

APRIL 5, 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 E. Manning, Vice Chairman
- A. Brian Bigelow
- Ray Judah
- Tammara Hall

The Chairman called the meeting to order at 9:31 a.m. The Invocation was given by Pastor Tom Willetts, Good Shepherd United Methodist Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS (Heard out of order)

Referring to the Agenda Revision Recap Sheet dated April 5, 2011, the Chairman announced that:

Consent Agenda Item C13B should be deferred indefinitely to allow for further review. Commissioner Manning moved approval of the deferral, seconded by Commissioner Hall, called and carried.

Consent Agenda Item C7A should be revised to read as follows: Approve a resolution accepting donations in the amount of (1) \$10,949.00 from the Friends of the Bonita Springs Library to purchase meeting room AV equipment; and (2) a direct pay-to-vendor donation in the amount of \$431.00 from the Friends of South County Regional Library for bookmarks, posters, T-shirts and other prizes for the Summer Reading Festival. Adopt a budget amendment resolution for \$10,949.00 to recognize receipt and appropriation of these funds.

Walk-On Item 1 Background information should be revised to read as: The time period to file a claim in the BP litigation caused by the oil spill in the Gulf of Mexico expires on April 20, 2011. After such date, the claim is barred. To protect Lee County’s rights against Transocean and the other Defendants, a claim form must be completed and filed. There is no filing fee and the form will be completed and filed by the County Attorney’s Office.

Commissioner Manning moved approval of the revisions, seconded by Commissioner Bigelow, called and carried.

The Walk-On Item would be heard at the appropriate place in the agenda.

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

A14A - Attorney Russell P. Schropp, of the Henderson Franklin Law Firm, representing Miceli’s Restaurant on Pine Island Road.

Informational Item - Clerk of Courts Charlie Green referenced the announcement of Jet Blue’s agreement with the Red Sox, and questioned the recipient of the \$150,000.00 naming rights monies. Deputy County Attorney Andrea Fraser advised that the Red Sox organization is the contracted recipient.

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

- Commissioner Hall – 12A
- Commissioner Manning – 7B
- Commissioner Judah – 7A
- Commissioner Bigelow - 9A
- Commissioner Mann - none

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Approve budget amendment Resolutions to reduce and close the Surface Water Management Fund #14600 and establish Fund #15502 Surface Water Management.

(#20110249-COUNTY MANAGER)

FUNDING SOURCE:

Unincorporated MSTU - Net affect \$0.

WHAT ACTION ACCOMPLISHES:

Creates and moves funds per guidance from GASB statement #54.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NOS. 11-04-01 through 11-04-08](#)

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:

~~Accept donation in the amount of \$10,949.00 from the Friends of the Bonita Springs Library to purchase meeting room AV equipment and adopt a budget amendment resolution for \$10,949.00 to recognize receipt of the donation. Accept proposed donation from the Friends of the South County Regional Library for direct pay to vendor purchases of bookmarks, posters, T-shirts and other prizes for the Summer Reading Program valued at \$431.00. (#20110232-LIBRARY)~~

Approve a resolution accepting donations in the amount of (1) \$10,949 from the Friends of the Bonita Springs Library to purchase meeting room AV equipment; and (2) a direct pay-to-vendor donation in the amount of \$431 from the Friends of South County Regional Library for bookmarks, posters, T-shirts and other prizes for the Summer Reading Festival. Adopt a budget amendment resolution for \$10,949 to recognize receipt and appropriation of these funds.

[\(#20110232-LIBRARY\)](#)

FUNDING SOURCE:

Donation.

WHAT ACTION ACCOMPLISHES:

Authorizes acceptance and expenditure of funds pursuant to donors' requests.

MANAGEMENT RECOMMENDATION:

Approve.

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

Consent Agenda Item 7A should be revised to read as follows:

Approve a resolution accepting donations in the amount of (1) \$10,949.00 from the Friends of the Bonita Springs Library to purchase meeting room AV equipment; and (2) a direct pay-to-vendor donation in the amount of \$431.00 from the Friends of South County Regional Library for bookmarks, posters, T-shirts and other prizes for the Summer Reading Festival. Adopt a budget amendment resolution for \$10,949.00 to recognize receipt and appropriation of these funds. Commissioner Manning moved approval of the revision, seconded by Commissioner Bigelow, called and carried.

PULLED FOR DISCUSSION

Commissioner Judah moved approval, seconded by Commissioner Manning. Commissioner Judah expressed the Board's appreciation of the Friends of the various libraries for their continued exemplary service. The motion was called and carried.

RESOLUTION NOS. [11-04-09](#) and RESOLUTION NO. [11-04-19](#)

B) ACTION REQUESTED/PURPOSE:

Request Board adopt a Budget Amendment Resolution to reflect receipt of the revenue from the Federal Transit Administration in the amount of \$623,571.00 to continue with the Professional Services Agreement with Carter and Burgess to complete the tasks identified in the grant proposal for Ding Darling National Wildlife Alternative Transportation Study. ([#20110240](#)-TRANSIT)

FUNDING SOURCE:

Upon approval of the Budget Amendment, 100% funds from the Federal Transit Administration.

WHAT ACTION ACCOMPLISHES:

Establishes a budget to continue with the Ding Darling National Wildlife Alternative Transportation Study.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Following response by Transit Director Steve Myers to a question on Federal grant contingencies, Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

[RESOLUTION NO. 11-04-10](#)

C) ACTION REQUESTED/PURPOSE:

Approve the electronic submission of a Federal Transit Administration Section 5307 Urbanized Area Formula Grant Application in the amount of \$1,907,801.00, and an authorizing Resolution. Upon approval of the application by the FTA, authorize the execution of the Grant Agreement and allow for receipt of future grant funds under this application. ([#20110244](#)-TRANSIT)

FUNDING SOURCE:

No funds required; revenue will be budgeted in Transit Capital and Operating Budgets for FY11-12.

WHAT ACTION ACCOMPLISHES:

Allows LeeTran to program USC 5307 Urbanized Area Formula grant funds in the amount of \$1,907,801.00 for capital and operating expenses, and for receipt of the balance of grant funds to be made available.

MANAGEMENT RECOMMENDATION:

Management recommends approval of the Grant Application and authorizing Resolution necessary for the execution and acceptance of the grant.

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

[RESOLUTION NO. 11-04-11](#)

D) ACTION REQUESTED/PURPOSE:

Approve the electronic submission of Federal Transit Administration (FTA) Section 5307 Grant FL-95-X043, in the amount of \$1.5 million, and an authorizing Resolution. Upon approval of the application by the FTA, authorize execution of the Grant Agreement and allow for modifications and/or receipt of grant funds under this application. Also, authorize Budget Amendment [transfer](#) in the amount of \$1.5 million from Transit Capital (Fund #48640) to Transit SIB Loan Debt (Fund #48660), and adopt a budget amendment Resolution for Fund #48660 to acknowledge receipt of \$1.5 million.

([#20110221](#)-TRANSIT)

FUNDING SOURCE:

No funds needed, this is a transfer from one fund to another.

WHAT ACTION ACCOMPLISHES:

The grant application allows LeeTran to collect \$1.5 million from FTA to reimburse the Transit Capital Fund that is being used to repay the SIB Loan. The budget amendment resolution and transfer of funds allows for the SIB payment to be made.

MANAGEMENT RECOMMENDATION:

Approve.

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

RESOLUTION NOS. [11-04-12](#) and [11-04-13](#)

8. NATURAL RESOURCES/ SOLID WASTE

No requests received.

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

Approve, and authorize Chair to execute, the [Memorandum of Understanding](#) between the Port Authority and Lee County regarding the use of certain Conservation 2020 parcels for aviation-related airport mitigation projects; and, approve Conservation 2020 Lands- Aviation-Related Airport Project Mitigation Request #1 for the Southwest Florida International Airport I-75/ Regional Airport Access Road (SWFIA I-75 CD Access Project programmed for construction by the Florida Department of Transportation) in accordance with the Conservation 2020 staff recommendation dated March 2011. ([#20110238](#)-PARKS AND RECREATION)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Approves MOU providing the Port Authority with the ability to “use/reserve” Conservation 2020 Lands to satisfy permit mitigation requirements related to construction of airport aviation-related development; and, approves Request # 1, covering Conservation 2020 parcels 53, 239, 321, 334 and 347, subject to conditions.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Following response to his question by Public Parks and Recreation Director Barbara Manzo, Commissioner Bigelow moved approval, seconded by Commissioner Hall. Under discussion, Assistant County Attorney Dawn Perry-Lehnert commented on the Staff Report and responded to further questioning by Commissioner Judah. The motion was called and carried.

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

Approve, and authorize Chair to execute, Agreements for the temporary use of properties for emergency relief and recovery efforts at a term of five (5) years with:

[Edison State College](#) (8099 College Parkway SW, Fort Myers); and
[Messiah Lutheran Church](#) (2691 NE Pine Island, North Fort Myers.)

([#20110248](#)-PUBLIC SAFETY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Authorizes Lee County temporary use of properties for emergency relief and recovery efforts.

MANAGEMENT RECOMMENDATION:

Approve.

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

11. PUBLIC WORKS ADMINISTRATION

No requests received.

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

Award, and authorize Chair to execute, a [Professional Services Agreement](#) under CN-10-15 CEI Services for Bonita Beach Road to High Spans Engineering (a local firm) in the not-to exceed amount of \$499,000.00. Also, approve a budget amendment Resolution in Fund #30713, Bonita Beach Road Phase II, in the amount of \$249,500.00; and amend the FY 2010/11 - 2014/15 CIP accordingly. ([#20110239](#)-TRANSPORTATION)

FUNDING SOURCE:

50% Fund – Road Impact Fees Southwest District; Program – Capital Projects; Project – Bonita Beach Rd. Phase II.

50% Fund - Bonita Beach Rd. Phase II (Bonita Funds); Program - Capital Projects; Project - Bonita Beach Road Phase II.

WHAT ACTION ACCOMPLISHES:

Provides a Consultant for Construction Engineering Inspection Services for the Bonita Beach Road six-laning project from Business 41 to Lime Street. Establishes a budget for the City of Bonita Springs 50% contribution for this phase.

MANAGEMENT RECOMMENDATION:

Approve.

PULLED FOR DISCUSSION

Assistant County Manager Doug Meurer and DOT Deputy Director Paul Wingard responded to the question by Commissioner Hall on the public outreach portion of the project and identified the design firm. Commissioner Hall moved approval, seconded by Commissioner Judah, called and carried.

RESOLUTION NO. 11-04-14

B) ACTION REQUESTED/PURPOSE:

Approve a budget amendment Resolution in the amount of \$87,459.00 in Project # 205072 Daniels Parkway Six-Laning, and amend the FY 2010/11-2015/2016 CIP accordingly.

(#20110242-TRANSPORTATION)

FUNDING SOURCE:

Revenue – Fund – Transportation Capital Improvement; Program – Capital Projects; Project – Daniels Six-Laning-Treeline/Gateway.

WHAT ACTION ACCOMPLISHES:

Accepts \$87,459.00 from Watermen Group to pay for improvements to Chana Court as part of the Daniels Parkway project.

MANAGEMENT RECOMMENDATION:

Approve.

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

RESOLUTION NO. 11-04-15

13. UTILITIES

A) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of one potable water service, one 10-inch diameter fire line, and one fire hydrant, to provide potable water service and fire protection to Jetport Interstate Commerce Park, Lot 3A, an existing commercial development. This asset project is located on the southeast corner of Jetport Commerce Parkway and Intercom Drive. (#20110222-UTILITIES)

FUNDING SOURCE:

N/A

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:

Approve.

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

RESOLUTION NO. 11-04-16

B) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of one (1) utility easement, as a donation of a water distribution and a gravity collection system, to provide potable water service, fire protection and sanitary sewer service to Airport Crossings, a recently-constructed commercial subdivision. This asset project is located at the southeast corner of Midfield Terminal Access Road and Ben Hill Griffin Parkway. (#20110228-UTILITIES)

FUNDING SOURCE:

N/A

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:

Approve.

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

-----APPROVED MINUTES OF 040511R-----

Consent Agenda Item C13B should be deferred indefinitely to allow for further review. Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

C) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of one potable water service, one fire hydrant and one sewer service, to provide potable water service, fire protection and sanitary sewer service to Grace Community School, an existing commercial building. This asset project is located on the west side of Orange Grove Boulevard, approximately ¼ mile south of Hancock Bridge Parkway. ([#20110229-UTILITIES](#))

FUNDING SOURCE:

N/A

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:

Approve.

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

[RESOLUTION NO. 11-04-17](#)

D) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset: Approve final acceptance, by Resolution, as a donation of one fire hydrant to provide fire protection to Troast and Associates, an existing commercial building. This asset project is located on the south side of Cambridge Manor Place, approximately 700 feet west of New Brittany Boulevard. ([#20110234-UTILITIES](#))

FUNDING SOURCE:

N/A

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:

Approve.

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

[RESOLUTION NO. 11-04-18](#)

E) ACTION REQUESTED/PURPOSE:

CIP Assessment: Accept the Gasparilla Island Water Association, Inc. (GIWA) Petition for Approval of Membership Capital Improvements Assessment; and authorize staff to schedule a Public Hearing for April 26, 2011 at 5:00 p.m., to adopt a Resolution approving the capital improvements assessment. ([#20110241-UTILITIES](#))

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Provides required Board approval for GIWA to assess each member a monthly installment for 5 years to finance the relocation of GIWA's water and sewer mains at the three bridges on Boca Grande Causeway when the new bridges are constructed.

MANAGEMENT RECOMMENDATION:

Approve.

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

14. COUNTY ATTORNEY

No requests received.

15. HEARING EXAMINER

No requests received.

16. CONSTITUTIONAL OFFICERS

A) ACTION REQUESTED/PURPOSE:

Approve the Minutes for the following meetings of the Board of County Commissioners held during the week of March 21 through March 25, 2011:

March 21, 2011 (Zoning), March 22, 2011 (Regular).

(#20110256-MINUTES)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

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

MANAGEMENT RECOMMENDATION:

Approve.

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

B) 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.

(#20110257-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 Judah moved approval, seconded by Commissioner Manning, 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

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**A) ACTION REQUESTED/PURPOSE:**

Award B-11-14 Re-Advertisement for U.S. 41 Landscape & Irrigation Project from Littleton Road to Charlotte County Line to the lowest responsive, responsible bidder meeting all bid requirements, [Hannula Landscaping, Inc.](#), (a local vendor) in the not-to-exceed amount of \$783,886.72, with a total completion time of 455 calendar days (includes maintenance period). Also, authorize Chair to execute Agreement upon receipt. ([#20110236](#)-TRANSPORTATION)

FUNDING SOURCE:

Fund – General Fund; Program – Major Maintenance; Project – Landscaping - Charlotte County Line to Littleton.

WHAT ACTION ACCOMPLISHES:

Provides a Contractor for the installation of plant material, underground irrigation system, and welcome sign.

MANAGEMENT RECOMMENDATION:

Approve.

DOT Deputy Director Paul Wingard briefly reviewed the project at the request of the Chairman, and responded to a question by Commissioner Hall on the timeline for completion of this project. Commissioner Hall moved approval, seconded by Commissioner Manning, called and carried.

13. UTILITIES

No requests received.

ADMINISTRATIVE AGENDA ITEM 14A WAS HEARD OUT OF ORDER FOLLOWING A14B

14. COUNTY ATTORNEY**A) ACTION REQUESTED/PURPOSE:**

Consider a request from Miceli JVM, Inc., d/b/a Miceli's Restaurant, at 3930 Pine Island Road in Matlacha, to approve an [Agreement for Amortization of Use and Agreement to Hold Harmless \("Agreement"\)](#), to allow a sign to remain in the County road right-of-way for a period of time not to exceed 5 years. If approved, authorize Chair to sign the referenced Agreement and any subsequent termination document once the sign is removed. ([#20110219](#)-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Subject to Miceli's execution of the Agreement, this will allow the Miceli Restaurant sign to remain until it can be removed.

MANAGEMENT RECOMMENDATION:

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

ADMINISTRATIVE AGENDA ITEM 14B WAS HEARD OUT OF ORDER PRECEDING A14A

B) ACTION REQUESTED/PURPOSE:

Adopt the Resolution of Necessity for the acquisition and condemnation of Parcel 101 required for the Lehigh Acres Park Improvements Project, No. 1865.

(#20110247-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Allows the County to proceed with condemnation, if required, so Parcel 101 can be acquired for the Lehigh Acres Park Improvements Project, No. 1865.

MANAGEMENT RECOMMENDATION:

Approve.

Commissioner Manning moved approval, seconded by Commissioner Hall. Under discussion, Assistant County Attorney John Turner briefed the Board on the finding that this property was necessary for public purpose. The motion was called and carried.

[RESOLUTION NO. 11-04-20](#)

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

1. ACTION REQUESTED/PURPOSE:

Conduct a Public Hearing to adopt a Resolution for Petition No. VAC2011-00002, submitted by Donna West on behalf of the owner, U.S. Bank NA, to vacate a 12-foot wide Utility Easement centered along the common lot line between Lots 12 and 13, High Point Subdivision recorded in Plat Book 30 at Page 64 of the Public Records of Lee County Florida less and except the north six (6) feet and the south six (6) feet thereof. The site is located at 9340 Sedgefield Road, North Fort Myers, Florida 33917 and its Strap Number is 15-43-25-01-00000.0130.

(#20110178-COMMUNITY DEVELOPMENT)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Extinguishes the utility easement to remove a title encumbrance for a single family residence and pool inadvertently constructed within the easement in 1978. The vacation of this easement will not alter existing drainage and utility conditions and the easement is not necessary to accommodate any future drainage and utility requirements.

MANAGEMENT RECOMMENDATION:

Approve.

Assistant County Attorney Michael Jacob approved, as to legal form and sufficiency, the Affidavit of Publication for this item, and briefly described the request. The Chairman called for public comment; however, no one came forward. Commissioner Manning moved approval, seconded by Commissioner Hall, called and carried.

[RESOLUTION NO. 11-04-21](#)

WALK-ON ITEM NO. 1

WO1 ACTION REQUESTED/PURPOSE:

Approve filing claim in the BP oil spill litigation to protect claim for damages.

(#20110276-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A

WHAT ACTION ACCOMPLISHES:

Protects Lee County's right to file action in BP oil spill litigation.

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

Necessary due to the claim filing deadline of 4/20/11.

DURING THE ANNOUNCEMENTS PORTION OF THE MEETING, THE CHAIRMAN ANNOUNCED THAT: Walk-On Item 1 background information should be revised to read as follows:

The time period to file a claim in the BP litigation caused by the oil spill in the Gulf of Mexico expires on April 20, 2011. After such date, the claim is barred. To protect Lee County's rights against Transocean and the other Defendants, a claim form must be completed and filed. There is no filing fee and the form will be completed and filed by the County Attorney's Office. Commissioner Manning moved approval of the revisions, seconded by Commissioner Bigelow, called and carried.

Commissioner Hall moved approval to file a claim, seconded by Commissioner Manning. Assistant County Attorney John Turner reviewed the process and deadline, and responded to questions by Commissioner Judah. Commissioner Judah expressed appreciation of the County Attorney's Office for their work in this matter, and the motion was called and carried.

COMMISSIONER ITEMS

LOST GROVE MINE – Commissioner Judah recommended proceeding with the options provided by staff in a March 31 memorandum for direction on a Position Paper to submit to Collier County and, most importantly, to participate in the Public Hearings. The Chairman indicated there would be further discussion of this matter under County Manager Items by Community Development Director Mary Gibbs.

JET BLUE PARK – Commissioner Judah expressed appreciation to Jet Blue for their partnership with Lee County and the Boston Red Sox for the naming rights that will provide \$150,000.00 per year for the next eight years to the Red Sox for the refurbishing and upgrading of the new facility. There was consensus to send a note of thanks from the Board to Jet Blue.

JOBS FLORIDA BILL – Commissioner Hall referred to a memo recently sent by Keith Arnold's office updating and advising of the various public partnerships that will be housed within the newly-created Jobs Florida Agency. Commissioner Hall also outlined additional State departments that will be transferred, and Assistant County Manager Holly Schwartz provided an additional update. Commissioner Hall encouraged support for keeping these public partnership transfers as private/public partnerships.

ARTS AND CULTURAL ACTIVITIES – Commissioner Hall commented on the support recently shown by Prince Albert (of Monaco) during an Art of the Olympians event. She stressed the importance of the arts within our community, advising that Prince Albert would be providing sustained support of our arts and cultural efforts, and lauded the County's commitment to sustain quality of life even in these challenging times.

COMMITTEE APPOINTMENTS

Commissioner Hall moved to re-appoint David Brogdon to the **TROPIC ISLE STREETLIGHTING UNIT**, seconded by Commissioner Manning, called and carried.

COUNTY MANAGER ITEMS

County Manager Karen B. Hawes had two items for discussion: Lost Grove Mine in Collier County, which was briefly discussed by Commissioner Judah under Commissioner Items, and the Board's Summer Recess.

Community Development Director Mary Gibbs referenced a memorandum sent to ascertain the degree of participation the County wished to have, due to the traffic and environmental impacts anticipated from the Lost Grove Mine located on the Collier/Lee County line. Ms. Gibbs outlined the upcoming public hearing process, and requested Board direction. Commissioner Judah moved approval of staff's recommendation to send a letter stating Lee County's concerns prior to the public hearing, seconded by Commissioner Hall for discussion. Following input by Commissioner Bigelow, Ms. Gibbs agreed to provide a draft letter to each Commissioner for review. The motion was called and carried.

Ms. Hawes recommended, and there was Board consensus, to begin the Board recess on Monday, June 28 and ending on Monday, August 1, 2011. Commissioner Hall moved approval, seconded by Commissioner Manning. Upon question by Commissioner Bigelow, Assistant County Manager Pete Winton advised that the Property Appraiser's preliminary evaluation figures would be available June 1, with final figures presented to the Board when it reconvenes in August. The motion was called and carried.

COUNTY ATTORNEY ITEMS

Assistant County Attorney Jed Schneck referred to a March 30 memorandum and timeline that updated the Board on the Ceitus Boat Lift permit review by both the Department of Environmental Protection (DEP) and the U.S. Army Corps of Engineers (USACE). Attorney Schneck requested authorization from the Board to have the County Attorney’s Office draft a letter to DEP, outlining the County’s concerns and potential recourses, with a copy to the City of Fort Myers. Commissioner Judah moved approval to draft the requested letter, seconded by Commissioner Manning, called and carried.

The Chairman adjourned the meeting at 10:06 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)