

DECEMBER 13, 2005

The Regular Meeting of the Board of Lee County Commissioners was held on this date with the following Commissioners present:

- Tammara Hall, Chairwoman
- Robert P. Janes, Vice-Chairman
- Ray Judah
- John E. Albion
- Douglas R. St. Cerny

The Chairwoman called the meeting to order at 9:30 a.m. Commissioner Albion asked for a special prayer and moment of silence for soldier Jimmy Lee Shelton who lost his life in Iraq. The Invocation was given by Pastor Walter Still, of Peace Lutheran Church, followed by the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS

Referring to the Agenda Revision Recap Sheet dated December 13, 2005, the Chairwoman announced that:

Consent Item C8(b) had been heard as Walk On #2 at the December 6, 2005 meeting and should be removed from the Agenda; and Consent Items C2(b) and C7(b) should be pulled indefinitely.

Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried.

The following are the Consent Agenda items that each Board member wished to have discussed:

- Commissioner Hall - None
- Commissioner Janes – None
- Commissioner Judah – C8(d)
- Commissioner Albion - None
- Commissioner St. Cerny - None

CONSENT AGENDA

1. COUNTY ADMINISTRATION

No requests received.

2. CONSTRUCTION AND DESIGN

(a) ACTION REQUESTED/PURPOSE:

Approve the Addendum to the Construction Manager (CM) Agreement under RFQ-05-07, for the project known as Hammond Stadium Bowl Caulking, to Karr Group, Inc. d/b/a Casey Construction, for a total Guaranteed Maximum Price (GMP) of \$223,401.21, including the CM fee of \$19,560.00, with a total completion time of four (4) months. Also, authorize the Chairwoman to execute an Addendum, upon receipt; request waiving of the formal process, if needed; and authorize the use of the Direct Material Purchase Orders as provided for in the CM agreement with Lee County, which allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure. Also, approve budget transfer from General Fund reserves in the amount of \$146,424.00.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Contractor to re-coat the Sports Complex Bowl Concourse.

MANAGEMENT RECOMMENDATION:

Approval recommended. (#20051690 – Construction & Design)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(b) ACTION REQUESTED/PURPOSE:

Approve lease with Central Park Office Complex LLC, for 4,762.5 square feet of warehouse/office space located at 5461 Division Drive, Unit #2, in the Billy Creek Commerce Center in Ft. Myers, Florida. Base rental cost will be \$9.14 per square feet per year or \$43,529.25 for the first year. Lease will be for five years with the option to renew for an additional five years. There will be no CAM costs related to this lease. Lease will increase 4% annually, and can be terminated by giving the Lessor three months advance written notice. Also, approve transfer of funds from Reserves in the amount of

\$65,000.00 for one time start up cost, which includes installing an HVAC system in the warehouse portion and phone lines, and rental costs for remainder of FY 05/06.

WHAT ACTION ACCOMPLISHES:

Allows Facilities Management to have a centrally located climate controlled warehouse to store modular furniture used in county office buildings.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051700](#) – Construction & Design)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRWOMAN ANNOUNCED THAT:

Consent Item C8(b) had been heard as Walk On #2 at the December 6, 2005 meeting and should be removed from the Agenda; and Consent Items C2(b) and C7(b) should be pulled indefinitely. Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried.

(c) **ACTION REQUESTED/PURPOSE:**

Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-06-01 Renovations to the Wachovia Building, 2nd Floor, for the Lee County Supervisor of Elections; and renovations to the Lee County Constitutional Complex, for the Lee County Property Appraiser, in the below order of ranking; and authorize contract negotiations to commence with the number-one ranked firm, and the Chairwoman to execute the agreements upon final negotiations.

- 1) Parker/Mudgett/Smith Architects
- 2) RS&H
- 3) PBS&J.

WHAT ACTION ACCOMPLISHES:

Authorizes negotiations for design services contract for the project known as CN-06-01 Renovations to the Wachovia 2nd Floor for the Lee County Supervisor of Elections, and Renovations to the Lee County Constitutional Complex for the Lee County Property Appraiser.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20051709](#) – Construction and Design)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT

No requests received.

5. HUMAN SERVICES

(a) **ACTION REQUESTED/PURPOSE:**

Approve Program [Amendments](#) to Lee County's HUD CDBG Program for HUD Fiscal Year 2005 activities; and authorize the Chairman to sign the [HUD Transmittal Letter](#) and sub-recipient contracts, if any.

WHAT ACTION ACCOMPLISHES:

Allows for reallocation of funds to prioritized activities.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20051652](#) – Human Services)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Approve budget amendment resolutions for \$2,449,422.00 in the Community Development Block Grant Entitlement Fund #13920; \$809,030.00 in the HOME Investment Partnerships Program/American Dream Down-payment Initiative (ADDI) Fund #13921; and \$93,933.00 in the General Fund #00100 for Emergency Shelter Grant (ESG), for Lee County to receive United States Department of Housing and Urban Development funds in FY05-06.

WHAT ACTION ACCOMPLISHES:

Enables Lee County's HUD CDBG, HOME/ADDI and ESG Entitlement grants to be properly expended in the correct budget categories.

MANAGEMENT RECOMMENDATION:

Approve budget amendment resolutions. ([#20051688](#) – Human Services)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

[RESOLUTION NO. 05-12-06 through RESOLUTION 05-12-08](#)

(c) ACTION REQUESTED/PURPOSE:

Approve [transfer](#) from reserves, inter-fund transfer and budget amendment resolution in the amount of \$66,032.00. The Lee County Sheriff's Office has provided a letter of approval and is in agreement to use funds from court fines collected under Florida Statute 775.083, to fund a Neighborhood Accountability Board Coordinator in the Department of Human Services.

WHAT ACTION ACCOMPLISHES:

Provides funding to address first time juvenile offenders, victims, and the victimization of local merchants and schools. Allows Human Services to hire a full-time grant funded position to work with school-based and merchant offences.

MANAGEMENT RECOMMENDATION:

Continue to enhance the Neighborhood Accountability Board Program by adopting the budget. ([#20051689](#) – Human services)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

[RESOLUTION NO. 05-12-09](#)

6. INDEPENDENT**(a) ACTION REQUESTED/PURPOSE:**

Declare County owned property located at 120 Alameda Avenue, Fort Myers, as surplus property. Approve the conveyance of County interest in the property described as the portion of Tract B, Morse Shores Subdivision, Plat Book 9, Page 158A, to the [Morse Shores Civic Association, Inc.](#), a Florida Not for Profit Corporation, pursuant to their request.

WHAT ACTION ACCOMPLISHES:

Declares County owned property as surplus under FS 125.38, and conveys County interest in a platted parcel identified as a portion of Tract B, to the Morse Shores Civic Association, Inc.

MANAGEMENT RECOMMENDATION:

Management recommends Board approve the Action Requested. ([#20051566](#) – County Lands)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

[RESOLUTION NO. 05-12-10](#)

(b) ACTION REQUESTED/PURPOSE:

Authorize grant of a 20 foot access and [utility easement](#), to James M. Hayes and Myrtle Hazel Hayes, pursuant to the terms and conditions as set forth in the Grant of Perpetual Ingress, Egress and Utility Easement, Parcel 108, Caloosahatchee Creeks Preserve, Conservation Lands Program No. 8800. Authorize the Chairwoman to sign the Grant of Easement; the payment of costs and fees to close in the approximate amount of \$50.00; and the Division of County Lands to handle and accept all documentation necessary to complete this transaction and grant extension to close, if necessary.

WHAT ACTION ACCOMPLISHES:

Avoids potential court action for Easement of Necessity by granting access to landlocked parcel.

MANAGEMENT RECOMMENDATION:

Management recommends Board approve the Action Requested. ([#20051582](#) – County Lands)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(c) ACTION REQUESTED/PURPOSE:

Authorize approval of [Easement Purchase Agreement](#) for acquisition of Parcel 603, STRAP No. 36-47-25-B4-0130B.0010, from Mills Venture Group, Inc., for the Imperial Street Widening, Project 4060, in the amount of \$1,650.00. Authorize the Chairwoman to sign the Purchase Agreement; the payment of costs and fees to close in the approximate amount of \$500.00; and the Division of County Lands to handle and accept all documentation necessary to complete this transaction and grant time extension to close, if necessary.

WHAT ACTION ACCOMPLISHES:

Allows the County to proceed with the project without resorting to Eminent Domain proceedings.

MANAGEMENT RECOMMENDATION:

Management recommends Board approve the Action Requested ([#20051651](#) – County Lands)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(d) **ACTION REQUESTED/PURPOSE:**

Approve Project #PB060091, the utilization piggyback of the Sarasota County Proposal #RFP4785DW, which has gone through their competitive bidding process for the purchase of an Automatic Bus Passenger Counting System, from Urban Transportation Associates, for use by Lee Tran. The total price for the automatic bus passenger counting system is \$81,100.00. This purchase is 100% federally funded by the Federal Transit Administration.

WHAT ACTION ACCOMPLISHES:

Board approval is required because this expenditure will exceed \$50,000.00.

MANAGEMENT RECOMMENDATION:

By utilizing the Sarasota County Proposal, Lee Tran will be able to have the automatic bus passenger counting system installed in a timely fashion, thus allowing Lee Tran to continue to provide high quality transit service. ([#20051718](#) – Transit)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

7. **PUBLIC SAFETY**

(a) **ACTION REQUESTED/PURPOSE:**

Authorize Chairman to execute a [lease agreement](#), with Iona-McGregor Fire Protection & Rescue Service District, for space in their fire stations to house EMS personnel and vehicles. Lease cost is \$600.00 per month, for three years, with an additional two (2) year renewal.

WHAT ACTION ACCOMPLISHES:

Fulfills an operational need for secure, protected space to house its personnel and emergency vehicles.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20051438](#) – Public Safety)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Approve lease with Central Park Office Complex LLC, for 4,762.5 square feet of warehouse/office space located at 5461 Division Drive, Unit #1, in the Billy Creek Commerce Center in Ft. Myers, Florida. Base rental cost will be \$9.14 per square feet per year or \$43,529.25 for the first year. Lease will be for five years with the option to renew for an additional five years. There will be no CAM costs related to this lease. Lease will increase 4% annually, and can be terminated by giving the Lessor three months advance written notice.

WHAT ACTION ACCOMPLISHES:

Allows for EMS to have warehouse space to store their Regional Domestic Security Task Force supplies, in East Ft. Myers, that will be near Interstate 75 and will allow for rapid deployment via I-75 to the nine counties in Florida Department of Law Enforcement area.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051672](#) – Public Safety)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING THE CHAIRWOMAN ANNOUNCED THAT:

Consent Item C8(b) had been heard as Walk On #2 at the December 6, 2005 meeting and should be removed from the Agenda; and Consent Items C2(b) and C7(b) should be pulled indefinitely. Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried.

(c) **ACTION REQUESTED/PURPOSE:**

Authorize Chairwoman to execute [Modification #2](#) to Agreement #05-DS-2N-09-46-01-105, with the Department of Community Affairs, to extend the agreement to March 31, 2006.

WHAT ACTION ACCOMPLISHES:

Provides additional time for Lee County to conduct homeland security related planning, training and exercise tasks; and to complete certain Emergency Operations Center enhancements.

MANAGEMENT RECOMMENDATION:

Staff requested extension; and therefore, recommends approval. ([#20051679](#) – Public Safety)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

8. **SOLID WASTE-NATURAL RESOURCES**

(a) **ACTION REQUESTED/PURPOSE:**

Approve [Supplemental Agreement No. 2](#) to Contract No. 3117, with HDR, Inc., for an amount not to exceed \$631,788.00, for required engineering services related to the Waste-to-Energy Expansion (WTE) Project, including consulting services for negotiating the operations service agreement revisions, construction monitoring, acceptance test monitoring, and preparing final finance documents for this project.

WHAT ACTION ACCOMPLISHES:

Provides for additional engineering services related to the WTE expansion project

MANAGEMENT RECOMMENDATION:

Staff recommends approval of the requested motion. ([#20051717](#) – Solid Waste)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Approve award of formal quotation RFP B&R 2661-SM155; and issuance of a purchase order to Delta Ducan, Inc., the low price proposer, meeting all specification requirements, for carbon storage and delivery equipment, in an amount of \$407,180.00.

WHAT ACTION ACCOMPLISHES:

Provides the necessary carbon storage and delivery equipment for the Waste to Energy Expansion Project.

MANAGEMENT RECOMMENDATION:

Staff recommends approval of the requested motion. ([#20051728](#) – Solid Waste)

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRWOMAN ANNOUNCED THAT:

Consent Item C8(b) has been heard as Walk On #2 at the December 6, 2005 meeting and should be removed from the Agenda; and Consent Items C2(b) and C7(b) be pulled indefinitely. Commissioner Albion moved approval, seconded by Commissioner Janes, called and carried.

(c) **ACTION REQUESTED/PURPOSE:**

Approve award of Formal Quotation No. Q-060021, Purchase of Natural Resources Monitoring Equipment, to the low quoter meeting specifications, AMJ Equipment Corporation, at a cost of \$80,574.00, as listed on the Lee County Tabulation Sheet.

WHAT ACTION ACCOMPLISHES:

Purchases over \$50,000.00 must be Board approved.

MANAGEMENT RECOMMENDATION:

Provides an established quote to purchase equipment for the Best Management Practices grant project for Lee County Division of Natural Resources. ([#20051714](#) – Natural Resources)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(d) **ACTION REQUESTED/PURPOSE:**

Award [B-06-01](#) Cleaning Operations in Fichter’s Creek, for the Division of Natural Resources, to the lowest responsive, responsible bidder meeting all bidding requirements; [Mettauer Environmental, Inc.](#), for the lump-sum amount of \$54,500.00; and accept all bid package alternate unit costs to be used at the county’s discretion. This contract is for a period of ninety (90) days for final completion. Authorize the Chairwoman to execute the contract upon receipt.

WHAT ACTION ACCOMPLISHES:

Contractor will be required to perform cleaning operations in Fichter’s Creek as necessary to maintain the hydraulic capacity of the channel. The work will include the removal and disposal of nuisance vegetation and foreign debris and may require re-vegetation of disturbed areas.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20051736](#) – Natural Resources)

PULLED FOR DISCUSSION

Commissioner Judah moved approval, seconded by Commissioner Janes. Commissioner Judah commended Natural Resources Director Roland Ottolini for work well done; expressed concern with the possibility of operators getting over zealous and destroying or removing vegetation that could affect the eco-system; and requested information concerning oversight/monitoring of the project. Mr. Ottolini confirmed that Natural Resources employee Wanda Wooten would be on site to monitor the project; and noted that there would be some re-vegetation of native plants on the banks for erosion control. The motion was called and carried.

9. TRANSPORTATION

(a) **ACTION REQUESTED/PURPOSE:**

Approve [Change Order No. 11](#) to Contract No. 2750, for B04-05 Bonita Beach Widening, in the amount of \$106,789.00; and authorize Chairwoman to execute the Change Order on behalf of the Board. Also, approve [budget transfer](#) in the amount of \$400,000.00 from Gas Tax Reserves to the Bonita Beach Road Widening Project #4044; and amend the 05/06 – 09/10 CIP accordingly.

WHAT ACTION ACCOMPLISHES:

Approves Change Order No. 11, and provides additional funding to the Bonita Beach Road Widening Project to proceed with construction.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051615](#) – Transportation)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Award [B-05-23](#) Daniels Parkway Landscape & Irrigation, for the Department of Transportation, to the lowest, responsive/responsible bidder meeting all bidding requirements, [Vila & Sons Landscaping Corp.](#), for a total not-to-exceed amount of \$584,926.75, with a final project completion time of 455 calendar days. This project was anticipated, and funds are available.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a contractor for the installation of plant material and underground irrigation system, including maintenance of traffic, berms (soil), sod, wells, pumps, electrical, directional boring and landscape and irrigation maintenance.

MANAGEMENT RECOMMENDATION:

Approval recommended. ([#20051668](#) – Transportation)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(c) **ACTION REQUESTED/PURPOSE:**

Award [B-05-26](#) Gunnery Road Widening, to the lowest, responsive, responsible bidder, [Stevens & Layton, Inc.](#), for a total not-to-exceed amount of \$10,207,288.63, with a final project completion time of 480 calendar days. Also, authorize Chairwoman to execute agreement upon receipt. This CIP was anticipated, and funds are available.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Contractor to construct 2.18 miles of four lane outside curb and gutter roadway with sidewalks on both sides, detention swales adjacent to roadway under Lee County Electric Cooperative power lines, 140 LF of (4) 10'x9' box culverts to replace existing bridge, 126 LF of (2) 60" RCP, extensive MOT.

MANAGEMENT RECOMMENDATION:

Approval Recommended. ([#20051677](#) – Transportation)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

10. UTILITIES

(a) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of two (2) [utility easements](#), as a donation of water distribution and gravity systems, force main extension and one (1) lift station to provide potable water service, fire protection and sanitary sewer service to Coco Bay, a residential development. This is a developer contributed asset project located approximately 500 feet south of Kelly Road and 2,000 feet east of McGregor Boulevard.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051526](#) – Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

RESOLUTION NO. 05-12-11

(b) **ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of one (1) [utility easement](#), as a donation for one fire hydrant and one force main connection serving Iona-Hope Episcopal Church, to provide fire protection and sanitary sewer service to the recently constructed Sanctuary. This is considered a developer contributed asset project located on the north side of Gladiolus Drive, approximately 500 feet west of Bass Road.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051562](#) – Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

[RESOLUTION NO. 05-12-12](#)**(c) ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of one (1) [utility easement](#), as a donation of water, gravity and force main extensions and one (1) lift station to provide potable water service, fire protection and sanitary sewer service to Moody River Estates, Phase 1-C, a phased residential development. This is a developer contributed asset project located on the south side of Hancock Bridge Parkway between Moody Road and Skyline Drive, approximately 1.25 miles west of N. Cleveland Avenue.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051632](#) – Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

[RESOLUTION NO. 05-12-13](#)**(d) ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution, as a donation of water distribution and gravity collection systems to provide potable water service, fire protection and sanitary sewer service to Belle Lago, Phase 1B, a phased residential development. This is a developer contributed asset project located on the north side of Estero Parkway, approximately 2/3 mile east of South Tamiami Trail.

WHAT ACTION ACCOMPLISHES:

Places the water and sewer systems into operation, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051636](#) – Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

[RESOLUTION NO. 05-12-14](#)**(e) ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution, as a donation of water distribution and gravity collection systems, force main extension and one (1) lift station to provide potable water service, fire protection and sanitary sewer service to Moody River Estates, Phases 1 A, B E & F, a phased residential development. This is a developer contributed asset project located on the south side of Hancock Bridge Parkway, between Moody Road and Skyline Drive, approximately 1.25 miles west of North Cleveland Avenue.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051637](#) – Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

[RESOLUTION NO. 05-12-15](#)**(f) ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution, as a donation of water distribution and gravity collection systems to provide potable water service, fire protection and sanitary sewer service to Moody River Estates, Parcel D, a phased residential development. This is a developer contributed asset project located on the south side of Hancock Bridge Parkway, between Moody Road and Skyline Drive, approximately 1.25 miles west of North Cleveland Avenue.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051638](#) – Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

RESOLUTION NO. 05-12-16**(g) ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution, as a donation of a water distribution system, gravity collection system, lift station and force main extension to provide potable water service, fire protection and sanitary sewer service to Grande Oak East, Tract 10, a recently constructed 169-lot single-family residential subdivision. This is a developer contributed asset project located on the north side of Corkscrew Road, approximately 1.5 miles east of Interstate 75.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051673](#) – Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

RESOLUTION NO. 05-12-17**(h) ACTION REQUESTED/PURPOSE:**

Approve final acceptance, by Resolution and recording of two Rebateable Agreements, one [water](#) and one [sewer](#); and authorize the Chairwoman to execute the Rebateable Agreements, as donations of a water distribution system, gravity collection system, lift station and force main extension to provide potable water service, fire protection and sanitary sewer service to Estero Palms, a recently constructed 32-lot single-family residential subdivision, as well as other parcels along Block Lane. This is a developer contributed asset project located on the south side of Block Lane, approximately 1,850 feet south of Corkscrew Road and 350 feet west of River Ranch Road.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support development of the subject property as well as other parcels along Block Lane, and complies with the Lee County Utilities Operations Manual.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051676](#) - &Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

RESOLUTION NO. 05-12-18**(i) ACTION REQUESTED/PURPOSE:**

Approve [Supplemental Task Authorization \(STA\) No. 3](#) to Contract No. 2924, to Hole Montes, Inc., under CN-04-14 Miscellaneous Utility Engineering Design and/or Inspection Services: Waterway Estates Wastewater Treatment Plant (WWTP) Study of Expansion Alternatives, in the amount of \$99,900.00. Also, approve [budget transfer](#) in the amount of \$50,000, from Lee County Utilities Capital Improvement Reserves to the Waterway Estates WWTP project; and amend FY 05/06 – 09/10 CIP accordingly. Also, authorize the Chairwoman to execute Supplemental Task Authorization No. 3.

WHAT ACTION ACCOMPLISHES:

Waterway Estates WWTP Study of Expansion Alternatives

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20051691](#) – Utilities)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

11. PARKS AND RECREATION**(a) ACTION REQUESTED/PURPOSE:**

Approve, and execute, a [grant agreement](#), with the Florida Department of Agriculture and Consumer Services, Division of Forestry, under the Urban and Community Forestry Grant Program, for 2005 Emergency Hurricane Supplemental Funds for replanting trees lost in Lakes Park due to Hurricane Charley. Approve Budget Amendment Resolution in the amount of \$136,125.00.

WHAT ACTION ACCOMPLISHES:

To accept funds from the Florida Department of Agriculture and Consumer Services, Division of Forestry under the Urban and Community Forestry Grant Program for 2005 Emergency Hurricane Supplemental Funds for replanting trees lost in Lakes Park due to Hurricane Charley.

MANAGEMENT RECOMMENDATION:

Approve and execute grant agreement. ([#20051685](#) – Parks and Recreation)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

[RESOLUTION NO. 05-12-19](#)

12. COUNTY ATTORNEY

No requests received.

13. HEARING EXAMINER

No requests received.

14. PORT AUTHORITY

No requests received.

15. CONSTITUTIONAL OFFICERS

(a) **ACTION REQUESTED/PURPOSE:**

Approve [transfer](#) from General Fund Reserves in the amount of \$463,925.00, to hire ten (10) bailiff positions for Court Operations. Also, amend Lee County Sheriff's Office FY 05/06 budget. Anticipated date of hire is February 2006. The annualized cost for additional bailiffs is \$540,000.00.

WHAT ACTION ACCOMPLISHES:

To better provide proper staffing levels for the Justice Center.

MANAGEMENT RECOMMENDATION:

Recommend approval. ([#20051734](#) – Sheriff)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

(b) **ACTION REQUESTED/PURPOSE:**

Approve [disbursements](#).

WHAT ACTION ACCOMPLISHES:

Compliance with the requirements of FS 136.06(1). Florida Statute Chapter 136.06(1) requires that all County disbursements be recorded in the Minutes of the Board.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051735](#) – Clerk of Court)

Commissioner Albion moved approval, seconded by Commissioner St. Cerny, called and carried.

ADMINISTRATIVE AGENDA

1. COUNTY ADMINISTRATION

No requests received.

2. CONSTRUCTION AND DESIGN

No requests received.

3. COUNTY COMMISSIONERS

No requests received.

4. COMMUNITY DEVELOPMENT

No requests received.

5. HUMAN SERVICES

No requests received.

6. INDEPENDENT

(a) ACTION REQUESTED/PURPOSE:

Authorize approval of the purchase of Parcel 284, STRAP Nos. 19-46-24-W3-01700.0200; 20-46-24-W4-01700.0190; and 20-46-24-W4-01700.0210, from Douglas O. Williamson, for Conservation 2020 Land Acquisition Program, Project No. 8800, located on Fort Myers Beach, in the amount of \$1,050,000.00. Authorize the Chairwoman to execute [Purchase Agreement](#); the payment of necessary costs and fees to close in the approximate amount of \$7,000.00; and the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHAT ACTION ACCOMPLISHES:

The acquisition of one of the properties recommended by the Conservation Acquisition and Stewardship Advisory Committee, and approved for acquisition on Blue Sheet 20040570.

MANAGEMENT RECOMMENDATION:

Considering the recommendation of this parcel by CLASAC, Staff recommends the Board approve the Action Requested. ([#20051617](#) – County Lands) ([Affidavit](#))

Commissioner Albion moved approval, seconded by Commissioner Judah, called and carried.

(b) ACTION REQUESTED/PURPOSE:

Authorize approval of the purchase of Parcel 283, STRAP No. 20-6-24-W4-01700.0220, from Randall D. Williamson, for Conservation 2020 Land Acquisition Program, Project No. 8800, located on Fort Myers Beach, in the amount of \$350,000.00. Authorize the Chairwoman to execute the [Purchase Agreement](#); the payment of necessary costs and fees to close in the approximate amount of \$2,500.00; and the Division of County Lands to handle and accept all documentation necessary to complete this transaction.

WHAT ACTION ACCOMPLISHES:

The acquisition of one of the properties recommended by the Conservation Acquisition and Stewardship Advisory Committee and approved for acquisition on Blue Sheet 20040570.

MANAGEMENT RECOMMENDATION:

Considering the recommendation of this parcel by CLASAC, Staff recommends the Board approve the Action Requested. ([#20051618](#) – County Lands) ([Affidavit](#))

Commissioner Janes moved approval, seconded by Commissioner Judah, called and carried.

7. PUBLIC SAFETY

No requests received.

8. SOLID WASTE-NATURAL RESOURCES**(a) ACTION REQUESTED/PURPOSE:**

Waive formal procurement procedures, and approve award and issuance of a purchase order to Covanta Energy, Inc., the sole-source provider, meeting all project requirements for a Continuous Emissions Monitoring System (CEM) including engineering, and all equipment, in the not to exceed amount of \$583,000.00 that includes an allowance of \$10,890.00 for field start-up labor and expenses.

WHAT ACTION ACCOMPLISHES:

Provides the necessary CEM equipment/system for the Waste to Energy Expansion Project.

MANAGEMENT RECOMMENDATION:

Staff recommends approval of this request. ([#20051721](#) – Solid Waste)

Commissioner Judah moved approval, seconded by Commissioner Janes, called and carried.

9. TRANSPORTATION

No requests received.

10. UTILITIES

No requests received.

11. PARKS AND RECREATION

No requests received.

ADMINISTRATIVE AGENDA ITEM 12(A) WAS HEARD PRECEDING WALK-ON ITEM NO. 1.

12. COUNTY ATTORNEY**(a) ACTION REQUESTED/PURPOSE:**

Approve the Lee County School District Capital Improvement Plan for Impact Fee Revenue.

WHAT ACTION ACCOMPLISHES:

Compliance with Land Development Code (LDC) provisions governing documentation of the planned use of school impact fee revenue. LDC requires that the Lee County School Board present the Capital Improvement Program for Educational Facilities to the Board of County Commissioners for approval.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051699](#) - County Attorney)

Lee County School District Superintendent Dr. James Browder, with the use of a PowerPoint presentation, stated that, since the inception of school impact fees, \$105,197,651.00 has been collected; pointed out that impact fees make up 24.8% of the revenue in the School Board capital budget this year; explained in detail the use of the funds by zone/project, and apprised that the school district has grown by over 21,000 students in the past seven years. He expressed appreciation to the Board and staff for their support. Commissioner Judah inquired if the School Board was aware of the Building Industry's use of a task force to try limit and curtail the ability of counties to impose impact fees by influencing State Legislature. Dr. Browder explained that Cerra Consulting Group representative Bob Cerra, the School District's legislative liaison in Tallahassee, is working with all growth districts to present the other side of the picture; and noted that the State is behind with the class size amendment. Commissioner Albion opined the building industry is looking at a transfer tax rather than an impact fee, to potentially capture new people coming into the State. Dr. Browder agreed there needed to be an available revenue stream to maintain the level of growth. In response to Commissioner Albion's question, Dr. Browder replied that the money was allocated for the schools that are being built; and added that almost \$100 million was being borrowed, in the capital budget, to provide the space necessary for the growth. Dr. Browder explained that the intent of the class size amendment was that it be fully funded by the State, but it has not been fully funded on the capital side; noted that there is a lawsuit pending on the co-teacher concept of the class size amendment; and anticipated an item on the ballot in 2006 with an opportunity for the citizens to see the real cost. Commissioner Albion raised concern with the possibility of too much funding being collected in impact fees if the referendum identifies a different funding source. Dr. Browder replied that impact fees were a 'piece of the puzzle' to cover the growth. Discussion ensued between Commissioner Albion and Dr. Browder concerning the State's responsibility to provide funding contained in the class size amendment; and the need to fix that gap, that it is a matter of law and not legislative discretion. Commissioner Judah moved approval, seconded by Commissioner Albion, called and carried.

(b) ACTION REQUESTED/PURPOSE:

Approve the Resolution of Necessity for the acquisition and condemnation of Parcels 1, 23, 56, 58, 63, 64, and 91 required for the Gladiolus Drive Widening Project, No. 4083.

WHAT ACTION ACCOMPLISHES:

Allows the County to proceed with condemnation, if necessary, so parcels can be acquired for the Gladiolus Drive Widening Project, No. 4083

MANAGEMENT RECOMMENDATION:

Management recommends Board approve the Action Requested. ([#20051712](#) – County Attorney)

Commissioner Janes moved approval, seconded by Commissioner Judah, called and carried.

[RESOLUTION NO. 05-12-20](#)

13. HEARING EXAMINER

No requests received.

CONVENE AS THE BOARD OF PORT COMMISSIONERS**14. PORT AUTHORITY**

- (a) Authorize execution of Supplemental Agreement No. 53 between the Lee County Port Authority and Hole Montes, Inc., in the amount of \$5,000.00, to provide construction administration services for the RSW Interspace Airport Advertising. Funds are available in account 418 000 542450 6510, RSW Non-Bond.

FOR ACTION TAKEN, SEE THE PORT AUTHORITY MEETING.

- (b) Authorize execution of Contract Amendment No. 2, between the Lee County Port Authority and Owen-Ames-Kimball (OAK) in the amount of \$527,371.00, to provide management services for the

Interspace Airport Advertising project at RSW; and approve a Total Project Budget in the amount of \$659,209.00. Funds are available in account 418 000 542450 6410, RSW Non-Bond.

FOR ACTION TAKEN, SEE THE PORT AUTHORITY MEETING.

- (c) Approve the Actual Fiscal Year 2004-2005 Rates and Fees for the Southwest Florida International Airport and any refunds and rebates payable to the airlines, as required by the Amended and Restated Airport Use Agreement.

FOR ACTION TAKEN, SEE THE PORT AUTHORITY MEETING.

RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

15. CONSTITUTIONAL OFFICERS

No requests received.

ADMINISTRATIVE AGENDA ITEM 12(A) WAS HEARD THAT THIS TIME. SEE THAT PORTION OF THE MEETING.

WALK-ON ITEM NO. 1

9. TRANSPORTATION

ACTION REQUESTED/PURPOSE:

Approve submittal of a FY 05/06 State Infrastructure Bank (SIB) loan application for \$4.8 million, for the construction phase of the four-laning of Three Oaks Parkway, between Corkscrew Road and Alico Road #4081; and authorize the Chairwoman to execute a resolution committing to repay the loan with minimal interest in FY 09/10 from District 24 road impact fees. Also, approve submittal of a FY 06/07 SIB loan application for \$14,575,500.00, for the construction phase of the six-laning of Summerlin Road, from Cypress Lake Drive to Boyscout Road, including an overpass at College Parkway #6007; and authorize the Chairwoman to execute a resolution committing to repay the loan with minimal interest in FY 09/10 from District 23 road impact fees.

WHAT ACTION ACCOMPLISHES:

Authorizes pursuit of a low interest loan to fund the Three Oaks Parkway four-lane and Summerlin Road six-lane construction phases, thereby freeing up road impact fee funds to address other project needs. Execution of resolution satisfies Florida Department of Transportation requirements regarding repayments using local funding sources.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051783](#) – Transportation)

Commissioner Albion moved approval, seconded by Commissioner Judah, called and carried.

[RESOLUTION NO. 05-12-21](#) and [RESOLUTION NO. 05-12-24](#)

WALK-ON ITEM NO. 2

8. SOLID WASTE-NATURAL RESOURCES

ACTION REQUESTED/PURPOSE:

Approve [Change Order No. 2](#) to Contract No. 3304, Hurricane Charley Debris Removal, to TSI Disaster Services, in the amount of \$477,720.00, resulting in a new not-to-exceed contract total of \$1,007,420.00. Funds are available.

WHAT ACTION ACCOMPLISHES:

Provides additional hurricane debris removal prior to grant expiration.

MANAGEMENT RECOMMENDATION:

Staff recommends approval. ([#20051786](#) – Natural Resources)

Commissioner Janes moved approval, seconded by Commissioner Judah, called and carried.

AT THIS TIME, THE 9:30 A.M. PUBLIC HEARING WAS HEARD. SEE THAT PORTION OF THE MEETING FOR ACTION TAKEN.

COMMISSIONER ITEMS

STATE INFRASTRUCTURE LOAN – After noting the State had denied the loan request needed to complete the six-laning on US 41 between Corkscrew Road and San Carlos Park; Commissioner Judah stated that the Department of Transportation would be production ready by the end of 2006, cited that the State was looking at funding that stretch in 2011, and opined this was totally unacceptable. Commissioner Judah requested direction to coordinate with the Florida Department of Transportation on the potential to borrow from the Commercial Paper Program, a low interest loan from the State, and loan it to the FDOT under a joint participatory agreement that will be reimbursed. Commissioner Albion opined that interest would be lost on that money; and suggested private sector funding alternatives, and discussions with the Legislative Delegation. There was consensus to give formal direction to Administrative Staff to pursue discussions with the FDOT and to look at all options.

METROPOLITAN PLANNING ORGANIZATION - Commissioner Judah gave an update on the I-75 and Coconut Road interchange and the \$10 million earmarked for the Service Transportation Act; noted that Connie Mack's office was looking into the redirection of the funds to other interchanges or the widening of I-75; and asked that Marlowe & Associates engage in discussions with the Congressional delegations to assist in redirection of those funds. Commissioner Janes informed the Board that he had a conversation with the Senate delegation on this issue, and explained that he had already suggested for them to work with the Ferguson Group, who are skilled in working with political/legislative issues. Commissioner Hall emphasized the need to coordinate, with staff's help, to prevent being caught off guard or duplicating efforts. Commissioner Albion suggested waiting to hear back from Connie Mack's office before spending funds on lobbyists; and noted that this interchange was experimental and used as a demonstration project with other aspects tied into many other elements and has complications attached to it. Discussion followed with Chairwoman Hall requesting that Commissioners Judah and Janes coordinate with Assistant County Manager Holly Schwartz on this issue.

TRASH ALONG INTERSTATE 75 - Commissioner Judah stated that I-75 was back to the "uglification" of Lee County; expressed embarrassment that so much trash was along the roadway; noted uncertainty if the State lacked the funding for a contractor; and expressed the need to coordinate with the Florida Department of Transportation.

SUGAR CANE FIELDS AND WATER STORAGE - Commissioner Judah requested that County Attorney David M. Owen incorporate the following information in the continued discussions, with Earth Justice and others, between today and December 20th, regarding the storage of water on sugar cane fields:

- The sugar cane industry's stronghold on Tallahassee and Washington, DC
- The claim that, in order to store water on their property, it would be a private property rights issue and a taking
- The fact that the sugar cane industry would not exist if not for government action
- The billion dollars in subsidies, with Lee County taxpayers paying \$38 million dollars to the Okeechobee levy to help manage the irrigation and drainage system for sugar cane production south of the Lake
- That the sugar cane owners are not paying the full cost of bringing their product to market because the Everglades Forever Act actually capped the sugar cane industry owners' liability at \$320 million
- Corporal Carpenter's estimate to restore the Everglades at over \$10 1/2 billion dollars
- The total devastation due to over-fertilization and utilization of land

RELOCATION OF GOPHER TORTOISES - Commissioner Judah stated a legal opinion was received on the relocation of gopher tortoises from private lands being readied for development, to Conservation 2020 lands suitable for the habitat of the threatened species; and requested, instead of getting permits to entomb them, if there was a way to protect these endangered species by using the 2020 land for relocation. Assistant County Attorney Andrea R. Fraser noted that Assistant County Attorney Jed Schneck had provided a legal opinion based on a reading of the current 2020 Ordinance; and agreed to further look into the request. Commissioner Judah commented that if there was a need to amend the Ordinance to allow this request, he felt the Board collectively would agree. Commissioner Hall suggested Commissioner Judah talk with the 2020 Committee to make them aware of this situation, and make a recommendation to the Board.

IMMEDIATELY PRIOR TO ADJOURNMENT, CHAIRWOMAN HALL OFFERED AN ADDITIONAL COMMISSIONER ITEM.

RESIGNATION FROM TRANSIT AUTHORITY - Chairwoman Hall announced that Commissioner Albion had forwarded his [letter of resignation](#) to the Transit Authority; and requested a volunteer to fill that seat. Commissioner Janes recommended Commissioner Judah for the position, and Commissioner Judah accepted.

COMMITTEE APPOINTMENTS

There were no appointments offered by the individual Commissioners.

COUNTY MANAGER ITEMS

County Manager Donald D. Stilwell had nothing to offer.

COUNTY ATTORNEY ITEMS

County Attorney David M. Owen had nothing to offer.

9:30 A.M. AGENDA ITEM – Public Hearing

(1) **ACTION REQUESTED/PURPOSE:**

Adopt a Resolution supporting the expansion of River Hall Community Development District boundaries by the Florida Land and Water Adjudicatory Commission.

WHAT ACTION ACCOMPLISHES:

A Resolution adopted by the Board is the only means of expressing support or objection to the granting of a [petition](#) to expand the boundaries of a UCDD of greater than 1,000 acres. Adoption of the proposed resolution shows support for the expansion of an existing independent special district and provides an alternative method to manage and finance basic services within the expanded area of the Community Development District.

MANAGEMENT RECOMMENDATION: ([#20051722](#) – County Attorney).

Assistant County Attorney Dawn E. Lehnert approved as to legal form and sufficiency, the [Affidavit of Publication](#) for the Public Hearing Agenda Item 1; and described this request. Commissioner Albion moved approval, seconded by Commissioner St. Cerny. The Chairwoman called for public input; however, no one came forward. The motion was called and carried.

[RESOLUTION NO. 05-12-22](#)

The Chairman recessed the meeting until 5:00 p.m. The Chairwoman called the meeting back to order at 5:02 p.m. with all Commissioners present.

5:00 P.M. AGENDA ITEM - Public Hearing

(1) **ACTION REQUESTED/PURPOSE:**

Approve Resolution of Intent electing to use the Uniform Method of Collecting Non-Ad Valorem Special Assessments levied in the Unincorporated Area of Lee County.

WHAT ACTION ACCOMPLISHES:

Florida Statute 197.3632 requires the Board to approve a Resolution of Intent prior to January 1, for the option to use the Uniform method of Collection for Non-Ad Valorem Special Assessments on the following November tax bill.

MANAGEMENT RECOMMENDATION:

Approve. ([#20051622](#) – Public Resources)

Assistant County Attorney Scott Coover approved as to legal form and sufficiency, the [Affidavits of Publication](#) and Notices of Intent for the 5:00 p.m. Public Hearing Agenda Item 1; and briefly described this request. Commissioner St. Cerny moved for approval, seconded by Commissioner Judah. The Chairwoman called for public input; however, no one came forward. The motion was called and carried.

[RESOLUTION NO. 05-12-23](#)

5:05 P.M. AGENDA ITEM - Public Hearing

(1) **ACTION REQUESTED/PURPOSE:**

Hold a second public hearing regarding an ordinance amending the Lee County Land Development Code (LDC); and adopt proposed ordinance amending the Lee County LDC to create Chapter 33 pertaining to Planning Community Regulations.

WHAT ACTION ACCOMPLISHES:

Satisfies the statutory requirement to hold two public hearings to amend the LDC. If adopted, Chapter 33 will serve to consolidate all existing and proposed regulations applicable to the Estero Planning Community under one Article; and establish the basic framework for the addition of new regulations applicable to other planning communities in Lee County.

MANAGEMENT RECOMMENDATION:

Adopt proposed ordinance. ([#20051716](#) – County Attorney)

Assistant County Attorney Dawn E. Lehnert approved as to legal form and sufficiency, the [Affidavits of Publication](#) for 5:05 p.m. Agenda Item 1; and briefly described this request. The Chairwoman called for public input and the following persons came forward:

Estero Chamber of Commerce CEO & Chairman of the Board [Meg Judge](#) stated her support, and thanked the Board, Community Development Director Mary Gibbs, Community Development Planning Director Paul S. O'Connor, and all involved for their efforts.

Estero Committee Planning Panel (ECP) member and Bonita Bay Group representative [Dan DeLisi](#) explained all the work involved for past four years to reach this point, and looked forward to working with this community.

ECP member [Don Eslick](#) thanked the Board for allowing people to participate in the process of building the community; and stated they would work hard to make the commercial corridors attractive and compatible with the residential communities.

ECP member [Neal Noethlich](#) stated this council was all about vision, community character, and citizen participation; and hoped for approval of the item.

Commissioner Judah moved approval, seconded by Commissioner Janes. Commissioner Janes explained that the ECP effort has been a model of what can be accomplished when people work together; and hoped this would send a message to other communities. Commissioner Judah concurred with Commissioner Janes' comments, commending the great evolutionary process that demonstrated a tremendous accomplishment on the Estero Community Planning Council; and thanking everyone involved. The motion was called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 05-29](#), ENTITLED:

AN ORDINANCE AMENDING THE LEE COUNTY LAND DEVELOPMENT CODE CHAPTERS 10, 30, AND 34; AMENDING CHAPTER 10, DEVELOPMENT STANDARDS, GENERAL REQUIREMENTS APPLICABLE TO PLANNING COMMUNITIES (§10-9); AND

AMENDING CHAPTER 30, SIGNS, TO CREATE PLANNING COMMUNITY REGULATIONS (§30-56); AND

AMENDING CHAPTER 34, ZONING TO REPEAL ARTICLE VI, DIVISION 10, SUBDIVISION V PERTAINING TO ESTERO SPECIAL DEVELOPMENT OF AREAS OF HIGH GROWTH (§§34-1042 THROUGH 34-1048); AND REPEALING ARTICLE VI, DIVISION 11, SUBDIVISION II (TICE REDEVELOPMENT OVERLAY DISTRICT, §§34-1091 THROUGH 34-1093), SUBDIVISION III (FORT MYERS SHORES REDEVELOPMENT OVERLAY DISTRICT, §§34-1111 THROUGH 34-1113), AND SUBDIVISION IV (NORTH TAMiami TRAIL REDEVELOPMENT OVERLAY DISTRICT, §§34-1122 THROUGH 34-1124) IN THEIR ENTIRETY; AMENDING GENERAL SUBMITTAL REQUIREMENTS FOR APPLICATIONS REQUIRING PUBLIC HEARING (§34-202); AND, APPLICATION PROCEDURE FOR PLANNED DEVELOPMENTS (§34-373); STREET SETBACKS (§34-2192); AND

REPEALING THE CONTENTS OF APPENDIX I, OVERLAY DISTRICTS, AND REPLACING THE CONTENTS WITH THE ESTERO PLANNING COMMUNITY, CORKSCREW/SANDY LANE OVERLAY MAP, ESTERO PLANNING COMMUNITY, US 41 OVERLAY MAP, SAN CARLOS ISLAND OVERLAY DISTRICT MAP, SAN CARLOS ISLAND ZONING OVERLAY MAP AND LEGAL DESCRIPTION FOR SAN CARLOS ISLAND OVERLAY DISTRICT; AND

CREATING CHAPTER 33, PLANNING COMMUNITY REGULATIONS, PROVIDING ARTICLE I, IN GENERAL, PURPOSE AND INTENT (§33-1); APPLICABILITY (§33-2); EFFECT OF LDC PROVISIONS (§33-3); CONFLICT (§33-4); DEVIATIONS/VARIANCES (§33-5); APPEAL (§33-6); CREATING ARTICLE II, PERTAINING TO THE ESTERO PLANNING COMMUNITY, PROVIDING PURPOSE AND INTENT (§33-51); APPLICABILITY (§33-52); PLANNING COMMUNITY BOUNDARIES (§33-53); COMMITTEE REVIEW (§33-54); EXISTING DEVELOPMENT (§33-55); DEFINITIONS (§33-56); DEVIATIONS AND VARIANCES (§33-57); DESIGN STANDARDS (§33-100); WATER MANAGEMENT

(§33-111); UTILITIES (§33-112); PLACES OF PUBLIC INTEREST/OPEN SPACE (§33-113); PARKING (§33-114); SERVICES AREAS (§33-115); LIGHTING (§33-116); NATURAL AND MAN MADE BODIES OF WATER (§33-117); INTERCONNECTIONS AND SHARED ACCESS (§33-118); AMENDING THE ARCHITECTURAL STANDARDS AND PROVIDING FOR APPLICABILITY (§33-226); ARCHITECTURAL STYLE (§33-227); COMPLIMENT SURROUNDING DEVELOPMENT (§33-228); MAXIMUM HEIGHT (§33-229); FACADE TREATMENT (§33-330); WINDOW TREATMENT (§33-331); AWNINGS (§33-332); COLUMNS (§33-333); BUILDING COLOR (§33-334); LANDSCAPING/WINDOW BOXES (§33-335); MULTI-TENANT BUILDINGS (§33-336); OUT-PARCELS (§33-337); INFILL DEVELOPMENT (§33-338); AMENDING LANDSCAPING STANDARDS, PROVIDING FOR LANDSCAPING BUFFERS (§33-351); PLANT MATERIALS (§33-352); LANDSCAPE DESIGN (§33-353); TREE PRESERVATION (§33-354); PROVIDING FOR TRANSIT FACILITATION (§33-361); PEDESTRIAN WALKWAYS/LINKAGES (§33-362); BICYCLE RACKS (§33-363); STREET FURNITURE AND PUBLIC AMENITIES (§33-364); AMENDING SIGN STANDARDS, PROVIDING FOR PURPOSE (§33-381); APPLICABILITY (§33-382); PROHIBITED SIGNS (§33-383); TEMPORARY SIGNS (§33-384); PERMANENT SIGNS IN COMMERCIAL AND INDUSTRIAL AREAS (§33-385); CREATING CORRIDOR OVERLAY DISTRICTS IN THE ESTERO PLANNING COMMUNITY, PROVIDING FOR PURPOSE AND INTENT (§33-400); APPLICABILITY (§33-401); AMENDING CORKSCREW ROAD AND SANDY LANE OVERLAY DISTRICT, PROVIDING FOR INTENT (§33-402); CORNER LOTS (§33-403); AREAS OF PUBLIC INTEREST (§33-404); STREET FRONT ACTIVITY (§33-405); PROPERTY DEVELOPMENT REGULATIONS (§33-406); CREATING US 41 OVERLAY DISTRICT, PROVIDING FOR INTENT AND SCOPE (§33-421); PARKING LOTS (§33-422); AMENDING PROVISIONS APPLICABLE TO DEVELOPMENT OF AUTOMOBILE SERVICE STATION AND CONVENIENCE FOOD AND BEVERAGE STORES IN ESTERO, PROVIDING FOR APPLICABILITY (§33-431); PURPOSE AND INTENT (§33-432); LOCATION AND SITE STANDARDS (§33-433); SETBACKS (§33-434); LANDSCAPING (§33-435); CURBING (§33-436); PERIMETER WALLS (§33-437); TRASH STORAGE (§33-438); STORAGE TANKS (§33-439); OUTSIDE DISPLAY OF STORAGE PRODUCTS (§33-440); BUILDING COLORS AND COLOR BANDING ON CANOPY STRUCTURES (§33-441); INFRASTRUCTURE FOR GENERATORS (§33-442); ENTRANCES AND EXISTS (§33-443); WAIVER OF DISTANCE REQUIREMENTS (§33-444); CREATING BIG BOX COMMERCIAL STANDARDS, PROVIDING FOR PURPOSE (§33-455); APPLICABILITY (§33-456) HORIZONTAL DESIGN ELEMENTS (§33-457); BUILDING LOCATION (§33-458); OUT PARCELS (§33-459); ACCESS (§33-460); PARKING (§33-461); OPEN SPACE (§33-462); SERVICE AND LOADING AREAS (§33-463); SHOPPING CART STORAGE (§33-464); VERTICAL DESIGN ELEMENTS (§33-471); BUILDING DESIGN (§33-472); BUILDING FACADE (§33-473); WINDOWS, DOORS AND OTHER OPENINGS (§33-474); ROOFS (§33-475); WALLS AND FENCES (§33-476); SERVICES AREAS (§33-477); AND PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

5:05 P.M. AGENDA ITEM

(2) Public Presentation of Matters by Citizens

Libertarian Party of Lee County Chairman [Tom Clark](#), with the use of a [handout](#) (copy is on file in the Minutes Office), spoke about the use and abuse of eminent domain; stressed it should not be used to take away property for private use and development; and opined that Florida Statute 163.375 is too vague, allowing 14 ways to identify blighted areas with only two of those needed to condemn the property. Mr. Clark asked the Board to use their power to prevent abuse of this law in our county, and asked them to sign the pledge that was contained in the [handout](#).

Fort Myers resident [Jack Tanner](#) cited many government officials who have sponsored, endorsed and/or lobbied for expansion of eminent domain; and requested the Board sign the pledge, and approve an ordinance for a charter amendment on the next election ballot to prevent this abuse for private development.

Libertarian Party member and Fort Myers resident [Larry Bush](#) pointed out that many counties in Florida have recently voted for restricted use of eminent domain, and asked the Board to do the same.

Libertarian Party member [Kim Hawk](#) expressed hope that Americans would not be naïve and think what’s going on in China can’t happen here with eminent domain; and pointed out that Congress, State Representatives and others are now writing laws to prevent this.

IMMEDIATELY PRIOR TO ADJOURNMENT, COMMISSIONER HALL ANNOUNCED AN ADDITIONAL COMMISSIONER ITEM. SEE THAT PORTION OF THE MEETING.

The Chairwoman adjourned the meeting at 5:28 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairwoman, Lee County Commission](#)