

SEPTEMBER 13, 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  
Ray Judah  
Tammara Hall  
A. Brian Bigelow

The Chairman called the meeting to order at 9:30 a.m. The Invocation was given by Pastor Wes Olds, Grace United Methodist Church of Cape Coral, followed by the Pledge of Allegiance to the Flag.

### **PRESENTATIONS**

Commissioner Judah read and presented a Ceremonial Resolution recognizing Ms. Jackie Figueroa for her hard work, journalistic accomplishments, and outstanding commitment to the people of Lee County and Southwest Florida. Ms. Figueroa accepted the Resolution, and thanked the Board. ([#20110720](#)-COMMISSIONER JUDAH)

Commissioner Mann read and presented a Ceremonial Resolution proclaiming September 17, 2011 as Constitution Day and Citizenship Day, and September 17<sup>th</sup> through September 23<sup>rd</sup>, 2011 as Constitution Week in Lee County; and encourage civic, social, and educational organizations, including the Caloosa Chapter, Sons of the American Revolution (SAR), Southwest Florida Chapters of the Daughters of the American Revolution, the Children of the American Revolution, and all area veteran's organizations, to conduct ceremonies and programs that celebrate our Constitution and reaffirm our rights and responsibilities as citizens of our great nation. President of the Caloosa Chapter SAR Reverend Dr. Randy Moody, and the other officers accepted the Resolution and thanked the Board. ([#20110721](#)-COMMISSIONER MANN)

Walk-on Item No. 1 was heard at this time. See that item for action taken.

County Attorney Michael Hunt will reaffirm the scheduling of the Closed Executive Session relating to Lee County v. Tex Development Corp., et. al.

### **ANNOUNCEMENTS**

Referring to the [Revised Agenda Recap Sheet](#) dated September 13, 2011, the Chairman announced that:

Consent Agenda Item 7(c) should be deferred for one week to allow for further review. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

On Consent Agenda Item 10(a), within the **ACTION REQUESTED/PURPOSE:** Replace the word "Naravez" with "Marvaez". Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

### **9:30 AM PRESENTATION – LAKE OKEECHOBEE AND CALOOSAHATCHEE RIVER UPDATE**

With the use of a PowerPoint presentation ([copy on file in the Minutes office](#)), U.S. Corps of Engineers (USACE), Colonel Alfred Pantano provided an update on Lake Okeechobee and Caloosahatchee River.

### **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 – 7(a), 13(b)  
Commissioner Manning - None  
Commissioner Judah - None  
Commissioner Hall - None  
Commissioner Bigelow – 13(b)

## CONSENT AGENDA

### 1. COUNTY ADMINISTRATION

#### A) ACTION REQUESTED/PURPOSE:

Approve, and authorize the Chair to accept and execute, the "[Sign-Off](#)" letter from Katie Haas, Director, Florida Business Operations, of the Boston Red Sox Baseball Club Limited Partnership, permitting the Sterling Mets, LP dba New York Mets to sublease the City of Palms Park for the term of September 14, 2011, to October 10, 2011.

([#20110689](#)-SPORTS DEVELOPMENT)

#### FUNDING SOURCE:

N/A

#### WHAT ACTION ACCOMPLISHES:

Acceptance of the letter grants Lee County the ability to sublease the City of Palms Stadium and equipment to the New York Mets for their Fall Instructional League with the anticipation of drawing residents to the area for additional events.

#### MANAGEMENT RECOMMENDATION:

Accept letter.

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

#### B) ACTION REQUESTED/PURPOSE:

Approve, and authorize the Chair to execute, a [License](#) between Lee County and the Sterling Mets, LP regarding use of the City of Palms Park for the term of September 14, 2011, to October 10, 2011. Additionally, approve budget resolution for FY11-12.

([#20110691](#)-SPORTS DEVELOPMENT)

#### FUNDING SOURCE:

N/A.

#### WHAT ACTION ACCOMPLISHES:

Allows the Sterling Mets, LP use of the Licensed Premises and equipment for their Fall Instructional League for the term of September 14, 2011, to October 10, 2011. The Sterling Mets, LP will pay Lee County a facility rental fee of \$12,000.00 for use of City of Palms Park.

#### MANAGEMENT RECOMMENDATION:

Approve License and budget resolution.

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

[RESOLUTION NO. 11-09-15](#)

### 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

#### A) ACTION REQUESTED/PURPOSE:

Adopt Budget Amendment Resolution and accept donations totaling \$964.00.00 for use related to the LeeGrows program. ([#20110586](#)-PUBLIC RESOURCES)

**FUNDING SOURCE:**

Donations.

**WHAT ACTION ACCOMPLISHES:**

Allows the use of funds for LeeGrows.

**MANAGEMENT RECOMMENDATION:**

Approve.

**PULLED FOR DISCUSSION**

After Chairman Mann thanked Ms. Carolyn Murphey and the other donors for their contributions to the Lee Grows program, Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

**[RESOLUTION NO. 11-09-16](#)****B) ACTION REQUESTED/PURPOSE:**

Request Board accept receipt of \$77,592.00 from two insurance carriers of the responsible parties to repair accident damage to 2010 Gillig Bus 503 in the amount of \$30,097.00, and accident damage to 2008 Gillig Bus #423 in the amount of \$47,495.00. Request Board approval for a budget amendment of \$77,592.00. ([#20110568](#)-TRANSIT)

**FUNDING SOURCE:**

No additional funds required.

**WHAT ACTION ACCOMPLISHES:**

Establishes a budget for both the revenue and expense to repair Bus 503 and Bus 423.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**[RESOLUTION NO. 11-09-17](#)****C) ACTION REQUESTED/PURPOSE:**

Approve extension of the following two (2) MSTBU Interfund loans from 9/30/2011 to 9/30/2012: Palmona Park loans #178 and #188 (Fund 10228) for \$7,023.00 plus accrued interest; and San Carlos loan #174 (Fund 10234) for \$26,821.00 plus accrued interest. ([#20110651](#)-PUBLIC RESOURCES)

**FUNDING SOURCE:**

Palmona Park Streetlighting district and San Carlos Park loans provided by MSTBU Restricted Fund (10400).

**WHAT ACTION ACCOMPLISHES:**

Provides extension of loans until collection of revenues to reimburse for services.

**MANAGEMENT RECOMMENDATION:**

Approve.

**DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT:**

Consent Agenda Item 7(c) should be deferred for one week to allow for further review. Commissioner Manning moved approval, seconded by Commissioner Judah, called and carried.

**8. NATURAL RESOURCES/ SOLID WASTE**

No requests received.

**9. PARKS AND RECREATION****A) ACTION REQUESTED/PURPOSE:**

Approve budget resolution for FY 10-11 in the amount of \$200,000.00. In accordance with the Purchase Agreement, the County received \$200,000.00 for future environmental restoration and management of Parcel 389, a Conservation 20/20 property located on Pine Island. ([#20110701](#)-PARKS AND RECREATION)

**FUNDING SOURCE:**

Fund-Capital Improvement-Environmentally Sensitive Land; Program-Parks and Recreation Operations; Project-Conservation 20/20-Parcel 389.

**WHAT ACTION ACCOMPLISHES:**

Allows funds to be identified for future environmental restoration and management of the property.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

[RESOLUTION NO. 11-09-18](#)

**10. PUBLIC SAFETY**

A) **ACTION REQUESTED/PURPOSE:**

Approve [Extension to Interlocal Agreement](#) with the City of Fort Myers for Fire Protection and Prevention Services to the Maravilla MSTU and ~~Naravez~~ Marvaez for the period beginning October 1, 2011 through September 30, 2012, based on final taxable value provided by the Property Appraiser utilizing four mills as millage rate.

(#20110550-PUBLIC SAFETY)

**FUNDING SOURCE:**

Non-Department, Maravilla Fire Protection, Other Contracted Services.

**WHAT ACTION ACCOMPLISHES:**

Continues fire protection services to the residents of Maravilla MSTU District by the City of Fort Myers Fire Department.

**MANAGEMENT RECOMMENDATION:**

Staff recommends approval.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: On Consent Agenda Item 10(a), within the **ACTION REQUESTED/PURPOSE:** Replace the word “Naravez with “Marvaez”. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

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

**11. PUBLIC WORKS ADMINISTRATION**

No requests received.

**12. TRANSPORTATION**

A) **ACTION REQUESTED/PURPOSE:**

Approve entering into a [Landscape Installation and Maintenance Agreement](#) between Lee County and Worthington Community Master Homeowners Association, Inc. and authorize the Chair to execute the agreement. (#20110697-TRANSPORTATION)

**FUNDING SOURCE:**

None required by the County. Funding to be provided by the Worthington Community Master Homeowners Association.

**WHAT ACTION ACCOMPLISHES:**

Establishes the installation and maintenance responsibilities of both parties and allows the Worthington Community to landscape their community entrance on Bonita Beach Road at South Hampton Drive within the County right-of-way.

**MANAGEMENT RECOMMENDATION:**

Approve.

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

**13. UTILITIES**

A) **ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset: Approve final acceptance, by Resolution, as a donation of one 10-inch diameter master meter assembly to provide potable water service and fire protection to San Marino, a recently constructed multi-family residential development. This asset project is located on the southeast corner of Ben Hill Griffin Parkway and Marino Pointe Drive, approximately 2/3 of a mile northwest of Estero Parkway.

(#20110674-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 Hall, called and carried.

[RESOLUTION NO. 11-09-19](#)

**B) ACTION REQUESTED/PURPOSE:**

Concur with the ranking of Consultants by the Competitive Negotiations Committee for CN-11-14 Utilities Rate Financial Consultant, in the following order of ranking and authorize contract negotiations to commence with the number one ranked firm:

- (1) Public Resources Management Group, Inc. (PRMG)
- (2) Burton & Associates
- (3) Raftelis Financial Consultants, Inc.

(#20110684-UTILITIES)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Consultant will provide general utility financial consulting services and assistance for the Lee County Utilities Division.

**MANAGEMENT RECOMMENDATION:**

Approve.

PULLED FOR DISCUSSION

Commissioners Bigelow and Mann expressed concern regarding the ranking of consultants. Commissioner Judah moved approval, seconded by Commissioner Manning. Utilities Director Pam Keyes responded to concerns, and provided clarification on the necessity of the consultants. Discussion ensued with Ms. Keyes, Assistant County Manager Doug Meurer, and Procurement Manager Bob Franceschini responding to Board questions. After Commissioner Hall requested a copy of the agreement, and Commissioner Bigelow requested a copy of Attorney John Fumero's contracts, the motion was called and carried, with Commissioners Mann and Bigelow dissenting.

**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. (#20110723-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 Hall, 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 August 29 through September 2, 2011:

- |                                     |                           |
|-------------------------------------|---------------------------|
| August 29, 2011 (Budget Workshop)   | August 30, 2011 (Regular) |
| August 31, 2011 (Executive Session) |                           |

(#20110724-MINUTES)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

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

**MANAGEMENT RECOMMENDATION:**

Approve.

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

C) **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 No.</b>	<b>Claimants</b>	<b>Amount</b>
2010-002716	First American Mortgage, Inc.	\$32.44
2010-002918	ECA Fund 100 LLC	\$34.65
2010-002928	ECA Fund 100 LLC	\$34.65

(#20110725-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 Manning moved approval, seconded by Commissioner Hall, called and carried.

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

No requests received.

**ADMINISTRATIVE AGENDA**

**1. COUNTY ADMINISTRATION**

No requests received.

**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**

A) **ACTION REQUESTED/PURPOSE:**

Authorize the continued ongoing utilization of Waiver W-060417, Gillig Bus Parts for Lee Tran, from the parts division of Gillig Corporation with an estimated annual expenditure of \$125,000.00. (#20110705-TRANSIT)

**FUNDING SOURCE:**

Independent Division, Transit Operating, Fixed Route, Equipment Repair Parts, Vehicle Maintenance.

**WHAT ACTION ACCOMPLISHES:**

Allows Transit to obtain bus parts from Gillig Corporation.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Hall moved approval, seconded by Commissioner Manning. Transit Director Steve Myers explained the expenditures, and Procurement Manager Bob Franceschini clarified the utilization of the waiver. Following Board discussion, the motion was called and carried.

**B) ACTION REQUESTED/PURPOSE:**

1. Approve Addendum to the Construction Manager Agreement under project RFQ-11-05 Annual Contract for Construction Management, for the project known as Admin Building Re-Roof, to WestCo Builders of Florida, Inc. (a local contractor), Contract No. 5668, for a Guaranteed Maximum Price (GMP) of \$307,828.00 (includes CM Fee of \$22,915.00 or 8.65%), utilizing 100% local vendors, with a total project time of sixty (60) calendar days.

2. Approve waiving of the formal process (if needed) and authorize the use of Direct Materials Purchase Order 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.

3. Authorize Chair to execute Addendum upon receipt.

(#20110708-FACILITIES MANAGEMENT)

**FUNDING SOURCE:**

Fund – General Fund; Program – Major Maintenance Project; Project - Re-Roof Administration Building.

**WHAT ACTION ACCOMPLISHES:**

Provides a Construction Manager for the re-roofing of the Administration Building.

**MANAGEMENT RECOMMENDATION:**

Approve.

Commissioner Manning moved approval, seconded by Commissioner Hall. Assistant County Manager Pete Winton requested this item be deferred for one week. Following response by Facilities Management Director Rich Beck to Commissioner Bigelow's question, the motion was called and carried.

**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 AM PUBLIC HEARINGS WERE HEARD SIMULTANEOUSLY, WITH VOTES TAKEN SEPARATELY.

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

**1. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing; adopt an ordinance amending the Lee County Parks and Recreation Ordinance No. 06-26, as amended. ([#20110685](#)-COUNTY ATTORNEY)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Eliminates any potential violation of the regulatory preemption pertaining to firearms, ammunition and related components adopted by the Florida Legislature in Florida Statutes Chapter 790.

**MANAGEMENT RECOMMENDATION:**

Adopt ordinance.

Assistant County Attorney Dawn Perry-Lehnert approved, as to legal form and sufficiency, the [Affidavit of Publication for the two 9:30 AM Public Hearings](#) and entered it into the record. She further noted there were two separate Public Hearings with like issues dealing with amendment of the County's regulations based on the recent legislative change. The Chairman called for public comment and the following citizen came forward:

All Faiths Unitarian Congregation Minister Dr. Wayne Robinson

Following Board comments, Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried, with Commissioners Judah and Bigelow dissenting. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-09, ENTITLED:](#)

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 06-26, KNOWN AS THE LEE COUNTY PARKS AND RECREATION ORDINANCE TO AMEND SECTION 6.1 PERTAINING TO WEAPONS; PROVIDING FOR EFFECT OF RECITALS, CONFLICTS, INCLUSION IN THE CODE, SEVERABILITY AND AN EFFECTIVE DATE

**2. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing; adopt an ordinance amending Lee County Noise Ordinance No. 93-15, as amended. ([#20110686](#)-COUNTY ATTORNEY)

**FUNDING SOURCE:**

N/A

**WHAT ACTION ACCOMPLISHES:**

Eliminates any potential violation of the regulatory preemption pertaining to firearms, ammunition and related components adopted by the Florida Legislature in Florida Statutes Chapter 790.

**MANAGEMENT RECOMMENDATION:**

Adopt ordinance.

Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried, with Commissioners Judah and Bigelow dissenting. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE NO. 11-10, ENTITLED:](#)

AN ORDINANCE AMENDING THE LEE COUNTY NOISE CONTROL ORDINANCE NO. 93-15, AS AMENDED BY ORDINANCE NOS. 94-17 AND 96-13 TO AMEND THE DEFINITION OF "IMPULSIVE SOUND", PROVIDING FOR EFFECT OF RECITALS; PROVIDING FOR CONFLICTS

OF LAW SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS AND  
AN EFFECTIVE DATE

WALK-ON ITEM NO. 1 WAS HEARD DURING THE PRESENTATION.

**WALK-ON ITEM NO. 1**

**1. ACTION REQUESTED/PURPOSE:**

Ceremonial presentation recognizing contributors of the Big Backpack Event. ([#20110755](#)-COMMISSIONER JUDAH)

Commissioner Judah read and presented a Ceremonial Resolution recognizing founders of the Multicultural Centre of SW Florida, Inc., and extended heartfelt appreciation to Leonardo Garcia, Connie Ramos-Williams and Ron and Pat Morgan for their passion and commitment to making a difference in the academic lives of so many Lee County Students – our future leaders. Mr. Garcia and the volunteers accepted the Resolution, and thanked the Board.

**COMMISSIONER ITEMS**

**VOTING REMINDER** – Commissioner Hall reminded all Cape Coral residents to vote.

**BOB JANES TRIAGE CENTER** – Commissioner Hall presented a check of \$2,500.00 from the Southwest Florida Workforce Development Board for the Bob Janes Triage Center.

**CHILDREN'S EVENT TO BENEFIT RONALD MACDONALD HOUSE** – Commissioner Hall stated she attended the children's event held at the Marina Village in Cape Coral with approximately \$3,800.00 raised.

**IMPASSABLE ROADWAYS** – Commissioner Hall expressed concern over the condition/safety of two roadways, Bartholomew and Laurel, and requested an update from Emergency Management Staff.

**MATLACHA BRIDGE BAT HABITAT** – Commissioner Judah noted that the Bats have returned to the area and are using the new bat houses. Commissioner Hall left the meeting briefly during Commissioner Judah's comments.

**NOTICE OF TIME OFF** – Commissioner Bigelow indicated the need for a policy in which Contract Employees with predetermined time off should inform the Board members.

**LETTER TO GOVERNOR & LEGISLATIVE DELEGATION** – Chairman Mann indicated that Human Services Director Ann Arnall had drafted a letter for his signature to be sent to the Governor and the Legislative Delegation requesting funds for the Bob Janes Triage Center. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

**COMMITTEE APPOINTMENTS**

Chairman Mann requested a motion to reappoint James M. Ink to the **EXECUTIVE REGULATORY OVERSIGHT COMMITTEE**. Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

Commissioner Hall moved to reappoint Tracy Hayden to the **EXECUTIVE REGULATORY OVERSIGHT COMMITTEE**, reappoint Chris Berardi to the **AFFORDABLE HOUSING COMMITTEE** ([RESOLUTION NO. 11-09-20](#)), reappoint Jennifer Sapen and Michael Ekblad to the **LAND DEVELOPMENT CODE ADVISORY BOARD**, and reappoint Michael Antone to the **CONSTRUCTION LICENSING BOARD** seconded by Commissioner Manning, called and carried.

Commissioner Manning moved to reappoint James Schivinski to the **CONSTRUCTION INDUSTRY ADVISORY COMMITTEE**, reappoint Liz Donley to the **LAND DEVELOPMENT CODE ADVISORY BOARD**, and David Salko to the **ROADWAY LANDSCAPE ADVISORY COMMITTEE**, seconded by Commissioner Hall, called and carried.

**COUNTY MANAGER ITEMS**

Assistant County Manager Holly Schwartz had no items to be discussed.

**COUNTY ATTORNEY ITEMS**

County Attorney Michael Hunt reaffirmed the scheduling of the Closed Executive Session relating to Lee County v. Tex Development Corp., et. al.

The Chairman recessed the meeting until 5:00 p.m. The Chairman called the meeting back to order at 5:00 p.m. with all Commissioners present. Commissioner Bigelow arrived at 5:01 p.m.

**5:00 P.M. AGENDA ITEM** – Public Hearing

**1. ACTION REQUESTED/PURPOSE:**

Conduct a public hearing on the proposed redistricting of the Lee County Commission Districts. If after receiving public input a consensus on an alternative, or modified alternative, is reached, direct staff to set the necessary public hearing for the adoption of a Resolution establishing and changing the Lee County Commission Districts pursuant to the 2010 Census. ([#20110687](#)-COMMUNITY DEVELOPMENT)

**FUNDING SOURCE:**

N/A.

**WHAT ACTION ACCOMPLISHES:**

Establishes districts with approximately equal population, as required by the Florida Statute.

**MANAGEMENT RECOMMENDATION:**

Select Alternative 1.

Chief Assistant County Attorney Donna Marie Collins approved, as to legal form and sufficiency, the [Affidavit of Publication](#) for this item, and briefly described the request. Commissioner Bigelow arrived at this time. Division of Planning Principal Planner Rick Burris presented five (5) alternatives for the proposed redistricting, and advised that the refinement of the 5 alternatives resulted in the creation of a sixth alternative that meets all the criteria established for redistricting. The Chairman called for public comment and the following concerned citizens came forward:

- Lehigh Acres resident [Joan Patterson](#)
- Greater Pine Island Civic Association representative [Phil Buchanan](#)
- Matlacha resident [Kathy Malone](#)
- The Reserve at Estero representative [Edward Paton](#)
- Brooks Concerned Citizens representative [Nick Batos](#)
- Estero Council of Community Leaders representative [Don Eslick](#)
- Concerned Citizens of Bayshore Community representative [Steve Brodtkin](#)
- St. James City resident [John Sharples](#)
- Estero resident [Bev MacNellis](#)

Commissioners Manning and Judah thanked all who had worked to put together Alternative 6. Board discussion ensued with Mr. Burris and County Attorney Hunt responding to questions. Commissioner Hall moved Alternative 6 to Public Hearing on October 11, 2011 at 9:30 a.m., seconded by Commissioner Manning. After Attorney Collins confirmed that a [map](#) would be published in the News-Press depicting the division lines proposed in Alternative 6, the motion was called and carried.

Public Presentation of Matters by Citizens

Alva resident [James D. English, Jr.](#) indicated concern over the East County Surface Water Management Plan; and requested the County finish the Lee County Master Water Plan. He also commented on the Fumero Contract ([copies on file in the Minutes office](#)).

The Chairman adjourned the meeting at 5:39 p.m.

ATTEST:  
CHARLIE GREEN, CLERK

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

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