

OCTOBER 11, 2011

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

John Manning, Vice Chairman  
Ray Judah  
Tammara Hall

CHAIRMAN FRANK B. MANN AND COMMISSIONER BRIAN BIGELOW WERE ABSENT FOR THE ENTIRE MEETING.

The Vice Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Pastor Matt Boher of Emmanuel Baptist Church, followed by the Pledge of Allegiance.

### **PRESENTATIONS**

WALK-ON ITEM NO.1 WAS HEARD OUT OF ORDER, SEE THAT ITEM FOR ACTION TAKEN

Commissioner Hall read and presented a Ceremonial Resolution proclaiming the week of October 10-16, 2011 as 4-H Week in Lee County. 4-H President Cayla Porter and Vice President Whitney Bogard, along with 4-H Youth Development Agent Cathy Suggs accepted the Resolution, and expressed appreciation to the Board for this recognition. ([#20110836](#)-Commissioner Hall)

Commissioner Judah read and presented a Ceremonial Resolution Proclaiming the week of October 16-22, 2011 as Friends of the Library Week in Lee County and urged its residents to recognize the importance by making a commitment to their library for the good of the entire community. President of the Lee County Library Advisory Board Byron Wallace, along with Sheldon Kaye and Karen Katz accepted the Resolution, and expressed appreciation to the Board for this recognition. ([#20110828](#)-Commissioner Judah)

### **ANNOUNCEMENTS**

Referring to the [Agenda Recap Sheet dated October 11, 2011](#), the Vice Chairman announced that:

Consent Agenda Item 14A (Approval of Purchase Agreement for Parcel 193) should be pulled to allow for further review and examination. The County Attorney's office does not intend to re-schedule the item at this time.

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

Consent Agenda Item 3A should be revised within the ACTION REQUESTED/PURPOSE:  
Procurement Fort Myers Beach Fishing Pier – Correct the contract number from 5170 to 5710.

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

Two Walk-On Items would be heard at the appropriate time in the agenda.

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

C2A – Attorney [Charles Basinait](#) (handout)

C14B – Attorney [Charles Mann](#) with the Pavese Law Firm

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

Commissioner Judah – 2A  
Commissioner Hall – none  
Commissioner Manning – 9A

### **CONSENT AGENDA**

**1. COUNTY ADMINISTRATION**

No requests received.

**2. COMMUNITY DEVELOPMENT****A) ACTION REQUESTED/PURPOSE:**

Adopt Resolution authorizing the Director of the Department of Community Development to execute the appropriate documents to grant four year extensions of Development Orders, Zoning Master Concept Plans, and Concurrency Certificates that were issued between January 2, 2006 and August 9, 2011.

[\(#20110794-COMMUNITY DEVELOPMENT\)](#)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Allow four year extensions of Development Orders, Zoning Master Concept Plans, and Concurrency Certificates that were issued between January 2, 2006 and August 9, 2011.

**MANAGEMENT RECOMMENDATION:**

Approve.

**PULLED FOR DISCUSSION**

Community Development Director Mary Gibbs, at the request of Commissioner Judah, responded that staff is agreeable to the requested extension by Attorney Charles Basinait on behalf of Premier/SOM Ft. Myers, LLC. Commissioner Judah moved approval of the amended language contained in a letter provided by Public Speaker Attorney Basinait, seconded by Commissioner Hall, called and carried with Commissioners Mann and Bigelow absent.

[RESOLUTION NO. 11-10-01](#)

**3. CONSTRUCTION AND DESIGN****A) ACTION REQUESTED/PURPOSE:**

Approve addendum to the Construction Manager Agreement, for RFQ-11-02 Fort Myers Beach Fishing Pier Restoration, with Fowler Construction and Development (a local Contractor), Contract ~~#5170~~, **#5710**, to include waiving of any 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.

[\(#20110807-CONSTRUCTION AND DESIGN\)](#)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Allows the County to purchase directly from suppliers of equipment and/or materials as a cost/time saving measure.

**MANAGEMENT RECOMMENDATION:**

Approve.

**DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT:** Consent Agenda Item 3A should be revised within the ACTION REQUESTED/PURPOSE: Procurement Fort Myers Beach Fishing Pier – Correct the contract number from 5170 to 5710. Commissioner Judah moved approval, seconded by Commissioner Hall, called and carried with Commissioners Mann and Bigelow absent.

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

**4. COUNTY COMMISSIONERS**

No requests received.

**5. COUNTY LANDS**

No requests received.

**6. HUMAN SERVICES**

**A) ACTION REQUESTED/PURPOSE:**

1) Approve Program Substantial [Amendment](#) to the Lee County 2010 Annual Action Plan for U.S. Department of Housing and Urban Development (HUD); and 2) Authorize Chair to sign documents related to said Amendment. ([#20110746](#)-HUMAN SERVICES)

**FUNDING SOURCE:**

HUD Community Development Block Grant (CDBG).

**WHAT ACTION ACCOMPLISHES:**

Allows reallocation of funds to prioritized activities.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**B) ACTION REQUESTED/PURPOSE:**

1) Accept award of [Edward Byrne Memorial Justice Assistance Grant](#) funding from the State of Florida, Department of Law Enforcement, Office of Criminal Justice Grants; 2) Approve FY 2011-2012 budget resolution in the amount of \$104,731; 3) Authorize Chair to sign [sub-recipient provider contracts](#) once prepared and contract amendments if needed in the future. ([#20110793](#)-HUMAN SERVICES)

**FUNDING SOURCE:**

State of Florida Department of Law Enforcement.

**WHAT ACTION ACCOMPLISHES:**

Board action is necessary to establish the budget for the awarded funds and sign the service provider agreements.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

[RESOLUTION NO. 11-10-02](#)**7. INDEPENDENT****A) ACTION REQUESTED/PURPOSE:**

Concur with the selection of Consultants by the Competitive Negotiations Committee for CN-11-16, Miscellaneous Land Surveying & Mapping Services, and authorize staff to negotiate hourly rates and independent cost with the below listed twelve (12) firms for a contract period of two (2) years:

[AIM Engineering & Surveying Inc.](#),  
[Banks Engineering Inc.](#),  
[Barraco and Associates, Inc.](#),  
[Bean, Whitaker, Lutz & Kareh Inc.](#),  
[Coastal Engineering Consultants Inc.](#),  
[Cooner & Associates Inc.](#),  
[EF Gaines Surveying Services Inc.](#);  
[Hole Montes Inc.](#),  
[Johnson Engineering, Inc.](#),  
[Metron Surveying and Mapping.](#)  
[SEA Diversified Inc.](#), and  
[TKW Consulting Engineers Inc.](#)

Authorize Chair to execute the agreements upon final negotiations.

([#20110791](#)-PROCUREMENT MANAGEMENT)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Provides the county with twelve (12) consultants to provide professional surveying and mapping services which include but are not limited to: As-Built Surveys; Boundary Surveys; Construction Layout Surveys; Control Surveys; Hydrographic Surveys; Mean High Water Line Surveys; Quantity Surveys; Record Surveys; Right-of-Way Surveys; Specific or Special Purpose Surveys; and Topographic Surveys.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**B) ACTION REQUESTED/PURPOSE:**

Approve purchase of Maintenance, Repair and Operations (MRO) Products, when it is in the best interest of the County, under Project No. EX-110494 from Grainger using State of Florida Contract No. 450-00-11-ACS procured in accord with FS s. 287.057 and effective through February 28, 2004, or as extended; Rescind the award of Project No. EX-060631 approved under Blue sheet 20061020 for purchase of Tools, Hand Held and Hand Held Power Tools under state contract 445-001-07-01 approved on August 26, 2006.

(#20110790-PROCUREMENT MANAGEMENT)

**FUNDING SOURCE:**

Various, depending on the County department or division requiring commodities available from Grainger. Purchases will be made based upon available budgeted funds for the specific department. Any purchase above \$100,000 will be formally presented to the Board for approval.

**WHAT ACTION ACCOMPLISHES:**

Provides an option for the purchase of necessary MRO Products with a minimum of 13% discount from a vender offering a wide variety of quality choices.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**8. NATURAL RESOURCES/ SOLID WASTE**

No requests received.

**9. PARKS AND RECREATION**

**A) ACTION REQUESTED/PURPOSE:**

Approve the Utility Infrastructure Conveyance and Service [Agreement \(CSA\)](#) between Lee County and Florida Governmental Utility Authority (FGUA) pertaining to the grant of a utility easement necessary to provide potable water and waste water facilities and service to Admiral Lehigh Trailhead park. Authorize Chair to execute [all documents](#) necessary to complete the transaction, once the facilities have been constructed and are ready for turnover to FGUA in accordance with the Conveyance Agreement.

(#20110800-PARKS AND RECREATION)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Allows the FGUA to provide water utility services including a backflow preventer for the benefit of Admiral Lehigh Trailhead Park.

**MANAGEMENT RECOMMENDATION:**

Approve.

**PULLED FOR DISCUSSION**

Commissioner Hall moved approval, seconded by Commissioner Judah, called and carried with Commissioner Manning abstaining ([Form 8-B on file in the Minutes Office](#)) and Commissioners Mann and Bigelow absent.

**B) ACTION REQUESTED/PURPOSE:**

Approve and execute [Amendment I Grant Award Agreement](#) between Florida Communities Trust (FCT), a non-regulatory agency within the State of Florida Department of Community Affairs, and Lee County for San Carlos Bay - Bunche Beach Preserve.

(#20110810-PARKS AND RECREATION)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Incorporates the parcel acquired in 2006 into the San Carlos Bay - Bunche Beach Preserve Florida Communities Trust project area, satisfying grant requirements.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**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**

**A) ACTION REQUESTED/PURPOSE:**

Approve, and authorize Chair to execute, a Purchase Agreement for acquisition of Parcel 193, a 10,075 square foot fee simple interest, located at 1231 Burnt Store Road N., Cape Coral, FL, from property owner Karen Pitzner, for the Burnt Store Road Widening Project No. 4088 in the amount of \$37,500.00; authorize payment of \$7,095.00 for attorney fees, \$450.00 for expert costs, and necessary costs to close of \$500.00. Also, authorize County Lands and County Attorney's Office staff to execute and accept all documentation necessary to complete this transaction. ([#20110775](#)-COUNTY ATTORNEY)

**FUNDING SOURCE:**

Fund: Transportation Capital Improvement Surplus Capital Cape Coral; Program: Capital Projects; Project: Burnt Store Road 4-lane/78-Van Buren.

**WHAT ACTION ACCOMPLISHES:**

Acquires Parcel 193 for the widening project.

**MANAGEMENT RECOMMENDATION:**

Approve.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Consent Agenda Item 14A (Approval of Purchase Agreement for Parcel 193) should be pulled to allow for further review and examination. The County Attorney's office does not intend to re-schedule the item at this time. Commissioner Judah moved approval, seconded by Commissioner Hall, called and carried with Commissioners Mann and Bigelow absent.

**B) ACTION REQUESTED/PURPOSE:**

Adopt Resolutions extending the commencement, phase, build out and expiration dates for the Miromar Lakes DRI, Gateway DRI, Alico Interchange Park DRI, and Gulf Coast Town Center DRI by four years. ([#20110812](#)-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 Resolutions approving Development Order Amendments for each DRI.

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

RESOLUTION NOS. [11-10-03](#) (Gulf Coast Town Center), [11-10-04](#) (Alico Interchange Park DRI), [11-10-05](#) (Miromar Lakes DRI), and [11-10-06](#) (Gateway DRI)

**15. HEARING EXAMINER**

No requests received.

## 16. CONSTITUTIONAL OFFICERS

### A) **ACTION REQUESTED/PURPOSE:**

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

<b>Tax Deed Number</b>	<b>Payee</b>	<b>Amount</b>
2010-001466	Wells Fargo Bank, NA	\$972.21
2010-002884	Flamingo Holiday Homes, Inc.	\$856.49
2011-000275	Sylvia Phillips	\$252.01
2011-000275	Donald Phillips	\$252.02

(#20110824-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.

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

### B) **ACTION REQUESTED/PURPOSE:**

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

<b>Tax Deed Number</b>	<b>Payee</b>	<b>Amount</b>
2007-000143	US Asset Recovery	\$4,799.45
2010-002806	John C. Swearingen	\$95.70

(#20110825-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 claimants.

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

### C) **ACTION REQUESTED/PURPOSE:**

Approve [disbursements](#). The check and wire registers may be viewed on the Clerk's Website at WWW.LEECLERK.ORG by accessing the BOCC Minutes and Documents link. (#20110826-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 Judah, called and carried with Commissioners Mann and Bigelow absent.

**D) ACTION REQUESTED/PURPOSE:**

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of September 26 through September 30, 2011:

September 27, 2011 (Regular)      September 28, 2011 (Comp Plan).

(#20110827-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 Judah, called and carried with Commissioners Mann and Bigelow absent.

**E) ACTION REQUESTED/PURPOSE:**

Authorize Chair to accept \$87,939.00 in funding from the FY 11 [Edward Byrne Memorial Justice Assistance Grant program](#). (#20110818-SHERIFF)

**FUNDING SOURCE:**

Florida Department of Law Enforcement Office Justice Grants via the U.S. Department of Justice.

**WHAT ACTION ACCOMPLISHES:**

A portion of the Edward Byrne Memorial Justice Assistance Grant award will be used to fund a Lee County Sheriff's Office detective position for its Pharmaceutical Diversion Unit, and purchase laptop computers for the Lee County Port Authority Police and Sanibel Police Department.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

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

No requests received.

**ADMINISTRATIVE AGENDA****1. COUNTY ADMINISTRATION****A) ACTION REQUESTED/PURPOSE:**

Approve mediated settlement agreement in the Workers' Compensation case of Buffo, William v. Lee County, Case No. 10-019152EDS in the amount of \$129,810.28 inclusive of attorney's fees and costs. (#20110786-COUNTY MANAGER)

**FUNDING SOURCE:**

Self-Insurance Loss Fund.

**WHAT ACTION ACCOMPLISHES:**

Resolves this case prior to trial limiting the County's exposure.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**2. COMMUNITY DEVELOPMENT**

No requests received.

**3. CONSTRUCTION AND DESIGN**

No requests received.

**4. COUNTY COMMISSIONERS**

No requests received.

**5. COUNTY LANDS**

No requests received.

**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 9:30 A.M. AGENDA ITEM WAS HEARD AT THIS TIME. SEE THAT ITEM FOR ACTION TAKEN.

HEARD OUT OF ORDER DURING CEREMONIAL PRESENTATIONS  
**WALK-ON ITEM NO. 1**

Commissioner Hall read and presented a Ceremonial Resolution proclaiming the week of October 10-16, 2011 as 4-H Week in Lee County. 4-H President Cayla Porter and Vice President Whitney Bogard, along with 4-H Youth

Development Agent, Cathy Suggs accepted the Resolution and expressed appreciation to the Board for this recognition. ([#20110836](#)-Commissioner Hall)

## **WALK-ON ITEM NO. 2**

**ACTION REQUESTED/PURPOSE:** Approve and execute [Grant Agreement CM211](#), between the Florida Department of Environmental Protection/National Oceanic and Atmospheric Administration (FDEP/NOAA) and Lee County, for Caloosahatchee Creeks Preserve Restoration. Authorize county staff to complete and execute the various documents required under the grant agreement. Approve budget amendment in the amount of \$50,000 and amend the FY 11/12 Capital Improvement Environmentally Sensitive Land Management budget accordingly.

([#20110833](#)-PARKS AND RECREATION)

**FUNDING SOURCE:** Fund - Capital Improvement-Environmentally Sensitive Land Management; Program - Parks and Recreation Operations; Project - FDEP - Conservation 20/20-Caloosahatchee Creeks Preserve.

**WHAT ACTION ACCOMPLISHES:** Provides funding for a portion of Caloosahatchee Creeks Preserve restoration.

**MANAGEMENT RECOMMENDATION:** Approve.

**REASON FOR WALK ON:** This is a grant related blue sheet. We were awarded \$50,000 in a letter dated 09/27/11 from FDEP/NOAA for restoration work at Caloosahatchee Creeks Preserve. They are requesting that the signed agreements are returned to them for their execution within a two week period of time. Without walking this agenda item on to the 10/11/11 meeting, we would be unable to meet the required turnaround time.

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

[RESOLUTION NO. 11-10-07](#)

HEARD OUT OF ORDER – PRIOR TO WALK-ON ITEM 1

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

**1. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing to adopt an ordinance amending the Taxicab & Livery Regulatory Ordinance 11-07. ([#20110797](#)-PUBLIC RESOURCES)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Amends specific language necessary for Lee County Government to be assigned an "ORI" by the FBI, in order to request background checks of Taxicab & Livery applicants.

**MANAGEMENT RECOMMENDATION:**

Approve.

Assistant County Attorney Scott Covert approved, as to legal form and sufficiency, the [Affidavit of Publication](#) for the 9:30 a.m. Agenda Item No. 1; and briefly reviewed the request. The Vice Chairman called for public comment; however, no one came forward. Commissioner Judah moved approval, seconded by Commissioner Hall, called and carried, with Commissioners Mann and Bigelow absent. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-25 ENTITLED:](#)

AN ORDINANCE AMENDING AND RESTATING LEE COUNTY ORDINANCE NO. 11-07 KNOWN AS THE LEE COUNTY TAXICAB AND LIVERY ORDINANCE; PROVIDING FOR TITLE, PURPOSE AND AUTHORITY; PROVIDING FOR DEFINITIONS; PROHIBITING UNLICENSED VEHICLES FOR HIRE; PROVIDING FOR CERTIFICATE APPLICATION AND DRIVER IDENTIFICATION CARD, RENEWAL, AND REVOCATION; REQUIRING DISPLAY OF STICKER; PROVIDING FOR TRANSFERABILITY OF CERTIFICATE; PROVIDING FOR MINIMUM INSURANCE REQUIREMENTS AND PENALTIES; PROVIDING FOR AREAS OF ENFORCEMENT AND MEANS OF ENFORCEMENT; PROVIDING FOR SEVERABILITY, CONFLICTS OF LAW, INCLUSION IN CODE, CODIFICATION AND SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

**2. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing to adopt by Resolution the proposed redistricting of the Lee County Commission Districts in response to the year 2010 Census population data.

(#20110803-COMMUNITY DEVELOPMENT)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Complies with Florida Constitutional requirement that the Commissioners divide the county into districts of contiguous territory as nearly equal in population as possible after each decennial census. Establishes the revised configuration of the County Commission Districts.

**MANAGEMENT RECOMMENDATION:**

Approve.

Chief Assistant County Attorney Donna Marie Collins approved, as to legal form and sufficiency, the [Affidavit of Publication](#) for the 9:30 a.m. Agenda Item No. 2; and briefly reviewed the request and process. At the request of the Vice Chairman, Community Development Principal Planner Rick Burris provided opening comments. The Vice Chairman called for public comment, and the following individuals came forward:

**In support of Alternative 6:**

Estero Council of Community Leaders representative [Don Eslick](#)

Belle Lago representative [Jane McNew](#)

Belle Lago representative [David Witker](#)

Belle Lago representative [Kathy Kaminski](#)

**In support of Deferment and/or Alternative 7:**

Lee County NAACP Chapter 5110 representative [Steve Sherman](#)

Lee County NAACP President [James Muwakkil](#)

Democratic Party of Lee County representative and Lehigh Acres resident [Joan Patterson](#)

Democratic Party of Lee County Chair [Sandra McClinton](#)

Dunbar Community representative [Johnny W. Streets, Jr.](#)

Past President of the Lee County Branch of the NAACP [Carletha Griffin](#)

Commissioner Judah recommended deferment to a date certain in November, as there was time for further consideration, and Commissioner Hall agreed after further discussion and a stated preference for a full board. Commissioner Hall moved approval to defer this matter to 9:30 a.m. on October 25. Commissioner Judah requested input by Mr. Burris on his time constraints, and the motion maker amended the date to November 1, 2011, seconded by Commissioner Judah, called and carried with Commissioners Mann and Bigelow absent.

**COMMISSIONER ITEMS**

**SUSTAINABILITY** – Commissioner Hall recognized Tessa LeSage on receiving the Trailblazer award from the Urban Land Institute; and receipt of the Impact Award to the collaborative Bicycle and Pedestrian Initiative. Interim Transportation Director Dave Loveland also recognized the outstanding work of Andy Getch in both of these efforts as well. Commissioner Judah added his congratulations to a great staff.

**LEE TRAN LinC ROUTE** - Commissioner Judah recognized Steve Myers and Carmen Monroy on a successful start-up of a new transportation service connecting Lee and Collier Counties between Merchants Crossing in North Fort Myers along U.S. 41 to Bonita Beach Road.

**SURPLUS LANDS UPDATE** – Commissioner Judah confirmed with the County Manager that an update would be provided at the next Board meeting of October 18.

**COMMITTEE APPOINTMENTS**

Commissioner Hall moved to appoint Donald Mayne to the **BICYCLE/PEDESTRIAN COMMITTEE**, Dana Pierce to the **HISPANIC AFFAIRS ADVISORY COMMITTEE** ([RESOLUTION NO. 11-10-08](#)), and Randy Mercer to the **CONSERVATION LAND ACQUISITION STEWARDSHIP COMMITTEE**. The motion was seconded by Commissioner Judah, called and carried, with Commissioners Mann and Bigelow absent.

**COUNTY MANAGER ITEMS**

Assistant County Manager Pete Winton referenced a Memorandum provided the Board requesting approval to adjust millage rates in accordance with valuation changes on certain Lee County Streetlighting Districts. Commissioner Judah moved approval of the request, seconded by Commissioner Hall, called and carried with Commissioners Mann and Bigelow absent.

**COUNTY ATTORNEY ITEMS**

County Attorney Michael D. Hunt provided a [summary](#) of a previous request by the Board for an analysis of any potential basis for a challenge of the Community Planning Act by the County. Mr. Hunt responded to Board questions. There was Board consensus that Vice Chairman Manning would raise the issue during an October 20 Select Growth Management Committee conference call and report back to the Board.

County Attorney Michael D. Hunt noticed receipt of a Request for Relief on behalf of the owners of the project known as the Mullock Creek Marina based on a zoning case. Chief Assistant County Attorney Donna Marie Collins provided clarification that this was intended to be a reminder only.

The Vice Chairman called for Public Presentation of Matters by Citizens; however, no one came forward.

The Vice Chairman adjourned the meeting at 10:37 am

ATTEST:  
CHARLIE GREEN, CLERK

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

\_\_\_\_\_  
[Chairman, Lee County Commission](#)