankey?

Eric Hallen?

Good Morning.

I'm With The Engineers.

We're Here To Speak For The Public Hearing At 9:30.

Chairman Judah: We'll Call You Back If Necessary.

Thank You.

O.K.

Unless There Is Anyone Else That Wishes To Speak On The Consent Or Administrative Agenda?

Yes?

Mayor Humphrey?

Again For The Record Mayor Jim Humphrey From The City Of Fort Myers.

In Fact, The Reason I'm Here Was To Speak On The Matter On The Consent Agenda.

I'm Pleased I Was Able To Be Here For The Discussion About The Mayors But Would Ask That Staff Maybe Notify The City Managers Of The Other Cities Of The Action That Was Taken This Morning.

Thank You Very Much.

But I Have Two Cards In Front Of You.

One For The Administrative -- Excuse Me The Consent Agenda.

Item 10-A.

Under That Consent Agenda There's A Proposed Agreement.

Again A Cooperative Effort That We Are Having With Lee County Which Provides For The City To Be Involved With The Restoration And Maintenance.

In Fact, The Maintenance For Five Years Of 674.61 Acres Of Prairie Pine Preserve.

And We Ask That You Approve That And For The Record -- And I Will Be Brief -- If I Can Just Point Out That The City Owns And Will Develop 565 Acres Or 93% Of The Project Site.

This Is The Eastwood Development Involved With Our Workforce Housing Program.

The City Owns The Property.

And The City's Ownership Encompasses 300.32 Acres Or 98% Of The Proposed Wetland Impacts.

In The South Florida Water Management District Requires The Majority Of The Project Mitigation To Be Conducted In The Same Watershed As The Impact Site And The Well Field Site Which Is The Impacted Site Is Within This Watershed.

The Well Fill Impact Site Is Not Within The Service Boundary Of Mitigation Bank So Going To A Mitigation Bank Is Not An Option.

Lee County Has Approved The Use Of Conservation 2020 Lands For Mitigation Of Public Projects And I Believe, As You Said By The Staff The Plan Restoration Project Is In Accordance With The 2004 Prairie Pines Plan So I Would Respectfully Request On Behalf Of The City That You Please Approve That.

It Helps The City In That We Are Able To Mitigate That Development And The Wetlands That Pertain To That Development With Using 2020 Lands -- County Lands.

Thank You.

Chairman Judah: Thank You, Mr. Chairman.

I Have One Other Item, But I Will Wait.

Chairman Judah: On The Consent Or Administrative Agenda?
On Administrative, Yes.

Chairman Judah: Go Ahead.

O.K.

Sumara, If You Would Join Me And This Will Be Very Brief On Administrative Item 15-A, Hope Hospice.

Let Me Introduce Her.

She's The Director Of Hope Hospice.

This Is A Hospice Issue For An Amount Not To Exceed 27.2 Million To Construct And Equip A 24-Bed In-Patient Care Hospice Facility In Lehigh Acres.

I'm Here As Council To The Lee County Industrial Authority Who Approved It Unanimously On Friday.

This Is A Program To Be Constructed In Lehigh Acres And One That We Really Look Forward To And Appreciate Your Support, Commissioner Mann On That.

As Well As The Other Commissioners.

So We Will Be Here During The Administrative Item.

At Least She Will Be.

So If You Have Questions We'll Be Pleased To Respond.

Thank You Very Much.

Chairman Judah: Thank You.

Anyone Else From The Public Wish To Comment On The Consent Or Administrative Agenda?
Brian Griffin.

I Would Like To Comment On Hope Hospice.

I Just Finished A Major Project On Hope Hospice In Lee County.

I, Like Many Members Of The Public Think This Is Where You Go For Your Last Round-Up.

You're Going To Last A Week Or Two And It's Much More.

Hope Has Facilities For Senior Adult Day Care, Folks That Have Reached The Point Of Difficulty With Alzheimer's Or Dementia.

They Have Across The From The Southwest Regional A Facility That Takes Care Of That.

It's Not Just Last Round-Up Time.

There Are Many Programs And Commissioner Janes Will, I'm Sure, Under Line That We Need Mental Health Facilities In Lee County.

And This Borders On Their Program's Mental Health Issues.

I Strongly Support This Issue.

Chairman Judah: Thank You, Brian.

Pam Mcardy?

Yes, Ma'am.

Good Morning.

Well, Thank You Chairman Judah.

Yesterday I Spoke To Many People Here In The County.

I Finally Got Your Name And My Main Concern Is That I Live In Venetian Village Between Gladiolus And Mcgregor.

We Are Having An Issue With Lee County Parks Taking Down Trees, Pepper Trees.

I Don't Know If They're Doing Ma Hog Any Trees.

It Is A Designated Area There.

I Know It's For The Good Purpose Of Supposedly The Environment, But What Is Happening Is All The Stuff That They Are Taking Down And Clearing Out And That's Being Done By 2020, Roger Clark, I'm Assuming.

The Animal, The Snakes, We Have Found Rats In The Swimming Pool.

All Those Critters Are Coming To Venetian Village And I Don't Know If They Are Hitting The Other Subdivisions Or Not.

My Husband Works In Construction In Naples, In Collier County.

They Have Very Strict, You Know, Orders There On How To Do Things And He Said There Should Be Some Type Of Barrier To Prevent This From Happening.

I Don't Know That Much About It And I Don't Want To Feel Like A Fool Up Here Which I Kind Of Do, But I Was Wondering If There Was Anything That Can Be Done.

We're Inundated With Mosquitoes.

In Fact, Rob Ceeland Also Lives At The Village.

He's Part Of The Engineering Department With Mike Rigsby And He Noticed That The Mosquitoes Were Quite Abundant.

I Know We Have Had Rain But It's Like Triple Fold.

I Cannot Tell You.

I Have A Bagful Of Flying Carpenter Ants, Queen Ants, Termites, Cock Roaches, And I'm Going To Have To Call Up Pest Control Now And I'm Going To Have To Pay For Them To Come And Do My House Because Snakes Are Coming In.

I Own A Cat.

I Don't Dare -- I Never Let The Cat Out.

People Aren't Letting Their Dogs Out.

This Has Become A Real Concern.

Chairman Judah: We'll Have Someone From Administration Put You In Touch With Somebody From The Conservation 2020 Program, Parks And Recreation So You Can Further Discuss The Matter With Them.

I Appreciate It.

Thank You So Much.

Chairman Judah: Pete, Holly, Bill?
Thank You.

Thank You, Ma'am.

Anyone Else Wish To Comment From The Public?
Yes.

Charlie Green.

Chairman Judah: Good Morning, Charlie.

Good Morning.

17-A.

I Thought I Would Bring You Up To Date With Sba.

It's Been Almost A Year.

In Fact In A Couple Months Or Three It Will Be A Year.

We Started Fund A, If You Remember With \$117 Million.

Almost \$118 Million.

We're Down To \$43.3 Million In Fund A.

Fund B Started With \$18 Million And We're Down To \$7.5 Million Now.

So We Are Getting Our Money Out.

The Interest We Have Earned From Sba So Far, We Have Earned \$2,700,000 On Fund A And A Little Over \$691,000 For The Port Out Of Sba.

So The Sba Problem Is Slowly Going Away.

We're Thrilled With That.

Total Interest Earned To Date, If You Will Notice In The Monthly Report We Sent To You Is \$38 Million.

It's Considerably Less This Year Than Last Due To The Drop In Interest Rates And For The Prior Month We Had \$4,300,000 Of Which \$137,000 Was Sba.

So Sba Is Paying Interest And It's A Viable Fund For As Long As It Lasts.

One Last Comment.

I Understand That You Missed Me Last Week And I Appreciate That.

I Got Notice Of The Meeting On The 3rd From One Of Your Employees And Responded On The 4th In E-Mail Form Saying I Would Not Be Here For The Joint Meeting On The 18th.

If Anyone Had Any Questions Concerning The Clerk's Budget Please Notify Me Before I Left Town On The 13th.

I Did Not Receive A Query On That.

Also Donna And Terry Were Out Of Town, So The Persons That Would Have Responded To Questions You Might Have, The Three Of Us, Were Not Here.

I Assumed Since I Didn't Hear Anything That There Were No Questions.

I Would Now Give You An Opportunity To Ask Me Questions Directly.

Chairman Judah: We'll Have The Opportunity As The Process Unfolds.

Commissioner Bigelow?

Comm. Bigelow: Will You Be Here -- Because This Is A Consent Agenda Item I Will Be Pulling.

Will You Be Here For The Discussion?

Sure.

Chairman Judah: Commissioner Mann?

Comm. Mann: You Have Shown In The Past To Be One Of The More Frugal Officers Elected Around Here.

I'm Personally Grateful For That As A Local Taxpayer.

What Is Your Intention To Put This On The Record As Far As Staff Salary Increases This Year?

This Coming Year?

Comm. Mann: In Percentages?

We're Not Going To Have Increases This Year For The Employees In The Clerk's Office For The Next Fiscal Year.

Comm. Mann: I Wanted To Give You An Opportunity --

If Someone Moves From One Position To Another There Is Some Increase There, But As Far As A General Increase Or Cost Of Living --

Comm. Mann: I Was Wondering If There Was A Package And You're Holding The Line.

We're Holding The Line.

Chairman Judah: Thank You, Charlie.

Anyone Else In The Public Wish To Comment On The Consent Or Administrative Agenda? Seeing None, We'll Go Back To The Board.

Commissioner Bigelow, Items To Be Pulled?

Comm. Bigelow: Thank You.

I'm Only Pulling Nine Of The Roughly 70 Items On The Agenda.

They Are 9-B --

Chairman Judah: Go Slow.

It's Quite An Agenda Here.

9-B, O.K.

Comm. Bigelow: 9-C As In Charlie Green.

9-F As In Frank.

10-A As In Apple.

12-A And 12-B As In Boy.

Chairman Judah: O.K.

Commissioner Mann?
Comm. Mann: No.

Chairman Judah: Commissioner Bigelow?
Comm. Bigelow: 14-M As In Mary.

Chairman Judah: O.K.

Comm. Bigelow: 14-N As In Nancy And 17-A.

And I Would Just Tell The Audience That This Is A Big Agenda Before Our July Break.

Chairman Judah: Commissioner Mann?
Comm. Mann: 10-G.

That's All, But Mr. Chairman, I Would Like To Ask Mr. Muir To Come Visit Me.

It Doesn't Have To Be Immediately.

On Item 14-H.

I Will Support It, But I Just Need --
Chairman Judah: Just 10-G?
Comm. Mann: Yes.

Chairman Judah: Commissioner Janes?
Comm. Janes: None.

Chairman Judah: Commissioner Hall?
Comm. Hall: I Wanted To Pull 10-G And 14-H To Get On The Record What We Are Doing With The North Fort Myers Plant Out There.

Comm. Bigelow: I'm Sorry?
Comm. Hall: H As In Hall.

Chairman Judah: 10-B?
Comm. Hall: G As In Girl -- Same As Commissioner Mann.

Chairman Judah: And Then 14 --
Comm. Hall: H As In Hall.

Chairman Judah: O.K.

I've Got A Few To Pull Here.

Bear With Me.

9-E, 10-B, 10-C, 10-D, And That Is It For The Consent Agenda.

Chair Will Entertain A Motion On The Balance.

Motion By Commissioner Hall Second By Commissioner Mann.

Hearing No Objections, The Motion Passes.

Comm. Mann: There Was A Balance?

Chairman Judah: There Actually Was A Balance, Yeah.

Commissioner Bigelow, 9-B.

Comm. Bigelow: Thank You, Mr. Chairman.

Just To Put You On Notice, I Will Probably Need A Restroom Break Before I Can Get Through All Of This.

But This Is To Approve A Change Order.

Lee Contract 3426 To Stevens And Layton In The Amount Of \$169,000 Roughly To Widen The Waste Energy Plant On Site Access Road Providing For Improved Traffic Flow And Emergency Vehicle Access.

This Is Done Through A Change Order Process On A Contract That Was Let In 2006.

Is Lindsay Here?

Are You Going To -- Would You Talk To The Point Of The Contract Or Would That Be Jim Lavender?

I'm Sure Either One Of Us.

Comm. Bigelow: This Has A Bid Number With Stevens & Layton.

So That Is Somewhat Dated Contract And You're Using The Prices Under That Negotiated Contract.

Correct?

For The Record, Lindsay Stampson, Solid Waste Department.

For The Most Part, That's Correct.

However We Have Modified And Reduced Some Of The Unit Prices Because Of The Actual Job Requirements For This Project.

This Project Or That Particular Contract Also Is Still Active Under The Church Road Improvement Project That Has Been Completed But The Final Punch List Items Are Still Being Performed.

Comm. Bigelow: O.K.

But In The Back-Up To This Item, I Am Not Seeing Those Amendments.

You're Saying There Are Reduced Prices?

Some Of These Particular Tasks Are Different Than The Original Unit Prices Because Of The Fact That This Project Is A Very Small Job Located, You Know, At The Waste Energy Facility.

It's Not A Long Road Like On Church And Things Like That.

Comm. Bigelow: Well, The Back-Up You Have Of This Is Stamped "Draft", Circled Even And This Is The Change Order.

When It Was Placed Into The County System Under Blue Sheets It Had Not Yet Been Signed.

However, There Were No Changes To Those Numbers And The Signed Copy Is In Hand In Lee Cares Now.

A Signed Copy By The Contractor.

Comm. Bigelow: I Appreciate You Sharing Was That You Have Renegotiated Lower Prices -- I Assume Lower.

Mm-Hmm.

Comm. Bigelow: Because Everything's Changed In The Construction Industry Of Late.

But It's Not Supported In The Back-Up.

I Have Had Problems Before And This Is Directed To The County Manager Of The Board.

I Have Felt Like Using Change Orders To Do Work Obviously Unrelated To The Initial Contract Only Works To Our Disadvantage.

If We Could Have Let This Project And Acquired More Recent And Competitively Acquired Bids I Think We Would Be Better Off Financially.

So I Won't Be Supporting It.

Chairman Judah: Chair Will Entertainment A Motion.

Motion By Commissioner Hall.

Seconded By Commissioner Mann.

Hearing No Objections, The Motion Passes.

With Commissioner Bigelow Dissenting And Commissioner Janes Absent.

This Is To Widen The Access Road Providing For Improved Traffic Flow At The Waste Energy Facility.

9-C.

Comm. Bigelow: Yes, Lindsay This Is Yours As Well.

This Is A \$500,000 -- This Is A Competitive Bid By Fcr Inc.

The County's Contracted Mrf Operator For Pet Scanning To Scan The Make-Up Of The Plastics Through Recycling.

Right?

Commissioner, This Is To Purchase A Piece Of Equipment That Will Then Automatically Sort Pet Material From The Other Plastic And Metal Containers.

Comm. Bigelow: What Does It Stand For?
Poly Ethylene Terapthalate.

Comm. Bigelow: I Have Some Questions.

We Don't Currently -- Or Do We -- Pick Up Like These Black Or Other Colored Landscaping Containers Plants Come In, Do We?
Generally, We Have Discouraged Them.

However We Have Certain Nursery Establishments, Plant Establishments That Will Bring Those Materials To Us And We Accept Them At The Facility.

But We Don't Accept Them At The Curb Side Program Because We're Really Not Equipped To Separate Them.

We Do Recycle Them From Commercial Generators That Have Them In Large Quantities.

Comm. Bigelow: So We're Rejecting This Recyclable Material At Curb Side And Yet We Can, Because They Are Pet --
When They Are Provided In A Single Segregated As A Single Segregated Material.

However Mixed With Everything Else Then We're Not Set Up Or Equipped To Accept That Material From A Mixed Source.

Comm. Bigelow: O.K.

So You're Saying You Can Pick Them Up Curb Side And You Can't --
No.

We Don't Pick Them Up Curb Side In That Fashion Mixed With Other Materials.

When Large Generators Have Contacted Us, We Have Invited Them To Bring Materials To Us As A Segregated One Material Black High Density Poly Ethylene.

Those Containers And That Occurs On A Routine Basis.

We Don't Accept Them Mixed With All Other Materials.

Comm. Bigelow: What Do We Have To Do In Order To Do That?
I Live In The City Of Fort Myers And My Curb Service Will Pick Them Up.

Why Won't The Counties?
And If We're Going To Upgrade A Scanning System, Perhaps We Need To Look At
Upgrading So That We Can.

We Have A Cip Program -- I Mean Project That Is -- This Item Is Like The First Purchase
Under That Project.

That Will Be Going Forth During The Next Two Years.

We Will Be Modifying And Expanding And We Will Certainly Look To See If That Is A
Feasible Item In That Mix.

But There Are Other Things That Are Recyclable That We Don't Accept.

Comm. Bigelow: Such As?
Styrofoam.

Such As Plastic Bags.

Comm. Bigelow: Grocery Bags?
Eggs, Food Scraps, Etc.

We Don't Accept That In The Recycle Program And It's All Recyclable.

Comm. Bigelow: Grocery Bags We Don't Accept?
Grocery Bags We Do -- Paper, Not Plastic.

Comm. Bigelow: Oh, Paper Bags But Not The Plastic One Which Is Most People Use These
Days And We're Finding Them Showing Up In The Intestines Of Dead Sea Turtles.

Virtually All Grocery Stores Will Take Those Back.

I Routinely Every Time I Go To The Store I Take A Bag Of Bags Back To Them.

So It's An Easy --
Comm. Bigelow: I Do As Well And Citizens Will Do That, But Why Can't We Pick Them Up?
They Are Easy To Remove From The --
They Are Not Easy To Remove In The Mix Of Materials That Come To The Recycling Facility.

Comm. Bigelow: O.K.

Well, I Guess You Can See This Conversation Is Giving Me The Impression That There Is More We Could Be Recycling But We Are Not And Maybe We Need To Look At A Way To Be Able To Do That So We Can --
And We Do.

It Comes Down To, You Know, Cost And, You Know, Return.

Chairman Judah: Let Me Suggest That I Think It's Worthwhile To Pursue This.

Let's Have An Opportunity To Recycle Other Types Of Plastics Scheduled For Mmp For Discussion By The Board.

Comm. Bigelow: And Mr. Chairman, I Would Support That, But Also Point Out That Tonight We've Looking At Solid Waste Fees, Right?
Fee Increase Tonight And --
Not To Be Increased, But Yes, We Have An Item For Fees.

Comm. Bigelow: I'm Sorry?
Readopt Them?
I Don't Know If There Is A Way You Prefer Me To Say It.

Approve The Assessments Which Is Done On An Annual Basis.

Comm. Bigelow: Right.

I Think We Need To Look At Ways To Help Residents Recycle Because The Back-Up Tells Us It's Becoming An Ever Popular Service That We Provide.

So I Would Support Looking At This Again But Also Recognizing That We Might Be Looking At Cost Issues.

Chairman Judah: Do We Have A Motion By You For 9-C?
Commissioner Bigelow Makes A Motion Seconded By Commissioner Mann.

Hearing No Objections, The Motion Passes.

9-F.

Comm. Bigelow: Thank You, Mr. Chairman.

This Is A Florida Department Of Environmental Protection Contract Number Gc 709 In The Amount Of 276,000 Dollars For Pollutants Storage Tank Inspections For July 1 Of 2008 Through June 30 Of 2009.

This Is To Authorize The Contract Manager To Sign The Tasks -- Assignment Notification Form For Lee County.

And This Is Simply Just A Continuation Of The Tank Inspection Program, If I Understand Directly, Right?

That's A Nod.

Let Me Get To A Good Question.

This Does Not Though Anticipate Any Cost Increases, Right?
There's No Cost Increase Here.

Good Morning.

Roland Otalini For The Record.

It Is Based On Negotiated Price Per Tank Installation.

Comm. Bigelow: O.K.

Can You Take Me Through What It Is That We're Doing Here?
I Guess In One Estimation On Behalf Of Dep Or For Dep, We, Lee County Are Inspecting
The Tanks.

Is That Fair?
Yes, Sir.

It's A Grant Agreement We Have With The State To Perform The Function Of Inspecting
Installation Of New Mostly Fuel Tank Installation, Closure Of Fuel Tanks Or Annual
Inspections.

So There Is About 1300-Some-Odd Tanks Out There We Inspect.

We Are Required To I Perspective About 75% On A Recurring Basis.

There Is A Priority List They Provide Us.

Comm. Bigelow: Is It Safe To Say This Is Every Single Gas Station In Lee County?
Well, I Mean, If It's A Registered Fuel Tank It's In The Inventory And We're Doing It On
Their Behalf Through A Contract.

It's A Fully Funded By The State.

Comm. Bigelow: So We Are Just Extending A Contract We Have Had For Some Time.

Thank You.

I'll Move The Item.

Chairman Judah: Seconded By Commissioner Mann.

Discussion?
Objection?

Hearing No Objections, The Motion Passes.

Item 10-A, Commissioner Bigelow.

Comm. Bigelow: Yes.

This Is The Item The Good Mayor Spoke To.

The City Of Fort Myers Is Going To, I Guess, Assume Responsibilities For Prairie Pines Preserve Restoration For Five Years And Maintenance.

Can I Ask Barb, Do We -- We Do Not Allow Currently By Ordinance Private Developers To Use 2020 Lands For Mitigation Purposes, Correct?

That's Correct.

Comm. Bigelow: And Yet In This Particular Case The City Of Fort Myers Is In Cooperation With Bonita Bay, Correct?

Maybe We Should Ask The Mayor To Confirm.

I Believe It's Bonita Bay Who Is Developing Their Lands That Are Part Of The Well Field, The Eastfield Village On The Former Well Field Site.

Is Anybody Able To Confirm That?

That We Have A Private Developer Developing Eastwood Village For The City Of Fort Myers Or In Cooperation With The City And Yet What We Are Doing Here Is Allowing Mitigation On 2020 Lands?

The Difference, Commissioner, Is That The City Owns The Land.

The City Owns The Land That Is Being Developed.

It Is City-Owned Land.

Comm. Bigelow: Right.

But Peel Away, You Know, Who Owns It And This Is 2020 Lands Being Used In A Way That We Don't By Ordinance Currently Allow A Private Developer Such As Bonita Bay To Do, Right?

Correct.

I'm Going To Let Kathy Olson Come Up.

Perhaps -- Kathy?

Chairman Judah: Good Morning.

Kathy Olson For The Record.

The County Attorney Reviewed The Project And Decided It Is, In Fact, A Public Project And That's Why We Went Forward With It.

It Created Debate Among Class Act And The Final, I Guess, Ruling, If You Will, Is That It Is, In Fact, A Public Project.

Comm. Bigelow: Yeah, O.K.

This Is A Lot Like Gopher Tortoises In A Way.

It Seems We Have A Lot Of County-Owned Lands That Need To Be Preserved Or Need To Be Maintained And Restored.

And We Have Private Interests Out There Willing To Do It.

And Yet We Have Barred Ourselves From Doing It And Yet Here We Are Doing It.

With Respect To Compared To How We Treat Our Gopher Tortoise Situation Because We Have Said We Can't Use 2020 Lands For Tortoise Preservation As A Private Mitigation Effort.

I Would Suggest That Maybe This Is, Dare I Say, Somewhat Hypocritical Of Us To, You Know, Put A Municipality Between Us And The Private Developer When In Effect The Result Is All The Same.

I Think We Probably Want To Take A Serious Look At This.

I Mean, I Happen To Support It Because We're Going To Be Netting A Restored 2020 Parcel And Doing It Without Taxpayer Moneys.

Chairman Judah: Is That A Motion?

Comm. Bigelow: Well, Do You Not -- Yes, I'll Move It.

Sure.

Chairman Judah: Motion By Commissioner Bigelow To Move The Item.

Seconded By Commissioner Hall.

Discussion?

Commissioner Bigelow?

Comm. Bigelow: I Was Hoping I'd Get A Little Bit More From The Board Here As Far As What Thoughts You Have On This -- On The Action Here.

Chairman Judah: It's Consistent With Those Projects Deemed Public Projects And We Allow For Public Works To Relocate Gopher Tortoises On 2020 Lands.

It's A Public Project.

Barb, Is This A Precedent-Setting Event?

It Has Been Ruled By The County Attorney And Passed By Classes And The Board To The Plan.

I Would Not Be Able To Answer That Whether It's Precedent-Setting.

This Does Not Set A Precedent.

Comm. Bigelow: Let Me Ask This -- Have We Not Done It Before?
We Did Look At This About Two Years Ago And Based On The Information That We Had, We Deemed That Because It Is A Public Entity Consistent With Everything We Have Done Before Allowing Public Entities To Mitigate On 2020 Lands.

Comm. Bigelow: I Think I Will Need A County Attorney Office Interpreter, Too.

Have We Before Done This?
I Can't Say Whether We Have Or Not.

I'm Not In Depth Familiar With Every Project.

Comm. Bigelow: Anybody Know If We Have Done This Before?
Kathy?
Is Jay Here?
State Dot Would Be The Only Other One We Can Think Of With Another Public Entity Other Than Ourselves.

Comm. Bigelow: O.K.

Well I Don't Consider That The Same Where We've Got A City In Between Us And A Private Developer.

Has That Ever Been Done Before By This County Since The Inception Of The 2020 Program?
I'm Not Familiar With Any Other Municipalities That We Have Entered Into Any Other Type Of --
No, To My Knowledge We Have Not Done That.

Comm. Hall: This Is It.

This Is The First One, Yes.

Comm. Bigelow: I Want It On The Record That I Consider This Precedent-Setting And Something I Think We Probably Want To Look At More In Depth Because I Don't See -- I'm Not Opposed To It.

I Just Want It To Be Out There That This Is The Net Gain Of What We're Doing Here And That's Fine.

Chairman Judah: Any Objection?
Comm. Bigelow: I Don't Object.

Chairman Judah: Motion Passes.

Comm. Bigelow: If We Could Further Review The Process.

Chairman Judah: -- From The Vote.

Comm. Bigelow: Thank You.

Chairman Judah: Commissioner Bigelow, 12-A.

Comm. Bigelow: Thank You.

This Is To Concur With The Selection Committee's Choice And As Stated Before --
Comm. Hall: Move The Item.

Chairman Judah: Move This Item Seconded By -- Commissioner Janes.

Hearing No Objections, The Motion Passes.

Commissioner Bigelow Dissenting.

Commissioner Mann Absent.

12-B?

Comm. Bigelow: I Don't Want To Support It, But I Have A Comment.

Chairman Judah: Moved And Seconded.

Under Discussion?

Comm. Bigelow: This Is To Concur With The Ranking Of Consultants For Materials Testing Services.

With The Exception Of Jim Lavender Serving As Chair, I Don't Mind The Make-Up Of The Board Because These Are Employees, None Of Which Are Serving As Managerial Supervisors To Any Other Board Committee.

And I Appreciate That Nod Toward A Change.

I Know Jim Lavender Would Say It Isn't A Change, But I Think It Is.

Chairman Judah: Discussion, Objection?

Hearing No Objections, The Motion Passes.

Commissioner Bigelow Descents.

Commissioner Mann Is Absent.

Chairman Judah: Discussion?

Objection?

Hearing No Objections, The Motion Passes.

3-1, Commissioner Bigelow Dissenting.

Commissioner Mann Is Absent.

Comm. Bigelow: That One Is Particularly Troubling, 14-M.

Chairman Judah: 14-N As In Nancy?

Comm. Bigelow: This Is The Additional Saving For Gateway Sewage Treatment Plant Expansion.

Doug, Can I Ask A Question While You Take The Podium Here?

This Is Very Low Interest Money That We're Seeking Here.

\$36 Million Of Low Interest Money, Right?

It's Not Written Here As To What This Interest Is.

Do You Happen To Know?

Good Morning.

For The Record, Doug Muir, Lee County Utilities.

Is Interest Rate On This Particular One Is 2.77%.

It's A 20-Year Term.

Comm. Bigelow: That's Awesome Interest.

And Terms, I Do Believe.

Excuse Me.

We Have Another Item On The Agenda.

I Was Mixed Up.

For The Gateway This Is The Initial.

This Is The Total Amount Of Funds Approved For The Project And This Is Just Kind Of The Initial Reimbursement Agreement Where They Are Allowing Us To Start The Process And Be Reimbursed For Some Funding.

Right Now On Another Item The Interest Rate Will Be 2.77%.

So I Anticipate It Will Be Similar For This.

Comm. Bigelow: Generally The Point Sticks Though That We Are Going To Be Borrowing Very Low Interest Money With This Action Item Here.

I Would Like To Point Out That Back In The Early Days Of My Being On The Board And The Gateway Sewage Treatment Plant Expansion Came Before Us, We All Agreed That This Area Of The County Needed A Larger Treatment System And It Was Within Reach Of Lehigh Which Is Still Not In My Estimation Within Long-Range Plans For Sewage Treatment Services And Yet The City Of Fort Myers Could Have Benefited.

We Could Have Relieved Pressure Off Their Two Antiquated Systems, Especially The One On Billy Creek Which Dumps Fluids In And High Fecal Counts.

Now It's More Troubling To Find Out That We Have A Pool Of Money We'll Be Seeking Which Comes At Very Low Cost To Taxpayers.

We Could Have Funded This Using This Attractive Mechanisms.

Of Course I Support This.

I Think It's Great.

It's Just Bringing Back Bad Memories That We Could Have Done Well By Not Just Lee County And Incorporated Citizens But The City Of Fort Myers Citizens.

Nevertheless, So Thank You.

I'll Move The Item.

Chairman Judah: Seconded By Commissioner Mann.

Discussion, Objection?
Hearing No Objections, The Motion Passes.

Huh?
Comm. Bigelow: Do You Know Who --
Chairman Judah: 14-N.

17-A.

Commissioner Bigelow?
Comm. Bigelow: Thank You.

Is Charlie Green Present?
Good Morning.

While You're Taking The Podium, Charlie, Welcome Back.

For The Record, We Missed You At The Budget Works.

And I Want To Ask A Question And Follow Up To The Statement You Made Earlier.

To Whom Did You Send The Notice That You Wouldn't Be Here?
I Sent It To The Omb Person Responsible For Working With Us.

Comm. Bigelow: Without Making A Formal Public Records Request Could You Let Me Have A Copy Of That?

I Asked Privately And --

I Don't Think You Were Left Out Of The Loop Intentionally On Our Part.

I Don't Think They Left You Out Of The Loop Intentionally On Their Part.

Comm. Bigelow: Well --

I Really Don't Know What Happened On Your Side Of The Fence.

Comm. Bigelow: Before The Workshop It Was Noted On The Cover Sheet.

The Other Thing --

Comm. Bigelow: The Agenda.

The Other Thing Is When You Plan Workshops If You Let Everybody Know Who's Supposed To Come Well Enough In Advance So We Can Plan The Calendars Better, I Know It's Not Always Possible.

No Problem Here.

Comm. Bigelow: I Have A Problem.

And That Is That I Specifically Asked The County Management If They Had Heard From You Because It Was Noted On The Agenda That You Wouldn't Be Here.

I Asked Why And They Shook Their Head, No, Nodded.

They Didn't Know.

Sounds Like You're Saying They Knew.

I Couldn't Glean That From Them.

That Fits In Nicely With Former Experiences I Have Had With The County Manager.

Chairman Judah: Do You Have A Specific Question On 17-A?

Comm. Bigelow: Thank You, Mr. Chairman.

Chairman Judah: Mm-Hmm.

Comm. Bigelow: According To Your Information Here, Charlie, We Have \$81 Million In The Library Fund Under Cash And Investments.

This Is Page Four.

Let Me Get There.

It Would Be Helpful If I Would Bring My Glasses.

That Sounds Right.

\$84 Million, O.K.

Comm. Bigelow: \$81.3 Million.

O.K.

Comm. Bigelow: And Then Your Page Six Indicates That Year To Date Expenditures For The Library Is \$17.7 Million.

I Guess We're Coming In For A Landing Here In This Budget Year.

So Looking At What We Have Budgeted Of -- Call It \$28 Million, \$29 Maybe.

Right.

Comm. Bigelow: We're Probably Rather Flush In Library Funds.

This Comes Out Of Right Field Probably For You.

But You Have Said Before When I Was Learning Early In The Budget Process Before The Current Budget Season That If We Took No Ad Velorum Tax Dollars From Our Tax Base That We Would Be Fine, That We Had So Much Cash On Hand That We Would Be Fine.

Now Nobody, Including Myself, Ever Advocated That We Not Take Some From Our Tax Base, But The Point That You Made Then Buzz A Good One And One That We Probably Need To Keep Reminding Ourselves Of That We Had So Much Money We Could Have Continued To Fund This County Government's Operation And Not Taken Any Money.

That Was A Couple Years Ago I Said That.

Comm. Bigelow: O.K.

We're Doing All Right.

Comm. Bigelow: I'll Pick That Back Up.

Sticking With The Library For A Minute.

Would You, The Way You See The Library Fund Amassing -- Could You Help Me Understand Whether Or Not We Could Take No More Library Fund Dollars From Our Tax Base And Still Fund Our Library Operations As Well As Projects That Have Yet To Be Conceptually --

In Looking At Page Six, In Looking At What You Spent Year To Date, First Of All, I Don't Know What Your Plans Are For How Many Libraries You Intend To Build.

I'm Not Sure That's Something You Know.

But If You Don't Intend To Build Any More Regional Libraries Or Any More Libraries, You Would Have A Really Nice Pool Of Money In The Library Fund Right Now That Would Carry On For A Long Time.

I Point These Things Out -- Remember, I'm Looking In Retrospect.

I'm Always Looking Behind.

Your Budget Departments And Offices Are Look Ahead As Well As Looking At The Behind To Make Sure There Is A Platform To Stand On.

I'm Giving You That Platform.

It's Up To You Guys To Decide How You Spend The Money And When.

It's My Job -- And I Would Not Be Doing My Job -- If I Didn't Point Out How Much You Have.

Comm. Bigelow: I'm Picking Up Opinions You Made Before And Trying To Ask You -- Yeah, I Try To -- Brian, I Try To Keep My Personal Opinions Out Of A Lot Of Things Because I'm A Very Opinionated Person.

Comm. Bigelow: I Remember The Day.

I Was Brian Bigelow The Candidate.

I Sat In The Back.

We Had Plenty Of Money.

We Still -- But, You Know, I Told You Not Long Ago In Front Of This Board That You Had In Cash Reserves Uncommitted About \$300 Million.

That Figure Has Changed A Little Bit.

I Haven't Run The Number.

I Haven't Sat Down With Dinah, But The Library Fund Is A Specific Fund.

How You Spend Those Library Dollars Is Your Business.

My Job Is To Tell You How Much Is In There.

Comm. Bigelow: O.K.

Appreciate That.

So I Feel Comfortable The Position I Stated At The Workshop That You Weren't Able To Attend That I Believe We Need To Not Take Any More Library Funds From The Tax Base.

Let Me Turn Your Attention To Page 3, Too.

General Cash Balances, The Chart Shows Fiscal Year 2008.

Just Proving That We Seem To Be Just Adding More Money On Top Of Gobs Of Money And I Don't Think There's Any Other Way To Interpret This Other Than This Looks Painfully Obvious To Me That We Have A Tax And Saver Approach To This County That Seems To, In My Estimation, Have No End.

Would You Agree That The Graphic There That You Presented For Us Shows A Trend Of Saving Money On Top Of Money?

Well, What The Graph Shows Is -- First Of All It Shows When You Received The Money And It Shows That For The Years 2004, 2005, 2006, 2007 And 2008, It Shows A Pattern Which I Think Is Consistent When The Funds Come In.

Most Come In November, December.

And January.

Then In February They Start To Trail Off.

It Also Shows That Over The Last -- Starting In 2004 Up Through 2008 That We Have Taken More Money In General Fund Each Year.

Comm. Bigelow: Right.

O.K.

Now If You Remember -- I Don't Know If You Remember A Couple Years Ago.

Here Again, I Threw It Out And Said, You Know, Here's How Much We Have.

It Looks Like A Lot Of Money.

But That Depends On What You're Going To Spend It On.

Comm. Bigelow: Right.

You Know, So I Think The Pattern Is There And That's What That Shows.

It Also Shows For The Mstus And The Capital Improvement Fund.

It Just Shows Where You Are.

Comm. Bigelow: I Appreciate That And I Would Add My Analysis And That Is That This Is A Tax And Saver Approach To Financial Budgeting.

I Will Look At The County Management Table Because I Think They Are More Accountable For This Action Than Anybody In This Room To Be Honest With You.

I Believe We Need To Adopt A New Day Of Tax And Spend Where We Are Going To Spend The Money That We Have Saved.

Well, One Of The Things --

Comm. Bigelow: I'm Sorry, Charlie, Let Me Just Finish This.

This Is A Conversation I'm Trying To Have With The County Management And I Can't Get The County Manager's Attention On This Note, But It Seems To Me That We Probably Need To Either Give This Money Back Or Spend It.

And Yet We Keep Seeing Ourselves Add More Money On Top Of What Looks Like Just An Enormous Amount Of Money Going Back -- Well, He Said Five Years.

I Have Seen Historical Trends Indicate That It Started To Trend Upwards Unacceptable Levels.

Chairman Judah: Any Other Questions Of Charlie Green?

Comm. Bigelow: Thank You, Yes --

When You Don't Introduce Yourself And Get Your Name On The Record --

It's All Just For Fun That I Don't Do That.

Nothing Ill --

Comm. Bigelow: One More Point.

I'm Wearing Out My Welcome Here With The Board.

We Have A Year To Date County Investments Of According To Page Four, 1.396 Billion Dollars.

Yep.

Comm. Bigelow: The Good News Is I Think Maybe This Indicates We Might Land A Little Less Than We Did At The Point Of Budget Adoption Last Year.

Would You Agree Or Are We On Trend To --

Well, If I Flip To Page Five And Look At The Dollars That Are Coming In From Our Friends In Tallahassee You Will See A Lot Of Dollars Are Down On Percentage Of Revenue.

Comm. Bigelow: Where Are You Looking?

Comm. Hall: Five.

Half Cent Sales Tax State Revenue.

Look At The Gas Tax, Local, Etc.

A Lot Of Those Are Down.

Road Impact, Regional.

Those Are All Down.

If They Continue To Be Down I Think We'll Have Some More Money Coming From The Tax Collector.

So We Should Come In Somewhere Around \$1.2 Billion.

That's A Guess At The End Of The Year, So I Don't Know.

I'm Hopeful.

Comm. Bigelow: I Appreciate That And It Might Be Some More Comforting News For Me Because We Were \$1.4, Maybe \$1.5 Billion Budget Time -- Option Period Last Year.

Last Year It Was About -- I Think If Memory Serves We Were About \$1.29 Or \$1.28 Billion.

>>

Comm. Bigelow: I Definitely Remember A Billion And A Half.

Chairman Judah: Anybody Ready To Move The Item?

Comm. Bigelow: It's An Informational Item, Not To Be Moved.

Comm. Hall: I Will Accept The Information Provided By The Clerk Of The Court In A Motion.

Chairman Judah: Motion By Commissioner Hall.

Second?

Seconded By Commissioner Janes.

Hearing No Objections, The Motion Passes.

I Think That Finishes Off All Your Items, Commissioner Bigelow.

Very Good.

Commissioner Mann?

Let's See.

10-G.

Comm. Mann: We're Changing According To What I Understand Here The Way We're

Paying Back A Loan From General Revenue With Which We Built The Estero Park Originally,
The Regional Park --
For The Record, Barbara From Parks And Recreation.

This One's Complicated --
Comm. Mann: Wait, Let Me.

I Haven't Given You The Question Yet, But I Appreciate Your Prepared Answer.

I Hope.

Comm. Mann: It's My Understanding We Would Be Paying Back Park Impact Fees Which
Have Crashed.

We Don't Have Them.

If The Fees Don't Develop What Happens Here?
I'm Curious.

O.K.

The Fees Are Paid Back As They Are Accrued.

The Loan Was Made In That District And, Yes, The Fees Have Crashed, As You Said.

But They Are Paid Back -- There Is A Schedule Of Payback And So They Are Being Paid
Back As Accrued.

Comm. Mann: Because We Have Cash In The Bank In The Fund From Which We Can Pay
Them Back.

As We Pay Back, Of Course, Other Park Projects Will Suffer As We Continue To Pay This
One Back.

This One Is Specifically The Estero Community Park District.

Those Funds Are Dedicated To The Project, Estero Community Park.

So They Are Dedicated To The Payback Of The Loan That Allowed Us To Build The Park To
This Point As They Come In.

Comm. Mann: It's Not Going Anywhere.

Operationally It's Being Paid For.

So If There Came A Short Fall It Would Be General Revenue Reserves From Which We
Borrowed To Begin With.

Correct.

So The Impact --

Comm. Mann: Some Idea Of Percentage Of Increase And Park Impact Fees This Year Compared To Last Year And Percentages.

Can You Give Me That?

I Can't Give You A Percentage, But I Can Give You An Estimated Number.

In 2005-2006 We Were Seeing About \$1 Million Annually In The District.

I Believe This Year We Are Down To About \$120,000.

Comm. Mann: Wow.

That Would Be 80% Plus.

Yes.

Comm. Mann: O.K.

I'm Trying To Get A Feel Of Whether We Will Sustain It This Year.

Mostly Because We Have Reserves.

I'll Move It.

Chairman Judah: Motion By Commissioner Mann To Move So-G.

Seconded By Commissioner Hall.

Discussion?

Comm. Hall: I Pulled This Out Because Another Example -- I Don't Need You Barb, I Just Want To Put Something On The Record.

We're Looking Again At Re-Evaluating The Park Impact Fee Districts And Looking At -- We Have Needs To Place Community Centers, Regional Centers Of This Interest To Be Paid For By Park Impact Fees In Areas Prior To The Park Impact Fees Being Available Because Of Different Levels Of Development.

That's Why I'm Hoping Again -- I'm Putting On The Record -- That This Board Will Support One Impact Fee District So We Can Go Back To Not Building Our Park Facilities Based On Moneys That Are Coming In But Actual Needs Where We Address The County As A Whole And Many Other Counties Have Gone To One Park Impact Fee Because That Is A Methodology Of Planning Where We Can Buy Down Lands Before We Don't Have Land To Purchase.

I'm Hoping Again, That We'll Support That And Make Sure As We Look At The Build-Out Plan Where The Parks Need To Be That We Can Accommodate Everyone In A Meaningful Manner And Not Have Any Community In Lee County Lost.

But Here Again Is A Community That Needed A Facility.

The Park Impact Fees Weren't There.

We Advanced Them And Are Now Paying Them.

Back.

I Wanted To Put It On The Record.

Chairman Judah: Hearing No Objections, The Motion Passes.

Commissioner Hall, 14-H.

Comm. Hall: Yes.

Just For The Record, It's An Opportunity Where We Have Had -- 14-H.

The North Fort Myers Plant.

We Were Able To Work With Dep And The Revolving Loan.

We Have Received A Little Bit More Money.

I Wanted Doug To Give Us An Update On What's Happening On The Plant And Where Improvements Are Being Made And When He Thinks They May Be Finished.

Thank You, Doug.

I'll Move The Item, Also For Approval.

Chairman Judah: One Second.

Motion By Commissioner Hall To Move 14-H.

Seconded By Commissioner Janes.

Discussion?

Doug?

These Are Funds Relative To The Construction Of The Reverse Osmosis Plant Which Wept Into Full Operation Almost Two Years Ago Now.

These Funds Are Authorized And Then The State Dep Reimburses That Fund When The Money Is Available.

So We Really Don't Always Get All The Money On The First Day.

It Becomes Available Through Federal Funding Programs And When The State Has It They

Will Then Distribute It To Us.

It's A Complex Process.

Certainly The Board Has Assisted In Keeping The Rates Low By Acting Quickly And, In Fact, If You Recall Last Year The Board Authorized A Letter To Go To The Representatives And Senators In Washington, D.C.

To Demand That Funding Be Maintained In The State Of Florida Revolving Fund And It Has Been Maintained.

These Are Critical Improvements At North Lee County.

By Doing The Work This Way We Assure We Go To Alternative Water Resources And Have A Plant That's Reliable And Provides Alternative Water Supply In North Lee County.

Comm. Hall: Thank You, Doug.

I Appreciate It.

Chairman Judah: Any Further -- Commissioner Mann?

Comm. Mann: These Are Critical Improvements To A Brand New Facility?

Can You Expand On That?

These Are The Costs Associated With Building The Treatment Plant.

It Was Built And Started Operation Almost A Couple Of Years Ago.

But They Were Approved For \$25 Million In Reimbursement -- In Low Interest Rate Money From The State.

The State Has A Segmental Compensation Plan Where When The Money Is Available They Will Then Give Us The Money Up To The \$25 Million Authorization And This Now Brings Us Up To \$20 Million Received From The State.

Comm. Mann: I Must Have Misheard What You Said.

You Made Reference To Critically Needed Improvements.

Yes, Well It's Critically Needed Just Because We Have Water Supply Issues During Growth But Also The Florida Water Management District --

Comm. Mann: Expand The Size Of The Original Construction?

Was This --

This Is A Brand New Facility.

They Just Provided For Additional Water Supply In The North Side Of The County.

Comm. Mann: Was It Enlarged?

No.

This Was Brand New.

It Was A Site Acquisition, Completely New Construction And New Water Source.

Comm. Mann: This Is The One I Asked Mr. Chairman That He Come Visit Me With Before It Was Pulled.

So I Won't Take Further Time.

But I Need Further Clarification How It Came Together.

Chairman Judah: Hearing No Objections, The Motion Passes.

Commissioner Bigelow Is Absent.

I Asked To Pull Items 9-A And 10-B And Actually, Roland, I Just Want To Thank The Partnership Of The South Florida Water Management District In Applying Grant Funds For Water Quality Restoration.

The Chair Will Entertain A Motion.

Comm. Hall: I Will Move It.

Chairman Judah: Hearing No Objections, The Motion Passes.

Barbara, 10-C And D.

Is This A Proposal For A New Possibly New Communication Tower?
In Boca Grande There Was A Communication Tower Already There At Phillips.

This Is A New One.

Chairman Judah: The One At Boca Grande You Said There Was --
There Is A Tower On Our Property Currently.

It Had Been Abandoned For Some Time And Now Alltel Is Coming Forward To Use It.

Chairman Judah: Is It A Mono Pole?
The Old One Is Not And Part Of The Deal Would Be That They Would Take The Old One Down And Put Up A Mono Pole.

Chairman Judah: The Guide Wires Go Then?
Correct.

Chairman Judah: I Can't Support Another Communication Tower In Another Park.

I Understand If You Want To Replace One, But I'm So Frustrated With The One At Lakes Park.

I Know You're Looking For Additional Revenue.

I Think It's Inconsistent With What We Are Trying To Achieve With Providing Parks For Scenic Vistas, Tranquility And Serenity And Putting Up These God Awful Ugly Communication Towers Isn't Something I Support.

This Is In Pine Island.

Comm. Hall: I'll Move Item 10-D.

Chairman Judah: Seconded By Commissioner Janes.

Discussion, Objection?

Motion Passes.

Comm. Hall: 10-C.

Chairman Judah: Yes, Ma'am.

Comm. Hall: I Have The Same Issue With The Parks And -- Well, I'll See If There Is A Second First For Discussion.

Chairman Judah: Well, All Right, There Is A Motion By Commissioner Janes To Move Item 10-C?

Seconded By Commissioner Mann.

Commissioner Hall?

Under Discussion.

Comm. Hall: Barbara, How Tall Is This Going To Be?

I Recognize The Fact That We Have To Have -- We're In The Day And Age Where Everybody Want It Is Towers And Current Technology, But My Question Is Why Are We Only Able To Facilitate The Communication Towers In The Parks?

Commissioner, They Are Coming To Us Because We Have The Land.

Please Understand That This Particular Motion Is To Allow Them To Go In And Test.

This Is Not The Final To Allow Them To Put The Tower In.

First They Will Go In And Test And Then They Have To Come Back Should They Choose To, Desire To Put In A Tower.

Comm. Hall: Right, But It's Opening The Door For Availability.

I Look At The Buildings We Have In Lee County As Owned Property And Where We Have Been Supportive Of Having Them Stay Out Of The Parks And Put Them On Top Of Buildings As Well As Other Buildings.

So I Wonder Why There Can't Be A Better Method To Communication Madness To Keep

Them Out Of Areas That We Are Trying To Create Pristine Vistas And Oh, By The Way, Here's A Huge Pole.

I Understand, Commissioner.

I Believe The Reason Alltel Came Is They Started At Boca Grand And Added In Phillips.

We Are Amenable To Looking At This Because It Provides Tremendous Revenue For Us.

With The New Mono Pole System We Don't Feel It's That Intrusive Particularly In An Area Where You Have The Tall Light Poles Already Existing In The Same Area And It's Just One More Mono Pole.

I Agree That The Old Towers Are Very Intrusive.

We Are Exploring It And It's Up To You.

Comm. Hall: I Will Support The Testing Of It, But Before I Approve Placement, I'm Asking For Them To Impose And I Want Photographs To See How They Look.

I Supported Boca Grand Because We Are Taking Down An Antiquated And Replacing It And It's Been There.

But For Future Ones I Want To See Where They Are Going And How They Are Impacting.

A Diagram Of How They Look And Where They Are Located, Sure.

Comm. Hall: Thank You.

Chairman Judah: Just The First Warning Shot.

I'm Not Going To Support It No Matter What The Results Are.

I'm Tired Of Towers In The Parks.

That Is Not What They Are Meant To Be.

I Appreciate Commissioner Hall Suggesting You Can Have Tall Buildings To Put Them On Or Light Poles But I Can't Support It.

We Have A Motion And Second To Go Forward With Allowing Alltel To Test Equipment On Pine Island.

Further Discussion, Objection?
Hearing No Objections, The Motion Passes.

4-1, Chairman Judah Dissenting.

We're Going To Take A Two-Minute Break And Go On To The Administrative Agenda.

Chairman Judah: On To The Administrative Agenda.

Hi, Mary.

Item 3-A On The Land Development Code And Mary, I Understand You Will Want Us To Continue This To September.

Well, That's The Eagle Ordinance Tonight.

Chairman Judah: I Thought -- Well, Go Ahead.

I Thought We Were Going To Be Taking Action After July Recess.

Well, Actually What This Item Is To Direct Us To Prepare Land Development Codes For Mining.

It's Interim Development Before The Moratorium Expires So We're Asking You For The Public Hearings In August.

Comm. Hall: So Moved.

Chairman Judah: Motion By Commissioner Hall.

Seconded By Commissioner Mann.

Under Discussion, Mary?

Just To Also Mention We Are Recommending Waving The Committee Review Except For The Lpa Because That's Required By Statute.

Comm. Hall: That Is My Motion.

Chairman Judah: Very Good.

I Appreciate You Doing That Mary.

Hearing No Objections, The Motion Passes.

Item 3-B.

Comm. Hall: I'll Move The Item Of The Termination Ward To Vital Records Control.

Chairman Judah: Motion By Commissioner Hall.

Seconded By Commissioner Janes.

Discussion?

Objection?

Hearing No Objections, The Motion Passes.

Item 3-C.

Comm. Hall: I'll Move The Item To Go To The Land Development Code Regulations Using The Modified Community Plan That Is The Original Way We Did North Fort Myers And I Believe The Committee Would Like To Continue In That.

Chairman Judah: Let Me Step Back.

That's A Motion By Commissioner Hall, Seconded By Commissioner Janes.

Mary, That's What Staff's Recommending, Right?
That's Correct.

Chairman Judah: Very Good.

Comm. Janes: It Has The Concurrence Of The Committee?
Comm. Hall: Yes.

Chairman Judah: We Have A Motion And Second.

Further Discussion?
Objection?
Hearing No Objections, The Motion Passes.

Comm. Hall: 4-A.

Chairman Judah: O.K.

Comm. Hall: I'm So Happy To See This Item Come Before Us.

I Would Like To Move That The Memorandum Between Lee County And The City Of Fort Myers With Regard To The Parking Be Adopted.

Comm. Janes: Second --
Chairman Judah: Wait Now.

Comm. Hall: I'm Sorry.

I Just Put 4-A After The Three.

I'm Sorry.

Chairman Judah: Actually It's 10-A.

Comm. Hall: Sorry.

Chairman Judah: Babcock Ranch.

Do We Have Anyone From The State Here To Speak On This Matter?
Commissioners --
Chairman Judah: Barbara, Go Ahead And Get Started.

Wait, Commissioner.

Can We Have Just A Moment?
The Clerk Wasn't Here When You All Started.

Chairman Judah: Oh, From The Very Beginning?
From The Very Beginning.

We Can Just Have A Moment To See If She Got It On The Record.

Chairman Judah: Fortunately We Didn't Have Long-Winded Discussion On Any Of The
Three.

Comm. Hall: I Hope We Can Remember What We Did So We Can Repeat It The Same Way.

Comm. Bigelow: That's Why We Have The Clerk.

You Will Have To Do It Over Again.

Chairman Judah: Move Item 3-A, Motion By Commissioner Hall.

Seconded By Commissioner Discussion?
Objection?
Hearing No Objections, The Motion Passes.

Motion For 3-B.

Comm. Hall: So Moved.

Chairman Judah: Commissioner Hall, Seconded By Janes.

Hearing No Objections, The Motion Passes.

3-C.

Comm. Hall: Move The Item With The Amended Modified Community Plan.

Chairman Judah: Motion By Commissioner Hall.

Second By Janes.

Hearing No Objections, The Motion Passes.

Now On To 10-A.

Barbara?
Thank You, Andrea.

I Am Going To Turn This Discussion Over To Kathy Olson Who Is Lee County's Representative On The Committee Of Partners For Babcock Ranch.

She's Been Taking The Lead And Will Have The Information To Answer Your Questions.

Chairman Judah: Thank You, Barbara.

Good Morning.

Kathy Olson For The Record.

Wayne And I Have Reviewed The Documents That Were Produced.

The New Concept Management Plan And Business And Operational Plan.

As You Recall You Approved The Plan In March And These Are Revisions.

The Majority Of The Revisions Are Minor Tweaking Of The Language, However There Are Revisions That Are More Than Just Tweaking.

There Are Six Changes From The Original March Plan You Approved.

The First Was A General Softening Of The Language Changing A Lot Of Shells To Less Stringent Language.

The Second Was The Inclusion Of The Business And Operational Plan.

The Third Was Changing Some Of The Aspects On Tenant Farming.

Nothing Has Changed In Lee County.

However, There Is A Proposal To Extend The Tenant Farming Until 2018 In Charlotte County On The State-Owned Land.

The Fourth Change Was To The Forestry Management Plan.

A Forestry Management Plan Was Written And Appended To The Document And The Forestry Language Within The Document Was Changed From An Uneven Stand Management To An Even-Staged Management Throughout The Preserve.

And The Woodpecker Plan Is Finished And The Changes -- Those Changes To Protect It Have Been Incorporated Into The Management Plan And Forestry Management Plan.

The Fifth Change Was Clarification Between The Florida Fish And Wildlife Commission And The Manager Over Hunting And The Sixth Change Was To I Cert Short And Long Term

Goals Within The Overall Plan That's A Statutory Requirement For New Plans For The State.

Chairman Judah: O.K.

Thank You, Kathy.

That's A Good Summary Of What's Going On Here.

I Have A Number Of Questions.

I'll Open It Up To The Other Board Members.

Tenant Farming Was A Big Issue Before This Board.

We Allowed The Extension For Another Three Years But That Those Be Organic Farming Concerned With The Consumption Of Water And Nutrient Loading But You Said It's Being Hand Handled Differently In Charlotte County.

That's Correct.

Chairman Judah: And That Tenant Farming Will Be Allowed To 2018.

The Way The Language Reads Is 2018 Unless The Future Management Plan And The Boards Who Approve Them Want To Extend It Into The Future.

In Other Words, There Is Not A Sun Setting Of The Tenant Farmings As Per The Management Agreement.

Comm. Janes: It's Not In Perpetuity But It Can Be Extended?
Right.

Comm. Janes: I'm Having Trouble Adding Up The Dates.

Is This The Eight Years We Have Talked About Or Five Years Beyond What Was In The Original Plan?

Or It Was In The Original Plan?

Yes, It Gets Confusing.

The Management Agreement Called For The Tenant Farmings To Stop After The First Five Years Of The --

Comm. Janes: Five Years?

Yes.

Then The Conceptual Management Plan Extended It Until, I Believe, 2000 --

Comm. Janes: 12 Or Something?

18.

Comm. Janes: Yes, 18.

Chairman Judah: So That's Consistent Then.

Comm. Janes: It's Consistent.

However, There Is The Clause That Says 2018 Was Originally The Drop Dead Date.

Now There Is A Clause That Says You May Continue If You Need The Revenue.

Chairman Judah: That's A Little Open-Ended.

It Will Be In The Hands Of The Not For Profit.

That's Correct.

Chairman Judah: -- Committee.

You Feel Fairly Comfortable That Once It's In Their Hands That There Will Be An Understanding Of The Importance Of The Value Of Conservation Of The Lands? We Did Insert Language That Says That It Is The Intent To Cease Tenant Farming On The Entire Preserve By 2018.

Chairman Judah: O.K.

That's Certainly A Better Improvement Over What Was Out There Potentially Allowing It To Occur In Perpetuity.

Comm. Janes: Let Me Interrupt For A Moment.

Are We Limiting That Now To Organic Farming Only?

Chairman Judah: In Lee County.

Comm. Janes: That's What I Want To Make Certain Of.

Chairman Judah: O.K.

On The Silver Culture.

We Clearly Want To Manage Uneven Stands, Not Even Stands.

And I Think You're Saying That The Language Now Has Tweaked The Management Plan To Allow For The Management Of Even Stance.

Mono Culture Doesn't Allow For The Species Diversity And Seems To Be In The Woodpecker Habitat Management.

What Do We Need To Do To Get On Track To Provide For The Intended Purpose Of Public Dollars Being Spent On The Lands For Wild Life Conservation Promises?

We Need Uneven Stands.

The Red Woodpecker Area Does Have More Or Less An Uneven Aged Stand Component To It.

They Have In That Area Two Different Zones And The Rotations Are Longer Than The Rest Of The Preserve In The Rcw Areas.

Where They Are Actually Active There Is A 60-Year Rotation And In The Recovery Expansion Zone That Has A 40-Year Rotation.

The Rest Of The Preserve Is Set At A 30-Year Rotation.

I Still See It's Inconsistent With What We Are Trying To Achieve, Kathy.

What We Need To Promote Is Selective Clearing So That We Can Still Have Silver Culture Activities But To Manage The Forests As Mother Nature Would With The Uneven Stands.

We Need To Get To That Point.

I Guess I'm Asking For Suggestions On -- This Isn't A Tweak.

This Is An Evisceration.

Would You Like To Hear From Division Of Forestry On Their Side?
Chairman Judah: Sure.

Comm. Mann: Peter, What Have You Got?
Chairman Judah: Hello, Good Afternoon.

You're Correct.

My Name Is David Core With The Division Of Forestry.

Even-Age Management Versus Uneven Age Management.

First Of All, Mono Culture Has Nothing To Do With The Difference Between The Two.

Uneven Age Management Is A Technique -- And I Will Try Not To Be Too Technical Here.

I Will Try To Keep It General.

It's A Technique That's Used For Single Tree Selection -- In Other Words, If You Have A Stand Of Timber, You Will Go Out And Take Out Single Trees And Then In Those Open Areas You Will Get Regeneration Or You Take Groups Of Several Acres -- Two, Three, Four Or Five Acres Out And You Get Regeneration There.

So You Have Little Patches Of Clear-Cut Areas With Regeneration And Then Other Areas That Are Thinned Periodically Within That Stand.

That's Uneven Age.

There Is No Rotation Age For Uneven Age Because You Do It Periodically As The Stand Needs It When You Want To Change The Diameter Classes Within The Stand.

Uneven Age Does Have A Rotation Age But That Can Be Anything That You Decide To Set It At.

It Could Be 30 Years, 40, 60, 100 Years.

Typically In Florida A 60-Year Even Age Rotation Is What We Use.

And What You Do There Is Go In And You Take Out The Trees Except For The Seed Trees, The Trees With The Seed On Them Where The Regeneration Comes From At A Particular Point In Time.

That Regeneration Comes Up And You Either Remove All Or A Portion Of The Seed Trees So You Continue With The Stand.

Both Of Them Are Mono Cultures In That They Are Pine Trees Because We're Talking About Pine Stands.

But One Is As A Rotation Age That's Set.

The Other Has One That's Not Set.

You Have Little Mini -- Essentially Mini Rotation Ages Within The Uneven Age Stand.

We Don't See Much Difference For The Benefit Of Wildlife And Habitat And For A Old Growth Component Within A Stand Because In Our Plan We're Suggesting To Leave In The Rs And The Mss Zones -- That's The Woodpecker Areas That Are About Half Of The Upland Pine Timbers Leaving All Of The Seed Trees Perpetual.

So When You Do The Seed Tree Harvest And Then Start Over Again You're Leaving The Seed Trees.

And It's On A 60-Year Or 40-Year Rotation.

For The Other Half We're Talking About A 30-Year Rotation And Removing A Portion Of The Seed Trees But Not All Of The Seed Trees.

So You Going To Have That Old Growth Component Recommended For The Rcw And Other Wild Life, But Also Have A Harvest Operation That's A Fairly Simple Operation Consistent With, But Not Identical To The Type Of Harvest Operation They Have Done For 40 Years On Babcock.

The Reason We Chose Even Age Versus Uneven Is That It's Simpler To Manage.

Uneven Age Can Be Difficult To Manage.

You Have To Have Professional Forestry Staff To Do It Because Of Marking And Inventory And The Activities You Have To Do Around The Times Of Harvest.

So The Division Of Forestry Feels The Uneven Age Management Will Accomplish What's Needed At Least For The Ten-Year Period.

And Give The Ranch A System That They Can Actually Operate Without Having To Bring In A Lot Of Staff For The Harvesting Operations.

Any Questions?

Chairman Judah: Yeah, It Would Appear You Are Going To Eliminate The Seed Tree Ifs You Clear Cut X Amount Of Acres.

Sounds Like You're Taking The Seed Trees Where You Will Be Clear-Cutting.

No, Sir.

This Is Where I Could Be Confusing You Because It Is Complicated.

For Uneven Age, That's Where I Talked About The Clear-Cut.

For Uneven Age You Clear-Cut Small Patches -- Either A Single Tree Or Patches Of Two, Three, Five, Ten Acres.

But You Still Have Seed Trees Around Those Clear-Cut Patches So You Get Regeneration.

For Even Age, You Do The Same Thing Except You're Removing All Of The Trees Except For The Seed Trees Within That Stand.

The Seed Trees Stay.

You Get The Regeneration And Then The Rcw Areas Which Is About Half The Property, The Northern Half, We're Leaving All Of The Seed Trees And In The Other Areas We're Leaving A Portion Of The Seed Trees So At No Point Would You Have A Clear Cut Over The Stand.

The Other Thing To Remember Is As We Do This Harvesting You're Not Taking Large Areas And Harvesting Large Areas At One Time.

You're Taking Smaller Areas, Harvesting This Year Another Area, Remove From That The Next Year.

And Over Time You're Still Going To Have Many Trees, Different Ages And Good Habitat For Wild Life.

Another Important Thing In The Plan Is That After The Inventory Was Completed, We Discovered That The Volume On The Ranch Was Not A Desirable Volume.

In Other Words, There Are A Lot Of Trees That Have Been Harvested Over The Past Few Years.

Too Many Trees Have Been Harvested Over The Last Few Years.

So We Set The Annual Growth Which Is 7,828 Tons, So Over A Period Of A Year The Entire Forest For Pine Is Growing An Additional 7,828 Tons.

We Set That As A Maximum Limit For A Harvest Within A Year.

So We Have Considerably Cut Back The Amount Of Tonnage -- I Mean Considerably, Ten-Fold -- The Amount Of Tonnage That Can Be Harvested In A Year On The Ranch.

Chairman Judah: Are You Suggesting You Are Proposing To Manage Uneven? My Understanding Was You Were Proposing Even Stands.

Yes, Sir.

Even Age Two-Age Class Residual.

Chairman Judah: Where You Will Clear Area But Protect The Seed Trees.

That's Correct.

Chairman Judah: So Everything Else Is Denuded Around The Seed Trees.

That's Correct.

If You Leave The Seed Trees You Get Regeneration And The Stand Starts Over Again And Then As I Said In The Rcw Areas We're Leaving All Of The Seed Trees And Then In The Other Areas, We're Going To Leave A Portion Of The Seed Trees.

Chairman Judah: How Is It That Our Conceptual Plan Moved Forward And All Of The Sudden The Breaks Were Put On And Changes Were Made.

To The Division Of Forestry Thought It Would Be An Even Age Type System Versus Uneven Age But This Is A Modified Even Age.

It's Similar To Uneven.

Chairman Judah: How Did The Wild Life Commission Play Into This? They're Here And They Can Tell You.

We Decided On This Together.

Comm. Mann: Before He Leaves, Let Me Have A Shot At Him.

I Mean That In A Friendly Sense.

These Are The Typical Florida Pines We're Talking About.

South Florida Slash --
Comm. Mann: We're Not Growing Oak Trees Here.

It's Pines.

Yes, Sir.

Comm. Mann: It's My Recent Experience In The Local Florida Woods Here That The Pines Are Subject To The Pine Bark Beetle.

And They Are Ravaging Large Portions Of The Pine Forest.

Are We Considering We May Be Harvesting Something That Will Be Dead In Three Years?
No, Sir.

I Don't Think So.

You Never Know If You Will Have An Infestation.

We Don't Expect That.

If That Occurs We Would Recruit The Regeneration Into The Seed Tree Class.

Comm. Mann: Have You Not Seen That At Babcock?
I Have Seen It In Lee County, Alva, Hendry County In Large Infestations.

To My Knowledge We Have Not.

I'll Ask My Partner Back Here.

Ed?
It Flowers As The District.

Comm. Mann: Usually They Are Hitting The Large, Well Established 50-Year-Old Trees.

I Mean, It's Sad.

I Have Seen Them At My House And All Over.

I See Them All Over Hendry County Now.

Ed Flowers With The Division Of Forestry.

What We Have Seen At Babcock, They Haven't Had Large Outbreaks Of Pine Beetles.

What They Have Been Doing For Over The Last 40 Years, If It Gets Too Wet, The Trees Go Into Stress.

They Stop The Harvesting.

If It Gets Too Dry, Same Thing Happens.

They Manage Around What You Might Expect Insect Problems.

In Other Words, What Ed's Saying Is We Don't Expect A Severe Outbreak Of Pine Beetles On The Ranch.

If There Is An Infestation, As I Said, We Would Recruit Other Trees To Replace -- Because They Will Be Growing And You'll Have Lightning Strikes And As That Occurs, The Plan Calls For A Number Of Trees To Be Left Per Acre.

And For Long Leaf It's 25 To 30 And For South Florida Slash It's 20.

Comm. Mann: How Old Does A Pine Tree Have To Be Before It Reproduces Naturally? Leaving The Seed Trees, Not All That Old, Is It? 25 Years Or 20.

Yes, Sir.

You Will Have Cones On Trees That Old.

Comm. Mann: O.K.

I Don't Know Where I'm Going With This, But I'm Seeing Pine Trees Die By The Hundreds.

I'm Just Concerned.

I'm Glad It Hasn't Hit In Babcock Yet.

They Can Be Treated, But You Would Have To Treat Thousands.

It's Not Practical On That Scale For A Chemical Treatment.

Chairman Judah: Maybe We Could Here From The Fish And Wildlife Conservation Commission.

The Question Comes Down To, One, Do You Create Greater Stress On The Pine Trees With The Even Age Harvest As Proposed As Commissioner Mann Was Just Speaking To And Do You Also Reduce The Wild Life Value Component Of The Forest.

Good Morning.

For The Record, Gary Copp From Florida Wild Life Commission.

First We'll Get To Your Question, The More Specific Question About The Stress On The Forest.

Let Me Say What We Have Tried To Do Is Strike A Balance Between The Environmental Sustainability And Financial Sustainability Of Resources On The Ranch.

The Forest Management Component Of That Particular Area Of Ranch Operations Is An Area Where We Have Looked Closely At Sustaining The Existing, Particularly The Imperial Species Populations Out There.

The Red Cockaded Woodpecker Population, The Crested Caracara Populations.

We Have Many Other Listed Species On The Ranch.

In Working With The Forest Management Systems We Have There The Intent Was To Retain The Natural Character Of The Forest Habitat On The Ranch.

We Think In General What's Before You Will Do That.

If You -- You Probably Vice President Time To Go Through All The Exhibits.

We Recognize There Have Been A Number Of Changes.

We Have Things In The Plan That We Didn't Have Before.

We Didn't Have The Rcw Plan And The Forest Management Plan.

Those Would Be Incorporated In After The Plan Was Approved.

During The Time Period That We Were Here As We Were Proceeding Through Approval Process Through The Other Governing Bodies Those Plans Were Developed And Completed.

We Had The Opportunity To Then Incorporate The Information Back Into The Conceptual Management Plan.

So Within The Body Of The Plan, We Have The Two Distinct Areas Of Considerable Size Set Aside For Sustaining The Rcw Population Specifically.

We Have A Recovery Zone Area Which The Base Area Requirements, The Two Age Even Structure Management Requirements For Force Management Are To Sustain That Population Over Time To Ensure Its Viability Over Time And We Also Have Another Large Area Adjacent To That For Expanse Of The Population.

We Believe That The Forest Management Regimes That Will Be Used In Those Particular Areas Are Going To Be Sufficient To Sustain Those Populations And To Allow For Moderate Expansion In The Future.

On The Other Areas Of The Ranch The Forest Management Guidelines, As David Was Talking About, The Even Age Approach Is Being Used.

It Is Critical To Remember That One Of The Reasons That We Were More Comfortable With Signing Off With That For This Particular Operation, Again, Balancing The Ranch

Operations, The Financial Sustainability Overall Was That We're Looking At A Very Sustainable Harvest On An Annual Basis Now Versus Perhaps What Was There Before We Began Developing This Plan.

It's A Minimal Amount In Relation To The Amount Of Pine Forest On The Ranch In General.

That's About 7,000 Tons Per Acre.

That Ensures The Amount Of Harvesting Out On The Ranch On An Annual Basis Is Relatively Limited.

So Even Though Each Individual Stand Is Not Managed As Even Aged, There Will Be A Multi Structure Component To The Forest Out There.

Simply By Virtue Of The Fact That Over Time You're Going To Have These Very Limited Harvests Going On In Areas Of The Ranch That Will Allow, As I Said, Different Age Growths And Stands To Be Out There.

Certainly Uneven Aged Stand Is A Long-Standing Conservation Technique.

It's One That We Recommend Very Frequently, If Not Uniformly On Conservation Lands.

It's Also One That's Tied To Many Conservation Areas Where You Are Looking For Sustainability.

However We Also Have The Challenge Of Maintaining Cultural And Ranch Operations Out There.

We Believe At This Point In Time They Balance Equilibrium Between The Two.

Where The Environmental Resources Will Be Protected.

They Will Be Managed In A Way That They Can Be Sustained And Again In A Very Limited Amount Of Harvest That Will Be Projected On An Annual Basis As We Move Forward In Time.

And One That Will, Of Course, Allow For Continued Revenue Generation For The Timber Operations There.

Chairman Judah: My Concern As I'm Listening Is That We Are Tipping The Scales Because Of The Concern For The Revenue Generating As Opposed To What We Were, I Think, Intending To Accomplish Here And That's The Wildlife Conservation Standpoint.

Frankly I'm Not Sure If I Need To Hear From Kathy With Regard To The Books.

What Do The Books Indicate With Regard To The Expected Projection Of Revenue.

Comm. Mann: Before He Leaves, Let Me Follow That Point.

Gary, Right?
Yes.

Comm. Mann: Welcome Back.

I Met With You At The First Meeting Talking About This.

Thank You For Your Valuable Input So Far.

You're Welcome.

Comm. Mann: What Is Your Understanding Of The Legislation That Accompanied All Of The Babcock Purchase And The Lee County Commitment There When It Comes Down To The Financial Viability Of The Ranch Operation And Specifically Do You See That As A Goal Or As An Absolute Requirement?

I Think The Intent Of The Legislation Is A Requirement.

There Is A Provision That I Believe Allows 15 Years Before We Have Full Financial Sustainability.

But As You Know Certainly Better Than I As Well Given The Economic Conditions That We Are Facing In The State, I Think There Is A Renewed Interest That Financial Sustainability Be Reached As Soon As Possible.

So The Management Funding That The Agencies Received To Assist With Any Of The Ongoing Resource Management On The Ranch Was Limited To Intermanagement Funds We Received The First Year After Acquisition.

Since That Time We Have Received No Additional Funding For Positions Or For, You Know Financial Resources There.

Comm. Janes: Mr. Chairman?

Chairman Judah: Commissioner Janes?

Comm. Janes: I Just Had A Comment.

As An Early Participant In Many Discussions On The State Level On This Matter Economic Sustainability Was Always Key.

The Last Thing The Legislators And Even Cabinet People Wanted Was To Have Babcock People Come Back And Ask For More Money.

They Were Absolutely Opposed To That.

I Think It Would Be Only Fair For Us To Say That We Have Had To Factor Into Decision-Making Not A Hundred Or A Thousand Percent Reliance On Conservation Principles, Chairman Judah, But Also Economic Sustainability Or It Wouldn't Have Flown.

It Is Certainly A Balance Between The Two.

It's A Challenging Balance That We Have Worked Hard To Develop Collaborative Consensus.
But That Doesn't Mean There Is Agreement Among All Parties.

Comm. Janes: No, But We Thought We Could Have Maintained It.

If We Had From The Sand Mines And Hunting And Things Like That As Well As Maintaining
A Working Ranch We Would Be Able To Main Tab The Economic Sustainability.

Now Because They Have Whittled That Away It Becomes More Difficult To Try To Honor.

Chairman Judah: Maybe We Can Hear From Kathy With Regard To The Differential On The
Revenue With Selective Forestry Management Versus Even Age Stand Forestry
Management.

I Don't Have A Number For You, But From What I Understand, The Difference Is Quite
Significant.

Do You Have An Idea?
I Honestly Just Don't Know.

Well, I'm Not Sure I Understand The Question.

I Tried To Explain As Best I Could Briefly Without Getting Too Technical The Difference
Between The Two Systems.

Could You Try That Question --

Chairman Judah: Well, The Question Really Gets Down To The Revenue Expected To
Generate.

As I Understand You Said Selective Management Of The Forest You May Have To Bring In
The Expertise Of Foresters And Would Get More Expense To Manage The Forest And
Actually Harvest The Tim Involving Clear Cutting And Leaving Seed Trees.

The Differential In Terms Of Generating One Versus The Other.

I Think Probably The Best Way To Answer The Question Would Be Because We Are Limiting
The Annual Harvest To The Annual Growth Of The \$7,828 Tons Per Year, That's The Most
Severe Impact On The Revenue Generation For Timber.

More So Than The Difference Between Uneven Age And Even Aged.

Financially Between The Two It Will Cost You Less To Have An Even Age Type System In
Place Because It's Much Easier To Monitor And Easier To Harvest And All Those Things.

Really The Critical Thing Here Is That Will Limit A Harvest Annually To The Annual Growth.

For Example, What I Have Heard, What I Have Been Told Although I Haven't Seen Numbers

Is That For The Last Few Years The Ranch Has Harvested Between 25 And 30,000 Tons Per Year.

That's A Huge Difference -- For The Whole Forest.

25,000 And 35,000 Tons.

Comm. Mann: I Couldn't Figure Out How In The World -- I'm Sorry, Mr. Chairman.

I Couldn't Figure How To Get That Out Of An Acre.

How Many Acres There?

Upland Pines Is, I Believe, 40,000 Roughly.

Thank You.

And That's Going To Have The Big Impact Because Now We're Talking About No More Than Roughly 7,000 Tons Per Year.

That Will Have A Huge Impact On The Revenue From Timber, However The Even Age Versus Uneven Age.

The Expenses Would Be Less.

It Will Be Much Easier For Them To Operate Under The Even Age System.

Comm. Janes: Mr. Chairman, If I Could Follow Up For A Minute.

You Know, I'm Not Terribly Concerned If Even Or Uneven Has The Dollar Difference Between The Two As I Am Of The Net Impact On The Environmental Condition Of The Land And That Sort Of Thing.

Which One Is Going To Disturb The Environmental Component Of That Resource Less? I Understand, Sir.

In My Opinion, There Isn't Much Difference.

[Captions Will Continue In A Moment.

]

One Is That The Annual Timber Harvest Will Be Delayed To The Amount Of Projected Sustained Timber Production On The Ranch.

That Is Not What Has Been Occurring As Far As We've Been Able To Determine, So That's A Key Component Of Maintaining The Environmental Sustainability And Environmental Structure On The Ranch, That The Actually Total Amount Of Timber That's Being Harvested Out There Will Be Limbed To What Is Sustainable With What The Force Production.

The Other Key Component Is That In These Areas Where We Have Designated Rcu And The

Expansion Zones, Those Are Going To Be Managed In A Way Where They're Going To Be Replicating More Uneven And More Properly Force Characteristics Because That's What That Species Needs, In Order To Be Able To Sustain Itself, Be Viable In Expand.

So For Those Areas That -- I Don't Have The Exact Acre Ridge But It's Fairly Large -- Out Of The Natural Pine Communities Out There Those Are Not Going To Be -- Those Are Going To Be Managed Over Time To Maintain A Growth Like Structure.

So There Are Critical Distinctions Between The Forced Community We Have In Total Out There.

Some Of Us Were Thinking That The Whole Area Needed Some Serious Reforestation And It Seems To Me Which One Of The Two Would-Be More Conducive To Encourages That.

Well I Think That's What Is Intended With, The Limited Timber Harvest That Is Now Recommending The Plan.

What Is Intended There Is For Natural Regeneration Occur.

With Very Limbed Amount Of Timber Production Versus What Has Gone On As We Understand In The Years Proceeding Decision Of Ranch That It Will Allow For This Regeneration But Not For Actually Planning Reforestation.

What We're Trying To Accomplish Is So They Will Be Sustained Naturally Through Regeneration.

Question.

Are Camera Operations On The Same Lands As This Forestry Harvesting Lands That We're Talking About?

If Cattle And So Much Of Florida Is Now On Improved Pastures Where It's Been Clear Cut And There's Improved Grasses Are The, Is That Going On?

Is That Going To Be Expanded Because If That's Going To Be Expanded Tires Are Clear Cut Of All Timber.

The Plan Does Not Prohibit If Actual Conversion Of Any Natural Communities In The Ranch Into More Intensive Agricultural Uses Or Other As Clear Pasture.

Exactly So, The Natural Communities That Are Intact There Now, Which We Now Have Mapped, By The Way And Descriptions Of Those Communities Which Will Be Incorporated In The Plan Will Be Retained.

The Existing Amount Of Improved Pasture And Native Range Land They've Been Using For Pasture Will Also Be Retained.

Thank You.

Can We Get To One Other Issue?

Hunting.

How Is That Now Being Addressed.

No Private Land Lee Bus Maybe Preps A Land Usage.

I Can Tell You We Have Had A Series Of Ongoing Discussions With About How To Approach The Phasing In Of A New Hunting Regime There From What Was In Place By Was Private Hunting Leases.

What We're Look At Now For The Fall Of This Year, A Lilted Public Hall On A Portion Of The Ranch, And We're Working With Them At This Point In Time.

On Where That Will Be Done Through Some Lottery System From Some Special Opportunity Hunt System.

And, In The Following Year The Intent Will Be To Open Up An Even Larger Area To An Extended Hunt That Will Allow For Wild Turkey Deer And Quail Hunting To The Degree That It Can Be Sustained Out There.

So, That's Where We're Going Now.

There Have Been A Number Of Issues Related To Liability For The Private Ranch Managers In Terms Of Managing The Hunts.

And So Our Agency Is Working Closely Within To Sort Of Attempt To Address Those.

But The Overall Hunting Regime There Will Be Expressed More Comprehensively, Because The Intent Will Be That It's Going To Look At All The Recreational Uses Potential Use Existing And Potential Uses On The Ranch In Tandem So That They Can You Know Interact In A Way That Does Not Negatively Impact One On The And Will Also An Lou The Ranch To Con And Operate And Sustain Itself Financially.

So, There May Be Some Differences As That Master Recreation Plan Is Put In Place In Terms Of What Will Be Allowed, It's Possible There Will Be One Of The Things The Plan Talks About Is A Three-Tiered Structure Approach Whether It Be More General Public Hunting In Certain Areas.

Other Areas There Will Be A Special Opportunity.

In Other Areas It Might Be Very Exclusive Guided Hunts That Will Be You Know Higher Revenue Generation Capacity But The Intent Will Be To Try To Again Strike This Balance Between Receiving Sufficient Revenue To Augment The Ranch Operations And Also To Allow Public Access And Use In That Form Of Reaction.

One Last Issue, How Does Ecotourism Enter Into This As Far As The Revenue Generator? Too According To The Operational Plan For The Next Year It's The Actually A Deficit.

Eco Tourism?

Correct.

Right Now All That's There Is The Babcock Ranch, Wilderness Tours.

That's Hard To Believe Being The Fastest Growing Segment In Lee County That, That's Actually Not --
Right Now They're Projected Losses Of \$168,739.

Mr. Chairman, The Staff Of The Association Came Out With Their Numbers.

And They're Showing To Date A 19% Reduction In Attendance At Overall Attractions In Southwest Florida.

Thank You, Wayne Some.

We're Still Going Through The Report, Have A Few Questions.

And Of Course Really Boils Down To The Initial Interest In Maintaining The Working Ranch Was The Working Ranch That Was Purchased.

And When The Purchase Took Place, 74,000 Acres Went Over To The Public And 17,000 Acres Were Held By The Babcock The Partnership And We've Been Trying To Understand To Make Sure That The Working Ranch To Make The Ranch Work And Still Get Restoration And As We Walk True The Numbers, We've Got A Pretty Good Set Of Books Here But Questions Are Still Outlying Like The Eco Tourism Drop Off.

There Are Parts Of That Dropping Off But Still It's Parts Of It Are Still Strong In Southwest Florida.

So We Would Want To Be Seen What Was Happening With The Marketing Plan, Three, Four, Five Years Ago And What's Happening To The Marketing Plan Now Just For That Particular Component Because It Is A Big Hole In The Revenue Side.

Most Of The Others Work Out Or Get Ahead.

The Other Question Lays Out There Is The Relationship Between The Kitson Partnership And The Babcock Corporation Because Although Some Things Take Place On The 17,000 Acres And 74,000 Acres Like The Grazing.

The Sand Mine Was In The 17,000 Acres And That Was Probably The Work Ranch Is That Revenue Stream Still Considered To Underwrite Some Of The Expenses Of The Llc Or Things Kept So Separate That We Don't.

So We Have A Question Or Two Whether We're Looking At What It Takes To Operate The 74,000 Acres Versus The Revenue Stream That Was The 91,000 Acres And What Other Adjustments Have Been Made Or Could Be Made To Get Those Balance Sheets A Little Clearer For Us To Understand What's Going On.

Those Questions Are Still Throughout, How Do We Go Forward With Action Today.

We're Asking Those Questions, I Think That Is An Issue We Want To See Before There's Action Taken By The Approving Body Is An Understanding Of That Relationship Because When We Look At The Numbers Clearly Eco, It's A New Revenue Source And The Amount Right Four Is Relatively Small.

It's One Good Salary But Relatively Small.

And If Hunting Leases Do Provide An Additional Use On The Same Land Or In Part Of The Year, Then That's A New Revenue Stream And Looks Like The Red Gets Washed Away By Black.

But That's Two People Looking At The Books Over A Couple Days And Still Keeping Everything Else That We Do Going.

Thank You Wayne, Kelly, With The Input Today And The Changes Made, What Kind Of Public Review Process Can We Anticipate For Others To Comment On These Changes? I Don't Know That There Has Been Any Public Review Other Than The Original Conceptual Management Plan.

The Original Conceptual Management Plan Had The Public Meeting In Both Lee And Charlotte County, But These New Changes Has Been Primarily Through Staff.

E-Mails And Phone Calls And Then Today This Public Meeting.

Well, I Would Think Certainly This Would Be Made Available For Public Review.

Prior To The Final Step.

Is It?

Evidently It's Not, But It Should.

I Think This We're About Down To The Last Year, Is My Understanding.

Going To Tallahassee And It Will Be Adopt.

It Goes To The Decision And Restoration Counsel On, No I'm Sorry It Goes To Babcock Inc.

On The 14th And Then To Decision And Restoration Council On July 17th.

But That's Up North.

Yeah, Out Of Here.

The Inc.

Meeting I Believe They're Having A Teleconference.

Yeah, That's Even More Limited Than So-Called Public.

Is There Any Effort That's Going To Be Put Into Providing Public Comment, Public Review On These Changes From The Conceptual Management Plan?
Maybe The State Can Let Us Know.

We Can Certainly Post It On Our Web Site.

The Documents.

How Will The Department Of Environmental Protection.

We Submitted The Plan To Lee County On The 12th Of June And It Was Posted On The Web Site At That Time.

The Conceptual Management Plan Changes.

Would There Be Any Workshops, Public Work.

We Haven't Had Any Workshops.

So But That's I Guess Only Public Input We Have.

We're On A Serious Time Crunch Though Because The Statutes Require Is To Bring This Plan To The Trustees For Approval In July Of Take.

So, This Is Your Last Commission Meeting That We Could Get, We Cannot Bring To It Our Board Unless You Approve It.

And Babcock Inc.

Approves It And The Schedule Is Very Tight.

Unless You Want To Have A Special Meeting In July, This Is The Last Opportunity To Have It Before You Within The Time To Have It Approve Runs Out.

I Think We've Had A Chance To Adequately Address, I Was Just Hopeful That The Public Would.

Mr. Chairman.

Yes.

Let Me Say A Couple Things For The Record Here.

And I've Discussed This When I Was At Their First General Meeting When They Had The Planning Session Up In Charlotte County And I've Spent My Life In The Outdoors In The Country In The Woods, And I've Strongly Supported And I Was So Pleased With Commissioner Janes Leadership, Your Direct Involvement And You Folks That Were Here When We Bought That Property And Committed That \$40 Million From Lee County.

I'm So Proud Of Everybody For Doing This.

And All Of Us Are Looking Ahead So Generations From Now People Will Enjoy What The Taxpayers Have Committed To Through Preservation Dollars.

Both At The State Level And This Level.

County Level.

Those Are Preservation Dollars.

My Concern And I Bet I Speak For Everyone That's Followed This, Is That We Preserve That Land With The Least Possible Amount Of Economic Activity Within Those Requirements That The Legislature Came Down With.

The Least Amount Of Economic Activities, Because Any Of That Interferes With Whatever Mother Nature Planned And Took Care Of It Before We Improved It.

And I Put Improvement In Quotes.

Once It Leaves Here, It's Really In You All's Hands To Make Certain The Concept Which I'm Describing Here And In Fact Takes Place.

Peter, If Something Goes Wrong With That, You're Going To Be Sorry You Sat Down Here And Had Your Head Going Up And Down Because I'm Looking To You Really For A Signoff On This On Behalf Of The Environmental Community, And I Heard Game And Fish Say Three Or Four Times Here That You Were I Thought In Sync With The Consent I'm Talking About.

The Least Amount Of Management Activities In There To Preserve These Lands For A Future Generations So I'm Just -- I'm Praying With You Guys To Take That Message As This Thing Goes Forward.

And Make Certain That On Behalf Of The People Of Florida Today In Those That Will Be Here 50 And 100 Years From Now That They Will Still Be Something Attractive Up There Like Mother Nature Created.

Do You Hear Me?
Are We On The Same Page.

I Think That There's Been An Incredible Amount Of Effort That Has Gone Into This The Plan Before I Got Involved Which Was Only Six Or Eight Months Ago But The Initial Drafting Of That Management Plan Just Since I've Been Involved The Am Of Effort From All The Agencies And Your Staff, Is Amazing.

I've Never Seen This Much Energy Ever Go Into A Management Plan And I've Been Doing This For 25 Years.

So, I Think Everyone Is Taking This Very Seriously.

And I Think This Is A Very Incredible Piece Of Property That There's A Lot Of People Want To Protect And I Think The Plan Is A Balance And Do I Believe That The L.L.C.

Will Be Gone If Eight Years, The Babcock Ranch And Entity Private For Profit Entity That Will Be Managing This For The Next Eight Years Will Be Gone.

The Management Plan Is For 10 Years.

So I Think That Forestry Operations Are Going To Be Probably 80% Curtailed As A Result Of This New Plan.

According To Forestry.

I Think It's A Black Balance, A Good Balanced Plan.

Thank You.

Too Thank You.

And Any Comment.

Bill Let Me Just Thank You Personally.

You've Done A Superb Job Of Providing Proper Stewardship And Concerning Your Health With Our Own Decision Effort In The Southern End Of Lee County.

And Your Dad Len Was Just A Wonderful Caring Giving Individual Who Spent Untold Number Of Hours Volunteering His Time With The Former Zones And Planning Board.

And We Just I Mean Your Family Has Left A Heck Of A Legacy Here.

We Thank You For Your Involvement.

And A Question, Question Commissioner Hall.

Kathy Handed Us Before Began Our Meeting Hours Ago Some Marked Up Documentation, Is This What Staff Is Asking Us To Forward As An Adoption Then?
That's What Is Before You As The Unless You Have Other Changes, Correct.

Okay.

So I'll Wait To Make A Motion And.

Business Operation Plan.

Yes, That's My Motion.

We Do Have A Motion By Commissioner Hall, Second By Commissioner Janes.

I Want To Thank The Representatives From The State Agencies Or The Being Here Today.

Thank You Very Much.

We've Come A Long Way, And That's What We're Trying To Put In Perspective And It's A Very Precious Area That The State Properly Manage And Protect.

Any Further Discussion.

Commissioner Janes.

I Just Have To Make A Comment Because I'm Supporting This And I Made The Motion.

I Think Everybody Did A Great Job.

I Am Saddened However That We Lacked The Time To Get This Out Into Greater Public Discussion.

That's I Think The Part That We're Missing.

Because All Of These Groups Have An Interest Within Their Own Membership.

Probably Eight Out Of 10 Or Nine Out Of 10 Have Not Even Heard About It Or Read About It That's A Look That We're Faced With But Other Than That, But Unfortunate It Isn't Far Enough, But.

Commissioner Bigelow.

I Too Will Is Up This With Some Misgivings.

Commissioner Janes Indicating That Ever Since I First Started Looking At This With Kathy And Now Hearing Today's Discussion, The Idea Of You Know, Building A Horse By Committee Seems To Keep Coming To Mind Here.

And I Do Think Though That I Am Going To Hang My Hat On The Hope That This Is A Net Gain Where We're Redousing The Amount Of That Comes Out Significantly.

Almost To The Point Where I Can't Believe That There Will Even Be Any Money.

From That Operation.

I Also Want To Point Out That I Think The Alternative For Us Which Would Be To Take Our Lands Out Of This Would Not Be To Our Advantage Which The Alternative There Because You Want To Stay In The Mix Mere And Then The One Last Comforting Point That The Management Plan Will I Think We're Setting Up A 10-Year Plan And We'll Be Reviewing, And We Will Know More.

Please Not And Say We Will Then Have An Opportunity To Also Learn From This Time And Maybe Make Amendments As Necessary.

Okay, Great.

Thank You Commissioner Bigelow And On Behalf Of The Board Kathy You And Wayne Have Done A Phenomenal Job Here.

Just Keeping Track Of It To Make It Certainly Palatable For The This Board To Continue With Our Partnership.

So We Thank You.

Any Further Discussion?
Any Objection, Hearing No Objection, Motion Passes.

Thank You All Very Much.

A Sigh Of Relief From Here To Tallahassee.

Move On To 11-A.

I Would Like To Move The Request To Authorize To Advertise Public Hearing For August 12th, To Consider The Execution Of A Proposed Lee County And Rescue Service Ordinance.

Second.

Discussion?
Yes, Commissioner Bigelow.

This Is 11-A.

Move To A Public Hearing So The Public Can Be Heard.

I'm Sorry, I'm Sorry.

Any Objection, Hearing No Objection, Motion Pass.

On 13-A.

Mr. Chairman, I'll Second The Motion But, Yes, I Have A Question.

I've Had A Calls From Residents In Cape Coral.

Everyone Really Does Support The One-Way Tolling.

We Have Overwhelming Comments I've Had A Handful Of Folks That Don't Like It But A Majority I Think And Our Polling Can Confirm That It's An Accurate Statement But There Has Been Requests To The Tolling Being One Way, Leaving Cape Coral, Going East Versus

Going Into Cape Coral Going West And I Was Looking At The Configuration And Really What We're Trying To Do Is Save On Administration And Personnel And I Realize That From You Know All These Years We've Been Running Them Two-Way.

And So We've Had People Going Over To The Eastbound Lanes Anyways.

So Harry, How Much Of A Cost And What Are We Looking At By Looking At The One Way Tolling Going East Versus West.

For The Record Paul Winguard.

I Don't Know, I Don't Have A Good Number For You, But I Can Tell You That The Additional Cost To Collect A Toll In The Other Direction Would Be Considerable.

Because Of The Way The Plaza Is Laid Out In The Location Of The Administration Building.

If You Were To Have The Free Direction You Would Have Your Toll Collectors On One Side And The Administration Building On The Other And Free Flowing Traffic In Between.

At Midpoint There's A Tunnel So There Is A Way To Get Access For Those Individuals.

At Cape Coral, There Is Not.

And The Cost Of Building Either An Underground Facility Or An Overhead Facility Would Be Considerable.

In The Millions Of Dollars To Provide That Access.

Okay.

We Need To Get That Out There.

No I Mean, Again The Question Was That We Normally Have Had Two-Way Tolls Going And So It's Been People Over There But We Didn't Have Them Free Flowing, So That's The Alternative, Prior To One-Way Tolling, So What You're Saying Is People Had A Chance To Get Across, Because We Had The Stop Gates.

Even Though You Had A Transponder Hour You Getting Across?

Yes Commissioner That's Correct.

We Had Gates Out There So That It Stopped People, It's Only Been In The Last Year Or So, That We've Put Some Dedicated Lanes In, And Actually Attempted To Cross Traffic.

Well, When You Get Into That Free Flow Condition That Doesn't Work.

So, We've Only Been Doing It Since We've Gone To The One-Way Toll.

Okay.

All Right Any Further Discussion?
Any Objection?
Hear Nothing Objection, Motion Passes.

Thank You Paul.

Items 15-A.

Second.

Commissioner Hall, To Move 15-A.

Second By Commissioner Janes.

With The Hope Hospice.

Awesome, Right Frank?
Thank You For Your Patience.

Any Objection?
Motion Passes.

Item 15-B.

I'll Move The Item For The Decision Required For The North Lee County Water Treatment Plant.

Second By Commissioner Janes.

Discussion, Objection?
Hear Nothing Objection, Motion Passes.

On To 9:30 Public Hearing.

Item One.

Good Morning, I Have Your 9:30 Public Hearing Agenda Items For Today.

I Reviewed The Publications For Items One And Two And They Are Legally Sufficient As To Form And Content And I Enter Those Into The Record Now.

The First Item Is A Petition To Vacate, This Is Bac 2008, 00012.

And This Morning We Received A Request To Continue 4 This Item To August 12th, So That The Property Of The Applicant Can Address Some Questions With A Neighbor Property Owner.

So Moved.

A Motion To Continue.

Second.

We Have A Motion And A Second And A Discussion.

Let Me Just Open Up.

Its My Understanding That Those Who Wish To Speak On This Do Not Need To Speak If The Item Is Continued.

That Being The Case, Any Further Discussion.

Anyone Else Wish To Comment?
Seeing None, Back To Board.

Motion Passes.

Do We Have A Specified Date?
Item Number Two.

The Second Item Is Bac-200800016 And This Is A Petition To Vacate, Tracks And Portions Of Roadway And Units 1 Through 58.

This Is In The Greenway Preserve.

And The Vacation Of These Easements Will Not Alter Existing Traffic.

Youth Or Drainage Conditions And The Right Of Way And Easements Are Not Necessary To Accommodate Any Future Traffic Or Drainage Requirement.

Move The Item.

Move The Item, Do We Have A Second.

Sure.

Second By Commissioner Mann.

Any Discussion, Anyone Wish To Comment On This Item Before Us, Seeing None, Back To Board No Objection, Motion Pass.

Item Number Three.

Very Excited To See This Finally Come Forward.

Assistant County Attorney, This Is Public Hearing Number Three On Your 9:30 Agenda.

I've Reviewed The Publication And Find That It Is Legally Sufficient To Proceed With This Hearing And I'm Handing To It The Clerk.

This Is A Request To Adopt An Ordinance Providing For Reinstatement Of Certain Commercial Building Permits That Expire Or Will Expire Between January 1st, 2006 And Index 1st, 2008.

Needs On The One Correction Made To The Ordinance That's Attached The Blue Sheet.

Heading For The Section For Section Three, Residential Dwelling, Building Permission And These Will Be Commercial Building Permits.

Bobby Stewart Is Present To Answer Any Questions You May Have On This Issue.

Move The Item With The Amendment.

Motion By Commissioner Hall To Move The Item.

Do We Have A Second?

I'll Second But I Believe Commissioner Bigelow Had A Question.

Commissioner Bigelow?

Yes, This Line Here I Guess It's A Bobby Stewart Question Provides For A Refund Of Certain Increases To Impact Fees Paid By Some Property Owners With An Effective Period Of The Ordinance.

This Is Also At The Discretion Of The Building Official?

Or Is This A One Size Fits All?

I Don't Believe It's Discretionary.

It's Not Discretionary.

Okay.

I Think It's It Would Be Guaranteed If You Had Paid Additional Impact Fees To Reactivate A Permit That Had Expired That You Could Request Your Impact Fees Back I Don't See That As Discretionary On My Part.

Okay, And When We Review Or See The Updated Impact Fee Study That's Coming Probably In The Next Several Months Maybe, We Are Going To Set Up A Situation Where Some Folks Have Paid Back Fees And A Small Window And Others Will Have Kind Of Skated Around Those Larger Impact Fees, I Think What We're Doing And This Is Just An F.Y.I.

Because I'm Getting Complains Already That Folks Throughout Caught In That Window That Paid The Increase But Recognize Those Before, And A Short Time After Is Probably Likely To Pay Less.

Keep Many Mind That This Kind Of Underscores That Those Folks Caught In That Window Or That Net Might Have A Very Valued Complaint.

And Maybe We'll See Them Treated Somehow And That Impact Fee Review.

That's An F.Y.I., Thank You Mr. Chairman.

We Need To Do 4-A On The Administration.

Thank You, Any Further Discussion On This Item?
Someone From The Public Wish To Comment.

Okay, Mr. Shaye.

Again For The Record, Kevin Shaye I Think You Should Have A Clear Cut Understanding That When Some People Who Got Impact Fees Paid, And Paid It Before A Certain Date When An Increase Was Going To Occur.

Are You Now Going To Have A Reverse Situation Where People Pay At A Certain Level And You Come In Three Or Four Months From Now And Reduce The Level And How They Want A Retroactive Refund Because You Reduced It, Or Are You Going To Simply Hold The Situation Current As To The Legal Fees In Effect At That Time For Which The Application Was Submitted And Paid Further, Commissioner Man For District Five Previously Mentioned, Preserving And Holding Harmless Those Due To Our Severe Economic Reverse At The Present Time Where If A Permit Was Valued For Six Months And For Reasons Of Financing Problems, They Could At Least Get Maybe Another Six Months Without Paying The Impact Fees A Second Time.

Is That Also Preserved So That We Don't Suffer Multiple Economic Impacts On Commercial.

Now Does This Include Both Commercial And Residential In This Area Or Just Strictly Commercial.

We Already Did Residential.

Now Following Up For Commercial.

Yeah, Okay.

Thank You Very Much.

Thank You.

Any Further Discussion In Hearing No Objection, Motion Passes.

We Go On To The Carryover Items.

Walk-On And Carryover Item.

Well, I Guess We Can Do The Walk-Ons First.

We Can Do The Carryover, That's Fine, Carryover Item Number One.

We've Already Taken Care Of That Item.

Carryover Item Number Two.

I'll Move The Item.

Okay, Regarding Short-Term, Second By Commissioner Janes.

Do We Have Discussion.

Commissioner Bigelow.

This Is The Results Of A Selection Committee To Make Up Of Which I Don't Is Up It.

You've Her It Before.

Any Further Discussion?

Any Objection, Motion Passes, Commissioner Bigelow Descending.

Walk-On Item Number One.

I Move To Item To Suburban Application For A Grant.

Wait A Minute Now, Walk-On Item Number One Is The External Fee.

Sorry.

I'll Move For Discussion.

Motion By Commissioner Hall.

Second By Commissioner Mann.

Commissioner Hall.

I Didn't Want To Rush It If Someone Had A Comment So I Don't Have Any Comments.

Regarding The Fee Schedule.

Any Further Discussion.

Yes.

Commissioner Bigelow.

This Is Troubling A In That This Is A Walk-On Item That Was Distributed Yet At 10:00 A.M.

This Is An Animal Services Issue, We've Seen Several I Think There's No Other Department In Lee County Government, That's Been On The Front Page More Often.

For The Record Donna Ward, Animal Services.

Hi.

So We Know That There Are Folks Out There That Are Extremely The Interested In The Changes That Have Been Taking Place At Animal Services, And, Turf Say That Just The Near Mere Idea That We Would Do This As A Walk-On Really Flies In The Face Of Every Definition Of.

May I Comment To That Please.

You Will, You Can, Sure.

But I'm Going To Finish First, If You Don't Mine Preponderance Of The Evidence Flies In The Face Of Any Definition Of Government In The Sunshine Or Transparency, And, I Think It's A Personal Front Of Sorts To Our Citizens, So, Having Said That, And That If You Want To Replay To That That's Fine But Do I Have Other Comment.

On The Fire System It Was Originally Entered As Consent Item.

As A What?

Fire System, That's What We Use To Create A Blue Sheet To Get To It This Level.

Oh.

I'm New To This Experience.

There's A Program That We Use A Software Program Implemented.

It Was Put On As A Consent Item, Probably The Back On The Second Week In June.

Unfortunately For Whatever Reasons We Were Having I.P.G.

Issues.

It Kept Getting Kicked Back And Kicked Back.

Public Resources Was Just Incredibly Helpful In Trying To Get It Scheduled.

To Get It Here Today By The 24th So We Wouldn't Have To Wait Until August Because Of A Time Schedule.

This Was The Only Time That They Could Get It On As A Walk-On Item But Originally It Was Planned As A Consent Item Agenda.

So Apologize To That And Due To Computer Errors That's Why It's Here The Today As A

Walk-On.

I Would Just Say It's Better Safe Than Sorry And I Understand The Explanation You're Giving.

I Appreciate You Trying To Start Commence With After Fordable Spending Program, Wonderful Stuff, But There's Stuff In Here That Is Troubling.

Let Me Move Forward With Some Questions If You Don't Mine Since This No Doubt Will Pass Here.

Just The Way It Goes Here.

I Have To Point That It Appears That A Owner Cannot Bring An Animal To Animal Services That Is Unadoptable.

And Expect That They Will Be Able To Avail Our Services Because, It Looks Like On Page Eight Sorry, No Not Page 8 Too It's The Final Page, Page Four.

Beg Your Pardon?
Under Item K.

I'm Sorry?
Item K.

Processing Fees For Adoption Is Struck Out And You're Calling It Adoption Fees And An Old Way Of \$65.

For Dogs, \$50 For Cat.

Older Animals Estimated Age Of Six Plus Years \$20.

25 To 50% Of Fair Market Value.

There's Some Kind Of Litmus Test At The Door For What's Adoptable And What's Not.

Jones How This Will Work.

Meaning You're Only Going To Accept Adoptable Owner Turn-Ins.

No Again The Other Right-Hander Policy What We're Looking At And Again It's On A Case By Case Basis.

If We Have An Individual Bring An Animal To Us That Has Bitten They're Required By Law To Handle It For 10 Days.

That's The Owner's, We Can't Accept An Animal If It Has Bitten Another Human Because Of A 10-Day Quarantine.

It's Their Responsibility To Hold The Animal For 10-Day Quarantine.

We Have Customers Asking To Euthanize Their Own Animals And We're Referring Them Back To Their Veterinarians For That Service.

I Would Rather Have A Licensed Veterinarian Make That Determination Of An Illness Of Rather Than A Staff Member Doing That.

So Once Again It's We're Accepting Animals That We Can Place Up For Adoption.

With Owners We Would Ask Them To Pursue Other Option.

And Alternatives, Lee County Animal Services.

Please Keep In Mind Too, We're There To Provide Stray Animal Control Issues, And Again With 11,000 Animals Are Euthanizing Annually We Have A Lot Of The Stray Situation Going On.

So, We're Asking You Know Our Public As Far As Owned Animals To Look To Other Alternatives And Working With Their Local Veterinarians 73.

I Feel Like I Asked A Question And You Spun Me Like A Ton.

Let Me Try To Get Oriented Here.

I'm Going To Ask Again Because I'm Not Sure I Know What To Make Out Of That Answer To Be Honest With You.

Recent Amendment Mean That We Will No Longer Take Owner Surrendered Animals Deemed Not Adoptable.

Once Again If These Animals Are Coming This With A 10-Day Quarantine That's Necessary By State Mandate.

So It Is It Not Adoptable For Quarantine Purposes.

We Can't Accept Those Animals.

That Would Be The Owner's Responsibility To Do The 10-Day Quarantine To Protect The Safety Of The Individual That Has Been Bitten.

We Do Stray Animal Quarantine For Stray Animals That Have No Owners.

Okay But If I Brink A Dog That The Not Cute And Cuddly Your Opinion Is This Is Not Adoptable.

If It's A Vicious Or Animal, We Cannot Place The Animal Up For Adoption.

Not Long Ago -- Because I'm Getting Spun Like A Top Here.

Not Long Ago I Read An Article That Large Black Dogs Are For The Most Part Unadoptable.
Have A Bad Track Record.

If I Bring A Large Black Dog, You Deem It Unadoptable If It Had Not Bitten, No Regard Of
Having Bitten Anybody.

We Do Not Have Any Criteria On The Color Of A Dog.

We Have Criteria If It Has A Serious Health Issue.

Sound Likes The Answer Is Yes.

In That Scenario.

^.

Yes, The Question If I Would Turn Away A Black Dog And The Answer Is No.

You Turn Away Unadoptable Animals, That Owners Are Surrenders Right.

That's What The Policy That's What This Will Be Doing.

Again It's On A Case By Case Basis.

We Accept Pets Every Day.

We Try To Make The Best Decision We Can.

We're Not Going To Place Our Staff To Someone That Has Been Placed At Risk.

We Had A Situation The Other Day Where A Dog Had Bitten A Family Member.

They're Require For That 10-Day Quarantine.

My Job Up To Is To Sort Everything You Said, And I'm Going To Conclude That You're
Saying That You Will No Longer Unadoptable Pets You Deem Owner Surrendered Animals
That You Deem Not Adoptable.

Due To Serious Death Or Serious Issue.

That's Not Stated Here.

It's Not Specifically Written That Way.

Under Item K It Says Fees For Adoptable Pet.

It's A Case By Case.

It's Not A Black And White Issue.

It's A Gray Matter.

We Making The Decisions Based On Every Day Coming In, Because Every Situation Is Different.

They Condition Write A Policy For Every Situation, We Do The Best We Can And It's Common Sense.

Good Jump.

Okay.

And What's Best For The Animals In Our Community.

So, If An Owner Brings An Animal To Be Euthanized, It's Requested By The Owner, For.

Once Again We Refer Them Back To Their Veterinarian.

So You No Longer Providing That Service No We Still Make Exceptions And We Will Euthanized Animals If They Cannot Afford To Do To.

There's A Financial Hardship We're Going To Help Out That Individual.

You're Striking That.

Striking That Entirely.

Once Again We're Not Going To Have, It's Not On This Paper Because We Didn't Want To Advertise The Entire Community That We Will Euthanize Your Pet For A \$50 Fee.

If You're Working With Your Veterinarian We Expect You To Work Through Your Veterinarian.

They're Saying These Animals Are Ill.

They Have An Illness.

I Would Rather Have A Veterinarian -- Make That Determination, Not Off The.

You Don't Have To Worry About The Public Find Ought About This, Because We Didn't Give Them Much Notice.

Second, Well Actually, Yeah, But I'm Going To Recall The Question.

I'm Calling The Question.

Any Further Discussion.

Yes.

Commissioner Bigelow.

On The Point Of Calling The Question Mr. Chairman You Know Will Make An Attempt To Try To Seek Some Time To Where The Public To Understand What We're Considering Here And The Ramifications Here Of.

And Beech This Board To Let This By The Public For The Month Of July.

Recognizing That We Won't Be Starting This Spay Neuter Program Because Of It But There's No Way For Me To Ask A Line Item Deferral On Any Of These Issue.

Any Objection?

Any Objection.

I Object To Calling The Question.

Motion -- You Can't.

Motion Passes 4 To 1.

Commissioner Bigelow, We Have A Motion, Do We Not?

Yes.

And We Have A Second, No Further Discussion.

Any Objection To The Main Motion.

Motion Passes, 4 To 1 Commissioner Bigelow.

Thank You So Much.

Thank You Donna.

Okay, We Move On To Walk-On Item Number Two.

I'll Make A Motion To Approve The Sheriffs Application Requesting His Grant For The Bureau Of Justice.

We Have A Motion By Commissioner Hall.

Second By Commissioner Man, Discussion?

Objection, Hear No Objection, Motion Passes Walk Off On Item Number Three.

To Approve The Federal Transit Administration Grant.

In The Amount Of \$52.762.

Seconded By Commissioner Man.

Discuss?

Commissioner Bigelow.

I Guess If Our Transit Director Is Here, This Is No-Brainer Obviously.

We're Going To Take Some Grant Money.

Is There A Any Way We Could Specify That This Grant Money Be Used To Acquire Hybrid Buses?

Would That Be Possible?

I Suppose I Guess That's A Question For This Board.

But If We Were To Accept This Under Where The Caveat That This \$53,000 Grant Money Be Used For Purchase Of Hybrid Buses, Only.

I Would Entertain That Caveat To Be Added To This Authorizing Resolution.

Steve You Want To Respond To That.

Steve Myers Transit Director.

Commissioner Bigelow I Guess I Would Encourage You To The To Place That Restriction On These Funds.

These Are Expiring Funds And Reason Sufficient Even To Buy A Transit Van.

If You Would Place That Restriction On Those Funds They Would Only Cover About One-Fourth Of The Additional Cost To Put A Hybrid System On One Of Our New Buses.

So, I Would Encourage You Not To Put That Caveat On This.

I Think If This Board Would Like To Direct Us To When We Purchase Buses, Make A Decision At That Time Whether Or Not We Should Use The Full Amount Of Funds That We Have Available For Hybrid Vehicles And I Think That Might Make More Sense Than Trying To Place A Restriction On This Small Amount.

Steve Did I Understand You Correctly To Say This Is Only For A Pair Of Transit Purchase.

No I'm Saying This Amount Of Money Would Only Cover About The Cost Of One Of The Small Transit -- Not Even A Large Bus Or A Fourth Of The Cost Of The Hybrid Conversion.

Probably Easier To Acquire A Pair Of Transit Convenience But We Won't Go There.

Motion Passes.

Walk-On Item Number Four.

Mr. Chairman I Would Like To Make A Motion To Approve The Construction Manager For The Lee County Justice Center And I Can We Had Amendments We Adopted Earlier In Our Meeting With Those Since They're Already Adopted I Don't Have To Put That Into My Motion.

Motion By Commissioner Hall, Do I Have A Second.

Second By Commissioner Janes.

Discussion?

Yes.

Commissioner Bigelow.

Jim, Can I Have Some Assurances That What We're Proposing To Do Here Since This Is Walked On Because You Want To For To Quote Your Memo I Think, In The Interest Of Time, Is This Can Move Forward To The Month Of July Otherwise You Wouldn't Be Asking For This Here At The End Of June.

Can I Have Assurances That This Will Be The Sum Total Of This Project That We're Not Looking At Any Other Any Possible Change Orders To The 16.5 Million Dollar Project.

No, I Can't Say That.

Very Expensive Parking Garage As I Said They Want It For My Arrival.

The Day I Arrived Here.

And Road Impact Fees, With Agreement With The City Of Fort Meyers.

So Like I Can't Get Any Assurances.

If There's Any Cost Containment On This, They're Saying They're Unknown Such As Powell Driving And Underground Utilities, On The Mostly Vacant Lot?
There Are Always Unknowns.

I Mean, Underground Utilities Some Are A Problem.

We Do Our Best To Try And Look At Every Contingency But There Are Always Unknowns.

I Don't Care Which Project It Is.

I'm Not Getting Anyone To Try To Hear This.

This Is A Big, Big Price Tag.

Is This A Project We've Had A Whole Lot Of Talk About.

This Doesn't Strike Me As Something Brand New.

It's Just Been Delayed And We're Trying To Bring It Back On.

I Apologize To The Walk-On, But We've Lost Eight Months Already, I Don't Want To Lose A Ninth Month.

Move This Thing Forward.

We Do Need To Approve The M.O.U.

Okay Thank Thanks.

We've Got To Approve 4-A.

Yeah, We Haven't Got To Call The Motion Yet, Any Further Discussion.

Yeah.

Commissioner Bigelow.

There's Subcontractors For Every Affecting The Item.

Well There's Only One For Installation I Believe.

Insulation.

Other Than That, I Think It's A Good Sign That We're Getting More Prices And.

Thank You.

Any Further Discussion, Any Objection, Hearing No Objection, Motion Passes.

Walk-On Number Five.

I'll Move The Item Not Knowing How It's Going To Be Impacted, I Will Move The Item If You Still Feel You Need To Send That Letter.

A Motion By Commissioner, A Second By Commissioner Janes, Discussion.

Mr. Chairman.

Yes, Commissioner Mann.

I Think In Light Of What Happened Yesterday, There's Going To Be Such A Rethinking Of Everything That's On The Table Over There Right Now.

Frankly I Think This Is Going To Be A Waste Of Time The To Send This.

It Wouldn't Hurt To Get It Out There On The Record.

You All Go Ahead And Send It Then.

Any Objection.

Yes.

3-2.

Okay, Commissioner Mann And Big Low Descending.

Of The Letter That Goes To Him.

Absolutely.

All Right Commissioner Items.

Commissioner Bigelow.

No, Please, 4-A.

I'm Sorry.

That Came Out To Administrative Item.

Parking Garage.

Motion By Commissioner Hall To Move Concept Item 4-A.

Discussion?

Objection, Hearing No Objection, Motion Passes.

Thank You Commissioner Hall.

To Commissioner Items.

Commissioner Bigelow.

No.

Commissioner Mann.

I Had Even A Or Eight Be When I Came In Here But Forgot Them All.

Commissioner Janes.

I Thought Of Nine More And Now I Can't Remember One.

Oh Darn.

Commissioner Hall.

I'll Just Very Proud Of The Work This Board Has Done On Behalf Of The Southern Everglades And Happy To See There's Been A Dialogue Ongoing And I Comment The District All Of The Groups That Have Pushed For That Southern Flow Way And I'm Looking Forward To Redoing The Entire Yellow Book And Moving Forward With The New Plans.

It's Going To Be An Interesting Process.

We'll Go Through And I'm Looking Forward To Sault What The Shakeup Will Be On Our Future Projects And Thousand Legislature Is Going To Deal With Their Tax Reform For The District And Them Taking On The 1.7 Billion Dollar Decision, Not Million Decision.

Again I Think This Is Great For The Everglades And Again The Partnership And The Commitment The State Of Florida Has To Maintaining And Restoring The Everglades To As Much As Possible As Old Glory.

Thank You Commissioner Hall.

Look Forward Finding Out Where They're Going To Find That Money.

They Will Find It And It's Going To Save Billions In The Meantime.

Hope They Can.

Question Appointments, Commissioner Bigelow.

Yes, I Have Several.

To The Affordable Housing Committee, That Will Be It For Category 6.

My Other Affordable Housing Committee Appointment Is Walter Ferguson.

For Category Four.

Charles Barnes.

I'm Resending That Appointment To The Affairs Board.

I'm Appointing Reappointing Joseph Gabriel To The Multicultural Fares And An Pointing Shirley Burns The Equal Opportunity Review Board.

Excuse Me.

Certainly.

Let Me Get The Motion On The Table.

Got The Same Name On One I Was Going To Clarification Before.

Sure.

Lyle Ferguson Was That One You Did For What Role.

Category Four.

As The On Housing Finance Authority?

Yeah.

Affordable Housing.

I've Got Housing.

Yeah That's What It Is.

Housing Finance Authority.

Oh That Would Be Different.

Off Walter Ferguson.

Who Do You Have?

Yes, Walter Ferguson For Affordable Housing.

On What Address.

Wonder If It's The Same Guy.

Oh Yes, But It's Different Guy.

I Know It But I Think I'll Go Ahead.

I'm Sorry.

And An Enthusiastic Second On That Motion.

Certainly Did.

Any Further Discussion, Motion Passes.

Commissioner Mann.

I Have Ferguson For The Housing Finance Authority But Frankly I Think I Will Hold Off.

You Can Always Resend If You Have Concerns So Go Ahead.

I Hate To Work Mann Too, But We'll Run It Through Anyway.

Motion By Commissioner Mann.

Walter Ferguson, Michael Who On Affordable Housing And Lisa Gailey.

Richard Callahan, Alberto On Human Services Council And Last But Not Least Debbie On The Roadway Landscape Committee.

A Motion By Commissioner Hall, Hearing No Objection, Motion Pass.

Commissioner Janes.

Thank You Mr. Chairman I Have Reappointment, Robert Barle To The Housing Finance Authority And I Have A New To The Construction.

Seconded By Commissioner Hall, Hear Nothing Objection.

Commissioner Bigelow?

The Appointment Of Barletta We Had Upon Dense Between Our Offices About That Particular.

What's The Committee?
Finance Authority.

There's Only Five Appointment.

It's Trouble.

I Would Ask Because Public Resources Said We Have Time To Consider That Appointment.

I Would Ask That You Not Make That One Because I'm Short An Appointment On That Board Then.

Let Me Just Say If We Need To Do It That Way, Commissioner, I'll Be Happily Rescind This, So Let's Just Move It For Order On This And Correct It Later On.

Okay With That Understanding Any Further Objection?
Motion Pass.

I Have A New Appointment To The Lee Housing Category, Ann Dalton Reappointment Of Samantha Cyan To Oversight Committee, A Reappointment To Roadway Landscaping At Large.

Motion By Commissioner Hall, Do We Have A Second?
Do We Have A Second?
I'll Second For Purpose Of Discussion.

Any Further Discussion, Motion Pass.

Chair Motion On Moving Forward Jane Malenowski, Bruce Tyson, Affordable Housing Unit Five And Frank Mosaen No Unit 11.

Commissioner Man.

Second.

Second By Commissioner.

Commissioner Bigelow.

Who Is Category Five?
Bruce Tyson.

Okay.

Related To Mike.

Any Further Discussion?
Any Objection Here, Motion Pass.

On To County Manager Items And I Know You've Got A Lot To Say Today.

I Don't.

Okay, We Will Adjourn And Recess Until 5:00 P.M.

5:00 PM PUBLIC HEARING

Comm. Hall: I Make A Motion That We Defer The Bald Eagle Ordinance.

Can We Get The Affidavit Of Publication On The Record First?
What Was The Item Number?
Yes, Sir.

I Have Reviewed The Affidavit For This Hearing And It Is Legal Ly Efficient.

You Are Correct, We Are Working On That Issue.

Chairman Judah: So You Still Need To Get That From Your Office
It's Coming Down Right Now.

Chairman Judah: Do We Have To Hold Off?
No, I'll Enter It Into The Record When It Comes In.

Chairman Judah: We Do Want To Hear From Someone.

He Just Spoke About This.

Chairman Judah: Hi, Good Evening, We'd Be Happy To Hear From You.

Good Evening.

We Appreciate The Commissioners To Let Us Make Public Comment.

I Just Wanted To Read It In The Record.

We Express Our Support For The Ordinance.

The Ordinance Proposed The Development Of The Bald Eagle's Nest.

We Are Very Concerned That Land Owners Will Simply Take Their Chances With Disturbing The Eagles.

It Also Advocates That It Will Be Upheld By Staff.

Development Within.

Buffer Zone During Nesting Season.

Development Within The Buffer Zone Outside Of The Nesting Season Should Be Subject To Conservation Measures.

We Do Not Believe That This Ordinance Has Proposed Or Added Suggested Language Or Is Consistent With The Goals Or Objectives Of The Wildlife Agencies.

We Believe That This Ordinance Will Further The State Growth For Our Continued Enjoyment And The Continued Recovery.

Chairman Judah: Thank You, Amber.

Ron, You Wanted To Speak?

Mr. Chairman, A Member Of The Le County Road Committee And I Have Nothing Against Bald Eagles And The Progress Being Made, But Some Of The Language That We Looked At As Far As The Activities Concerned Have A Direct Impact On Our Operation, Harvesting, Planning, Clearing Activities, Languages That Have Been Advanced In The Draft.

We Appreciate The Fact That This Has Been Postponed Or Continued.

We Look Forward To Participating And Trying To Come Up With Something That Will Work For Us.

I Know It's Not The Intent Of The County To Keep Pressure And Removing Agriculture In The County.

We Look Forward To Working With Staff To Work On This.

Chairman Judah: Thank You, Ron.

Thank You.

I Think It's Important To Realize We're Talking About Habitat And Not Preservation Of The Eagles.

If Its An Appropriate Eagle Habitat It Is Our Right To Provide That For The Birds Living There And For Future Generations.

I Agree That The Agriculture Fields Need To Be There.

It's Not Directly Related With The Planting And Harvesting In The County.

Chairman Judah: .

Anyone Else Wish To Comment On The Ordinance?

No?

Okay.

Did You Need To Enter Anything Else Into The Record?

No.

Chairman Judah: This Will Be Deferred To September 23rd.

Discussion?

Comm. Mann: Just Briefly That Was Touched On About The Ag Folks.

That Title That You Gave Me As Liaison I Met With A Representative With Them Today And Discussed This With Mary.

It Gives Us A Little Built Of An Issue Here.

You Can't Tell It To Produce Its Fruit When The Eagle Is Not Nesting.

The Citrus Fruit Produces Fruit When It Is Ready To Produce Fruit.

I Think We Are Accidentally Affecting The Ag Folks.

We May Have Some Slightly Revised Language, But Thank You For Working With Us On That.

Chairman Judah: Any Further Questions?

Any Objections?

No Objections, Motion Passes.

There Was A Charter Amendment That Was Withdrawn.

Good Afternoon.

Andrea Fraser From The County Attorney's Office.

I Have The Notice Of Intent To Enact A Lee County Ordinance Relating To Annexations Of Lee County Lands.

I Had The Opportunity To Review The Affidavit Of Publication Which Was Published In The June 14, 2008 Fort Myers News Press As Well As The Notice Of Resolution Also Published In The June 14, 2008 News Press.

I Find The Affidavit Is Legally Efficient To Go Ahead With The Public Hearing At This Time.

The Public Hearing Has Been Cancelled Because You Took Action To Defer This Indefinitely, However If Anyone Is Here For A Public Comment You Can Take That At This Time.

Chairman Judah: This Is The Amendment That Pertained To Municipalities On The Annexed Land That The County Commission Would Have Oversight Over Any Land Issues And To Try To Get The Counties To Work Together And Resolved That.

What The Municipalities Agreed To Work With The County Over The Next Year.

So That Was Withdrawn Today, But If You'd Still Like To Comment You're More Than Welcome To Do So.

Seeing None?
Oh, You Would Like To.

This Issue Has Already Been Withdrawn By The Board, But If You'd Like To Comment You're Welcome To Do So.

For The Record, Hopefully You Can Continue With This Process Of Getting Some Kind Of Intralocal Agreement Established, But You Are Progressing Unlike Other Counties Where There's Been Vigorous County Government Which Has Satisfied The Governmental Needs Of The People.

For Example Charlotte County That Has One City Established In The 1850's That They Have Been An Effective County Wide Government That Has Not Caused People To Feel The Necessity To Establish Multiple Municipalities Within Charlotte County.

However, Sad To Say The Actions Of Your Commission Over The Years Has Encouraged Areas Of This County To Feel Neglected Otherwise And Has A Continuing Push For City Incorporations.

And Not The Least And Last Is Lehigh Acres.

However, Cities Like Fort Myers Have Grown Like Octopuses.

You Need To Come To An Understanding That People Don't Need Multiple Layers Of Government.

We Need To Come Up With Workable Ways Here Because You Can't Keep Eating Things And What Happens To The Unincorporated.

I Think You Need To Work Out Something On This Annexation Concept.

For Example Fort Myers You Simply Have To Draw A Line And Say This Is As Far East As You're Going.

That's As Far As You're Going To Expand.

Even The Two Mile Buffer Zone Is An Iffy Kind Of An Arrangement .

Hopefully Through Cooperative Agreements These Cities Will Learn To Live Within Their Current Boundaries And Make It Work And Just Eating Up More Territory Is Not A Solution To People's Problems.

And On That Note, Thank You Very Much.

Chairman Judah: Do You Want To Comment?
My Name Is Steve Maxwell For The Record.

The Issue Of Annexation To Me Is Dear To My Heart.

I'm Concerned About The Fact Of Cities Wanting To Annex Certain Parts Of Lee County.

And The Questions Relating To Annexation Is Involuntary Versus Voluntary.

Aside From The Land Use Component I Don't Want To See Citizen's Rights, Property Owners Superseded By The Government.

I Think You Made A Good Decision To Today About Having A Moratorium, Postponing, Because There Are A Lot Of Issues That Need To Be Combed Out In That Particular Aspect.

Voluntary Versus Involuntary.

Chairman Judah: Is Anyone Else Wanting To Comment?
Seeing None.

Now We'll Go To The Start Of The Agenda Here.

Scott?
The Fun Part.

Good Evening Mr. Chairman, Members Of The Board.

Item Number 1 Is To Consider Nine Resolutions To Assess And The Effect Of The

Improvement Units Are As Follows.

The Anchorage Intercostals Canal Unit.

The Country Estates Street Lighting Unit.

Dewberry Lanes Special Unit.

Pine Lakes Street Lighting Unit.

Sheltering Pines Unit.

[Reading From Agenda]

It Was Published In The Fort Myers News Press.

I Find It Legally Sufficient As To Form And Content To Conduct This Public Hearing And Enter It Into The Record At This Time.

After We Take A Public Comment Is It Possible To Act On A Motion Or Do You Need Nine Separate Motions?

I Need Nine Separate Motions.

Thank You For Trying Commissioner.

Good Evening.

I Just Need To Submit To The Record Five Letters I've Received From People In Gasparilla That Are Opposing This Assessment.

That's All I Have.

I'll Be Available For Any Questions You May Have.

Thank You.

We'll Go Ahead And Take Public Input On The Intercostals Canal For A Particular Assessment.

The Intercostals Canal Dredging.

No Objection Item Passes.

On To Item 1-B.

Anyone From The Public Wish To Comment?
Back To The Board.

Country Estate Unit 3, Street Lighting Unit?

Anyone Wish To Comment.

Back To The Board.

Motioned By Commissioner.

Anyone From The Public Wish To Comment?

Back To The Board.

Item 1-E.

Anyone From The Public Wish To Comment?

Back To Board.

Special Improvement Assessment.

Anyone From The Public Wish To Comment?

Back To The Board.

I Have A Question.

>>

Comm. Hall: Is This The Lighting?

Know, That's The Iguana.

I'm Not Going To Support This One.

All Right.

Chairman Judah: Seconded By Commissioner Mann.

Seconded By Commissioner Janes.

Item 1-A.

Anyone From The Public Wish To Comment?

Back To The Board?

So Moved.

Seconded By Commissioner Mann.

Final Item, 1-I.

Anyone From The Public Wish To Comment?

Back To The Board?

Seconded By Commissioner Hall.

Motion Passes.

On To The Second Item.

We've Got The Collection And Program Special Assessment.

Item Number 2 Is To Get Approval Of A Resolution To Special Assessment Rates And Charges For The 2008 Tax Year.

[Reading From Agenda]

.

Chairman Judah: Any Questions?
We'll Take Public Comment.

Actually Lindsey Do You Want To Comment Or Do You Have Any Questions?
This Had A Very Stable Structure In The County Because Of A Program That Provides Adequate Disposal Of Solid Waste And The Rates Have Hardly Changed In The Last 10 Years.

Anyone From The Public Wish To Comment?
Seeing None.

Back To The Board.

Motion By Commissioner Hall.

Seconded By Commissioner Janes.

Comm. Mann: Are Any Of These Being Increased Substantially?
Thank You.

For The Reported My Name Is Lindsey Sampson Publics Division.

The Residential Rates For 2009 Are Being Proposed To Be The Same As This Year.

There Are -- One Area Boca Grand Will Go Up 17 Cents And Other Areas Will Be Decreased By As Much As \$1.50.

In Essence To Residential Rates They Essentially Stay The Same For Next Year Under This Proposal As They Are Currently.

Comm. Mann: Okay.

Thank You.

Chairman Judah: You Can Live With That?
Comm. Mann: It Would Be A Tough Place To Live.

Chairman Judah: Any Member From The Public Wish To Comment?

Seeing None.

We're Back To The Board.

I Believe We Did Have A Motion And A Second.

Any Objection?

Motion Passes.

Item 3.

The Water Safety Ordinance.

I'm The Assistant County Attorney.

The Next Item Is The Water Safety Ordinance.

I Had The Opportunity To Review The Notice Of Intent That Was Published In The June 13, 2008 Edition Of The Fort Myers News Press And It Is Legally Efficient To Conduct This Public Hearing Tonight.

I Will Be Available For Any Legal Questions Following Public Comment For Staff Presentation.

Chairman Judah: I Just Want To Thank You For Reinstating The Language Of Personal Water Craft So We Can Provide Regulation Of Personal Water Craft In The County.

That Change Has Been Made And Reinserted Back In The Order.

Anyone From The Public Wish To Comment?

Seeing None.

Back To The Board.

Comm. Hall: Thank You.

Under The Slow Speed Area And I Think You Answered This Question For Me.

We Took Some Language Out And We Had Language Identifying Certain Areas Where We Have Boat Ramps For The Publics And Things.

Will This Create Additional Slow Speeds That We Have Out There Now?
Just By Enacting The Ordinance It's Not Going To Put In Any New Speed Zones.

It Will Give Us The Ability To Come Back And Visit Boating Safety Hazard Areas That We Could Not Previous Will I Have Addressed.

Comm. Hall: The Reason I Raise This Concern Is That While We Were Building At Super Speed And Taking Advantage Of Putting Up Marinas And Boating Facilities And

Condominiums And All Of These Things, There Have Been People Who Have Come In And Asked For Slow Speeds In Front Of Their Facilities To Take Advantage Of The Higher Pricing At The Outer Boating Limits.

I Want To Truly Look At These As Whether It's A Safety Issue Or Financial Benefit To The Property Owner Because It Has Been Asked And I Want To Make Sure We're Not Creating An Unintended Consequence.

We're Conscious About Doing Right With The Environment With Our River And The Property Owners Along These Areas.

There Has To Be A Balance.

I Think Every One Of Us Are Avid Boaters On The River.

I Want To Maintain That Balance.

Any Additional Zones Will Come Back To The Board So We Can See The Addition Of Any Slow Speed Zones.

Chairman Judah: I Think I Did Ask For Public Comment.

Motion By Commissioner Hall.

Do We Have A Second?
Second By Commissioner Mann.

Anyone Wish To Comment?
No.

Any Objection?
No Objection, Motion Passes.

Now We Need To Go To The Actual Charter Amendment.

Comm. Hall: There's Several People Here That Want To Talk About Different Items.

Can We Deal With These Items On The Agenda And Then Take Other Items That People Want To Discuss In Different Context?
Chairman Judah: We Can.

We'll Go To Item Number 5.

Now, We Need To Go On To -- Yeah, Items Number 4 And 5.

And So The 4th One.

Does Anyone Need To Get Anything On The Record.

Is This A Continuation From Last Week's Public Hearing Regarding Two Charter Amendments?

This Is Carry Over That Items 4 And 5 For Clarification For The Record.

Chairman Judah: Okay.

Chairman Can I Ask You A Question?

Chairman Judah: Please.

This Is Adopting Referendum To Move To The Ballot The Supervisor Of Election Being A Nonpartisan Position And The Commission, The Charter Review Commission Being A Commission With Its Own Authority Based On The Recommendations And Being Reviewed Every Eight Years Versus Four Years, Is That Correct?

That Is Correct.

If You Want To Have A Review Of The Items That Are Going Before The Board In Particular For Commissioner Janes, If You Would Like.

Chairman Judah: The First One We'll Have Before Us Is The Charter Amendment Ballot Questions For The Voters Pertaining To The Charter Commission Being Able To Go To Referendum?

We'll Go Over That One First And Bypass The Board Of County Commissioners.

We'll Take The Public Comment On That Particular Proposed Amendment.

On That Particular Item We'll Take Public Comment.

I Do Apologize To Those That Want To Speak On That.

I Assume I Can Make Comments On Other Parts Also When It Comes Up?

Chairman Judah: Oh, Yes.

Once Again For The Record, Kevin Shay.

Distinguished Manager, Ladies And Gentlemen.

I Proposed A Legal Draft Of A Charter Review Commission Proposal That Provides For A 15 Member Commission, Three Appointees To Be Dominated As A Charter Review Commission With Its First Meeting In 2012 Election Cycle And Eight Years There After.

It Would Be A Motion And Of The Proposal Substitution Of The Proposal.

It Is A Clean Version Of A Straight Charter Review Commission With A Straight Po Postal -- Proposal.

It Would Preserve The County Commission's Authority To Propose Amendments From Time To Time In General Elections.

It Also In No Way Affects The Alternative Measure Of Petition For Charter Review And

Revision.

It Is A Straight Forward Proposal Mirroring The Language Already Previously Drafted By The County Attorney.

There's No Other Additions.

It's Just Straight Forward With The Commission Expiring If They Don't Propose Anything Within 120 Days, The Election Just Automatically Dissolves.

So If It's Your Desire To Have A Three-System Petition Charter Review Emission, This Preserves A Straight Forward Approach To This Issue.

And I Ask For Your Serious Consideration Rather Than The Current Proposal Which Is A Confusion Of Saying It's Part Of A Charter Review Commission And In Part A Charter Review Committee.

I Think It's A Mixed And Confused Way And I Think Analytical Analysis Your Preserved With Your County Commission Right So Therefore You Have Three Clean Separate Ways For Amendment Procedures.

Thank You, Kevin.

Anyone Else Wish To Comment?
Good Evening Brian.

Good Evening Commissioners.

Brian Griffin.

Public Speaking 101 Underlines One Of The Most Important Things A Public Speaker Can Do Is To Start His Presentation With A Little Bit Of Lightness And Comedy.

The Constitution Of The State Of Florida Says That The County Commissioners Are Part-Time Employees And I'm Sure At The End Of The Day Like Today You'd Like To Do Something About That Constitution A, B, I Hope You Have A Very Good Vacation.

This Has Been A Long Road For Me Back To The 80's.

The Issues Concerning From Change From A Committee To A Commission, It's In Your Hands Whether You Do It Or Not, However, I Would Like To Ask That We Laser Out Which County Attorney Says We Can't Amend Change That Back To The Original Four Years As Opposed To Every Agent Years Meeting Where An Economic Flows Of A Recession, I Would Like To See It Every Four Years.

Leave It There And Maybe Four Years From Now Consider Going To Eight Years.

The County Executives, Elected Officials In 1996 Said The Charter Is For The People.

It's To Bring Our County Constitution Closer To The People.

I Think You're Accepting This Change From Committee To Commission Would Be The First Step And I'm Hoping Every Four Years I Could Come Back Up And Cut A Little More Piece Out Of It.

Chairman Judah: Thank You, Brian.

Anyone Else From The Public Wish To Comment?

Matt Or Pete?

Mat, Good Evening.

Good Evening.

Matthew Caldwell For The Record.

I Had The Pleasure -- Maybe Not As Funny.

I Had The Pleasure Of Attending The Governor's Press Conference With The U.S.

Sale Of Sugar Property In The State And While There's A Number Of Issues To Be Wrestled Out, That Does Offer Us A Light To The End Of The Tunnel For A Lot Of The Problems We've Been Dealing With In Southwest Florida.

The Issue Of Changing From The Committee To A Commission Has Been Brought Up Numerous Times In The Previous Charter Review Committees.

We Are Unique As We Covered In The Previous Public Hearing In The State With The Mandate That We Must Have 10 Of The 15 Members To Pass Anything With This Board And The Board Must Be The Final Authority To Passing Any Amendments To The Ballot.

In Our Discussions And Negotiations To Find Out What Would Be The Most Reflective Of The Will Of The Public And Clearly What This Board, At Least In Previous Iterations, Wanted As Some Kind Of Control We Proposed This Amendment Modeled After The Current Rye View Committees For The State Constitutions, Simply The Budget And State Tax Committee This Year Whereby 9 Of The 15 Members Would Need To Approve.

If Any Issue Was Able To Go 12 To The 15, It Would Go Directly To The Ballot.

That Would Be Very, Very Few Issues That Would Get 12 Of The 15 Members To Agree.

If You Could Get An Issue That All 12 Members Agreed On It Needed To Go To The Ballot And Not Go To The Public Hearing Process.

I Continue You To Approve This Proposed Amendment And I Thank You For Your Time.

Chairman Judah: Thank You, Matt.

Mr. Chairman, Members Of The Board, I'm Here As The Chairman Of The Charter Review

Community And Asking You To Implement What The Charter Review Has Produced Over A Period Of About 15 Months.

I Think That What We Have Before You Is A Compromise And The Compromise Was Fashioned By The Committee And Was Approved Unanimously By The Committee In Order To Try To Get The Process By The Majority Of The Members Of This Committee To Approve.

And Given The Past Record Of The Board Of County Commissioners In Rejecting Recommendations Of The Charter Review Committee We Felt We'll Take This Process Slowly And Offer You A Compromise Rather Than Say Change It To A Commission As Mr. Shay Has Recommended To You.

I Believe It's A Good Sound Proposal And I Believe That The Fact That 15 Members Of Your Committee Recommended It To You Unanimously Ought To Bear Some Weight In That Regard.

The Other Change In There Having To Do With The Four To Eight Years Is Also An Important Change And It's Based Upon Our Perception Of The History Of This Charter Which Only Goes Back 12 Years.

We've Gone Through 12 Years And There Hasn't Been A Lot Of Change In The Charter And Our Perception Was The Four Years Was Probably In There For A While In Order To Allow The Changes That Needed To Be Changed Because It Was A Starter Charter To Begin With.

We Think We Passed That Point.

That A Charter Being So Fundamental To The Governance Of This County That It Ought Not To Be Changed Willy Nilly Every Time You Turn Around.

So That's Why We As A Package Put That In There.

If We Didn't Have The Change To The Limited Structure We Wouldn't Have Put The Eight Years In There.

But The Combination Was Appropriate.

I Urge You To Pay Attention And To Support The Unanimous Decision Of Your Committee.

Thank You Very Much.

Chairman Judah: Thank You, Don.

Kim And Also Carl To Speak On This Particular Amendment?

Good Evening Chairman And Commissioners And Good To See Bob Janes Back.

I Would Like To Say That Being Around Government For Many, Many Years I Think This Is The Step For Democracy.

That The People Will Have A Chance To Say Something And Get It On The Ballot To See If

The Charter Can Be Changed.

I Think Democracy Is Important.

We Need Choices And Here We All Have Choices.

And It Was A 15-0 Vote And Everyone Was In Favor Of It And The Last Thing Is We Need Choices.

Here's A Chance For The People To Change Their Charter Without Going Through The Commission, But There's A Blank Check And Balance And You Need 12 Out Of 15 People And It Was Hard To Get 12 Out Of 15 People On Anything.

So This Was A Good Check And Balance And I'd Like You To Consider It.

As For The Eight Years, I Don't Care Either Way, But Four Years Might Be Better.

Thank You.

Chairman Judah: Thank You, Carl.

Kim?

Good Evening, Kim.

I'm Confused.

If I Speak Now I Can Speak Again?

Chairman Judah: Yes, You Can.

Are We Going To Cover Single Districts?

Chairman Judah: Yes.

Okay.

The Committee Of Charters Is The Most Fundamental Change That Needs To Happen.

The Reason Nothing Has Really Changed In The Last 12 Years Is Because Committee Has No Authority To Put Anything On The Ballot.

We Have Other Methods, Petitioning, That Is Something That Is Completely Unrealistic.

In Order To Get 20,000 Signatures, And I Don't Know If Any Of You Have Done The Petitioning.

It's Brutal.

A Single Page For Every Signature.

Even If You Have Boxes And Boxes And Stacks Of Paper, You Can't Put More Than One

Name On A Piece Of Paper.

So You Need Twice As Many Signatures That You Need In Order To Have The Valid Number And People That Pay -- Like At The State Level, They Pay Professionals To Get The Signatures And They Used To Pay \$1 To \$2 Per Signature.

It Would Cost Somewhere Between \$40,000 And \$80,000.

If Anyone Has That Kind Of Money To Put Something On The Ballot And Maybe Have It Voted Off, They Would Be Better To Run For Office.

That Method I Don't Think Will Ever Be Used So We Might As Well Throw It In The Trash Can.

But This Charter Commission Thing I'm All For It.

I'd Like To See It Every Two Years.

I'd Live With Four.

A Lot Can Happen In Eight Years.

Look What Happened In This Country In The Last Eight Years.

And In The Real Estate Market.

Things Change Faster Than That.

I'd Like The Four Years To Be Made If You're Considering This.

Thank You.

Chairman Judah: Thank You, Kim.

Anyone Else Wish To Comment?

Back To The Board Then.

Comm. Hall: I'm Going To Make A Motion That We Move Forward With The Charter Committee Recommendation For A Charter Amendment Regarding The Charter Review Committee Being A Commission As Stated By The Charter Review Committee.

Chairman Judah: Okay.

Motioned By Commissioner Hall.

Second The By Commissioner Mann.

Comm. Hall: .

This Is The First Time I'd Had A Chance To Work With The Charter Review Committee.

I Value The Input That You Have And Understanding That Issues That You Bring Forward To Us That Are Unanimous I Would Not In Good Conscience Be Able To Not Support Any Referendum That You're Bringing To Us And I Feel Strongly That The People Will Speak As To How They Want To Interpret This Referendum And How They Will Move Forward With It.

I Do Appreciate The Hours.

This Was 15 Months Of Deliberations With Several Public Meetings, Hearings And In Addition To All Of Your Meetings Being Public.

So I Certainly Appreciate Those Not On The Committee.

I Know Several Of You Did Attend The Charter Review Committee Meetings.

And I Want To Thank You.

Chairman Judah: Any Further Statements By The Board Members?

Comm. Mann: It's A Lot Of Time Devoted To A Subject That Very Few People Really Understand.

I Know It Is The People's Document As Their Charter.

You Did A Thankless Job So Being Thanked By Us Up Here One More Time.

I'm Grateful For Your Willingness.

I Think It Was An Outstanding Collection Of Your Citizens That Made Up That Review Commission.

One Last Thank You.

I Will Say That I Had Stated In Our Last Meeting That I Was Going To Support You On Both Of These Issues Putting Them On The Ballot This Time.

The Only Thing I Have Is I Was Leaning Toward Four Years Rather Than Making This An Eight Year Stay.

I Appreciate Your Comments Because Apparently You Talked About It At Some Length.

I Concluded Just Now That Its If The Issue Of Whether We Needed To Make Changes Was All That Important, And We Had Prohibited The Citizens From Opting For That, I Think They Probably Would Have Taken Advantage Of That 7% Referendum Requirement To Get Out There And Do It If They Were So Upset With It.

So I'm Saying That We've Had Time Now For 15, 18 Years Or So.

It Seems To Be Working And The Citizens Seem For The Most Part Comfortable With The

Ways Things Are Going.

I Think These Suggested Changes Are Fine And I Think We Can Live Another Eight Years Before We Can Review It Again.

If It's Something That Does Come Up In This Area That We Live In That Requires Us To Look At It Again We've Got That Citizens Petition Available To Us If We Want To Adopt That?

I'm Comfortable With This And Seconding The Motion And I Hope It Passes.

Chairman Judah: Any Further Questions?

This Would Be 2016, Right?

That Is Correct, Commissioner.

Comm. Mann: That Seems Like A Long Time From Now.

I'd Prefer More Frequent Review Of The Government By Straight Commission, To Be Honest With You.

But I Think This Will Probably Pass As Proposed Or Motioned And Seconded And I Would Like To Thank The Committee For All The Work That You've Done.

Not Just To Figure Out What's Possible For This Body.

Well, Let Me Restate That.

You Had To Figure Us Out To Know What Would Probably Pass And You Did A Lot Of Analysis As I Understand What Kind Of Hard Work You Had To Do And I Appreciate You Coming Up With A Hybrid That Looks Like It Can Pass.

To My Fellow Board Members, I Would Prefer To Do It Every Four Years.

Or Would Second The Proposed Amendment That Commissioner Mann Might Have Been Making To Do It Every Four Years.

Take With It What You Will.

Chairman Judah: We Have A Motion And A Second.

Comm. Hall: I Need To Do A Voice Vote When You're Ready

Chairman Judah: Okay.

Sure.

Comm. Bigelow:

Comm. Mann: Commissioner Hall, Commissioner Janes.

Chairman Judah: Okay The Next Is Making A Supervisor A Nonpartisan Position.

Anyone Wish To Comment On That?
I Really Like Brian's Humor.

I've Found The Hard Way That When I Try To Tell Jokes They Fall Flat But I Say Things That People Think Are Funny.

See Like Right Now I Don't Know What They're Going To Be, But I'll Go With That.

The Nonpartisan Thing, For Me Which Is More Important The Single District Or The Nonpartisan Thing.

I Would Like To See Both, But If I Had To Choose One It Would Be Like Choosing Between Your Two Children.

The Nonpartisan Thing Is So Part Because As I Talked About Last Week I Don't Know How Many Of The Current Board Members Sitting In Front Of Me Are Really Republicans Or Really Democrats Or Somewhere In Between Because We All Know That We Have To Say We're Republican To Win An Office To Vote In An Election And That Shows Me That The System Is Badly Broken.

I Don't Know If It Was Any Better 30 Years Ago When You Had To Be A Democrat To Run.

I Don't Know How Many Were Just Saying They Were Democrats To Get Elected.

And When Any County Or State Becomes Dominated By One Party, It's Bad Enough That Our Country Is Dominated By Two Parties, But When You Reduce That To One It Looks Like Korea Or Zimbabwe Where There's An Election With One Name On The Ballot.

I'd Like To See All County Offices, Nonpartisan.

I'd Like To See State And National Offices Nonpartisan.

I Think That's What Will Probably Happen In The Distant Future.

Because As The Two Parties That Have Dominated Our Country, Going Back To Abraham Lincoln There Were Five Strong Political Parties Virtually Equal, And Then There's Only Two And Those Two Have Made So Many Rules That No Other Party Can Really Challenge Them.

So We're Not Going To See Real Competition Until Those Two Parties Somehow Are Shackled.

In My Opinion All We Have To Do Is Eliminate The Name On The Ballot Because You Can't Eliminate A Party Or A Philosophy, But What You Can Do Is Say You Can't Be On The Ballot.

So When Someone Walks Into The Voting Booth They Have To Know Who That Person Is Or What They Stand For Instead Of Just An R Or A D In Front Of Their Name.

I Strongly Urge You To Go With The Nonpartisan Supervisor And I'd Like To See In The

Future Open That Up To More Offices.

Thank You.

Chairman Judah: Thank You, Ken.

Carl?

I Think It's A Step In The Right Direction.

I Hope All Offices Will Become Nonpartisan In The Future.

Thank You.

Chairman Judah: Thank You.

Kevin, Followed By Brian.

Kevin Shay Again For The Record.

Mr. Chairman, Commissioners, Distinguished Council, Ladies And Gentlemen, To Take A Review Of History I Think It Is Essential For The Democracy That There Be Vigorous Political Parties Where People Can Coalesce Around Specific Issues, Beliefs And Philosophies Of Governments And Mobilize Their Fellow Citizens For Constructive Action To Bring About A More Perfect Union.

The Particular Problems That May Have Been Experienced In Lee County And Its History I Think If The Loyal Opposition, The Democrats, Will Get Themselves Organized In A General Grassroots Effort And Probably Restrain From Some More Radical Social Positions Nationally, I Think They Would Stand A Greater Chance Of Winning The Broad Base Support Of The People.

I Do Support Having A Nonpartisan Supervisor Of Elections.

I Think Ensure A Sense Of Fundamental Integrity And Credibility To Our Election Process And Because It Is Essentially An Administrative Position, I Strongly Support That.

And I Strongly Oppose The Idea The Appointment Of Any Commission.

I Think One Or Two Counties The Supervisor Is Appointed By The Commission.

However, I Am Opposed To The Other Constitutional Officers Being Nonpartisan.

I Think We Have A Very Wonderful System Of Checks And Balances, Especially In The Courts Where You People Might Appropriate Money, But Somebody Is Auditing And Keeping Track Of.

Same Way With Property Appraisers, Tax Collectors.

We Don't Allow People To Spend The Money, Audit The Money, And I Think We Need This

System Of Checks And Balances To Keep Government Honest However Difficult That May Be.

Thank You Again.

Chairman Judah: Thank You, Kevin.

Good Afternoon.

Brian Griffin.

I Had The Opportunity To Talk To Sharon Harrington On This Issue.

It's Not An Issue To Them.

You Have All Dealt With Their Office.

You Can't Find A Finer Bunch Of People Than The Folks That Work Down At The Elections Office.

At One Time There Were People That Were Afraid Of Computers, Were Accusing Of Manipulating Numbers, That Office Has Always Been Above Reproach.

I'm Very Pleased To See Democracy Work.

The Issue On Four Years, Eight Years Was Personal.

I Wanted To Be Able To Come Back In Four Years.

I May Need To Move To Georgia If I Can't Come Back Here Any More.

But It's Good To See The Democracy Work.

People Get Confused In The Voter's Booth.

People Go In And Vote For The President Of The United States And Vote For The Other Offices And They're Going To Get To The Charter Amendments And Committee Versus Commission.

A, Many Of Them Don't Know What The Charter Is.

I Would Ask County Administration, County Management, We Have To Really Educate The Public This Time Around What This Amendment Means So That They Will Vote.

I Have Headed Up The Pack -- Pact And Formed The Trauma Advisory Committee.

We Have To Educate The Public.

I'm Hoping You Commit What Resources You Need And Staff You Need To Make The Voters

Aware Of The Issues.

Chairman Judah: Thank You, Brian.

Yes, Sir.

Hello.

I'd Like To Address The Election Person.

Right Now It's A Political Position And Whenever You Make Nonpartisan It's Still A Political Position.

Nonpartisan Race In This County Is Almost A Farce, So It Would Still Be A Political Position.

If We Were To Change That Position I Would Be More In Favor Of Hiring Somebody With Qualifications That Is Hired By The County Commissioners Or By The State To Run That Office So That It Would Not Be Influenced By Any Party.

Right Now When It's Set Up As A Political Party It Does Have Influences Because People Have To Run For That Office To Get Elected And They Have To Spend Money.

As Far As Political Parties Go And This Goes, Unfortunately In This County It Seems To Be Ran On Personalities Instead Of The Principles Of The Parties.

The Principles Of The Parties Is What Has To Count In This County And Because Of That We Are Running Into Problems With Voters.

This County Should Be Absolutely Ashamed On The Voter Turnout And Precincts.

These People Are Completely Disgusted With The Government And They Want To Have An Input.

Everything That We See, Even Tonight, We See Things Put In The Way Of The Public Unable To Participate With Their Government.

I've Never Lived In A State Where They Have Rules And Regulations That Stop People From Voting.

Every Time I Turn Around There's Some Kind Of Thing Put In The Way For Citizens To Be Able To Participate In Their Government, So They Say Why Even Vote?
You Have To Be Careful When You Start Changing These Offices To Nonpartisans And Take The Principles Of The Parties Away From That Office.

Thank You.

Chairman Judah: Anyone Else From The Public Wish To Comment?
Matthew Caldwell Again.

I Was In The Minority Of The 12-3 Vote On This Issue.

It Came Down For Me That This Is The Wrong Reaction To A Problem That Does Exist.

The System Is Broken.

The Primary System That Funds At The Tax Payers Expense Is Unfair And It Institutionalizes.

My Clugs Would Be Encouraging The Parties To Fund Their Own Caucuses.

That Would Solve This Problem Of Signing Up For Which Ever And Whatever Party Is Most In Control In Certain Location.

This Move To Nonpartisan Is Just Attempting To Go Around The Issue.

In Reality Both Parties Hold Influence In Our Nonpartisan Elections And We Know That.

All It's Done Is Make That Support Move Into The Shadows More.

You Know, The Parties That Have Been Mentioned Should Stand For Something And They Should Stand For Something And It Is Important That We Continue To Allow People To Affiliate Themselves With One Or The Other.

The Reason We Elect These Constitutional Offices Is To Ensure These People Will Do A Good Job Maintaining Records Regarding How They Spend The Money And Spending The Money In The Wisest Way Possible.

These Executive Offices, Executive Branches Of The Government.

I'll Wrap Up By Saying I Don Think That This Is A Positive Step Forward.

It's The Wrong Solution To A Problem We Can All Agree Upon That Needs A Different Solution Than This.

Thank You Very Much.

Chairman Judah: Thank You, Matt.

Don?

I'm Here To Urge You To Adopt The Recommendation Of The Committee.

Two Points.

As We Got Into The Deliberation On This Matter We Noted First Of All That All Municipal Elections Are Nonpartisan In Florida And The Same Philosophy That Local Government And The Issues That You Deal With And Things Like That Ought Not To Be Partisan And There's A Lot Of Belief On That.

And I Think On The Committee I Thought That We Would Be Recommending Far More Nonpartisan Elections Than What We Are.

And When It Came Down To It Having 10 Votes Out Of 15 Minimizes What Is Recommended To The Board.

The Point I Want To Make About This Is That This Kind Of Change, Changes The Electorate That Actually Votes On It And Approves And Selects This Officer Because It's In The General Election That Your Nonpartisan Elections Are Finally Determined And Not In A Primary Election Where Maybe 30% To 40% Of The Electorate Is Involved.

You're Changing -- You're Getting A Lot More People To Have The Opportunity To Vote For The Supervisor Of Election In This Process.

And I Think Many Of Us On The Committee And 12 Did Support This Proposal And I Think Some Others That Didn't Support It Didn't Because They Wanted The Other Proposal To Pass.

They Thought If We Offered You Two Things You Might Take One And Forget About The Other.

That Was Part Of The Discussion.

I'm Pleased That You Already Adopted What Everyone On The Committee Believes Is The Most Important, But That Doesn't Mean That This Isn't Important Too For The Reason I Stated.

Thank You Very Much.

Chairman Judah: Thank You, Don.

Anyone Else Wish To Comment To Make The Supervisor Election Nonpartisan?
Comm. Hall: I Move To Move To The Ballot A Supervisor Election To Be A Nonpartisan.

Chairman Judah: Commissioner Mann?
Comm. Mann: I Was Moved By Your Comments.

I Recall The Quote And It Seems Like A Good Time To Mention It From Will Rogers Who Said, I Am Not A Member Of Any Organized Political Party.

I Am A Democrat.

You Can Use That Perhaps At Your Next One.

It Didn't Go Over All That Well This Time Either.

I Support The Motion.

Chairman Judah: Commissioner Hall?

Comm. Hall: I'm Not Good At Humor.

It Comes Out Wrong And People Laugh.

I Want To Thank The Committee For The Deliberations And I Wanted To Comment Also That Because We Don't Have Charter Reviews Does Not Mean That This Commission Feels Or There's A Consensus From The Public That We Need A Dialogue To Go On A Referendum For A Public Vote.

We Can Do That Any Time Between Charter Amendments.

This Is Not The Only Time That This Commission Can Consider Charter Amendments.

We Have That Ability To Do That At Any Given Time.

I Don't Want Anyone Leaving Here Thinking We Will Never Be Able To Discuss The Charter For Eight Years.

That's Not The Case.

I Wanted To Remind Us All Of That.

Chairman Judah: Any Further Questions?

Commissioner Mann?

Comm. Mann: That Pretty Much Was The Question I Asked At Our Last Meeting.

Comm. Hall: Why Don't We Go Through The Public Process.

Comm. Mann: Can We Initiate It By Ourselves?

Comm. Hall: We Can Initiate A Charter Amendment And Go Through The Public Hearing Process Of Public Being Engaged In The Discussion Of That Amendment.

We Can Do That Any Time.

Our Charter Allows Us To Do That Any Time.

But We Can At This Point Add To The Charter Review Committee Outside Of The Things They Discussed Even If They Haven't Recommended Something And We're On A Time Sensitive Date Here To Move Forward And Pass Any Referendums We Want To Put On The Ballot In November.

That Was Our Challenge When You Were Asking Specifics Can You Change This, His Comment Was No, Because It Wasn't In A Public Process.

That Doesn't Preclude Us From Calling A Special Election Or Going On A Regular Election Cycle As Long As We Follow The Public Process Necessary.

Comm. Mann: I Thank You For That Clarification Because I Left Here With A Different Understanding.

But We're Not Suggesting Any Changes Tonight On Our Own Any Way.

Chairman Judah: Any Further Discussion?

Commissioner Bigelow?

Comm. Bigelow: I Could Go Much Further And Would Like To See The Executive Officers And I Don't -- Matt And I See Differently His Ideas, But It Seems To Me That The Constitutional Officers Of All County Wide Elected Officials Are The Least Susceptible Or Should Be Least Susceptible To Party Politics.

So I Can Go Further, But We'll Pass What We Can And Owe It To The Committee For Trying To Present Something That Had A Chance In Passing.

I Guess I Would Like To Enter This A Little Bit As Far As The Discussion About What We Can And Can't Discuss And Maybe We'll Hear From Andrew Fraser.

We Can Continue What Went To Public Hearing, If I Read --

Comm. Hall: I Didn't Disagree With That.

Comm. Mann: Anything They Talked About We Can Talk About At This Time.

Chairman Judah: Right Now We're Talk Being The Election Supervisor Being Nonpartisan.

I Don't Think We Have An Agreement About That.

Chairman Judah: Hear No Objection, Motion Passes.

Comm. Hall: I Have To Do The Voices.

Commissioner Bigelow

Comm. Bigelow: Yes.

Commissioner Mann

Comm. Mann: Yes.

Commission Judah.

Chairman Judah: Yes.

Commissioner Janes.

Comm. Janes: Yes.

Chairman Judah: We're Going To Go Over The Issues Recommended To The Committee And I Suspect There's One Issue That Other Members Of The Community Would Like To Discuss.

Let Me Call The Cards, First.

John Glaser?
Chairman, Commissioners.

It's John Glaser.

As A Resident Of Lee County.

I'm The Democrat Candidate For Property Appraiser This Year.

In Reference To Something That They Said Earlier About Parties, Obviously I'm A Democrat And I'm Running This Year.

So I May Be The Only One Out There But As I Said Before And Commissioner Janes When He Was Out Recuperating, I'm Glad To See Him Feeling Better Today From This Morning And This Evening.

But I Did The Petition Process And I Talked To Several Thousand People.

And Out Of Those Thousand People The Majority Of Which Oddly Enough That Signed My Petitions Were Republicans.

In Doing The Process And Talking To Those People Out In The Parking Lots And In Front Of Stores And Interrupting Their Day And It Was My Agenda, Not Theirs, Obviously I Was The Stranger Approaching Them.

They Spoke To Me Very Openly And They Feel Point Blank That It's Not That They're Not Being Represented By You Folks Well In Their Minds, What It Is They Don't Believe They're Getting The Representation From Their Areas.

That They Feel If They're Living In Alva They May Have Frank Mann, But They May Not Have A Tammy Hall.

In Any Way Shape Or Form That Somebody That's In Bonita Perhaps Does Not Feel That Bob Janes Is Representing Them.

Even Though We Do Have County-Wide Issues, We Do Have Neighborhoods And Neighborhood Issues.

That's What I Heard Over And Over And Over Again In Talking To Voters Of Lee County Is That They're Looking For Representation Concerning The Issues In Their Neighborhoods I Would Think That Sanibel Has Different Issues Than Lehigh Acres Or Cape Coral.

In That Sense I Am For A Single District Voting And I Would Hope That You Would Consider That From That Issue.

Thank You Very Much.

Chairman Judah: Thank You, John.

John Lewis Patterson.

Good Evening, John.

My Point Of View Is Much Like John's, But I Have Another Point Of View That I Would Like To Ask You To Consider.

That Is I Think It Takes You To Represent All Of Us And I Do Not Feel The Minorities Are Getting Proper Representation And I Do Not Feel From Choosing Their Own Leader, No Reflection On You, Frank, But I Don't Feel That This Is A Fair System At Large.

People Want The Choices.

I Think In Essence They're Saying They Want To Elect Theirs And Elect Mine Too.

I Want To Elect My Own.

Thank You Very Much.

Chairman Judah: Thank You, Joan.

Willy Green?

Good Evening Mr. Greene.

Good Evening.

I Reiterate What I Said Here Last Week Is That I Believe, Or I Know That The Big Less Slate Tours When They -- Legislatures Decided That Southwest Florida Counties Must Have Had A Lot In Common.

I Can Find No Reason Other Than The Original Change From Single Member District To At Large Was According To What I've Heard In History To Make Certain That Minorities In Lee County Did Not Excel In The Political Arena.

I Tend To Believe That To Be The Case In A Small Number Of Peoples.

Our County To The South And Collier County Being Single Member District.

There's Something Wrong With The Thought Process And It Has To Be The Only Thing I Can Think Of And Maybe It's Because I Happen To Be A Minority, But It May Not Be, But It Dilutes The Voting Power And I Stand On The Ground That I Believe It Does Not Guarantee That We Will Get Representation By A Minority But It Does Make It Financially Less Burdened And Then We Will Get Candidates.

If The Qualified Candidates Run You Will Possibly Get Elected.

But The First Qualification Is Getting The Money And There's No Doubt In My Mind That The Average Income Of A Minority Household Is Far Less Than The Other Majority.

So They're Far Less Likely -- Anyone Will Tell You It Is Harder For Minorities.

I Have Encountered That Myself.

I Happen To Be A Little Better Off Than Most Because I Happen To Have Some Funds Available To Me, But I Believe It Is Not So Much Of What Is Politically Correct Than Whether It's Right Or Wrong.

I Believe You Will Do The Right Thing.

Especially When It Comes To Being The Guardians Of Our Purse.

If You Don't Do It You Will Eventually Do What Glad County Did.

Thank You Very Much.

Chairman Judah: Councilman Lavon Sims?
Good Evening.

Basically I Don't Think I'd Be Standing Here If We Didn't Have Single Member Districts.

What We Need To Look At Is Accountability.

If You As Any Citizen Would Just Get In Your Car And You Begin To Ride Going That Way, Going East, You Will Become Depressed.

And What I'm Saying Here Is We Are Talking About Years And Years And Years Of Neglect.

The Difference Is We Need Somebody That Doesn't Need Accountability.

I Don't Think The People Living In Cape Coral Know What's Happening Here.

I Believe That We Should Have Single Member Districts.

Thank You.

Chairman Judah: Thank You, Councilman.

Carl Will Be Followed By Steve Maxwell.

Good Evening.

My Name Is Carl.

This Is The Issue I Was -- I Already Came To Watch.

It's Funny How I Got Involved.

I Was Listening To A Candidate And I Said There's A Meeting Tomorrow Night -- That Said There's Meeting Tomorrow Night.

I Said What Meeting.

She Said A Committee Meeting For The Charter So I Went.

I Talked To David Owen After The Meeting And They Said Sure You Can Be Put On The Committee.

So On The 27th Of May I Got On The Committee.

So The County Sent Me Over 1,000 Pages On What They Had Done In The Last 18 Months And I Took Six Hours Reviewing That And It Was A Pleasure Of All The Research That Went Into So Many Of These People That Were On The Committee.

I Really Felt They Did An Excellent Job.

I Won't Name Them, But It Was A Good Two-Thirds Of Them That Really Researched This.

But Getting To The Issue At Hand, I Think We Need Choices.

We Have Choices Now That You Put The Two Choices On The Ballot.

We Have More Choices That We Can Elect People Through Nonpartisanship And More Choices That We Can Put Something Directly On The Ballot To The People And Not Before You People.

This Makes Sense To Me.

I Want More Choices.

I Want At Large Districts.

That Will Give Me More Choices.

If I Have To Vote For Say The -- In The Cape Coral District, What Am I Going To Get? Somebody That's Interested In Cape Coral? Well, I'm Interested In The Ramifications Of The County.

Especially, You Know, I Am Not A Member Of The -- I Am A Member Of The Responsible Growth Management Coalition That Approved At Large Elections Unanimously.

I Am A Member Of The Cr Club.

We Had 9-1 At Favor To At Large Districts.

Because As A Tree Hugger, And You Better Hug Your Tree Because With Global Warming You're Going To Need Them.

So I Say To You Finish Up, Without Five Choices I Can't Get A Green Commission And As Far As As Minorities Get In, When They Get 51% Of Their District, Then They Can Sue, But Not Until Then.

Is The Way I Heard It From A County Official.

Chairman Judah: Thank You, Carl.

Steve Maxwell?
Good Evening.

My Name Is Steve Maxwell For The Record.

This Evening You Had The Opportunity To Provide, I Think, A Win, Win For Both Sides Of This Issue.

And I'll Tell You How To Do That In The End.

In The Meantime I Need To Provide You With Research.

My Job Is A Professional Educate For -- Educator That's Been Teaching In This County In American Government.

It Is My Duty As It Is Your Duty To Make Sure You Get The Unbiased Facts.

If You Go On Google You Could Google Single Member Districts Versus County At Large Districts And You'll Come Up With Plenty Of Information.

There's No One Type Of Government Is More Ethical Or Efficient Or More Economical.

Those Are Facts.

You Can't Dispute Facts.

That's The Bottom Line.

The Second Is If You Read The Fair Vote, The Center For Voting And Democracy Which You Can Get On The Website As I Just Indicated, It Says The Problem With Single Member Districts Are They Impose Geography As The Primary Factor Of Representation.

The Other Point To That Is If In Fact You're Trying To See A Single Member District Historically In This Country It Is For Those That Made Up A Majority Of A Minority Group Within That District.

We Do Not Have Those Facts Yet.

They Have Never Been Articulated.

I've Sat On Two Charter Committees That Have Wrestled With This Issue.

So Again, We Do Not Have Definite Facts.

We Had A Speaker Come Up And Discuss That We Have X Amount Of Counties Within This -
- What Is Generally Known As The Judicial Circuit.

Talked About Gladiolus County Glades County.

There Was A Story Put Out On The 17th Of June.

That Particular Case Dealing With Glades County Has Been Handled.

They're Going To Look At More Haven.

Let's Get With The Solution.

I Would Say Defer This Issue Since The Honorable Hall Made A Point Saying We Don't
Necessarily Have To Wait Eight Years.

The County Commission Has The Right To Put Something On The Ballot If It's A Year From
Now, Two Years From Now.

I Teach My Students Vote, Voice, Opportunity, Time.

Voting Takes Away Tyranny.

I Want To Be Able To Vote For Five People.

Not One.

Now, That's My Personal View.

But What The County Decides, The Electorate Decides Is Determinable.

To Put Together For Once A Real Group That Will Sit And Discuss It, Come Up With A
Solution, Provide It To You And Then You Can Make That Decision.

The Bottom Line Is To Whether Or Not Something Is In Racism, Segregationism, I Find
That Offensive.

Truly Offensive Because If You Look At The History Of Florida And Most Of The People That
Are In This Room Are In Essence Are Not From Florida.

They Don't Know The History Of Florida.

They've Never Taken A History Course In Florida, So They Don't Really Understand.

Most Of The People In Florida Come From Somewhere Else And There Are Examples Where

Single Member Districts Have In Fact Been Viewed As One Of The Most Unproductive Forms Of Representations And Counties.

Specifically In The Way That Our Geographic Representation Is.

I Thank You For Taking The Time To Listen.

Give It The Opportunity To Have A Good Single Issue Debate.

Don't Clog It Up On The Ballots On The General Election We Have Ahead Of Us This November.

That Is What I Would Ask.

Thank You For Your Attention.

Comm. Hall: I Would Like To -- We've Had A Very Long Day And We're Prepared To Stay Here Until Every Person Speaks, But If You Would Not Comment So We Can Hear Them And They Can Have Respect That You're Asking When You Come To The Podium To Speak, That's Very Important.

We Call This The House Of The People And I'm Hearing A Lot Of Rumbblings.

Let's Respect Their Opinions And We'll Give You The Same Respect When You Come Forward.

Thank You.

Chairman Judah: Anyone Else Wish To Comment?

Yes, Kevin Shay?

It's Been A Long Day.

Again, For The Record Kevin Shay.

Under Your Now Existing Charter You Do Have The Third Option As County Commissioners To Propose To The Voters A Single Subject Matter Issue For Charter Revision And Review On A Three-Fifths Vote Of This Commission.

Therefore You Have That Authority Under The Charter.

I Would Strongly Recommend That This Issue Of Single Member Districts Be Deferred For Vigorous Public Debate.

These Great Chambers Here Would Be An Excellent Place And We Could Set Two Podiums Here And Have A Great Series Of Debates On This Issue Because I Think It's A Central Issue That Concerns A Lot Of People.

You Could Prepare This For The Ballot In 2000, Thank You Very Much.

2010.

I Also Think That We Need To Consider With This A Charter Or A Redistricting Review Commission.

This Is One And Part Of The Same Thing.

Single Member Districts.

And Vigorously Discuss The Various Proposals.

This Commission Was Unable To Agree After Considering Multiple Proposals.

I Have Put Forth A Proposal To Try And Combine The Concepts Of Single Member With Interest At Large To Treat The Local Interests And The General Interests.

And My Suggestion As A Compromise Keeping With The American Constitution National System Is That In The Primary Election Everybody Can Run In That District.

You Must Be A Resident Of That District For One Year And People Can Run And Put Labels On Whatever They Want.

Reform Republican, Republican, Green Party, Democrat, Reformed Party.

And Let Only The Residents Of That District Vote In The Primary.

And The Two Highest Go Getters Would Then Face Off Each Other In The General Election Voted On By All The People Of The County.

So There You Combine A Balance Between The Local Interests And The General Interests.

I Offer That As A Suggestion For Consideration.

I Strongly Recommend That We In The Course Of Time Down Here -- We're Coming Up To A Census, That We Engage In That Kind Of Public Discussion And Debate Of A Self Governing People And I Suggest You Use These Chambers As A Mechanism For Vigorous Public Debate.

Let's Hold A Public Debate Here.

Thank You Very Much.

Chairman Judah: Brian?

Brian Griffin, I'm Here To Inform You That This Issue Will End Up In The Supreme Court.

Deputy County Attorney Fraser And I Have Had Conversations About The Decisions That Is Occurring Now In Glades.

Eventually This Will End Up In Court.

The One Thing I Can Tell You Is A Little Bit Of History.

In 1990 I Was Chairman Of The Redevelopment Agency And We Had The Matriarchs Of The Thirties And They Said The Only Time They Saw A White Face Was At The Time Of An Election.

Keeping That In Mind, Please Keep In Mind These Folks Have A Genuine Issue.

You Start Out Right And I'm Going To Sent You On Vacation.

People Ask Me Tonight Why Haven't I Run For County Commissioner, But I Want It On Public Record That If You Run For County Commissioner You Have To Put Your Sign On Route 41 Or Delprado With Your Picture.

And I Can't Do That Because The Girls And Lookers Will Say, Hey, He Told Me His Name Was Raul.

[Laughter]
Thank You Very Much.

Chairman Judah: Thank You, Don.

Raul Griffin.

I'll Have To Write That Down.

As I Indicated At The Last Meeting This Issue Of Having Some Single Member Representation Did Get 10 Votes Of The Charter Review Committee, But We Had Three Different Alternatives That We're Looking At And None Of Them Could Get 10 Votes.

Our Consultant Provided Us With A Lot Of Useful Information.

If You Look At The Bottom Half Of The Page You'll Notice In Column 3 That Lee County Is The 8th From The Bottom.

There Are Seven Charter Counties That Have Larger Populations Than Lee County.

If You Look At Column 4, Which Is The Form Of Selection Of The Commissioners, We're Also The Largest County That Has All At-Large Districts.

All The Rest Of Them -- There Are Seven Larger Than Us Have Mixed Or Single Member Representation.

There's Correlation Between Size Of County And Form Of Election Of The County Of Supervisors.

Why Is That?

It's Because The County Gets So Big And You're Trying To Be Responsible To The Electorate That Is Becoming Bigger And Bigger And Can You Do That Effectively?
Can You Raise The Kind Of Money To Reach This Larger And Larger Audience All The Time?
Or Will You Run From A Single Member District That Doesn't Cost Nearly As Much Money.

I Just Think It's Useful Information As You Think About This As You Move Ahead.

I'm Not Trying To Advocate Any Change Here Tonight.

But This Is The Kind Of Information That We Had Before Us That Kind Of Led Us To Think About This Question Seriously Because Lee County Is Getting To Be One Of The Major Counties In The State And The Question Really Becomes Can We Continue To Have At-Large Districts And Everyone Get Fairly Represented And Can Everyone Run For Those Kinds Of Offices And Compete Effectively?
Thank You Very Much.

Chairman Judah: Thank You, Don.

Anyone Else Wish To Comment?

I've Heard A Couple Of People Say That They Would Like To Vote For All Five Like We Do Now.

I Would Like To Vote For All 430 Members Of The U.S.

Congress.

I Would Like To Vote For All 150 State Representatives That We Have.

But I Understand Why I Don't.

Because That Wouldn't Make Any Sense.

So Why Does It Make Sense In Lee County?
Some Say That All Five Of You Represent Each Of Us.

I Would Say The Opposite.

I Would Say None Of You Represent Me Because I Don't Get To Vote.

You Don't Answer To My District, You Answer To The Whole County.

Madison Came Up With The Idea Of Single Compact Districts Around The Turn Of The 19th Century.

Congress Adopted It In 1942 And We Have That In Place Today.

We Have Single Member Districts As I Polluted To For State Office And Everybody Knows That It's A Fact That In 1956 Walter Shepherd Changed It In Lee County.

There's Some Debate Over Whether That Was Racist Or Not.

There's No Debate Over The Fact That Across The South This Was Being Done In Order To Keep Blacks From Being Elected, Followed Op The Heels Of The Civil Rights Movement.

Only A Government Agency Can Last 50 Years When It Fails 40% Of The Time.

40% Of The Time Candidates Get Elected In Their District And Lose In Other Districts Or The Reverse.

They Lose In Their Districts And Win In Other Districts So We End Up With A Candidate That Our Own District Didn't Vote For 40% Of The Time.

Also Because It's County Wide It Takes Big Money To Win An Election Which Leads To Big Corruption And I Can't Help Think Of Vicky Wolf.

My Brother Knew Her And Said She Was A Nice Person Until She Got Into Big Money Politics.

Everyone Accuses Black People Of Throwing Out The Race Card.

I'm Going To Throw It Out Because I Am Not Black.

We Have General Lee That Supported Slavery On The Wall Here.

We Have The Balcony Where Black People Used To Have To Sit Because They Couldn't Mix With White Folks.

We Have The Hanging Tree Outside And We Have This Vestige Of At-Large Voting Which In My Opinion Is Nothing But A Racist Policy.

I Want To End Lightly Because This Is A Serious And For Me Disturbing Subject.

My Wife Says I Have To Be Right All The Time.

And You Guys Have Proven Me Wrong Already Twice Tonight, So Let's Go For Three.

Chairman Judah: Yes, Matt?
Thank You, Commissioners.

I'll Be Brief.

First, If I Had My Druthers At The Outset Of This I May Say I Would Prefer A District Of Five Members.

We Didn't Have Consensus To Move What I Thought To Public Hearing.

What We Did Move Is Three Separate Proposals Of How To Redistrict Or How To Vote Within The County For County Commissioner.

A Clear 80% Of The People That Came To Speak At The Public Hearing Noticed Public Hearings In The Paper That Meet The Legal Requirement For The Public To Participate In This Process.

85% Of The People Said Five Single Member Districts.

Most Of The Other People That Came Did Not Come To Say No, I Don't Want Single Member Districts.

The Others Say I Support The Commission Of Recommendation Or The Supervisor Recommendation.

So The Overwhelming Majority Of The Public Supported Five Single Member Districts.

I'm Disappointed That Six Of My Other Fellow Committee Members Did Not See It That Way And Felt It Was An Inappropriate Item To Advance To You.

But Having Garnered Nine Votes For It, Anything In The Future With Nine Votes Should Come To You And Should Be Voted On The Ballot As Well.

Thank You.

Nine Of 15 Votes -- Five Single Member Districts Garnered 9 Out Of The 15?
Is That Right?

Comm. Hall: Yes, There Were Three.

I Think It Was 9 To 6 Vote.

Thank You.

Good Evening.

Matthew Caldwell Summed Up What I Was Going To Say But I Will Tell You There Was No Issue Brought Before Us That Was More Passionately Spoken Of, More Debated Than Single Member Districts.

For The Entire First Section Of Our Charter Review Meetings, It Was A Continuously Brought Up Issue During Public Hearing.

The Entire Course Of Our Meetings We Heard Of Cape Coral Being The Ominous Giant Until We Went To Cape Coral And Cape Coral Wanted Single Member Districts.

It Rounded Out The Overall Perception That Single Member District Uses A Vitally Important Issue To The Members Of Lee County.

It's Important Because You All Have A Number Associated With Your Name On The Ballot.

Frank's 5.

You Each Have A District.

Those People At That District Aren't The Ones That Elect You.

It's Other Districts Collectively That Elect You.

And All The People Are Asking Is That You Let Their Voices Be Heard.

And I Think With The Amount Of People That Are In The Hall Tonight You Should Do Them The Favor And Offer Them The Respect Of At Least Discussing The Issue And What Your Intentions Are With Respect To Single Member Districts.

Chairman Judah: If Anyone Would Like To Step Forward.

We Have A Big Show Of Hands.

Andrew, Good Evening.

Distinguished Chairman, Members Of The County Commission.

All Distinguished Members Of The County Commission.

I'm Reminded Of A Story I Heard Once In History Class Where The Professor Told Us John Quincy Adams Had A Son That Became An Alcoholic And Womanizer And He Wrote His Son A Letter And In The Letter He Said May I Remind You From Where You Come From.

He Was Reminding His Son Of The Strong Tradition Of The Adam's Family.

I Come Here Today To Remind My Fellow Republicans Of The Party We Come From.

We Come From A Party That Was Started From The Diverse American Leader In The White House That Was Widely Criticized In The Turn Of The Century.

We Come From A Party Of Women's Rights.

We Come From A Party That Helped Pass The Amendment To Allow People To Vote.

We Come From A Party That Helped Lyndon Johnson Pass The Voter Right's Act.

They Have The Building In The Senate That Is Named After The Republican Leader From Illinois That Without His Help And The Help Of Other Republicans, That We Have Fill Busted The Act.

I Strongly Believe The Two African-Americans Have Made America Look At African-Americans Differently And Why You'll Have Barack Obama As The Next President.

But Let Me Say This.

I Firmly Believe That As We Look At This Issue There Are A Lot Of Components.

I Come From The City Of Fort Myers.

It Is The Oldest City In The Lee County Area.

It Was Founded By Union Soldiers.

There Were Only One Or Two People Who Decided After The City Incorporated As A City, They Were So Angry That After Fort Myers Was Named After Colonel Myers That They Were So Angry They Called The County Lee County After Robert E.

Lee.

I'm Proud That A Woman Can Sit On A County Commission.

That Means We Can At Some Time Get A Minority On The Commission.

I Believe History Will Look Back In 2008 And History Will Say Did The County Commissioners Reject The Spirit Of Leeism And That Is Institutional Racism.

Did They Live Up To The Values Of The Republican Party That Stands For Freedom? That Stands For Minority Rights?

I Believe You Can Do This.

I Am Always Happy To See A Commissioner Or The Chairman That Has Set A Policy That I Really Like.

He Says I'm Not Going To Accept Any Amount Of Money Over \$100.

Now, Commissioner Judah Has Been Able To Get Elected Over And Over Because He Has A Principle And That Is He Doesn't Want The Special Interest Groups To Flood The Campaign And People Re-Elect Him Over And Over Again.

If We Use Your Principle Of Not Being Controlled By Special Interests And Lobbyists, Then You Would Say That If We Applied The Judah Method Then Let It Prevail Because The Single Member Districts Allows You To Have A Limited Amount Of Money.

I Would Encourage Commissioner Judah To Do The Right Thing And Live Up To The High Standards That You Have Implemented In Your Own Campaign And Public Service.

You Don't Have To Agree With It.

You Don't Have To Agree That Single Member Districts Is The Way To Go, But You Should Agree To Allow The Public To Decide The Issue.

I've Heard More People Say Let's Have More Debate.

That's What Elections Are For.

We Can Have All The Debates.

Put It On The Ballot, Let's Have Debates And Allow The Citizens Of Lee County To Reject The State Of Leeism.

And I Believe We Will Live Up To The Ideals Of Mr. Lincoln.

Thank You.

Chairman Judah: Thank You.

I'm With The Democrat Party And I Would Like To Have Single District Voting.

Just A One Member Representing Their District Because There's A Lot Of Things That's Been Unspoken Here.

The Racism Is Very Dominant In This County.

I Have Made It A Point Since I Took Over The Party To Instruct My Candidates As We're Getting Them To Go Out Among The People And Get Petitions And Talk To People.

We Talked About -- We Had A Person Running For Congress And Got Out And Got Over 5,000 Petitions.

Only In The Political System Was He Denied The Right To Be Able To Run For His Party.

Because There's Three Loyalties For One Party.

This Is Unbelievable.

But We Have Different Loyalties For Everything.

Everything Is Set Up So The People Can't Participate.

And This Is What Worries About This County.

We Need The Right To People To Participate.

We Have The Minorities That Feel -- They Had 6% Voting In Their Districts Because They Don't See Any Sense Of Voting.

They're Not Being Represented.

How Many People In This Room Can Run For County Commissioner Or Run For A District Office?

Because Of The Money Involved.

You Want To Change The System?

Let's Go To The English System.

Those People Aren't Allow Today Accept Any Money For Office.

That Would Be Great.

Could Have Smaller Districts.

You Want To Be Equal?

Just Say Nobody Is Allowed To Accept Money For Any Political Purposes Which Would Be Great Because Then People Would Be More Represented.

I Have Talked To A Lot Of People Here In The District.

One Thing Brought To My Attention Lately From People Is That We Are Commission -- Our Commission Did A Fabulous Job.

I Went To Quite A Few Of Their Hearings And I Felt As Though We Had People On There, It Didn't Matter What Party They Were In, They Were Willing To Look Into Facts.

I Liked That.

It Disturbed Me At The End.

At The Last Meeting One Man Got Up And Voiced His Opinion And He Was Against Single Member Districts.

He Didn't Attend Any Other Meetings, But Was Appointed And Within A Week Later He Voted Against It And The Vote Came Out One Man Short, Right?

So The People Tell Me, Is This Another Rigged Thing?

That One Person Gets Appointed Who Is Opposed To Single Member Districts?

And This Is Coming From People.

It's Not My Opinion.

Everything I'm Telling You Is Coming From The People.

They Want Representatives.

Chairman Judah: Who Has Not Spoken That Would Like To Speak On This?
Good Evening.

I'm From Cape Coral.

This Will Be Short And Sweet.

I'm Against At-Large District Plan Because It Allows The Dominant Party From The Dominant District To Control All The Other Districts.

Why Should This Voter Decide What Should Happen In Lehigh Acres And Who Represents Them And Other Small Districts.

That's Not Right.

Thank You.

Chairman Judah: Thank You, Ma'am.

Good Evening, Sir.

Good Evening.

I Was Born And Raised In Lee County.

When I First Registered To Vote I Voted For Frank Mann.

I Just Voted.

The Reason I Picked Frank Mann Is Because My Father Is Named Manning.

It Seemed Like Anyone Else I Voted For Didn't Make The Ballot And A Couple Of Years I Didn't Vote.

A Lot Of Guys My Age Are Saying The Same Thing.

Why Vote?

It's Not Going To Count.

It Won't Do Nothing For Me.

So Negative Brought Negative.

So I Started Back To Vote And I Got My Kids To Vote And My Brothers To Vote.

I Brought Them Together.

So I Feel Like A Single Vote, If You Want To Bring People Together, If They Vote For Someone That They Know And They Know About, And People They Heard About In Their District, You'll Have More Minorities To Vote And Then Get Out And Ming Will With The District And Other District.

If You Go To A Single District Vote You'll Have More Minorities Come Forward Than The Others That Are Not Voting Will Start Voting And The Ones Not Signed Up To Vote Will Start Because They See Their Friends And Relatives Associating With The Guys And People That They Voted For In Their District.

I Think That Would Take Lee County Up Higher Around The County.

Because I Have To Go Around The Other Surrounding Counties Around Lee County And The Way They Going Up Like Cape Coral, Port Charlotte, Naples, They Started Developing And The Community Is Developing.

Put This Issue On The Ballot.

Haven't Said That.

I Just Want To Say Some Things That I Know To Be True That Fly In The Face Of Some Of The Things That I've Heard.

For Instance -- And I Have Said This -- One Of The Reasons We Need Single-Member Districts Is Because It's A Whole Lot Cheaper.

You Can Run In One District A Whole Lot Less Expensively Than You Can Running County Wide.

And Having Such Large Districts, It Has Taken The Opportunity For Americans To Participate Right Here In Their Local Government Because You Can't Raise The \$100,000, \$120,000.

That's What It Takes To Run Now Days In Lee County.

Having Said That, This Man Got Elected, He And I Were Elected Two Years Ago.

What Did You Spend, Less Than 20?

No, God I Wish.

\$57,000 Total.

Finally Raised \$75,000.

Where Did You Steal All That?

My Own Bank Account.

Family Money.

I Spent, Like, \$110,000.

I Had To Raise And Spend That Kind Of Money.

And Most Folks Just Either Don't Have It In Their Pocket Or They Can't Raise It.

I Have A Friend -- A Dear Friend, His Mother And I Grew Up Together, He's About Your Age.

He Was Elected Two Years Ago, Same Election In Leon County.

About Half The Size Of Lee County And Five Of Those People As Single Members.

And He Raised In A Single District \$150,000.

So What I'm Saying That It Doesn't Necessarily Follow That We Do Single Member Districts.

It's Going To Come Out Cheaper.

And A County Half Our Size It Costs Twice As Much As He Did And He Beat An Incumbent A 16-Year Incumbent Here.

So Some Of The Things Being Discussed Is Absolute Truth Aren't.

Even Though I Would Like To Vote For All Five Of Us And I've Enjoyed That Ability, I Feel Badly Even If We Go To Eight Years Before We Have An Opportunity To Vote On This Issue Again.

It Will Be Eight Years Before This Is Back Before Us.

Don't Tell Us We're I Think -- We're Going To Bring It Up.

It Won't Happen.

It Won't.

And I Don't Want To Sit Here As One Commissioner And Tell The People Of Lee County That I'm Not Going To Give You An Opportunity To Express Yourself On Your Fundamental Governing Document.

You Don't Have To Be For A Single-Member District Or Against It While We're Up Here.

Our Obligation, I Believe, At This Historic Moment Is As This Won't Come Again Probably For Eight Years, Is To Give The People An Opportunity To Make This Decision.

And Based On That, That's Why I'm Prepared To Either Make The Motion Or Support The Motion, To Put This Simple Five-Member Single-Member Proposal To The People In The Next Election.

None Of That Clapping Or Carrying On.

It's Not Allowed.

I've Said It And There You Go.

> Does Anyone Else Want To Comment?

How Can You Tell?

There Are Things That I Would Like To Point Out In Addition To Comments I Made Last Week.

This Was So Close At The Committee Level And I Would Like To Explain Something About How It Could Have Been Possibly Brought To Us Because We Had A Committee Member

Who Had To Resign, And He Happens To Be The Chairman Of The Black Affairs Advisory Board, Lee County Black Affairs Advisory Board.

Commissioner Janes' Appointment.

And Then We Had A Replacement Appointment.

I Have To -- Well, I Don't Know How Mr. Edie Would Have Voted.

As A Black Man, I Think We Might Have Seen This Come From The Committee.

Conversations I've Had With Him Publicly And Privately Indicate For Me That That Would Probably Be The Case.

I Would Just Like To Underscore What Other People Have Said From The Committee And Those Who Have Been Participants In The Committee Process, But Not On The Committee.

I Would Also Like To Point Out That I Think It Was Kim Hawk That Said His Wife Suggested Last Week That You're Asking The Commissioners To Vote Themselves Out Of Office Potentially.

That Is No Truer For Any Of Us Than Myself Probably Because District 2 Is Home To The Majority Of The Minority Folks In Lee County.

I Whole Heartedly Fully Support Moving This To The November Referendum.

Despite The Fact, And I Know Lit Happen, If I Run In 2010, If There Is A Non-Caucasian Person On The Ballot In Opposition With Me, I Truly, Honestly Hope That A, This Goes To The November Ballot, That It Passes And That In 2010, That That Happens Because I Will Be Honored To Know That I Was Part Of A New Day Here In Lee County, Because I, Like Commissioner Mann, Have Come Full Circle On This Issue.

I Think When We Ran Together, I Was In Cape Coral And Asked About Single-Member Districts And I Was Not At That Point In Favor Of Them.

I Have Come To A New Way Of Thinking, Mostly Because Of The Two Years That I've Sat Here On This Board.

Struggling To Try To Bring Some Very, Very Important Issues To This Board And Felt That There's A Closed Door To The Issues That Impact A Great Deal Of Our Population Here In Lee County.

So I'm Hoping That This Will Somehow Address That Closed Door Sentiment That I Think Is Here.

And This Is Not A Criticism Of Any One Particular Person.

I Think This Is A Criticism Of The County Government At Large.

It's Just Something That I Think Needs To Be Addressed And Somehow Changed, And Maybe This Will Do It.

I Think Quite Honestly Term Limits Would Help It As Well But You Know, We're Not Doing There Right Now.

One Other Point I Would Like To Make -- Or Two Points, If You Would, Really, We All Serve Single-Member Districts If You Think About It.

They Happen To Be Boundaries Of Lee County.

But If You Consider Lee County As One Single-Member District, For Instance, And You're Thinking About Where The Majority Of Voters Are That Live In This County That Determine The Outcome Of These Elections, They're Mostly In Estero, Bonita Area, The Islands, Up Into Pine Island.

They're Not In My District.

They're Not In Lehigh, Or In The Inlands For The Most Part.

It's That Area Of The County.

I Can Tell You, You Look At The Election Results, It's Pretty Clear As To Where The Majority Of The Voters Turn Out And Decide These County Wide Elections, And That's The Area.

It's Like Mr. Maxwell Said, It's A Fact Not To Be Disputed.

You Can Ask Supervisors To Provide You With Statistics.

And It Will Bear That Fact Out.

So How Do We Govern If That's The Reality?

Well, Not Just Because I've Seen It In Action The Past Two Years, I've Seen It In Action Years Prior, We Are Always Thinking About Those Voters Who Decide The Fate, Our Fate.

Or, You Know, The Fate Of Any Politician.

And I Think That Has To Change.

I Think We Have To Bring Home These Issues.

I Think We Have To Try To Find A Way For It To Matter More To Commissioners That Come In The Future As To What's Happening In Dunbar.

As Was Described For Us, Something That Is Just Emblazoned In My Head.

There's A Night And Day Difference Between M.L.K.

And Mcgregor Boulevard.

I Was Taken From Mcgregor Boulevard Out To The Everglades To Hunt And Just Horrified As A Kid Just To Think There Was Another World That Just Seemed To Not Have -- Then It Was Anderson Avenue, That Just Seemed To Be -- So Shocking For Me.

And To Be Quite Honest With You, That Area Has Increased In Size And Neglect Is So Pervasive And Just, Maybe You Can Hear It In My Voice.

It Just Really Upsets Me.

Maybe This Is One Step To Try To Fix Some Of That.

Last Point -- I Believe It Was Said -- And This Is Not My Point.

The Minority Community In This County Has To Be Given Some Reason To Feel Like Their Vote Counts.

And When They Do Engage To Participate In This Electoral Process, That It Actually Matters.

And Maybe This Will Help That And It Will Be A Way To Break The Psych Sol That More Folks -- It Was Ms.

Manual I Believe Said This, It's A Way To Get Some More Buy-In From The Minority Community.

Part Of Our Community -- I Tell You, I've Seen It As A Life-Long Resident, I Just Don't See They're Given A Fair Shake And I Tell You, Nothing Troubles Me More Than How To Try To Correct Some Of That Historical Wrongs.

And Maybe This Is One Part Of A Myriad Of Fixes That We Have To Try To Bring To These Problems.

But Commissioner Mann, If That Was A Motion -- No, Not Yet, Not Yet.

Ok, Well, I'm There.

Thank You.

Further Discussion On A Part Of The Board?

I Will Just Say, If Estero Was Controlling Elections I Would Not Be Sitting Here Re-Elected In 2006 Because I Carried Two Precincts Out Of Six In Estero.

And Nor Did I Carry Pine Island, Which Isn't Part Of My District Either.

I Just Looked At The Statistics Actually From 2004 To 2006 Overall In The Voting Bloc.

But Having Said That, That's Not We're Talking About Tonight, It's Changing Our Form Of

Government.

I Want To Thank The Committee For Vetting Out A Dialogue Where We Could Discuss The Issue.

While I Appreciate The Fact That The Charter Review Committee Put In Public Notices And Had People Come, I Don't Think This Is Being Vetted Out Enough In The Public.

Nor Am I Comfortable With The Initiative.

The Charter Review's Committee Recommendation Is It Would Not Take Effect In 2012.

I Don't Want Anyone To Think There's Anyone Sitting Here Thinking About An Upcoming Election.

It Doesn't Affect The Three Commissioners Running This Year.

This Isn't Part Of My Process Or Mindset At All.

I Served In Both Capacities.

I Served In A Single-Member District And At An At-Large District.

I Unseeded An Incumbent In An Area People Didn't Really Know Me Very Well.

I Would Like To Talk About -- And I Guess, You Know, When The News Press Interviewed All Of Us, They Called Me The Wonk And Part Of That Is Because Of My Pragmatic Approach To How We Look At Things.

I Try To Base My Decisions On Facts.

I Try To Go Out And Get A Visual, If You Will Of Input From Very Many Different Points Of View, But When We Come Here And Talk About Issues, There's A Lot Of Emotion That Goes Into Several Of These Issues That Come Forward.

And Sometimes The Facts Are Lost In The Emotion We Have Over Either Personal Experiences That We've Had Or Our Sense Of Someone Else's Personal Experience.

And Serving On The Fort Meyers City Council Which Almost All Of The Residents Along M.L.K.

Reside In The City Of Fort Meyers, It's Not A County Issue In The Sense That It's Our Primary Responsibility For What Goes On In Dunbar.

It's Our Secondary Responsibility To Work With The City Of Fort Meyers And Those Residents.

They Primarily Pay Their Taxes To The City Of Fort Meyers And I Find It Embarrassing That In A Time When We're All Working Towards Making Sure That We Have Affordable Housing

And We're Doing Right By Our Residents, That We Would Have A City Council Person Accuse The County Commission Of Not Being Sensitive Or Working With The City On Issues Within That Community, Because That's Not The Case.

We're Always -- We're Struggling Right Now To Make Sure We Have Good Strong Communication.

But We Have Responsibilities.

There's Five Cities Within Lee County Government.

There's Five Cities Far Reason.

Those Are The Elected Officials Closest To Those District Which Is We Call City.

They Are The Primary Focus And Responsible To Those Residents For The Improvements.

They Take Your Utility Fees And On And On.

I Could Go On With That For Hours.

When I Served On The Fort Meyers City Council, We Took Seriously Dunbar Community.

I Supported Shifting Dollars For Enhanced Street Lights Along M.L.K.

The State Wouldn't Come In And Do That.

I Can Go On And List The Things I Personally Voted On Including Improvement With The Stars Come Peculiar That The District City Council People Did Not Support I Think There's Passion On Each Side Of This Issue.

I'm Not Against Single-Member District Or For Against It Either.

I Don't Think I Have Enough Information To Support A Ballot Issue In 2008.

I'm Not Supporting Moving Forward On This Particular Ballot But I Am Committed To Having A Process Which We Can Continue The Dialogue.

And I'm Embarrassed That We Would Have A Commissioner State This Commission Doesn't Have An Interest In Having That Dialogue.

I For One Am Interested In Having That Dialogue.

I'm Committed To Create An Opportunity For Us To Formalize What That Process Should Be.

And I'm One Of Those Five Votes, And I Don't See Where Anyone Feels Uncomfortable Having A Continued Dialogue Where We Go Out To The 22 Communities That Make Up Lee County.

That's How We Have Lee County Divided Up In Our Comprehensive Plan, 22 Communities Including The Five Cities.

It Does Cost A Lot Of Money To Run For County Commission.

We Have A Congressman In A District Who's Raised Over \$1 Million To Win His Re-Election.

So I Don't Think The Cost Of An Election -- You Can Go Either Way.

When I Ran For The City Of Fort Meyers City Council, It Was A Very Difficult Challenge To Go Out There And Raise Money.

I'm A Woman, I'm Hispanic And I Had To Pound The Pavement And Put Out My Hand To Ask People To Have Confidence In Me.

And As Most Of You Know, I'm The Highest Raising Candidate In The History Of Lee County.

I Have Broken My Own Record Now Again.

So I Am A Person That Has Gone Out And Raised More Money Than Any Other Candidate In This Community Ever For County Commissioner.

And You Know Why?

I Had To Work Twice As Hard To Get My Message Out.

Maybe That's Because I'm A Woman.

Maybe That's Because I'm Hispanic, But I Still Put The Effort Forward.

I Actually Put Myself Out There Saying No, We Don't Want You Or Yes We Do Want You.

Why Aren't More People Putting Themselves Out There?

Why Aren't More Women Doing That?

More Hispanics Doing That?

Why Aren't More Asians Doing That?

Why Aren't More Germans Doing That I Don't Know.

I Speak To This On A Regular Basis.

For Those Of You Have Heard Me Talk To Different Organizations, You Hear Me Talk About The Importance Of Putting Yourself Out There No Matter What Your Gender Or Race Is Because You Should Be Part Of The Process.

If You Have A Desire To Run For Public Office, Do It.

I'm Going To Go Back To Veronica Schumacker.

I've Known Her For Years.

She Ran Continuously Until She Won In A City-Wide Election And She Served The City Of Fort Meyers For 25 Years.

That Woman Could Raise Money By Snapping Her Fingers If She Needed It.

But She Served The City Of Fort Meyers Continuously For 25 Years.

The First African-American To Win A City-Wide Election.

We Have Another Councilman In Cape Coral Who Won A City-Wide Election.

Our Largest City In The Community.

Judge Isaac Anderson And Judge James Adams Because They Put Their Names On The Ballot To Be Considered Because They Went Out And Had The Resume And The Commitment To This Community To Make A Difference And No Matter What Color You Were, You Believed Their Message.

Where Is The Message If You're Running For Office?
You Just Can't Say Hey, I'm Hispanic And I Deserve To Win.

I'm A Woman, I Deserve To Win.

I Had To Work Hard To Get My Vote.

I Had To Tell People What I Would Do When I Sat Here.

And So I Find The Dialogue About Single-Member Districts Making That Process Any Different.

You Still Have To Put Your Name On The Ballot To Run, Still Raise A Little Bit Of Money To Run And Still Be Sure That People Understand What Your Message Is And What Difference You're Going To Make For Them.

Not All Of You Voted For Me.

Some Of You Did, Some Of Didn't.

I'm Sure There's Thought Processes Going On In Your Head.

But I'm Not Comfortable Putting This On The Ballot, Something I Don't Understand At This Point.

I Think It Has To Have A Clear Understanding Of What The Change Is Going To Mean And I Understand What It Does Mean.

I Apologize That I'm Not Clear On What Direction We Should Go.

I'm Not Clear Fit Should Just Be Five Commissioner, If Because Of Our Growth We Should Expand To Seven.

I'm Not Sure If It Should Be Five Single-Member Districts And Two At Large.

We Have Lot Of Options.

Before I Start Messing With The Charter, Which Was Adopted 12 Years Ago By The Vote Of This County, At-Large Districts Is What They Wanted.

I'm Not Comfortable Bringing Forward A Commissioner Commitment To Do That Prior To An Eight-Year Charter.

That's Beginning To Bother Me.

And Again, My Commitment To You Is I'm Happy To Bring It To A Management And Planning Meeting And Lay Out A Process If There Can Be Support From This Board To Go Over The Next Year To Have This Discussion.

And Take It Out To The Community To Talk About It.

And Hear What People Have To Say In A More Broader And A Lengthier Process Where We Can Talk About This Issue As It Stands Alone, Not A Charter Review Where Many Issues Are Vetted Out In A Period Of Time.

So I Apologize So I Can't Support The Recommendation Coming Forward, Simply Because I Don't Even Understand What It Would Mean To Go On A Charter Amendment At This Time Under What Form.

And I Wasn't Comfortable After Reading All The Minutes And The Discussion That Went On Amongst The Members That While There's Support For Single-Member District And It Would Take Effect In 2012, I Think There's Implications As We Go Through The Census In 2010, I'm Still Not Sure If We Don't Need To Expand This Commission At This Time Where Our Population Is Going To Exceed Almost 700,000 And If We At That Time Also Want To Look At The Combination Of Single And At-Large.

And Again, We're Getting A Snapshot Of 19 Counties, While Those Are The 19 Charter Counties, We Have 67 Counties, And I Would Like To See What The Counties As A Whole Are Doing In The Entire State.

So I Appreciate You Giving Me Extended Period Of Time To Elaborate.

Commissioner Janes, Then Myself And I'll Get Back To You.

I Was Going To Ask A Question.

I'm Sorry, Please Feel Free.

Can You Confirm For Me That It's 2012?

If It Passes?

If It's Placed On The Ballot In November Of This Year And It Passes That It Would Be Effective In 2012 And Not 2010.

If You're Talking About Five Single Member Districts From My Recollection It Would Start In 2010.

Ok, Thank You.

I Thought It Was 2012.

Sure I Would Be Happy To.

I Would Like To Provide An Example To The Community At Large That You Have A Number Of Options To Be In A Position To Represent Your Constituency Should You Desire To Run For Office.

And As All Of You Know, You Don't Necessarily Have To Pay The Filing Fee.

You Can Go Out And Collect Signatures To Get On The Ballot.

I Think That's A Wonderful Opportunity And Option For Everybody.

But Not Everybody Is Focused, Is Discipline The, Has The Wherewithal To Follow Through In Completing The Mission, When You Decide To Collect The Signatures, Because It's A Call Pain In And Of Itself.

It's A Very Arduous Process.

I Went Through That Process In 1988, And I Was Very Thankful Bah I Was The Recipient Of A Lot Of Support From People That Were Willing To Sign The Petition To Allow Me To Get On The Ballot.

And In A Way, It's Really A Wonderful Opportunity For The Candidate To Get Beyond The Inner Circle Or Sanctity Of Friends And Acquaintances And Really Forces You To Get Out In The Community And Meet Everybody And Listen And Hear What People Have To Say, What Their Concerns Are, What Their Questions Are.

And So The Process In And Of Itself Is Really Productive.

To Get The Pulse Of The Community.

But It's An Opportunity That Is -- It's A Great Equalizer.

It Gives Everybody Who's Willing To Go Out There And Work To Get The Signatures To Get On The Ballot To Do So.

Since Then, I Had Always Limited My Contributions To No More Than \$100 From My One Corporation Or Business.

You Can Go Up To \$500.

It Takes A Tremendous Amount Of Work.

If You're Going To Try To Run For Office, You Have To Have A Certain Amount Of Money To Be Able To One, If You Have To, Pay The Filing Fee.

Two, Pay For The Brochure.

Whatever It Takes, Whatever Your Strategy Is.

But I'm Hopeful That I've Demonstrated To Everybody In This Community That You Can Actually Pose A Limitation On The Amount Of Money That You Receive, And Actually Win An Election With A Very Low Budget.

It Just Wins On How Strong Your Work Ethic Is And How Productive You Are And Responsive To The Community.

I Want To Preface What I'm Saying Here With The Fact That It Wasn't A Single-Member District That Makes Me A Productive Or Responsive Representative Of This Community, It's My Willingness To Put In 70 Hours A Week To Look At The Entire Community Where I Feel I Need To Be Accountable To Everybody And Beholden To No One.

That I Want To See The Entire Community Rise And That Everyone Has An Opportunity To Have Good Roads, To Have Community Centers, To Have Sidewalks.

To Have Access To Emergency Medical Service, Sheriff Protection.

It's Rally That Kind Of Core Level Service That Our County Manager Has Been Emphasizing For Years But Everyone Needs To Be Treated Equally.

Are We There Yet To Some Extent?

No.

But Now I Can Give An Example Of Harlem Heights In District 3 Wherein Which That Community Didn't Even Have Central Sewer And Water When I First Was Elected To Office.

Since That Time We've Brought In Central Sewer And Water, Street Lights, Paved Roads, Parks, Sidewalks, Working In Tandem With Habitat For Humanity.

Decent Homes For Homeownership.

And Right Now, There's An Arts Center That's Being Built And That's Because The Private Sector Has Gotten Involved In Recognizing -- This Is A Community That Really Takes Seriously The Importance Of Rolling Up Their Leaves And Working Hard To Improve Their Lives.

I Truly Feel That Single-Member District Is Divisive That It Creates Fiefdoms.

And As I Go Back To The Point Of Representing The Entire Community, I Would Think That A Person Out There Having An Opportunity To Vote Would Want To Vote For All Five County Commissioners, Not Just One.

I Think It Dilutes Your Voting Power, But I Think What It Really Comes Down To Is The Willingness To Put In The Time And The Effort.

In My Mind, Anybody And Anyone, No Matter What Their Ethnic Background Or Their Party Can Seek And Win Elected Office.

But It Takes More Than Just Wishing It Would Happen.

And At This Point In Time I Also Feel Very Strongly With The Charter Review Committee Setup, Maybe These Issues Have Been Adequately, I Think, Addressed, Discussed, Fully Evaluated And Two Of Them Came Out Of This Charter Review Committee To Be Recommended For Approval By This Board And We Addressed Those Two Issues Tonight.

I Have No Problem With Further Discussion On The Merits Of District Wide Elections Versus At-Large.

I Just Think I Speak From Experience.

At-Large Forces A Candidate To Have To Work That Much Harder To Be That Much More Of A Representative Of The Entire Community, And That's In My Own Personal Experience, Based On Personal Observation And Personal Experience.

But I Would Be Open Minded To Allow Further Discussion On The Matter.

But At This Point In Time, I Think We Have A Review Procedure In Place And We Have Addressed The Issues Recommended By The Review Commission Tee.

Commissioner Janes?

Thank You.

I've Spent A Lot Of Time Taking A Look At This Issue, At Least 25 Years.

And I Will Tell You, And I'll Hate To Be The One To Throw Cold Water On Anything, But The Issue Of Single-Member Districts Is Probably One Of The Most Politically Hot Decisive Issues In Any Community In The United States.

More Debate, More Time, More Discussions Seldom Occurred On Any Subject To A Greater Extent Than To Have A Single-Member Districts.

Let Me Tell You Something, My Friends.

Single-Member Districts To Enact That Doesn't Solve The Problem.

Why?

Because It Only Treats A Symptom.

It Doesn't Get At The Real Cure Or Problem.

So You're Gong To Be Very Unhappy If You Have Single-Member Districts.

What Happens In The Next Step?

Welsh The Next Step After You Get Single-Member Districts There's Going To Be An Argument To Increase The Number Of Members.

Wow, We Need More People On The County Board.

Five Is Not Enough.

We Need Seven Or 11 Or Whatever.

And Then It Goes On From There.

And You Can Chart These Over Time In Virtually Any And Every Community.

I Will Also Say There's Not One Scintilla Of Evidence That I've Ever Seen That Says Single-Member Districts Provide Government Services Any Better To The People They Represent Than Does The At-Large Method.

You Can Say That It Does, But There's No Evidence.

And A Community, City, County, Whatever Is Not Governed Better By The Existence Of Single Member Districts Than It Is By At-Large.

But There's Absolutely No Basis For That Support.

And So I Think We Waste A Lot Of Time And A Lot Of Effort When We Should Be Focusing On The Causes.

Housing, Access To Healthcare, Access To Education.

Those Are The Causes Of Dissatisfaction In Our Community, Not Single Member Districts.

You're Spinning Your Wheels A Lot And Accomplish Little By Pushing For Single-Member Districts.

All It Is Is A Big Argument And Solves Nothing.

It Treats The Symptom And Not The Cause.

I'm Not Going To Support Single-Member Districts Because I Don't Think It Solves Any Problems In Our Area.

There's No Evidence That A Single-Member District Will Work Any Better Than The System That We Have.

If You Run Into Something, Please Show Me Because I Would Like To Learn And Like To See.

So That's Where I'm Coming From.

Thank You.

Mr. Chairman, I Would Like To Offer A Motion, Please Which Would Be To Place On The Ballot The Choice Of Single-Member Commission Districts As Opposed To The Present System, Such Arrangement To Become Effective As Soon As Possible By Approval By The Voters.

Do We Have A Second?
Second.

Second By Commissioner.

Bigelow: .

Any Further Discussion?
Any Objection?
Aye.

Mr. Chairman, Do You Have To Take A Roll Call?
Mr. Chairman, There Should Be Discussion On The Motion.

Oh, Please.

I Didn't Have Anything To Say.

As The Maker Of The Motion, I Would Like To Reserve The Right To Speak Last Before The Vote And If I'm The Last One I'll Speak Now.

> Commissioner Bigelow?
I Think It's Important We're Going To Be On Record Because This Issue Is Important And I Think It Will Be Discussed And Debated Among The Current Election Process And I Think That's A Good Thing.

I Would Like To Say That I Can't, I Guess, Stress Enough How Disappointing It Is For Folks -- And We're Not Talking About Folks That Are Representative Of The Minority Community That Are Asking This Government To Consider Issues That Are Important To Them That Are Way Out There.

We're Not Talking About Painting The Courthouse Green, Kind Of Thing.

We're Talking About Folks Who Are Professionals In The Field And Have Worked Diligently -
- And I'm Talking About My Own Personal Experience -- The Last Two Years On This Board,
To Try To Bring Issues To Light To This Board.

And I Mean, The Portrait Has Been Referenced.

I Think We Know About The Issue Of The Diversification Of The County Staff Which Has
Grown To Be Very Male And Very White.

And For A Long Period Of Time, We've Just Seen Issues That Have Brought Forward With
The Greatest Degree Of Civility And Decorum And Yet We Give Them So Little Notice As To
Be -- I Don't Know How To Put This Diplomatically That Will Not Be Rejected Outright.

But It's Almost As If --
Do We Each Get One?
Wait To Do Your Sorting There.

The Issue That Is Brought Forth To Us Seems To Be So Insignificant As To Not Merit Any Of
Our Serious Attention And Deliberation.

And I Say That With The Greatest Degree Of Respect To My Colleagues And To The
Members Of This Government Who Are Heading It, Executive Head And His Staff.

But I Think That This Is One Thing That I Think We Can Do To Try To Help Maybe Bring
More Receptiveness, If You Will In This Government To Issues That -- We Have A Very
Difficult Time At This Board Talking About -- I Mean, I Have Watched This Government For
Many, Many -- For Several Decades, For Sure.

And I Swear, I Don't Think Any Single Commissioner In My Estimation Has Been Gaveled
Down And Had Votes Called On Him As Much As Myself.

And I Obviously Represent Minority Opinion On This Board.

And Even When A New Commissioner On The Board With The Last Name Judah Was Then
The Dissenter And Minority Voter On The Board, Even Then He Was Given A Forum And An
Opportunity To Try To Effect Change.

He Was He Was Given Ample Latitude To Make His Case.

But I Tell You, The Last Two Years On This Board, I Tried To Bring Opinions That Perhaps I
Guess Are Just Too Unpopular With This County Government, And It's Almost As If Bringing
Them Up Simply Gets Them Rejected Just By Their Title.

I Think This Is Something That We Need To Let The Voters Decide.

We Need To Let The Voters Decide If This Is Time To Do Something Different, If It's Time
To Change This Government And If Single-Member Districts Is A Way To Change It In A
Way That Would Improve It.

We Will Have The Debate And You Can Have Your Own Version If You Will And Those Who Is Port Commissioner Mann Can Have Their Say.

And Others Can Debate It And Lots Will Be Learned Commissioner Hall.

So I Guess I've Gone On Enough.

I've Tried To Give This My Best Shot Here.

It's Been Said I Need To Try A New Tact, A New Approach, A New Way Of Wooing Two Votes Over To My Thinking And I Hope At Least In This Particular Case I've Done A Job Of Trying To Put It Out There As I Can And With As Much Tact As This Board Needs To Try To Consider It.

Thank You.

Commissioner Mann?
Ms.

Chairman We've All Spoken On This Sensitive Issue And I Appreciate All Of My Colleagues' Candor Particularly Saying What They Want About This Issue.

What Separates Me From The Three Votes That Aren't Going To Be Supporting This Issue.

I Heard What You Said And Understood And I Heard What You're Saying, But What I Feel Like We Were Talking About Was How We Individually Feel About The Issue Of Single-Member Districts Versus The At-Large Voting.

Our Issue Here Tonight Is About A Fundamental Change In The Structure Of The Government Of Lee County.

It Is Not How We Feel.

It Is Not Our Government.

It Is The People's Government.

Please.

And I Think That's What I've Been Hearing You Say.

It Is Your Right To Create It And Your Right To Change It.

That Belongs To All Of The People, Not Us.

I Have Even Said I Prefer The Right To Vote For All Five Commissioners, And I Do.

And If This Were On The Ballot, That's The Way I Would Vote.

But It Is Not My Ballot, It Is The People's Ballot.

It Is Their Fundamental Sacred Right, A Right Paid For By The Blood Of Americans For 200-Plus Years.

And For Me To Take That Away From Them Would Be So Paternalistic And Condescending That I Could Not Go Home Tonight From This Meeting.

God Bless You All For Caring About Your Government And The 15 Months That You Committed To Making The Statements That You Did.

I'm Sorry It Looks Like You're Not Going To Have An Opportunity On This Issue For Another Eight Years.

Any Further Discussion?

Any Objection?

Aye.

Motion Passes 3-2.

Commissioner Bigelow?

Yes.

Commissioner Mann.

Aye.

Commissioner Judah?

Nay.

Commissioner Hall?

Nay.

Commissioner Janes?

Nay.

The Motion Fails.

Ok, We Will Move On To Public Comment At This Time.

Anyone From The Public Wish To Comment On Matters By The Citizens?

Kevin Shea.

Thank You.

I'll Be Brief.

For The Record, Kevin Shea In Public Comment, Mr. Chairman, Commissioners, Distinguished Council, Distinguished Manager, Ladies And Gentlemen, I Again Raise A

Couple Of Points And I Feel And Fear That The Time Is Running Out.

We Have Our Local Congressman Mack.

We Have Our President, The Director Of Census.

I Am Once Again Asking That Because Of The Time Frame Involved, Having Previously Worked In The Census In 1990 And 2000 That Every Action Be Taken To Establish Lee County As A Unified Census Administrated Area So That The Census Office In Fort Meyers Administers The Census For All Of Lee County In A Unified Way.

When I Was Doing It Previously, Charlotte County Ran The Eastern Part Of The County.

This County Has Grown So Large And Is So Important That It Is So Very Important That We Have Lee County As A Unified Hole As An Administrative Unit For The Census.

I Ask You To Think Of The Long-Term Future.

And On The Next Point I'm Asking You To -- I've Done The Preliminary Research.

I Believe That It Can Be Done For \$50,000 Or Less In A Coordinated Effort, With The School District, The Property Appraiser's Office, The Staff Of This County That We Could Have A Set Of Open Websites With Everything On The Website, All Of These Documentation, All Of This Material On Work Sheets And Everything Readily And Easily Available And Could Be Done As An Instructional Project With The Very High Quality Students In The Dunbar School Here Who Are, Have Special Anointment From Bill Gaits And Their Microsoft Certifications.

We Could Give Them A Very Effective Job To Do, Which Would Benefit All The Citizens Of This Country.

And I Conceive How All Of This Could Be Done Quite Easily.

And On That Note, By You Your Month Of July And We'll Be Back Big-Time Budget Actions, If I Can Somehow Squeeze The Documents Out Of You.

Thank You Very Much.

All Right.

Anthony, And I Think The Gentleman Behind Him Will Be Next.

Well, Ok, If You Don't Mind, I Apologize.

Either Way.

Good Evening.

I Just Wanted To Thank You On Behalf Of The Entire Committee For Accepting Our Two

Recommendations.

I Don't Know How Many Tame Thymes In The Course Of Our Deliberations I Heard, We're Not Going To Do Anything With This Anyway, And You've Set A New Precedent So That People Will Want To Serve In The Future.

I Have Confidence That The Voters On November 4 H Change It To A Commission And So If There Is A Super Majority, Then There Will Be Independent Ability To Put Something On The Ballot.

I Thank You Very, Very Much For Your Help.

Anthony?

Mr. Chairman, Distinguished County Commissioners, I Must Say That I Am Extremely Disappointed.

I'm Disappointed In The Decision Today Because I Believe It Goes Against The Values And History Of Our Party And Our Country.

Let Me Just Say To My Friends, Commissioner Mann And Commissioner Bigelow, I Have Never Been More Proud Of Any Politician Than I Have Been For You All Today.

I Can Tell You As A Native Of Fort Meyers As Someone Who Helped Do A Decision Drive, And When We Did The Petition Drive In Fort Meyers To Change The Form Of Government, I Can Tell You It's An Arduous And Long Process And I Completely Agree With Chairman Judah That You Have To Be Dedicated To Go Out And Gather Signatures And It's A Very Difficult Job.

But Let Me Say To Our Distinguished Chairman, The Difference That I See In This Case Where You Articulate The Fact That You Were Able To Have That \$100 Cap And Reform Politics In That Particular Way, It's A Lot Easier To Do That When You've Been In A Position Of Elect The Office A Long Time.

I Can Remember When Councilwoman -- Commissioner Hall Ran For The City Council, She Didn't Have The Luxury Of Accepting \$100 Campaign Contributions.

She Had To Go Out And Work And Raise Every Dollar She Could Get.

So I'm Just Profoundly Disappointed.

I Don't Think There Will Be Too Many Profile In Courage Here Award With The Majority, But One Thing Commissioner Mann Said That I Strongly Believe In And That's Whether Or Not You Agree With Any Particular Issue Or Not, It's The Right To Allow The People The Citizens Of Lee County To Exercise Their Right.

And Their Right To Vote And Express Themselves Has Been Taken Away Today.

And I Can Tell You As A Minority, As A Republican Or Whatever, As An American, I Am Deeply Saddened That My Right Especially At A Time When Our Nation Will Have An

African-American On The Ballot For President Of The United States For The First Time In The History Of America, For This County Commission To Deny Us The Right To Reject The Spirit Of Leeism And To Embrace The Spirit Of Abraham Lincoln And An Abolitionist Who Started The Republican Party, I Must Say It's A Disgrace And I Have Never Been More Sadder An I Have Never Been More Disappointed.

I Have Known Commissioner Hall For A Long Time.

I've Known The Chairman For A Long Time.

I've Never Been More Disappointed In You All Since I've Known You.

So I Just Wanted To State That For The Record.

Thank You, Mr. Chairman.

Thank You, Anthony.

Another Member Of The Public?

Ok.

Good Evening.

Good Evening.

I Provided Each One Of You With An Informational Packet Of What I Have To Speak About.

David Howard?

I Live At 6508 Garland Street In The Oakbrook Subdivision.

Oakbrook Is A Quiet Family-Oriented Neighborhood Located Next To The Plantation Road Project.

Four-Lane Highway Is Currently Under Construction.

The Extension Project Was First Presented To The Public In 2002 Through A Series Of Public Input Meetings.

I Have Provided Each Of You The Information That Can Be Found On The D.O.T.

Website That Outlines The Summarized Version.

The Long Version Is There As Well Of These Meetings.

Basically, The Public Input Was A Majority Against The Project For Those That Opted Op The Initial Meeting For The Three Alignments.

We Opted Majority Vote For Alignment C Which Had The Greatest Separation From Our Properties To The Actual Four-Lane Highway.

However, The Project Was Approved By The N.P.O.

In Late 2002 And Placed On The 2010-2020 Transportation Plan.

In Early 2008, The Project Was To Begin Construction On The Expansion.

The Owners Of The Property Received Notice Claiming Imminent Domain For 10 To 15 Feet Of Our Property For The Purposes Of A Sloped Runoff.

This Claim Was Withdrawn Shortly Thereafter A Homeowner-Appointed Lawyer Became Involved.

The Overwhelming Desire Of The Property Owners At That Time And Throughout The Input Process Were For The County To Construct A Buffer Wall Along The Project To Minimize The Negative Impacts The Roadway Would Have On Our Lives, The Safety Of Our Children And The Enjoyment Of Our Homes.

If You Look At The Next Two Pages That Are Included In The Packet Here, You Can See The First Picture Shows An Overview Of The Project, Showing My Home Is Actually The One That's Surrounded In Trees, Where The Roadway Is At Used To Be A 30-Foot Easement -- Or I'm Sorry A 30-Foot Roadway That Was Plotted Within The Subdivision But Never Developed As Ford Street And It Was Wooded Prior To The Beginning Of The Project.

The Next Picture That You See After That Is Actually Standing In My Front Doorway With Taking A Picture Out At The Project Just To Give You Guys Some Perspective As To The Proximity Of The Project To Our Homes.

We Were Later Informed From D.O.T.

That The County Commissioners Had Approved Far Buffer Wall.

We Would Like To Thank The County Commissioners For Their Decision In That Manner.

The 12 Property Ores Directly Adjacent To The Property Received Your Survey.

My Understanding Was At Least Eight Of The 12 Property Owners Were In Favor.

There Were -- There Were Only Six Of The 12 That Currently Live Along The Project.

The Wall Construction Was Contingent Upon The Sensing Of A Right Of Way Agreement On The Property For The Purpose Of Maintenance And Repair To The Buffer Wall.

After Discussion With My Neighbors, The Need For The Access Was Understood And No Opposition -- With No Opposition.

However, As Outlined In A Letter To The D.O.T.

And The County Attorney's Office, Which Is A Little Bit Further Back In, It's A Handwritten

Letter That I Composed Or Typed Up, A Letter I Had Composed And Submitted To Mike Rigsby, The D.O.T.

Individual In Charge Of The Project, Requesting Some Changes To The Language That Pertained To The Easement On Their -- We Were Informed From Him That There Would Be No Changes To The Language And The Bulk Of The Easement Agreement Was Ok Other Than In Paragraphs Two And Three, We Took Exception To Some Of The Language That Involved The County Having The Rights To Extend And Enlarge, Locate On, Under, Through The Easement On To Our Properties The Said Location Of The Buffer Wall.

This Is The Reference Of The Majority Of The Home Owners I've Spoken With, To Have This Language Changed With To No Avail To This Point.

And I'm Here Tonight To Request That The Commissioners Please Lend Assistance In This Manner And Show A Willingness To Compromise On This Minor Language Changes So That The Most Directly Impacted Property Owners Can Achieve Finality In This Project.

I Thank You For Your Time And Consideration In This Manner.

Thank You For Your Time And Patience, Mr. Howard.

What I'll Do Is Touch Base With Administrative Staff And See What We Can Do With This And Bring It Back To The Board For Any Final Action.

Thank You Very Much.

Thank You Very Much.

Thank You For I Don't Really Patience.

Golly.

You Get Above And Beyond The Call Award.

Carl?

Just For The Record, The Commission -- One Of Them Asked That There Be A 15th Person, And I Just Want To Get That Clear That This Is Why -- That They Wanted A 15th Person And I Take Exception To What One Man Said Back There, But I'm Happy That We Are Making Choices And That We Can Put This On The Ballot The Next Time Around If The Commission Wants Single-Member Districts.

It Would Be Their Choice.

I'm Very Happy About That Because I'm A True Democrat In That Sense Of The Word.

And I Believe Tammy Hall, We Need More Time.

The Other Issues Weren't Discussed.

I Read Every Panel Of That -- You Know, Every Minute.

And It Hurts.

But What I Want To Talk To You About Just Briefly Is Bonita Bay And Bonita Springs Getting Controversy Over The Eagles.

The Eagles Need More Room Than What They're Getting Under Federal And State Guidelines.

And It's Going To Be Up To, And I Hope You Can Support The City Of Bonita Bay's Right To Keep The Eagles Because There's Only Two Nests And You're Getting Rid Of 50% Of The Eagles In Bonita.

Thank You, Carl.

Anyone Else From The Public Wish To Comment?
Good Evening, Chairman And Commissioners.

I Just Want To Thank You For Your Hard Work.

I Know It's Pretty Tough For You Tonight.

Just Enjoy Your Vacation.

All Right.

Thank You, And We Are Adjourned.