

DECEMBER 13, 2011

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

- John Manning, Chairman
- A. Brian Bigelow, Vice Chairman
- Ray Judah
- Tammara Hall
- Frank B. Mann

The Chairman called the meeting to order at 9:30 a.m., and requested a moment of silence in remembrance of Cape Coral citizen Ralph Lepera. The Invocation was given by Pastor Ryan Deacon, Life Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS

Referring to the Agenda Recap Sheet dated December 13, 2011, the Chairman announced that:

Two walk-on items would be heard at the appropriate time.
The 9:30 a.m. Public Hearings No. 2 and 3 would be heard together, followed by 9:30 a.m. Public Hearing Nos. 1, 4, 5, 6 and 7.

9:30 A.M. AGENDA ITEM - Public Comment on Agenda Items
Consent (C) and Administrative (A)

C8(b) – Audubon Society representative Pete Quasius

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

- Commissioner Manning - None
- Commissioner Hall - None
- Commissioner Mann - None
- Commissioner Judah – 14A
- Commissioner Bigelow – 3A, 7A, 7F

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Request Board approve a Budget Amendment Resolution to allocate excess Fund Balance, carryover Capital Projects and Major Maintenance Projects, adjust Reserves. Also, authorize interfund transfers. Amend FY11/12-15/16 Capital Improvement Program accordingly. (#20110998-COUNTY MANAGER)

FUNDING SOURCE:

Fund - Various Funds; Program - Capital Improvement Program and Major Maintenance Program; Project -Various projects.

WHAT ACTION ACCOMPLISHES:

Provides for unexpended funds budgeted to a project in a fiscal year to be carried forward in the new fiscal year. Board of County Commissioners must approve Budget Amendments and Transfers from reserves.

MANAGEMENT RECOMMENDATION:

Approval.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

RESOLUTION NO. 11-12-12

B) ACTION REQUESTED/PURPOSE:

Resolution amending Lee County Administrative Code to incorporate two new codes pertaining to the operation of the Black Affairs Advisory Board and the Hispanic Affairs Advisory Board.

(#20111012-COUNTY MANAGER)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Replaces ordinances to be repealed in favor of administrative codes. Establishes the procedures that govern the operation of those committees.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NO.11-12-13](#)

C) ACTION REQUESTED/PURPOSE:

Approve budget amendment resolution to allocate excess fund balance and appropriate budget for operational and grant carryovers.

Approve transfers of funds from reserves and interfund transfers, if necessary, to cover carryover needs. ([#20111025-COUNTY MANAGER](#))

FUNDING SOURCE:

Various based on fund balance and reserves adjustments.

WHAT ACTION ACCOMPLISHES:

Adjusts budgeted fund balances to reflect preliminary actual balances and provides budget to meet budget carryovers requested by departments and approved by Budget Services.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried

[RESOLUTION NO.11-12-14](#)

2. COMMUNITY DEVELOPMENT

A) ACTION REQUESTED/PURPOSE:

Amend existing SHIP (State Housing Initiatives Partnership) funded contracts with the Lee County Housing Development Corporation as follows:

- Extend contract [C-4736](#) from December 16, 2011 to June 30, 2012.
- Extend contract [C-5631](#) from December 30, 2011 to June 30, 2012.

([#20111006-COMMUNITY DEVELOPMENT](#))

FUNDING SOURCE:

SHIP Local Housing Assistance Funds – existing budget.

WHAT ACTION ACCOMPLISHES:

Provides additional time for the acquisition/rehabilitation/resale of existing homes and for foreclosure prevention activities.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried

3. CONSTRUCTION AND DESIGN

A) ACTION REQUESTED/PURPOSE:

Approve expenditures under CN-10-12 Materials Testing Services, with Ardaman & Associates (local consultant), (Contract No. 5421), for an estimated increased amount of \$145,000.00.

([#20110837-CONSTRUCTION AND DESIGN](#))

FUNDING SOURCE:

Fund: Tourist Development Revenue Bond 2010C; Program: Capital Project; Project: Red Sox Stadium.

WHAT ACTION ACCOMPLISHES:

Allows for the completion of the testing services required for the Red Sox Spring Training Facility.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION-

Assistant County Manager Douglas Meurer responded to Commissioner Hall's question regarding selection of a local consultant. Commissioner Hall moved approval, seconded by Commissioner Judah, called and carried.

4. COUNTY COMMISSIONERS

No requests received.

5. COUNTY LANDS**A) ACTION REQUESTED/PURPOSE:**

A) Accept donation of a 10,096 square foot parcel identified as Parcel 200, and a 1,938 square foot parcel identified as Parcel 201, Gladiolus Drive Widening (A&W Bulb Road Improvements) Project No. 4083;

B) Authorize the payment of necessary costs and fees to close;

C) Authorize County Lands Staff to execute and accept [all documentation](#) necessary to complete this transaction. ([#20110972-COUNTY LANDS](#))

FUNDING SOURCE:

Fund –Transportation Capital Improvement; Program – Capital Projects; Project – Gladiolus Drive.

WHAT ACTION ACCOMPLISHES:

Accepts donation of land necessary for the Gladiolus Drive Widening (A&W Bulb Road Improvements) Project, No. 4083.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried, with Commissioner Bigelow voting nay.

6. HUMAN SERVICES**A) ACTION REQUESTED/PURPOSE:**

1) Accept FY 2011-2012 funding in the amount of \$91,250.00 from Department of Veterans Affairs.

2) Approve budget resolution for Department of Veterans Affairs in the amount of \$91,250.00 for county FY 11-12.

3) Authorize Board to sign [sub recipient contract](#) and necessary future amendments once completed.

4) Authorize up to 3 one year renewals of sub recipient contract.

([#20111010-HUMAN SERVICES](#))

FUNDING SOURCE:

Department of Veterans Affairs.

WHAT ACTION ACCOMPLISHES:

Provide funding for the continued operations of the Bob Janes Triage Center/Low Demand Shelter to divert individuals with behavioral health crisis from the criminal justice system.

Allows the Department to proceed with program activities, execute and manage sub recipients contracts and prepare monthly reports.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NO 11-12-15.](#)

7. INDEPENDENT**A) ACTION REQUESTED/PURPOSE:**

1) Concur with the selection of Consultants by the Competitive Negotiations Committee for CN-12-02 COUNTY-WIDE ENVIRONMENTAL CONTRACT (WATER QUALITY & HYDROLOGICAL IMPACTS, SITE ASSESSMENTS, SITE REMEDIATION), and authorize staff to negotiate hourly rates and independent costs with the following nine (9) firms for a contract period of two (2) years: [American Environmental Engineering of Florida Inc.](#); [American Management Resources](#); [Bureau Veritas North America](#); [ENTRIX Inc dba Cardno ENTRIX](#), [GFA International Inc.](#), [Rare Earth Sciences Inc dba HSA Engineers & Scientists](#); [Johnson Engineering](#), [Professional Service Industries Inc.](#); and [RMA Geologic Consultants Inc](#) (all firms have local offices).

2) Request Chair to execute agreements upon final negotiations.

([#20110983-PROCUREMENT MANAGEMENT](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with nine (9) consultants on this contract that can provide professional services for the project known as COUNTY-WIDE ENVIRONMENTAL CONTRACT (Water Quality, Hydrological Impacts, Site Assessments, Site Remediation) on an as needed basis.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Commissioner Judah moved approval, seconded by Commissioner Hall, called and carried with Commissioner Bigelow voting nay.

B) ACTION REQUESTED/PURPOSE:

Approve Project # PB120077, the utilization of the Florida Consortium Contract (LYNX) bid # 09-C05, which has gone through competitive proposal process, for the purchase of five (5) 29' hybrid low floor Gillig Buses; eleven (11) 35' hybrid low floor Gillig Buses; two (2) 35' hybrid low floor Gillig Trolleys; and six (6) 40' hybrid low floor Gillig Buses. The 24 vehicles will be purchased from Gillig for a grand total cost of \$14,524,030.00. Lee Tran will be replacing a total of 24 vehicles that are well beyond their useful life. Request board approve a budget amendment resolution in the amount of \$14,524,030 which is funded at 100% by the Federal Transit Administration on a reimbursement basis.

[\(#20111009-TRANSIT\)](#)**FUNDING SOURCE:**

Revenue: Independent Division Fixed Route, Transit Capital, FTA USC 5307 Current \$604,030.

Revenue: Independent Division Fixed Route, Transit Capital, FTA USC 5309 Current \$13,920,000.

Expense: Independent Division Fixed Route, Transit Capital, Vehicles & Rolling Stock \$14,524,030.

WHAT ACTION ACCOMPLISHES:

Allows Lee Tran to replace 24 aging vehicles all well beyond their expected life.

MANAGEMENT RECOMMENDATION:

Approve

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NO. 11-12-16](#)**C) ACTION REQUESTED/PURPOSE:**

Approve acceptance and expenditure authority for the following two monetary donations in memory of Daniel Dickey for Lakes Regional Library: \$10 from Barbara Leffer and \$10 from Joan and Michael Halberstam; accept a direct-pay-to-vendor donation valued at \$1,128 from the Friends of South County Regional Library for miscellaneous library supplies and two headset microphones. Adopt a budget amendment resolution totaling \$24,251 which includes the (2) above-stated \$10 donations plus a total of \$24,231 from Century Link and Level 3 Communications for e-rate reimbursements.

[\(#20111001-LIBRARY\)](#)**FUNDING SOURCE:**

N/A.

WHAT ACTION ACCOMPLISHES:

Authorizes acceptance and expenditure of funds pursuant to donors' requests and allocates e-rate reimbursement funds.

MANAGEMENT RECOMMENDATION:

Approval.

Commissioner Bigelow extended appreciation to Library Patrons for their generous donations. Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NO. 11-12-17](#)**D) ACTION REQUESTED/PURPOSE:**

Approve [transfer](#) of \$70,000 from Group Medical Self-insurance fund (57602) reserves to EBS/Atlanta Inc., the County's new flexible spending vendor, to fund 57612 for medical spending (\$50,000.00) and to fund 57613 for dependent care (\$20,000). Also, grant

authorization for payments to new vendor.

([#20111019-HUMAN RESOURCES](#))

FUNDING SOURCE:

Group Medical Self-Insurance (57602).

WHAT ACTION ACCOMPLISHES:

Provides startup funds and spending authority for administration of flexible spending medical and dependent care accounts with new vendor.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NOS. 11-12-18](#) and [11-12-19](#)

E) ACTION REQUESTED/PURPOSE:

Approve [Lease Agreement](#) for Criminal Conflict and Civil Regional Counsel for Suite 500, which consists of 2,540 sq. ft. in the Justice Center Annex, located at 2000 Main Street, Ft. Myers, FL. Lease is to begin as of November 1, 2011, through October 31, 2016.

([#20111021-FACILITIES MANAGEMENT](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Allows the Criminal Conflict and Civil Regional Counsel to remain in the same location in the Justice Center Annex.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

F) ACTION REQUESTED/PURPOSE:

1) Concur with the selection of Consultants by the Competitive Negotiations Committee for CN-12-03 MISCELLANEOUS LANDSCAPE ARCHITECTURAL SERVICES and authorize staff to negotiate hourly rates with nine (9) selected firms: [David M. Jones Jr. & Associates, Inc.](#), [Ensite Inc.](#), [Hole Montes, Inc.](#), [JRL Design Studios LLC](#), [Land Architects Inc.](#), [McGee & Associates](#), [Outside Productions, Inc.](#); [Urban Green Studio](#); and [Weston & Sampson Engineering](#), for a contract term for two (2) years.

2) Also authorize Chair to execute Professional Service Agreements upon completion.

([#20111026-PROCUREMENT MANAGEMENT](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with nine (9) consultants on this contract to provide professional landscape architectural services on an as-needed basis.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved approval, seconded by Commissioner Hall, called and carried with Commissioner Bigelow voting nay.

8. NATURAL RESOURCES/SOLID WASTE

A) ACTION REQUESTED/PURPOSE:

A) Approve the award of Quotation No. IW110474 for The Annual Purchase, Installation and maintenance of Catch Basin Filter Bags to the following vendor Sweeper Man of S.W. FL, Inc. at the competitively quoted prices listed on the attached tab sheet for the period of one-year. ([#20110988-NATURAL RESOURCES](#))

FUNDING SOURCE:

Fund – Capital Improvement Fund; Program – Water Resources Projects; Project – Everglades/West Coast TMDL Compliance.

WHAT ACTION ACCOMPLISHES:

The filter bags capture sediment and debris which prevents silt accumulation and debris obstruction and prevents nutrients, hydrocarbons and other pollutants from reaching our waterways.

MANAGEMENT RECOMMENDATION

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

B) ACTION REQUESTED/PURPOSE:

Approve Budget Amendment Resolution to fund 27 FY12 West Coast Inland Navigation District (WCIND) projects totaling \$1,619,611.00. Authorize Chair to execute [21 subgrant agreements](#) with local governments, non-profit organizations, and various Lee County Law Enforcement agencies to implement WCIND FY12 projects.

[\(#20110913-NATURAL RESOURCES\)](#)

FUNDING SOURCE:

Fund – General Fund (WCIND Reimbursement); Program – Marine Sciences Major Maintenance Projects; Projects as follows: 403135 – WCIND/Marine Enforcement, 403142 – WCIND/Town of Fort Myers Beach, 403143 – WCIND/Sanibel Fire Rescue, 403144 – WCIND/Upper Captiva Fire Rescue, 403146 – Royal Palm Sailing Club, 403147 – WCIND/Navigation Improvements, 403149 – WCIND/ Derelict Vessel Removal, 403151 – WCIND/Marine Services Miscellaneous, 403153 – WCIND/Parks and Rec Miscellaneous, 403156 – WCIND/Sanibel Captiva Conservation Foundation, 403163 – WCIND/VSR Team, 403165 – WCIND/SERAT, 403166 – WCIND/Imaginarium, 403167 – WCIND/Calusa Nature Center, 403161 – WCIND/San Carlos Bay Power Squadron, 403168 – WCIND/Ding Darling Wildlife Society, 403169 – WCIND/Lee Reefs, Inc.

WHAT ACTION ACCOMPLISHES:

Formalizes duties and responsibilities of Lee County and subgrantees in implementing WCIND funded projects. Authorizes Commission Chair to sign all subgrant agreements pertaining to the FY 12 WCIND Waterway Development Program.

MANAGEMENT RECOMMENDATION:

Staff recommends approval.

Commissioner Hall moved approval seconded by Commissioner Mann, called and carried.

[RESOLUTION NO.11-12-20](#)

C) ACTION REQUESTED/PURPOSE:

Approve the award for the purchase of one (1) Volvo Model L110G Wheel Loader using the Florida Sheriff's Association Bid Award No. 11-19-0907, Spec. #69, w/ Options, to Flagler Construction Equipment for a not-to-exceed price of \$149,437.00, (which includes an optional extended warranty cost of \$10,425.00 and credit allowances for the trade-in of two existing loaders). [\(#20111015-SOLID WASTE\)](#)

FUNDING SOURCE:

Solid Waste System Ops - Disposal Facilities – Landfill.

WHAT ACTION ACCOMPLISHES:

Allows the Solid Waste Division to purchase a needed wheel (front-end) loader to be used at its compost and landfill facilities.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

D) ACTION REQUESTED/PURPOSE:

Execute [interlocal agreement](#) between the Florida Fish and Wildlife Conservation Commission and Lee County for maintenance of existing manatee protection zone signs. (FWC Contract No. 11245) Approve budget amendment resolution in the amount of \$20,000 for unanticipated revenues and authorize expenditures in a like amount in the Marine Services Program, OC5370300100.

[\(#20111018-NATURAL RESOURCES\)](#)

FUNDING SOURCE:

Fund – General Fund (FWC Reimbursement); Program – Marine Services; Project – N/A.

WHAT ACTION ACCOMPLISHES:

Allows Lee County to be reimbursed for maintenance of federal manatee protection area markers in need of servicing, consistent with Chapter 68D-23, Florida Administrative Code.

MAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

RESOLUTION NO. 11-12-21**9. PARKS AND RECREATION****A) ACTION REQUESTED/PURPOSE:**

Approve the [conservation easement](#) within Galt Preserve, a Conservation 20/20 preserve so that the South Florida Water Management District can issue the Environmental Resource Permit for the construction of the amenities.

[\(#20111013-PARKS AND RECREATION\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Provides for South Florida Water Management District permitting requirements for the amenities at Galt Preserve.

MANAGEMENT RECOMMENDATION:

Approve

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

10. PUBLIC SAFETY**A) ACTION REQUESTED/PURPOSE:**

Request the Chair to execute [acceptance letter](#), and also authorize BOCC Chair to execute any [other documents](#) required to accept this award from the Division of Emergency Management for Homeland Security funding in the amount of \$12,500.00. No County Match Required. Approve Budget Amendment Resolution in the general fund for FY11/12 in the amount of \$12,500.00 and approve the expenditures in the like amount.

[\(#20110992-PUBLIC SAFETY\)](#)

FUNDING SOURCE:

General Fund/Public Safety Grant.

WHAT ACTION ACCOMPLISHES:

Provides financial support to Lee County to conduct homeland security related planning, training and exercises.

MANAGEMENT RECOMMENDATION:

Staff recommends approval.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

RESOLUTION NO.11-12-22**B) ACTION REQUESTED/PURPOSE:**

Authorize Lee County Board of County Commissioners Chair to execute [acceptance letter](#) and agreement to accept this award from the State of Florida Division of Emergency Management that provides \$9,600 in grant funds to support the Lee County [Citizen Corps](#) program; and \$9,600 in grant funds to support Lee County Community Emergency Response Teams ([CERT](#)). No County Match Required. Approve Budget Amendment Resolution in the amount of \$9,600 (Citizen Corp) and \$9,600 (CERT) for a total of \$19,200 and approve the expenditures in the like amount. [\(#20110994-PUBLIC SAFETY\)](#)

FUNDING SOURCE:

Fund—General Fund; Grant Funded.

WHAT ACTION ACCOMPLISHES:

Provides financial support for Lee County Citizen Corp and CERT Activities.

MANAGEMENT RECOMMENDATION:

Staff recommends approval.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

RESOLUTION NO. 11-12-23**C) ACTION REQUESTED/PURPOSE:**

Authorize Lee County Board of County Commissioners Chair to execute [acceptance letter](#), and authorize BOCC Chair to execute any [other documents](#) required to accept this award from the State of Florida Division of Emergency Management that provides \$75,000 in grant funds to sustain the Regional Domestic Security Task Force Planner for Region Six. No County Match Required. Approve Budget Amendment Resolution in the amount of \$75,000 and approve the expenditures in the like amount. [\(#20111017-PUBLIC SAFETY\)](#)

FUNDING SOURCE:

Fund—General Fund; Grant Funded.

WHAT ACTION ACCOMPLISHES:

Provides financial support for Lee County to conduct homeland security related planning, training, and exercises for Region Six.

MANAGEMENT RECOMMENDATION:

Staff recommends approval.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NO. 11-12-24](#)**11. PUBLIC WORKS ADMINISTRATION**

No requests received.

12. TRANSPORTATION**A) ACTION REQUESTED/PURPOSE:**

1) Award project B-12-01 SUNNILAND BOULEVARD AND 25TH STREET SIDEWALK to the lowest responsive, responsible bidder meeting all bid requirements, [Stevens & Layton, Inc.](#), (a local contractor) in the not-to-exceed amount of \$357,215.08 with a completion time of 150 calendar days. As per FDOT requirements, the Project Manual shall be attached to and made part of the construction contract.

2) Request Chair to execute agreement on behalf of the Board.

[\(#20110984-TRANSPORTATION\)](#)

FUNDING SOURCE:

100% Federal Funding.

WHAT ACTION ACCOMPLISHES:

Provides a Contractor for the construction of a 5' concrete sidewalk on the east side of Sunniland Boulevard from Park Road to Lee Boulevard and on 25th Street from Sunniland to Eunice.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

13. UTILITIES**A) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset-Chase Bank-Six Mile Cypress & Daniels (BS 20110985/20852, MMM/SDG): Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of a fire hydrant relocation, to provide fire protection to 'CHASE BANK – SIX MILE CYPRESS PARKWAY AND DANIELS PARKWAY', a recently redeveloped commercial building. This is a Developer contributed asset project located in the southwest corner of Six Mile Cypress Parkway and Daniels Parkway.

[\(#20110985-UTILITIES\)](#)

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Approval.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NO. 11-12-25](#)**B) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset – University Plaza (BS 20110986/20853, THO/SDG): Approve final acceptance, by Resolution, as a donation of a water distribution and a gravity collection system, to provide potable water service, fire protection and sanitary sewer service to 'UNIVERSITY PLAZA', a recently constructed commercial subdivision. This is a Developer contributed asset project located on the southwest corner of Alico

Road and Ben Hill Griffin Parkway. ([#20110986-UTILITIES](#))

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Approval.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried
[RESOLUTION NO. 11-12-26](#)

C) ACTION REQUESTED/PURPOSE:

A) Award Professional Services Agreement for CN-11-03 FGCU OFF-SITE UTILITY IMPROVEMENTS, to [Greeley and Hansen](#), in the not-to-exceed amount of \$278,920.00.

B) Also, authorize Chairman to execute Agreement on behalf of the Board.

([#20111008-UTILITIES](#))

FUNDING SOURCE:

Fund: Utilities Capital Impr; Programs: Capital Projects; Project: FGCU Sewer and FGCU Water.

WHAT ACTION ACCOMPLISHES:

Provides Lee County with a Consultant to provide planning, modeling, design, permitting and construction observation services for the FGCU Off-Site Utility Improvements within the I-75 and Ben Hill Griffin Parkway right of way.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

14. COUNTY ATTORNEY

A) ACTION REQUESTED/PURPOSE:

(a.) Accept donation by Resolution, of One Hundred Fifty Thousand Dollars (\$150,000) per year for eight (8) years from JetBlue Airways Corporation (“JetBlue”) to Lee County Board of County Commissioners for improvements to JetBlue Park.

(b.) Approve Budget Resolution in the amount of One Hundred Fifty Thousand Dollars (\$150,000) and amend FY11/12 budget accordingly. ([#20110987-COUNTY ATTORNEY](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Allows Lee County to accept and use the donation from JetBlue for improvements to JetBlue Park.

MANAGEMENT RECOMMENDATION:

Accept donation by Resolutions and amend FY11/12 budget.

Commissioner Judah moved approval, seconded by Commissioner Mann, called and carried. Commissioner Judah recognized the donation of \$1,200,000.00 over the next eight years (\$150,000.00 annually)

[RESOLUTION NOS. 11-12-27](#) and [11-12-28](#)

B) ACTION REQUESTED/PURPOSE:

Adopt Resolutions extending the commencement, phase, build out and expiration dates for the Villages of San Carlos DRI and Healthpark Florida DRI by four years.

([#20111020-COUNTY ATTORNEY](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Extends the commencement, phase, build out and expiration dates in accordance with Chapter 2011-139, Laws of Florida (HB 7207) adopted June 2, 2011.

MANAGEMENT RECOMMENDATION:

Adopt Resolution approving Development Order Amendments for each DRI.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NOS. 11-12-29](#) and [11-12-30](#)

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS**A) ACTION REQUESTED/PURPOSE:**

Request Board approves [disbursements](#). The check and wire registers can now be viewed on the Clerk's Website at WWW.LEECLERK.ORG by accessing the BOCC Minutes and Documents link.

[\(#20111034-FINANCE\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Compliance with the requirements of FS 136.06 (1).

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

B) ACTION REQUESTED/PURPOSE:

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of November 28 through January 2, 2011: November 29, 2011 (Regular). [\(#20111035-MINUTES\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Approval of the Board Minutes, pursuant to Florida Statute 286.011.

MANAGEMENT RECOMMENDATION:

Approve

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

C) ACTION REQUESTED/PURPOSE:

Approve disbursement of excess funds resulting from the sale of tax deed certificates to a claimant verified and certified under Florida Statutes 197.582.

[\(#20111036-DELINQUENT TAX\)](#)

FUNDING SOURCE:

Proceeds from a tax deed sale in excess of the taxes and/or liens owed are being held by the Board for disbursements in accord with Florida Statutes, Chapter 197.

WHAT ACTION ACCOMPLISHES:

Provides for disbursement of excess tax deed proceeds to an appropriate claimant in compliance with statutory rules and requirements.

MANAGEMENT RECOMMENDATION:

Approve disbursement to identified claimant.

Tax Deed Number	Payee	Amount
2010-001080	Wells Fargo Bank, NA	\$46,481.12

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

D) ACTION REQUESTED/PURPOSE:

Board approval and Chairman's signature on the Department of the Treasury, [Internal Revenue Service \(IRS\) Form 8038-CP](#) Return for Credit Payments to Issuers of Qualified Bonds for the Lee County, Florida Tourist Development Tax Revenue Bonds, Series 2010A (Federally Taxable Build America Bonds-Direct Subsidy) ("Series 2010A Bonds").

[\(#2011\(1038-FINANCE\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

To request from the Department of Treasury via the IRS the April 1, 2012 interest payment

subsidy for the Series 2010A Bonds.

MANAGEMENT RECOMMENDATION:

Approve and sign Form 8038-CP.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

E) ACTION REQUESTED/PURPOSE:

Board approval and Chairman's signature on the Department of the Treasury, [Internal Revenue Service \(IRS\) Form 8038-CP](#) Return for Credit Payments to Issuers of Qualified Bonds for the Lee County, Florida Tourist Development Tax Revenue Bonds, Series 2010B (Federally Taxable Build America Bonds-Recovery Zone Economic Dev. Bonds-Direct Subsidy) ("Series 2010B Bonds"). ([#20111039-FINANCE](#))

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

To request from the Department of Treasury via the IRS the April 1, 2012 interest payment subsidy for the Series 2010B Bonds.

MANAGEMENT RECOMMENDATION:

Approve and sign Form 8038-CP.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received

ADMINISTRATIVE AGENDA

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Authorize Administration to pursue selection of bond counsel, Request for Proposal (RFP) for underwriters and preparation of documents for the Water and Sewer Revenue Bonds, Series 2012 for alterations to Lee County Utilities' Green Meadows Water Treatment Plant. ([#20111007-COUNTY MANAGER](#))

FUNDING SOURCE:

Bond Proceeds.

WHAT ACTION ACCOMPLISHES:

BoCC approval is requested prior to preparation of documents.

MANAGEMENT RECOMMENDATION:

Allows for selection of bond counsel, Request for Proposal (RFP) for underwriters and the preparation of documents for the Water and Sewer Revenue Bonds, Series 2012.

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

B) ACTION REQUESTED/PURPOSE:

Consider approval of draft Swim Center Facility Development Agreement and Lease with National Swimming Center Corporation (NSCC). ([#20111024-COUNTY MANAGER](#))

FUNDING SOURCE:

Private funding but use of City of Palms Park.

WHAT ACTION ACCOMPLISHES:

Determines whether City of Palms Park will be turned into a Swim Center by NSCC.

MANAGEMENT RECOMMENDATION:

THIS IS A PLACEHOLDER BLUESHEET; A FINAL RECOMMENDATION HAS NOT BEEN FORMULATED.

Following in depth Board discussion with Sport Authority Director Jeff Mielke, Chief Assistant County Attorney Greg Hagen, County Manager Karen B. Hawes, Economic Development Director Jim Moore, and County Attorney Michael Hunt; Commissioner Mann moved to terminate exclusive negotiations with NSCC and closure of the current Letter of Interest, seconded by Commissioner Hall, called and carried. Commissioner Hall further moved to request additional research and review by staff for options and recommendations on moving forward, seconded by Commissioner Mann, called and carried.

2. COMMUNITY DEVELOPMENT

No requests received

3. CONSTRUCTION AND DESIGN

No requests received

4. COUNTY COMMISSIONERS

No requests received.

5. COUNTY LANDS

A) ACTION REQUESTED/PURPOSE:

Authorize:

(A) approval of the [purchase of Parcel 469](#), Conservation 20/20 Land Acquisition Program, Project No. 8800, further identified as tax STRAP No. 16-47-26-00-00002.006B, consisting of 2.5 acres located in Corkscrew Regional Ecosystem Watershed (CREW), in Lee County, in the amount of \$5,750.

(B) Request the Chairman on behalf of the Board of County Commissioners to execute all documents necessary for closing;

(C) payment of necessary costs and fees to close; and

(D) The Division of County Lands to handle and accept all documentation necessary to complete this transaction. ([#20110949-COUNTY LANDS](#))

FUNDING SOURCE:

Fund–Conservation 20/20 Capital Improvement Fund; Program–Capital Project; Project: Conservation 20/20, Land Purchase.

WHAT ACTION ACCOMPLISHES:

The acquisition of one of the properties recommended by the Conservation Land Acquisition and Stewardship Advisory Committee.

MANAGEMENT RECOMMENDATION:

Approve.

After clarification by Director of County Lands, Karen Maguire, Commissioner Judah moved approval seconded by Commissioner Bigelow, called and carried with Commissioner Mann voting nay.

B) ACTION REQUESTED/PURPOSE:

(A) Authorize approval of the [purchase of Parcel 419-2](#), Conservation 20/20 Land Acquisition Program, Project No. 8800, further identified as tax STRAP No. 29-47-26-B4-00158.0000, consisting of 10 acres located at 13431 East Terry Street in Lee County, in the amount of \$50,000;

(B) Request the Chairman on behalf of the Board of County Commissioners to execute all documents necessary for closing;

(C) Authorize payment of necessary costs and fees to close; and

(D) Authorize the Division of County Lands to handle and accept all documentation necessary to complete this transaction. ([#20110950-COUNTY LANDS](#))

FUNDING SOURCE:

Fund–Conservation 20/20 Capital Improvement Fund; Program–Capital Project; Project: Conservation 20/20, Land Purchase.

WHAT ACTION ACCOMPLISHES:

The acquisition of one of the properties recommended by the Conservation Land Acquisition and Stewardship Advisory Committee.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved approval, seconded by Commissioner Bigelow, called and carried, with Commissioner Mann voting nay.

6. HUMAN SERVICES

No requests received

7. INDEPENDENT

No requests received

8. NATURAL RESOURCES/SOLID WASTE

No requests received

9. PARKS AND RECREATION

No requests received

10. PUBLIC SAFETY

No requests received

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

No requests received

13. UTILITIES

No requests received

14. COUNTY ATTORNEY

No requests received

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

No requests received

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No requests received

The Chairman stated there would be a change in the hearing of the scheduled 9:30 Agenda Items, noting Items 1, 4, 5, 6 & 7 would be heard first, and Items 3 & 4 thereafter.

9:30 AM PUBLIC HEARING NO. 1**1. ACTION REQUESTED/PURPOSE:**

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

[\(#20110997-PUBLIC RESOURCES\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Section 197.3632, Florida Statutes requires the Board to approve a resolution 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. Approving the resolution will allow staff to proceed with Florida Statute requirements.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Scott Coover approved as to legal form and sufficiency, the Notice of Intent and [Affidavit of Publication](#) Commissioner Judah moved approval, seconded by Commissioner Bigelow. Following clarification by Attorney Coover, the Chairman called for public input; however, no one came forward. The motion was called and carried.

RESOLUTION NO. 11-12-319:30 AM PUBLIC HEARING NO. 2**2. ACTION REQUESTED/PURPOSE:**

Conduct a Public Hearing to consider and approve a Resolution creating the Cherry Estates Parkway Road Improvement CIP MSBU project. Approve a Resolution to reimburse fund number 10400. Approve a Resolution to amend the Budget of CIP MSBU, Fund 30400, to incorporate the unanticipated receipts into Estimated Revenues and Appropriations for the fiscal year 2011 - 2012. Also, approve [transfer of funds](#) in the amount of \$128,550.00 ([#20110999-PUBLIC RESOURCES](#))

FUNDING SOURCE:

All short term and long term loans to finance this project will be reimbursed by the Cherry Estate Property Owners through the MSBU assessment.

WHAT ACTION ACCOMPLISHES:

Authorizes staff to set up a Municipal Service Benefit Unit for the purpose of managing a capital improvement project for road repairs to Cherry Estates Parkway.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Scott Covert approved, as to legal form and sufficiency, the [Affidavit of Publication](#), and briefly described the item. Public Resources/MSTBU Coordinator Denise Sabatini noted receipt of additional petitions and provided further clarification of the functions of the Advisory Board, and the membership on the Advisory Committee. Commissioner Judah requested additional information on assessment methodology. The Chairman called for public comment and the following citizens came forward:

Attorney [Kristina Harris Schwinn](#) of the The Pavese Law Firm
Cherry Estates Homeowners Association member [Joseph Butler](#)
Cherry Estates Property Owner [Rick Cherry](#)

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

[RESOLUTIONS NO. 11-12-32 through 11-12-34](#)

9:30 AM PUBLIC HEARING NO. 3**3. ACTION REQUESTED/PURPOSE:**

Conduct a Public Hearing and adopt an ordinance creating the Cherry Estates Special Improvement Operations and Maintenance (O & M) MSBU. ([#20111000-PUBLIC RESOURCES](#))

FUNDING SOURCE:

Property Owners thru MSBU funds.

WHAT ACTION ACCOMPLISHES:

Authorizes staff to prepare the necessary documents to set up the MSBU.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved the item, seconded by Commissioner Mann. The Chairman called for public comment; however, no one came forward. The motion was called and carried. ([Affidavit of Publication](#).) The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-28, ENTITLED:](#)

AN ORDINANCE CREATING THE CHERRY ESTATES OPERATION AND MAINTENANCE SPECIAL IMPROVEMENT MUNICIPAL SERVICES BENEFIT UNIT (UNIT); DEFINING THE TERRITORY TO BE INCLUDED; ESTABLISHING THE BOARD OF COUNTY COMMISSIONERS AS THE GOVERNING BODY OF THE UNIT; PROVIDING FOR THE TYPE(S) OF SERVICE WHICH MAY BE RENDERED; PROVIDING FOR THE POWER TO LEVY SERVICE CHARGES, ASSESSMENTS OR TAXES WITHIN THE UNIT; PROVIDING FOR A FUND; PROVIDING FOR REVERTIER; SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

9:30 AM PUBLIC HEARING NO. 4**4. ACTION REQUESTED/PURPOSE:**

-----APPROVED MINUTES OF 121311R-----

Conduct a Public Hearing and consider adopting the updated Local Mitigation Strategy for Lee County, and rescind Resolution No. 07-02-17 which established the last revision of the Unified Local Mitigation Strategy.

[\(#20110939-PUBLIC SAFETY\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Complies with Federal legislation requirements for the Hazard Mitigation Grant Dollars. Board must formally adopt the Resolution at a scheduled, advertised Public Hearing.

MANAGEMENT RECOMMENDATION:

Adopt the attached resolution.

Commissioner Judah moved approval, seconded by Commissioner Mann. Chief Assistant County Attorney Greg Hagen approved, as to legal form and sufficiency, the [Affidavit of Publication](#) and briefly described the item. The Chairman called for public input; however, no one came forward. The motion was called and carried.

[RESOLUTION NO. 11-12-35](#)

9:30 PUBLIC HEARING NO. 5

5. ACTION REQUESTED/PURPOSE:

GPIWA Rates (BS 20110990/20857, CBA/SDG): Conduct a Public Hearing on December 13, 2011 at 9:30 a.m. to adopt a Resolution to approve the schedule of fees increases for the Greater Pine Island Water Association, Inc. (GPIWA). [\(#20110990-UTILITIES\)](#)

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

A Public Hearing is required for the purpose of adopting a Resolution for increasing franchise water system rates and charges. Advertising and conducting a public hearing will allow consideration of increasing water system rates and charges by providing necessary revenue as recommended in the October 10, 2011 Water Rate Study performed by Public Resources Management Group, Inc. (PRMG).

MANAGEMENT RECOMMENDATION:

Approval.

Commissioner Judah moved approval, seconded by Commissioner Hall. Chief Assistant County Attorney Greg Hagen approved, as to legal form and sufficiency, the [Affidavit of Publication](#). The Chairman called for public input; however, no one came forward, the motion was called and carried.

[RESOLUTION NO. 11-12-36](#)

9:30 AM PUBLIC HEARING NO. 6

6. ACTION REQUESTED/PURPOSE:

Adoption of Resolution which consents to the actions taken by the Housing Finance Authority of Lee County, Florida pertaining to the issuance of Single Family Mortgage Revenue Bonds Series 2012 (Multi-County Program). [\(#20110993-COMMUNITY DEVELOPMENT\)](#)

FUNDING SOURCE:

The Lee County Board of County Commissioners will have no financial or administrative costs.

WHAT ACTION ACCOMPLISHES:

Action will allow the Housing Finance Authority of Lee County, Florida to issue its Mortgage Revenue Bonds for single family financing for home ownership in participation with various other counties in Florida and to provide affordable housing opportunities for low, moderate and middle income families in Lee County and other Florida Counties. Ratification of such action is required under Florida Statutes Chapter 159.

MANAGEMENT RECOMMENDATION:

Adopt the Resolution.

Commissioner Judah moved the item, seconded by Commissioner Hall. Assistant County Attorney John Fredyma approved, as to legal form and sufficiency, the [Affidavit of Publication](#). The Chairman called for public input; however, no one came forward. The motion was called and carried.

[RESOLUTION NO. 11-12-37](#)

9:30 AM PUBLIC HEARING NO. 7

7. ACTION REQUESTED/PURPOSE:

Adopt an ordinance that will repeal the following two ordinances:
a) 91-30, as amended by 94-18 (Black Affairs Advisory Board); and,
b) 91-31, as amended by 98-01(Hispanic Affairs Advisory Board).

[\(#20111011-COUNTY MANAGER\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Allows for administrative codes to replace the ordinances.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Judah moved approval, seconded by Commissioner Hall. Assistant County Attorney John Fredyma approved, as to legal form and sufficiency, the [Affidavit of Publication](#). In response to Commissioner Bigelow’s inquiry, Assistant County Manager Pete Winton noted the established Boards would remain in existence under the Administrative Code process. The Chairman called for public input; however, no one came forward. The motion was called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-29, ENTITLED:](#)

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA REPEALING LEE COUNTY ORDINANCE NO. 91-30 AS AMENDED, AND ORDINANCE NO. 91-31 AS AMENDED RELATING TO THE LEE COUNTY BLACK AFFAIRS ADVISORY BOARD AND HISPANIC AFFAIRS ADVISORY BOARD RESPECTIVELY; PROVIDING FOR REPEALER AND AN EFFECTIVE DATE.

Following a short break, the Chairman called the meeting back to order with all Commissioners present.

WALK-ON AGENDA ITEMS:

WO1

ACTION REQUESTED/PURPOSE:

Approve and execute [modification #4](#) to the American Recovery & Reinvestment Act Weatherization Assistance Program (ARRA/WAP) contract #10WX-7X-09-46-01-715 between Lee County and the State of Florida/Department of Economic Opportunity (formerly known as the Department of Community Affairs) to decrease the total contract amount to \$1,244,002.69 which is a \$45,000 reduction. Authorize Board to approve a forthcoming contract amendment to extend the contract end date from February 28, 2012 to March 15, 2012. [\(#20110444-HUMAN SERVICES\)](#)

REASON FOR WALK-ON: Time Sensitivity.

Commissioner Hall moved approval, seconded by Commissioner Mann, called and carried.

WO2

ACTION REQUESTED/PURPOSE:

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of December 6, 2011. The December 6, 2011 Regular Board meeting will be expedited as a Walk-on at the December 13th Board Meeting to allow approval of the Minutes containing the new district boundaries. The necessary documentation must be sent to the Department of State no later than the end of December. [\(#20111045-MINUTES\)](#)

REASON FOR WALK-ON

Necessary due to time sensitivity.

Commissioner Mann moved approval, seconded by Commissioner Hall, called and carried.

COMMISSIONER ITEMS

HOLIDAY BEST WISHES- The Commissioners extended Best Wishes to everyone for a joyous Holiday Season.

2011-GREAT YEAR-Commissioner Hall extended her gratitude to staff, noting their efforts in making 2011 an incredible year, looking forward to 2012.

RESOLUTION OF APPRECIATION- Commissioner Judah requested approval to send a request to the South Florida Water Management District for adoption of a Resolution in support of quantifying the availability of water. He recognized Dan Delisi, West Coast Representative to the South Florida Water Management District, for his invaluable efforts. Commissioner Judah so moved, seconded by Commissioner Hall, called and carried. Commissioner Bigelow complimented the author of the Resolution, Natural Resources Operations Manager Kurt Harclerode.

COMMITTEE APPOINTMENTS

Commissioner Bigelow moved to rescind an appointment of Dana Pierce from the **AFFORDABLE HOUSING COMMITTEE**, seconded by Commissioner Judah, called and carried.

Commissioner Judah moved to appoint Dana Pierce to the **AFFORDABLE HOUSING COMMITTEE**, seconded by Commissioner Bigelow, called and carried.
[RESOLUTION NO. 11-12-38](#)

Commissioner Hall moved to reappoint Richard Kurcina to the **DAUGHTREYS CREEK SPECIAL IMPROVEMENT COMMITTEE**, and Chris Hanson to the **COMMUNITY SUSTAINABILITY COMMITTEE**, seconded by Commissioner Mann, called and carried.

Commissioner Bigelow moved to appoint Bob Knight to the **EXECUTIVE REGULATORY OVERSIGHT COMMITTEE**, David Willems to the **COMMUNITY SUSTAINABILITY COMMITTEE**; and to reappoint A. B. Cook to the **MECHANICAL BOARD OF ADJUSTMENTS**; Addish Harmon to the **HEIMAN/APOLLO STREETLIGHTING UNIT**, Alex Swails to the **RUSSELL PARK STREETLIGHTING UNIT**, and Annette Trossbach and Becki Johnson to the **FORT MYERS VILLAS STREETLIGHTING UNIT**, seconded by Commissioner Mann, called and carried.

COUNTY MANAGER ITEMS

Community Development Director Mary Gibbs provided an update on Customer Service Levels, reported budget stabilization and noted the monitoring activities. Ms. Gibbs noted continuing efforts to work closely with the Building Industry, and advised of plans to open the permit lobby on Fridays and the return of staff to a 40-hour work week beginning in January, 2012. She noted there would be continued monitoring, and there was no expectations of budgetary impact. .

COUNTY ATTORNEY ITEMS

County Attorney Michael Hunt had no items to be discussed.

The Chairman recessed the meeting until 5:00 p.m. The Chairman called the meeting back to order at 5:00 p.m., with [Commissioner Mann absent](#) for the remainder of the meeting.

5:00 P.M. AGENDA ITEM –Public Hearing No 1**1. ACTION REQUESTED/PURPOSE:**

Conduct the first public hearing regarding an ordinance amending Lee County Land Development Code (LDC). Direct the proposed ordinance to a second public hearing on January 10, 2012 at 9:30 A.M.

[\(#20111014-COUNTY ATTORNEY\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Satisfies the Board policy to hold two public hearings to amend the LDC. If adopted, the Ordinance will adopt amendments to the Land Development Code.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Michael Jacob approved, as to legal form and sufficiency, the [Affidavit of Publication](#), and briefly described the request. Attorney Jacob noted a memorandum was provided outlining the amendments to the proposed ordinance and that the item to be sent to a second Public Hearing on January 10, 2012 at 9:30 a.m. The Chairman called for public comment and the following persons came forward:

Lehigh Acres Community Planning Panel member [Edd Weiner](#) - handout on file in the Minutes Office.

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

PUBLIC PRESENTATION OF MATTERS BY CITIZENS:

River Grove Estates resident [Richard Purcell](#) requested that County Ordinance 93-23 regarding lot mowing be amended to include residential lots, one acre or less in rural or suburban areas due to the fact that these properties are not included in the existing ordinance.

Fort Myers resident [Lorenzo Tindal](#) spoke in opposition to the closing of the Fort Myers processing and distribution plant and a request that the Board submit a letter to Postal Executives.

Alva resident [James D. English](#) noted a massive surface water management problem and asked that the Board not spend further efforts on the Victor Creek restoration.

Glades County resident [Mary Nason](#) noted an ongoing problem with staff at the East County Library for the past three years and provided documentation to the Board and offered to meet to resolve the issue. – [Handout on file in the Minutes Office.](#)

North Fort Myers resident [Kim Hawk](#) spoke regarding code enforcement’s citation related to servicing of automobiles outside of service buildings.

Owner Agent for U-Haul International [David Pollack](#) addressed the North Fort Myers Plan and noted there were issues with the Plan, eliminating uses in North Fort Myers and asked that the Board reconsider.

Following announcement that the second public hearing for the Land Development Code will be held on Tuesday January 10th at 9:30 a.m., the Chairman adjourned the meeting at 5:43 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)