

APRIL 4, 2011

A Workshop Meeting of the Board of Lee County Commissioners sitting as the Board Management and Planning Committee was held this date with the following Commissioners present:

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

The Chairman called the meeting to order at 1:31 p.m.

1. DISCUSS ORDINANCE ESTABLISHING A MORATORIUM ON LICENSING NEW PAIN CLINICS

To approve for further review and public hearing a proposed Lee County ordinance establishing a moratorium on the issuance of business tax receipts for the operation of pain clinics and pain management clinics.

OPTIONS:

1. Approve the proposed ordinance for further review and public hearing.
2. Recommend changes to the ordinance.
3. Do not approve the proposed ordinance for further review and public hearing.

RECOMMENDATION:

Recommend scheduling proposed ordinance for public hearing.

Sheriff Special Investigator Captain Matt LeClair, with the use of an overhead projector, addressed the Board on the Crime and Prescription Drugs in Lee County, Florida, (copy on file in the Minutes Office), highlighting the documented fatal consequences of the nation's prescription-drug epidemic. In conclusion, Captain LeClair noted the need for a moratorium on the licensing of pain clinics and the development of strategies and legislation. Board discussion ensued with input from Mr. LeClair, Interim County Attorney Andrea Fraser, Chief Assistant County Land Use Attorney Donna Marie Collins, and Assistant County Attorney Scott Coovert. During the conversation, at the request of Commissioner Judah, Attorney Fraser agreed to follow-up on the question of local government monitoring and the possibility of case law or statutes that could be imposed to be brought back to the Board at tomorrow's meeting. Following further discussion, Attorney Coovert indicated a draft ordinance would be brought back to the Board in a few weeks for Ordinance approval and then in one year attempt to draft further regulations.

2. UPDATE ON-SITE TREATMENT AND DISPOSAL SYSTEMS/SEPTIC SYSTEMS LEGISLATION AND ALTERNATIVES

Update the Board and respond to inquiries from the March Management and Planning Committee meeting regarding recent efforts to establish a state-wide septic system inspection and maintenance program. Consider adoption of septic system inspection and maintenance program to reduce pollutant loading to impaired waters in Lee County regardless of state-wide rule outcome. Priority should be given to areas of known high failure rate and within watersheds and established TMDLs. Enter into agreement with the Department of Health to implement.

OPTIONS:

1. Do nothing. Nutrient and bacterial loading from failing septic systems will continue unabated. No direct financial burden on homeowner.
2. Adopt County-Wide program. Establishes means to insure septic systems are functioning and providing necessary treatment county-wide. Financial burden on homeowner. Conservatively covers all areas regardless of current water quality conditions.
3. Adopt Phased County-Wide program. Adopt more conservative phased program concentrating on known problem areas. Shifts program costs to already financially burdened neighborhoods,
4. Central Sewer. Preferred by not available and/or cost effective in all circumstances.

RECOMMENDATION:

Proceed with phased implementation in known problem areas. Source control of pollutants is much more efficient and cost effective than treating diffuse source in stormwater downstream. Also removes potential health hazards of problematic septic systems.

Natural Resources Director Roland Ottolini, with the use of a [PowerPoint presentation](#) (copy on file in the Minutes Office), provided an update on the Septic System Legislation and Alternatives, and reviewed SB 1698. He further addressed the human health effects reported by the Environmental Protection Agency (EPA) Sewer Program, along with costs, inventory status, and the phased approach. Board discussion ensued with input from Assistant County Manager Doug Meurer. There was Board consensus for a more detailed draft ordinance. At the request of Commissioner Hall, Interim County Attorney Andrea Fraser agreed to obtain copies of Ordinances already drafted by other counties for reference and review.

3. CITY OF PALMS UPDATE

Status of ongoing amateur sporting events planned for City of Palms Park; seeking Board direction on National Swimming Center proposal; update of 1-cent for baseball projections.

County Sports Development Director Jeff Mielke, utilizing a [PowerPoint presentation](#) (copy on file in the Minutes Office), summarized the 2010 City of Palms Park proposed events and responded to Board questions throughout the presentation.

Economic Development Director Jim Moore, designated to negotiate with the National Swim Center Corporation; noted the lack of negotiations, and recommended that negotiations cease. Following lengthy discussion by the individual board members and input from Mr. Moore, Mr. Mielke and County Manger Karen Hawes, there was Board consensus to bring a Walk-On Bluesheet to the Board at next Tuesday's meeting recommending that the Board not pursue the Swim Center Proposal.

Assistant County Manager Pete Winton distributed [handouts](#) (copy on file in the Minutes Office) of the 5-year projection and 5-cent Tourist Development Tax, and briefly explained this together with the 1-cent for baseball.

4. ANNEXATION AND INTERLOCAL AGREEMENTS

The issue of interlocal agreements was discussed by the Board at the February 28th Comprehensive Plan EAR workshop. At that time, the Board asked about the status of interlocal agreements which the County has been pursuing with the Cities for the past 2 years. In brief, after a series of meetings with Cape Coral, Fort Myers, Fort Myers Beach, Bonita Springs, and Sanibel, some areas of mutual interest were identified as well as several differences (see attached list). Some of these issues are already addressed through existing interlocal agreements, while others can be handled through ongoing coordination. Other issues, in particular, future annexation or urban service areas, are not areas of agreement.

If the Board wants to continue to pursue interlocal agreements, they should be topic-specific separate agreements depending on the issue. (The County will keep existing and future interlocals in a centrally located website of file.) With regard to annexations, if the Board wants to pursue agreements, staff recommends "scaled-down" annexation agreements that address earlier notification by Cities to the County, because the current notice requirements of Florida Statute Chapter 171 are limited and lack information. It does not appear from prior meetings with the Cities that there will be agreement on annexation maps or urban reserve areas with at least 3 cities.

OPTION:

1. Pursue scaled-down annexation interlocal agreements which would only address earlier notification and more information.
2. Do not pursue scaled-down interlocal agreements.
3. Pursue separate interlocal agreements on an as needed basis for specific topics.
4. Propose charter amendments regarding voluntary annexations.
5. Coordinate annexation issues through the Cities' Comprehensive Plan Evaluation and Appraisal process.

RECOMMENDATIONS:

Options 3 and 5.

Community Development Planning Director Paul O’Connor reviewed the item and stated that agreement on the issue of lands that are appropriate for annexation was not reached with the three (3) largest cities; and recommended pursuit of interlocal agreements on an as-needed basis and to work with the cities as they go through their Evaluation and Appraisal Report (EAR) to address annexation issues. Commissioner Hall voiced disagreement and stated that this should not be looked at as a side issue. Board discussion ensued with Interim County Attorney Andrea Fraser responding to Board questions. Commissioner Manning requested further detail on the recommended options be provided at the next M& P meeting. Board consensus was reached that County Manager Karen Hawes further reviewed item and bring it back to the next M & P meeting; Manager Hawes agreed.

5. CAPITAL IMPROVEMENT PROJECT (CIP) BUDGET UPDATE

Status of current CIP and projections; discussion of any unfunded projects.

Assistant County Manager Pete Winton provided an updated overview of the Capital Improvement Project (CIP) and handed out the following: 1) Revenues and Expenditures; 2) FY 10/11–14/15 Major Maintenance Program; 3)CIP 11/12-15/16 – Total Projects List (copies on file in the Minutes Office). Brief Board discussion ensued with Mr. Winton responding to comments by Commissioner Hall regarding EMS challenges, and Commissioner Manning on the North Fort Myers recreation center funding source.

6. BUDGET STATUS UPDATE

Discussion of six month results and preliminary recommendations from the Finance & Taxation Committee.

CHAIRMAN MANN ANNOUNCED THAT AGENDA ITEM NO. 6 WOULD BE CARRIED-OVER TO THE NEXT MANAGEMENT & PLANNING MEETING.

7. E-COMMENTS/BOCC AGENDAS

Presentation of e-comments on weekly BoCC agenda, a potential avenue for receiving public input and concerns on agenda items.

Assistant County Manager Pete Winton informed that testing is ongoing to provide more avenues for citizens to get information to the County concerning Board agenda items, by way of placing comments on the County’s Agenda (Sire) Website.

The Chairman adjourned the meeting at 4:11 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

Chairman, Lee County Commission