

[NOVEMBER 8, 2011](#)

The [Regular Meeting](#) of the [Board of Lee County Commissioners](#) was held on this date with the following Commissioners present:

Frank B. Mann, Chairman  
John Manning, Vice Chairman  
A. Brian Bigelow

COMMISSIONERS HALL AND JUDAH WERE ABSENT FOR THE ENTIRE MEETING.

The Chairman called the meeting to order at 9:31 a.m. The Invocation was given by Pastor Paul deJonge, First Presbyterian Church of Fort Myers, followed by the Pledge of Allegiance to the flag.

The Ceremonial Presentations were presented out of order.

**PRESENTATIONS**

Commissioner Mann read and presented a Resolution proclaiming the week of November 12 through 20 as National Hunger and Homelessness Awareness Week in Lee County and recognizing that this is a week of special importance and encourages all citizens to recognize that many people do not have housing and need support from citizens, and private/public nonprofit service entities. Lee County Homeless Coalition Executive Director Janet Bartos accepted the Resolution, and thanked the Board. ([#20110919](#)-Commissioner Mann)

Bike Walk Lee Coalition representative Darla Letourneau, together with her team, read and presented an award to Lee County Administration and the Complete Street Interdepartmental Performance Team recognizing the outstanding leadership of County Manager Karen Hawes and her Management team. County Manager Karen Hawes and the Team accepted the award, and thanked the Bike Walk Lee Coalition team. ([#20110920](#)-County Commissioners).

**ANNOUNCEMENTS**

Referring to the [Revised Agenda Recap Sheet](#) dated November 8, 2011, the Chairman announced that:

Administrative Agenda Item 5(a) should be deferred for one (1) week to allow for a full Board to be present. Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

For Consent Agenda Item 8(a), the language should be changed in the second section of the ACTION REQUESTED/PURPOSE to read: Authorize the Solid Waste Division to add an equipment operator or equipment operator, senior to its staff.

One (1) Carry-over item would be heard at the appropriate time.

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

No one from the general public came forward to offer comments.

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

Commissioner Mann – 8(a)  
Commissioner Manning - None  
Commissioner Bigelow – 7(b)

**CONSENT AGENDA**

**1. COUNTY ADMINISTRATION**

- A) **ACTION REQUESTED/PURPOSE:**  
Present to the Board for information and filing the Object Code #504015 Expenditure Detail Report for the fourth quarter of FY10-11 (July through September 2011) as required by Lee County Ordinance #90-18. ([#20110892](#)-COUNTY MANAGER)
- FUNDING SOURCE:**

Combination of County Administration, Human Resources, Libraries, Parks & Recreation (Extension Services), Public Resources, Public Safety, Solid Waste, Sustainability, Transit & VCB.

**WHAT ACTION ACCOMPLISHES:**

Allows Board to monitor expenditures being made by County Departments and Divisions to this object code.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

**B) ACTION REQUESTED/PURPOSE:**

Adopt a Resolution to repeal Administrative Code 3-19; Lee County Policy for Special Need Request from Community Organizations for Financial Assistance from the County. ([#20110901](#)-COUNTY MANAGER)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Removes an outdated Administrative Policy for Special Need Request from Community Organizations for Financial Assistance from the County (AC 3-19) from the Lee County Administrative Code.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

[RESOLUTION NO. 11-11-09](#)

**C) ACTION REQUESTED/PURPOSE:**

Authorize Chair to approve \$225,000.00 for the Southwest Florida Community Foundation to manage the funding of Tourist Development Council Attractions Marketing Program. ([#20110904](#)-VISITOR AND CONVENTION BUREAU)

**FUNDING SOURCE:**

Tourist Development Tax, VCB Attractions Marketing.

**WHAT ACTION ACCOMPLISHES:**

Allow the Visitor & Convention Bureau to distribute funding to area attractions via the Southwest Florida Community Foundation.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

**D) ACTION REQUESTED/PURPOSE:**

Award Service Provider Agreement for CN-11-15, Financial Advisor, to [Dunlap & Associates Inc.](#), at the fees indicated in Exhibit B, Compensation and Method of Payment in a not to exceed annual amount of \$100,000.00 for services other than bond issues. Further authorize Chair to execute the Service Provider Agreement on behalf of the Board. ([#20110905](#)-COUNTY MANAGER)

**FUNDING SOURCE:**

Fund: General Fund – Program: Non-Dept – Non-Departmental; Project: Financial Services and other various County departments for various project services when needed.

**WHAT ACTION ACCOMPLISHES:**

Provides Lee County with an advisor that will assist the County in the issuance of various types of debt financing as well as conduct special analyses as needed. The Financial Advisor will not participate either directly or indirectly as underwriters in the sale of the bonds, nor have any financial interest, directly or indirectly in such sale, except as to compensation paid hereunder by the County.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

- E) **ACTION REQUESTED/PURPOSE:**  
Authorize [transfer](#) of interest earnings accumulated in specific reserve accounts from the Tourist Development Tax Revenue Bonds, Series 2010A, 2010B and 2010C into a common Interest Account and approve transfers and budget amendments.  
(#20110915-COUNTY MANAGER)  
**FUNDING SOURCE:**  
No new funds required.  
**WHAT ACTION ACCOMPLISHES:**  
Meets the requirements of the Bond Covenants for the Tourist Development Tax Revenue Bonds, Series 2010A, 2010B and 2010C.  
**MANAGEMENT RECOMMENDATION:**  
Recommend Approval.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.  
RESOLUTION NOS. [11-11-10](#) AND [11-11-11](#)

2. **COMMUNITY DEVELOPMENT**

- A) **ACTION REQUESTED/PURPOSE:**  
Execute grant award agreements for \$343,987.00 in State Housing Initiatives Partnership (SHIP) funds:  
\$90,000.00 -- [Habitat for Humanity](#) for the acquisition/rehabilitation/resale of homes for 5 low income households.  
\$90,000.00 -- [BIA Builder's Care](#) for the rehabilitation of owner occupied homes for 3 low income households with special needs (i.e. elderly and/or disabled).  
\$90,000.00 - Lee County Department of Human Services for the rehabilitation of owner-occupied homes for 3 very low income households.  
\$63,987.00 -- [Housing Authority of the City of Fort Myers](#) for rehabilitation of 40 very low income units.  
\$10,000.00 - [Lee County Housing Development Corp.](#) for long term homeownership education. (#20110903-COMMUNITY DEVELOPMENT)  
**FUNDING SOURCE:**  
SHIP Local Housing Assistance funds.  
**WHAT ACTION ACCOMPLISHES:**  
Allows the county to enter into grant award agreements to increase the supply of affordable housing and implement the Local Housing Assistance Plan.  
**MANAGEMENT RECOMMENDATION:**  
Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

3. **CONSTRUCTION AND DESIGN**

No requests received.

4. **COUNTY COMMISSIONERS**

No requests received.

5. **COUNTY LANDS**

- A) **ACTION REQUESTED/PURPOSE:**  
A) Approve [Easement Purchase Agreement](#) for acquisition of Parcel 311 TCE, a 600 square foot (SF) [temporary construction easement](#), from Oak Creek Crossing, Inc., in the amount of \$1,500.00, located at 11100 Bonita Beach Road SE, Bonita Springs, FL, for Bonita Beach Road Widening Project Phase II - Project No. 5720.  
B) Authorize the Chairman on behalf of the Board to execute the Purchase Agreement;  
C) Authorize the payment of necessary costs and fees to close in the approximate amount of \$100.00;  
D) Authorize County Lands Staff to execute and accept all documentation necessary to complete this transaction. (#20110911-COUNTY LANDS)

**FUNDING SOURCE:**  
Fund: TCI – Bonita Springs Road, Phase II; Program: Capital Project; Project: Bonita Beach Road Phase II.  
**WHAT ACTION ACCOMPLISHES:**  
Acquires Parcel 311 TCE necessary for Project.  
**MANAGEMENT RECOMMENDATION:**  
Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

6. **HUMAN SERVICES**

No requests received.

7. **INDEPENDENT**

- A) **ACTION REQUESTED/PURPOSE:**  
Introduce and adopt the Together We Mean Community campaign, a nomination-based quarterly employee recognition program. ([#20110889](#)-HUMAN RESOURCES)  
**FUNDING SOURCE:**  
With an approximate amount of \$100.00 awarded to the maximum of two employees per quarter, an anonymous donation of \$1,200.00 has been received for Fiscal Year 2011-2012.  
**WHAT ACTION ACCOMPLISHES:**  
Recognizes employees who go above and beyond their assigned duties and responsibilities and make an outstanding, positive contribution towards the community of Lee County.  
**MANAGEMENT RECOMMENDATION:**  
Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

- B) **ACTION REQUESTED/PURPOSE:**  
Approve acceptance and expenditure authority for the following specific donations totaling \$1,700.00 as follows: \$500.00 from the Jordan Moguil Memorial Fund, a fund of the Southwest Florida Community Foundation, for children at Lakes Regional Library; and \$1,200.00 from Judy Daige for the purchase of audio books in the suspense genre for the South County Regional Library. Adopt a budget amendment resolution in the amount of \$1,700.00 to recognize the donations and accordingly authorize expenditures. ([#20110912](#)-LIBRARY)  
**FUNDING SOURCE:**  
N/A.  
**WHAT ACTION ACCOMPLISHES:**  
Authorizes acceptance and expenditure of funds pursuant to donors’ requests.  
**MANAGEMENT RECOMMENDATION:**  
Approval.

**PULLED FOR DISCUSSION**  
Commissioner Bigelow moved approval, seconded by Commissioner Manning. After Commissioner Bigelow thanked the donors, the motion was called and carried with Commissioners Hall and Judah absent.  
[RESOLUTION NO. 11-11-12](#)

8. **NATURAL RESOURCES/SOLID WASTE**

- A) **ACTION REQUESTED/PURPOSE:**  
(1) Approve an [amendment to the Interlocal Agreement](#) for Solid Waste Disposal with the City of Cape Coral (and associated [Memorandum of Understanding](#)) providing for the transport and disposal of the City's biosolids.  
(2) Authorize the Solid Waste Division to add an equipment operator position to its staff. ([#20110910](#)-SOLID WASTE)  
**FUNDING SOURCE:**  
No funds required at this time. Staff will monitor its budget relative to the new staff position and other operating expenses.

**WHAT ACTION ACCOMPLISHES:**  
Provides that the City will pay the County for the transport and disposal of its biosolids as generated at the City's waste water treatment plant. Extends the interlocal agreement for an additional 5 years. Provides the Division with another equipment operator position for composting and landfill operations.

**MANAGEMENT RECOMMENDATION:**  
Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: For Consent Agenda Item 8(a), the language should be changed in the second section of the ACTION REQUESTED/PURPOSE to read: Authorize the Solid Waste Division to add an equipment operator or equipment operator, senior to its staff.

PULLED FOR DISCUSSION  
In response to Commissioner Mann’s inquiry, Solid Waste Director Lindsey Sampson provided clarification of the request. Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

9. PARKS AND RECREATION

No requests received.

10. PUBLIC SAFETY

No requests received.

11. PUBLIC WORKS ADMINISTRATION

No requests received.

12. TRANSPORTATION

- A) **ACTION REQUESTED/PURPOSE:**  
(a) Approve Project No. PB120024, the utilization (piggyback) of Florida Department of Transportation's Bid No. ITB-DOT-09/10-9027-LG and ITB-DOT-10/11-9024-LG which has gone through their competitive bidding process, for the annual purchase for DOT of Traffic Equipment.  
(b) Approve the purchase of these materials by allowing DOT to utilize either one or all of the vendors listed on the FDOT Bid.  
(c) Approve the annual expenditure of approximately \$250,000.00 for the acquisition of traffic equipment.  
(d) Approve the piggybacking and use of this bid for its full term which is through August 31, 2012 and any extensions. ([#20110896-TRANSPORTATION](#))
- FUNDING SOURCE:**  
Fund - Transportation Trust; Program – DOT Traffic/Signals and Signs;  
Fund - Transportation Capital Improvements; Program - Major Maintenance; Project - Signal Maintenance Upgrades.
- WHAT ACTION ACCOMPLISHES:**  
Allows DOT to purchase off of the approved product list for traffic equipment at a competitive pricing.
- MANAGEMENT RECOMMENDATION:**  
Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

13. UTILITIES

- A) **ACTION REQUESTED/PURPOSE:**  
Developer Contributed Asset - Cristof's on McGregor (BS 20110866/20369, MMM/SDG): Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of one potable water service and one 4-inch diameter fire line, to provide potable water service and fire protection to Cristof's on McGregor, a recently constructed restaurant. This is a Developer contributed asset project located at the southeast corner of



McGregor Boulevard and Royal Palm Square Boulevard. ([#20110866](#)-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 Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

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

B) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - Cayo de Estero Shoppes (BS 20110883/20386, MMM/SDG): Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of four water services, one 10-inch diameter fire line, and one force main connection to provide potable water service, fire protection and sanitary sewer service to the recently constructed commercial shopping center Cayo de Estero Shoppes. This is a Developer contributed asset project located along the west side of South Tamiami Trail approximately 1,000 feet north of Estero Parkway. ([#20110883](#)-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 Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

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

14. **COUNTY ATTORNEY**

No requests received.

15. **HEARING EXAMINER**

No requests received.

16. **CONSTITUTIONAL OFFICERS**

A) **ACTION REQUESTED/PURPOSE:**

Approve [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. ([#20110922](#)-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 Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

B) **ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of October 24 through October 28, 2011.

October 25, 2011 (Regular)

(#20110923-MINUTES)

**FUNDING SOURCE:**

Not Applicable.

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

**17. PORT AUTHORITY AND OTHER GOVERNING BOARDS**

No requests received.

**ADMINISTRATIVE AGENDA**

**1. COUNTY ADMINISTRATION**

**A) ACTION REQUESTED/PURPOSE:**

Authorize selection of Fifth Third Bank to provide up to \$3,500,000.00 in loans to be secured by special assessments for a three year period that will be used for permanent financing of MSBU Projects and approve the form of a [master loan agreement](#). Authorize chairman to sign a resolution selecting Fifth Third Bank, approving Fifth Third's term sheet and approving the form of a master loan agreement.

(#20110907-COUNTY MANAGER)

**FUNDING SOURCE:**

Origination Costs from General Fund Non Departmental Long Term Loan Program.

**WHAT ACTION ACCOMPLISHES:**

Allows the continuation of a long term debt financing program for MSBU Projects without pledging the Non-Ad Valorem Debt Capacity of the County. Provides Private Placement Financing for MSBU Projects.

**MANAGEMENT RECOMMENDATION:**

Recommend Acceptance of Fifth Third Bank for participation in the Term Loan Assessment Program (#4) and approval of master loan agreement.

Commissioner Manning moved approval, seconded by Commissioner Bigelow. Assistant County Manager Pete Winton responded to questions from Commissioners Mann and Bigelow regarding the loans. The motion was called and carried with Commissioners Hall and Judah absent.

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

**B) ACTION REQUESTED/PURPOSE:**

Authorize selection of Fifth Third Bank to provide up to a \$2,500,000.00 line of credit to be secured by special assessments for a two year period that will be used for initial financing of MSBU Projects that are later secured with long term financing through Term Loan Program #4 (Blue Sheet 20110907). Approve Fifth Third's term sheet and [loan agreement](#). (#20110908-COUNTY MANAGER)

**FUNDING SOURCE:**

Origination Costs to establish the program are paid form General Fund Non Departmental Short Term Loan Program.

**WHAT ACTION ACCOMPLISHES:**

Provides short term debt financing for MSBU projects that can be later funded by a long term debt financing program for MSBU Projects (Term Loan Program #4) without pledging the Non-Ad Valorem Debt Capacity of the County. Provides Private Placement Financing for MSBU Projects.

**MANAGEMENT RECOMMENDATION:**

Recommend Acceptance of a line of credit from Fifth Third Bank as a source of funds for short term financing of MSBU Projects.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

[RESOLUTION NO. 11-11-16](#)

**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:**  
A. Provide direction to County Lands on preferred procedure for presenting negotiated purchase price of Conservation 20/20 property to the Board in the future.  
B. Provide direction as to procedure for 24 B List properties already in negotiation process.  
([#20110893](#)-COUNTY LANDS)  
**FUNDING SOURCE:**  
N/A.  
**WHAT ACTION ACCOMPLISHES:**  
Establishes procedure for the presentation of purchase agreements on Conservation 20/20 property to the Board. Provides direction to staff on whether the Board desires amendments to the ordinance governing the objectives and duties of the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC).  
**MANAGEMENT RECOMMENDATION:**  
Approve staff's recommendations on both items.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Administrative Agenda Item 5(a) should be deferred for one (1) week to allow for a full Board to be present. Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

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.

9:30 A.M. AGENDA ITEM\_– Public Hearing No. 1

1. **ACTION REQUESTED/PURPOSE:**

Conduct a Public Hearing to adopt a Resolution on a Petition to Vacate VAC2011-00006, submitted by Lee County Mosquito Control District to provide for the construction of a new guardhouse and related site improvements to the dead end configuration of Homestead Road; a 100 foot wide ± road right of way, located in Buckingham, Lee County, Florida.  
(#20110667-COMMUNITY DEVELOPMENT)

**FUNDING SOURCE:**

No funding required.

**WHAT ACTION ACCOMPLISHES:**

Extinguishes the public’s interests in the portion of Homestead Road abutting the westerly boundary of the Mosquito Control District's airport property. The right of way to be vacated is not needed for roadway purposes and there are no property owners who will be affected by the vacation of this portion of the right of way.

**MANAGEMENT RECOMMENDATION:**

Approval.

Assistant County Attorney Susan Henderson approved as to legal form and sufficiency, the [Affidavit of Publication](#) and [Affidavit of Posting](#) for the 9:30 a.m. Public Hearing No. 1; and briefly reviewed the request. The Chairman called for public input; however, no one came forward. Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

[RESOLUTION NO. 11-11-17](#)

9:30 A.M. AGENDA ITEM\_– Public Hearing No. 2

2. **ACTION REQUESTED/PURPOSE:**

Conduct a public hearing and adopt the Lee County Secondary Metals Recyclers Ordinance.  
(#20110906-COUNTY ATTORNEY)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Adopts a new county-wide ordinance regulating transactions involving the sale and purchase of certain metal products to metal recycling entities.

**MANAGEMENT RECOMMENDATION:**

Adopt ordinance.

Assistant County Attorney Dawn Perry-Lehnert approved, as to legal form and sufficiency, the [Affidavit of Publication](#) for the 9:30 a.m. Public Hearing No. 2, and briefly reviewed the request; and distributed an [Amended Errata Sheet](#) (copy on file in the Minutes office). Board discussion ensued on the Errata Sheet with Sgt. Matt Chitwood and Detective Dale Schuls from the Sheriff’s office. The Chairman called for public comment and the following citizens came forward:

- Fort Myers resident [Duane Rutledge](#)
- All Scrap Recycling owner [Steve McKellar](#)
- Garden Street Iron& Metal Inc. owner [Robert Weber](#)
- Florida Sales & Marketing representative [Charles Hurt](#)

Further Board discussion ensued with Sheriff Mike Scott noting Florida Statute 538 and that the revised ordinance addresses problem areas identified by his agency. Commissioner Manning moved approval subject to the November 8, 2011 Errata Sheet, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-26, ENTITLED:](#)

AN ORDINANCE ESTABLISHING REGULATIONS PERTAINING TO SECONDARY METALS RECYCLERS; PROVIDING FOR A TITLE; LEGISLATIVE FINDINGS; PURPOSE AND INTENT; APPLICABILITY; DEFINITIONS; PAYMENT LIMITATIONS PERTAINING TO PURCHASE TRANSACTIONS INVOLVING RESTRICTED REGULATED METALS PROPERTY; EXEMPTIONS FROM THE LIMITATIONS; PROVIDING SPECIFIC EXAMPLES OF RESTRICTED REGULATED METALS PROPERTY; PROOF OF OWNERSHIP; ELECTRONIC TRANSACTIONS RECORDS REQUIRED; ENFORCEMENT; CIVIL AND CRIMINAL PENALTIES; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION, SCRIVENER’S ERRORS AND AN EFFECTIVE DATE.

**CARRY OVER ITEM NO. 1**

- A) **ACTION REQUESTED/PURPOSE:**  
Approve a budget amendment transferring \$10,538.00 from the Conservation 20/20 management fund for gopher tortoise habitat improvements on a portion of Pine Island Flatwoods Preserve, a Conservation 20/20 preserve; and, authorize acceptance of reimbursement to the Conservation 20/20 management fund from Florida Fish and Wildlife Conservation Commission upon completion of the project. This item was deferred on November 1, 2011. ([#20110852](#)-PARKS AND RECREATION)  
**FUNDING SOURCE:**  
Fund - Capital Improvement-Environmentally Sensitive Land; Program - Parks and Recreation Operations; Project - Conservation 20/20 Pine Island Flatwoods Preserve.  
**WHAT ACTION ACCOMPLISHES:**  
Provides for gopher tortoise habitat improvement on 181 acres on Pine Island Flatwoods Preserve, a Conservation 20/20 preserve.  
**MANAGEMENT RECOMMENDATION:**  
Approve.  
**REASON FOR CARRY OVER:**  
This item was deferred by the board for one week on November 1, 2011.

Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.  
[RESOLUTION NO. 11-11-18](#)

**COMMISSIONER ITEMS**

**LEGISLATIVE DELEGATION** – Commissioner Mann informed that after the Board meeting he would be attending the Legislative Delegation to provide the County’s wishlist. He further noted that he would inform that the County is not taking an issue on the Mosquito Control issue.

**COMMITTEE APPOINTMENTS**

Chairman Mann requested a motion to reappoint Richard Bidwell to the **CONSTRUCTION BOARD OF ADJUSTMENTS & APEALS COMMITTEE**, and reappoint Bill Burdette and Christie D. Knight to the **CONSERVATION LAND ACQUISITION & STEWARDSHIPCOMMITTEE**. Commissioner Manning moved approval, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

Commissioner Manning moved to reappoint Christina Jordan to the **BLACK AFFAIRS ADVISORY BOARD** ([RESOLUTION NO. 11-11-19](#)), reappoint Frank Triscari and Bernard McGovern to the **CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS**, and reappoint Stephanie A. Kolenut to the **EXECUTIVE REGULATORY OVERSIGHT COMMITTEE**, seconded by Commissioner Bigelow, called and carried with Commissioners Hall and Judah absent.

Commissioner Bigelow moved to appoint Wayne Daltrey to the **LOCAL PLANNING AGENCY**, and reappoint George Wheaton to the **CONSERVATION LAND ACQUISITION & STEWARDSHIPCOMMITTEE**,

seconded by Commissioner Mann for discussion. The motion was called and carried with Commissioners Hall and Judah absent.

**COUNTY MANAGER ITEMS**

County Manager Karen Hawes had no items to be discussed.

**COUNTY ATTORNEY ITEMS**

County Attorney Michael Hunt had no items to be discussed.

**Public Presentation of Matters by Citizens**

The Chairman called for public input, and the following concerned citizen came forward:

After noting he had addressed the board two weeks ago, [Jeff Keller](#) expressed his desire to open a roadside produce stand.

The Chairman adjourned the meeting at 10:52 a.m.

ATTEST:  
CHARLIE GREEN, CLERK

\_\_\_\_\_  
Deputy Clerk

[Chairman, Lee County Commission](#)