

DECEMBER 6, 2011

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

John E. Manning-Chairman
 Brian Bigelow Vice-Chairman
 Ray Judah
 Tammy Hall
 Frank Mann

The Chairman called the meeting to order at 9:30am. Commissioner Manning asked for a moment of silence to remember Kevin Shea from Lehigh Acres. The Invocation was given by Pastor David Deaton, Life Church, followed by the Pledge of Allegiance to the Flag.

PRESENTATIONS

Commissioner Judah read and presented a Ceremonial Resolution recognizing Norman Love, of Norman Love Confections 10th anniversary and proclaiming Norman Love Confections an icon of business success, bringing positive attention and notoriety to Lee County. ([#20111002](#)-Commissioner Judah)

ANNOUNCEMENTS

Referring to the [Agenda Revision Recap Sheet](#) dated December 6, 2011, the Chairman announced that: One item would be heard at the appropriate time.

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

The Chairman called for public comment; however, no one came forward.

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

Commissioner Hall - None
 Commissioner Manning None
 Commissioner Judah - None
 Commissioner Mann - None
 Commissioner Bigelow - None

CONSENT AGENDA

1. COUNTY ADMINISTRATION

A) ACTION REQUESTED/PURPOSE:

Approve and authorize Chairman to execute [interlocal agreements](#) between Lee County and the Captiva Erosion Prevention District, the City of Bonita Springs, the City of Cape Coral, the City of Sanibel, the Town of Fort Myers Beach and the State of Florida Department of Environmental Protection for seven (7) separate Lee County Tourist Development Council beach & shoreline projects.

([#20110968](#)-VISITOR AND CONVENTION BUREAU)

FUNDING SOURCE:

Fund - Tourist development tax: Program-Major Maintenance Program.

WHAT ACTION ACCOMPLISHES:

Provides a mechanism to reimburse agencies with TDC beach and shoreline program funds.

MANAGEMENT RECOMMENDATION:

Recommend approval.

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

2. COMMUNITY DEVELOPMENT

No request received.

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

A) Authorize staff to serve as the Construction Manager and solicit informal sub-contractor bids for the landscaping project on US 41 from Littleton Road to Hancock Bridge Parkway, in accordance with Section 255.20, Florida Statutes, where a project cost will not exceed \$300,000.

B) Approve expenditure for the US 41 Landscaping in the amount of \$175,000.00.

(#20110941-CONSTRUCTION AND DESIGN)

FUNDING SOURCE:

Fund: General Fund; Program: Major Maintenance Project; Project US 41 Landscaping Littleton Road to Hancock Bridge Pkwy and Roadway Beautification.

WHAT ACTION ACCOMPLISHES:

Authorizes the construction of landscaping and irrigation on US 41 from Littleton Road to Hancock Bridge Parkway under management by county staff.

MANAGEMENT RECOMMENDATION:

Approve.

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

4. COUNTY COMMISSIONERS

No request received.

5. COUNTY LANDS**A) ACTION REQUESTED/PURPOSE:**

(A) Approve re-conveyance of a portion of a Viewer's Road, currently known as Brown Road, located in North Fort Myers in Section 34, Township 43 South, Range 24 East; and

(B) Authorize Chairman to execute [County Deed](#); and

(C) Authorize County Lands Division to handle all documentation necessary to complete transaction. (#20110969-COUNTY LANDS)

FUNDING SOURCE:

All costs are to be paid by requestor.

WHAT ACTION ACCOMPLISHES:

Returns the portion of Brown Road, not being used for intended purposes, to the adjacent owner.

MANAGEMENT RECOMMENDATION:

Approve.

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

6. HUMAN SERVICES**A) ACTION REQUESTED/PURPOSE:**

Approve budget amendment resolutions for \$1,936,459 in the Community Development Block Grant (CDBG) Entitlement funds #13920 and #33920; \$681,871 in the [HOME](#) Investment Partnerships Program fund #13921; and \$94,625 in the Emergency Shelter Grant (ESG), General fund #00100, for Lee County to expend United States Department of Housing and Urban Development (HUD) funds awarded for FY 11-12.

(#20110966-HUMAN SERVICES)

FUNDING SOURCE:

United States Department of Housing and Urban Development Entitlement Grants.

WHAT ACTION ACCOMPLISHES:

Establishes budget for Lee County's HUD CDBG, HOME, and ESG Entitlement grants for FY 11-12.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NOS. 11-12-01 THRU 11-12-03 AND 11-12-11](#)

B) ACTION REQUESTED/PURPOSE:

1) Accept FY 2011-2012 supplemental funding in the amount of \$91,250.00 from Department of Veterans Affairs.

- 2) Approve budget resolution for Department of Veterans Affairs in the amount of \$91,250.00 for county FY 11-12.
- 3) Authorize Chair to sign [sub recipient agreements](#) and necessary future amendments once completed. ([#20110948](#)-HUMAN SERVICES)

FUNDING SOURCE:

Department of Veterans Affairs.

WHAT ACTION ACCOMPLISHES:

Provide funding for the continued operations of the Bob Janes Triage Center/Low Demand Shelter to divert individuals with behavioral health crisis from the criminal justice system. Allows the Department of Human Services to proceed with program activities, execute and manage sub recipients agreements and prepare monthly reports.

MANAGEMENT RECOMMENDATION:

Approve.

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

[RESOLUTION NO. 11-12-04](#)**7. INDEPENDENT**

No request received.

8. NATURAL RESOURCES/SOLID WASTE

No request received.

9. PARKS AND RECREATION

No request received.

10. PUBLIC SAFETY

No request received.

11. PUBLIC WORKS ADMINISTRATION

No request received.

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

Approve [Temporary Access Easement Agreement/Release of Claims](#) for Emily Lane. ([#20110973](#)-TRANSPORTATION)

FUNDING SOURCE:

Fund - MSTBU Restricted and Transportation Trust; Program – MSTBU Restricted and Transportation Operations Roadway.

WHAT ACTION ACCOMPLISHES:

Allows Lee County DOT, through a contractor, to make small drainage repairs along Emily Lane in south Fort Myers.

MANAGEMENT RECOMMENDATION:

Approve.

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

13. UTILITIES**A) ACTION REQUESTED/PURPOSE:**

Developer Contributed Asset - Chabad Lubavitch of SW Florida, Inc. (BS 20110958/20465, MMM/SDG): Approve final acceptance, by Resolution and recording of [one \(1\) utility easement](#), as a donation of a water main extension, one 6" diameter fire line, and a single sewer service, to provide potable water service, fire protection and sanitary sewer service to 'CHABAD LUBAVITCH OF SW FLORIDA INC', a recently constructed place of worship. This is a Developer contributed asset project located on the west side of Winker Road approximately ½ mile south of McGregor Boulevard.

([#20110958](#)-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 Hall moved approval, seconded by Commissioner Mann, called and carried.

[RESOLUTION NO. 11-12-05](#)

B) ACTION REQUESTED/PURPOSE:

Developer Contributed Asset – Watrous Plantation, Phase 1 (BS 2011/, THO/SDG): Approve construction of water distribution and gravity collection systems serving ‘WATROUS PLANTATION, PHASE 1’, BACKBONE INFRASTRUCTURE, to provide potable water service, fire protection, and sanitary sewer service to this phase of the proposed residential development. This is a Developer contributed asset project located on the south side of Iona Road approximately 1 mile west of McGregor Boulevard.

[\(#20110970-UTILITIES\)](#)

FUNDING SOURCE:

No funds required.

WHAT ACTION ACCOMPLISHES:

Provides adequate utility infrastructure to support future development of the subject property and complies with the Lee County Utilities Design Manual.

MANAGEMENT RECOMMENDATION:

Approval.

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

14. COUNTY ATTORNEY

A) ACTION REQUESTED/PURPOSE:

Adopt Resolutions extending the commencement, phase, build out and expiration dates for the Merchants Crossing DRI, Shell Point DRI, Stoneybrook DRI and Timberland & Tiburon DRI by four years. [\(#20110976-COUNTY ATTORNEY\)](#)

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 Resolution approving Development Order Amendments for each DRI.

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

[RESOLUTION NOS.11-12-06 thru 11-12-09](#)

15. HEARING EXAMINER

No request received.

16. CONSTITUTIONAL OFFICERS

A) ACTION REQUESTED/PURPOSE:

Request Board approves [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.

[\(#20111003-FINANCE\)](#)

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 Mann, 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 November 21 through November 25, 2011

November 21, 2011 (Zoning).

[\(#20111004-MINUTES\)](#)

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 Mann, called and carried.

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No request received.

ADMINISTRATIVE AGENDA**1. COUNTY ADMINISTRATION**

No request received.

2. COMMUNITY DEVELOPMENT

No request received.

3. CONSTRUCTION AND DESIGN

No request received.

4. COUNTY COMMISSIONERS

No request received.

A) ACTION REQUESTED/PURPOSE:

Approve proposal for a year-long celebration of Lee County's 125th anniversary.

[\(#20110991-COUNTY COMMISSIONERS\)](#)

FUNDING SOURCE:

There currently is no budget. Many of the proposed activities have no cost. Others represent a loss of potential revenue rather than a hard cost. The final celebration in December 2012 would come from the General Fund.

WHAT ACTION ACCOMPLISHES:

Give direction to staff to incorporate the 125th anniversary into the activities already planned for departments in 2012.

MANAGEMENT RECOMMENDATION:

Approve activities that do not require additional budget, additional lost revenue, or increase in staff resources.

District #3 Executive Assistant Molly Schweers narrated a Power Point presentation, noting monthly activities to generating revenue or that did not require additional budget to facilitate the Lee County 125 years celebration.

5. COUNTY LANDS

No request received.

6. HUMAN SERVICES

No request received.

7. INDEPENDENT

No request received.

8. NATURAL RESOURCES/SOLID WASTE

No request received.

9. PARKS AND RECREATION

No request received.

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

(A.) Approve additional language and authority (items B, C, and D below) under existing Bid Waiver # W-080165 which was Board approved on February 19, 2008.

(B.) Request that the Board authorize the Chair on behalf of the BOCC to execute and sign the required annual [Products and Services Agreement](#) (Attachment #1) as well as annual agreements required for succeeding years under this waiver.

(C.) Acknowledge and accept the name change of the vendor from Embarq to CenturyLink.

(D.) Request that all of the privileges; estimated annual expenditure of \$1,775,000; and term(s) granted under the original waiver remain in effect as originally written.

[\(#20110951-PUBLIC SAFETY\)](#)

FUNDING SOURCE:

Fund: E-911 Operations.

WHAT ACTION ACCOMPLISHES:

Allows the Public Safety e-911 Program to procure the necessary equipment and maintenance for the county-wide operated emergency 9-1-1 telephone system.

MANAGEMENT RECOMMENDATION:

Approve.

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

11. PUBLIC WORKS ADMINISTRATION

No request received.

12. TRANSPORTATION

No request received.

13. UTILITIES

No request received.

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

Approve the Contract between Lee County Board of County Commissioners and [SEIU/NAGE / International Association of EMT's and Paramedics, Local R-533](#) to be effective from October 1, 2011, through September 30, 2012. [\(#20110953-COUNTY ATTORNEY\)](#)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Completes negotiations.

MANAGEMENT RECOMMENDATION:

Both Parties have conscientiously worked on the Collective Bargaining Agreement and recommend approval by the Board.

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

B) ACTION REQUESTED/PURPOSE:

Acknowledge [publication of the newly established county commission district boundaries.](#)

(#20110961-COUNTY ATTORNEY)

FUNDING SOURCE:

N/A.

WHAT ACTION ACCOMPLISHES:

Complies with statutory requirements to enter the proof of publication of new district boundaries on the minutes of the Board.

MANAGEMENT RECOMMENDATION:

Approve.

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

15. HEARING EXAMINER

No request received.

16. CONSTITUTIONAL OFFICERS

No request received.

17. PORT AUTHORITY AND OTHER GOVERNING BOARDS

No request received.

WALK-ON ITEM NO. 1

1. ACTION REQUESTED/PURPOSE:

1) Approve [Change Order No. 2](#) to Project B-11-21 BONITA BEACH ROAD PHASE II FROM OLD 41 TO LIME STREET for OldCastle Contracting d/b/a APAC Southeast, Inc., Contract No. 5697 in the amount of \$187,626.00. The Change Order adds 60 days to the contract due to delay from utility relocations.

Authorize Chair to execute Change Order on behalf of the Board.

(#20110959-TRANSPORTATION)

FUNDING SOURCE:

Fund - Road Impact Fees - Southwest District and Bonita Springs Contribution; Program - Capital Projects; Project - Bonita Beach Road Phase II.

WHAT ACTION ACCOMPLISHES:

Increases contract amount to compensate contractor for additional work to revise maintenance of traffic plans and phasing to provide a 5-lane section rather than four lanes undivided, revise/update signals to meet current standards, and change to asphalt base in an area over a gas main for safety.

MANAGEMENT RECOMMENDATION:

Approve.

REASON FOR WALK ON:

It is necessary to expedite approval of the change order so the contractor doesn't have to stop work. The change order provides for updated Maintenance of Traffic plans necessary to have a five lane section rather than a four lane section during contractor construction.

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

COMMISSIONER ITEMS

WORD OF LIFE CHURCH – Commissioner Hall noted that the Counsel General from Israel for Florida and Puerto Rico along with Mayor Goldsmith spoke to over 400 people celebrating the relationships with Israel.

LEAGUE OF WOMAN VOTERS – Commissioner Hall recognized Rick Berges for providing a slideshow presentation on Saturday, and noted the Everglades Coalition meetings would take place January 4th thru the 8th at Hutchinson Island in Stuart Florida.

SPRING CREEK DREDGING-Commissioner Judah noted a request from Ron Pure for Administrative Staff and the Department of Natural Resources to look into possible dredging activities in repair of markers along the Spring Creek area and some of the tributaries leading into Spring Creek. Commissioner Manning noted he was aware of this issue and requested that Natural Resources Division Director Roland Ottolini bring this back in the near future.

WEEKLY MEETINGS WITH COUNTY MANAGER-Commissioner Bigelow noted he would be setting up routine meetings with the County Manager concerning upcoming Administrative Code amendments.

AMENDMENTS TO THE L.D.C.-Commissioner Manning noted he had [sent a memo](#) requesting amendments to the Land Development Code scheduled for the 13th regarding the Matlacha Overlay District provisions be deferred. Commissioner Hall moved to defer, seconded by Commissioner Mann. Following comments by Commissioner Bigelow, the motion was called and carried..

COMMITTEE APPOINTMENTS

Commissioner Hall moved to reappoint Ronald Inge to the LOCAL PLANNING AGENCY COMMITTEE DISTRICT 4, William Marron to the BIRKDALE STREETLIGHTING UNIT COMMITTEE DISTRICT 4, Clifford Riley to the BIRKDALE STREETLIGHTING UNIT COMMITTEE DISTRICT 4, Margaret Banyan to the COMMUNITY SUSTAINABILITY COMMITTEE, and Mitch Hutchcraft to the LOCAL PLANNING AGENCY COMMITTEE DISTRICT 4, seconded by Commissioner Mann, called and carried.

Commissioner Mann moved to reappoint Charles G. Verwilt to the COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE DISTRICT #5, Karen Swanbeck to the COASTAL ADVISORY COUNCIL COMMITTEE DISTRICT # 5-AT LARGE, Jim W. Green to the LOCAL PLANNING AGENCY COMMITTEE DISTRICT #5, James M. Ink to the HISTORIC PRESERVATION ADVISORY COMMITTEE, Tanya N. Forrester to the EXTENSION SERVICES ADVISORY COMMITTEE DISTRICT #5-AT LARGE, Durward Hussey to the PLUMBING BOARD OF ADJUSTMENTS & APPEALS COMMITTEE AT LARGE-CONTRACTOR, and Joe Rider to the CONSTRUCTION BOARD OF ADJUSTMENTS & APPEALS COMMITTEE AT LARGE-MOBILE HOME INSTALLER, seconded by Commissioner Hall, called and carried.

Commissioner Judah moved to reappoint Michael Morgan to the NORTHEAST HURRICANE BAY MSTU COMMITTEE, Joseph Vecchio to the NORTHEAST HURRICANE BAY MSTU COMMITTEE, Denis Krsnak to the NORTHEAST HURRICANE BAY MSTU COMMITTEE, George Cummings to the NORTHEAST HURRICANE BAY MSTU COMMITTEE, Patrick Geraghty to the COASTAL ADVISORY COUNCIL COMMITTEE, Laura Roler to the EXTENSION SERVICES COMMITTEE, James Rodgers to the PALMETTO POINT AND PALMETTO POINT UNIT 2 SPECIAL IMPROVEMENT DISTRICT COMMITTEE, and Diana Giraldo to the COMMUNITY SUSTAINABILITY COMMITTEE, seconded by Commissioner Hall, called and carried.

Commissioner Manning requested a motion to appoint Jim Green to the AFFORDABLE HOUSING COMMITTEE, LPA REP ON AFFORDABLE HOUSING COMMITTEE ([RESOLUTION NO. 11-12-10](#)) and David Rice to the LEE COUNTY EDUCATIONAL FACILITIES AUTHORITY COMMITTEE EDUCATION, and a reappointment of Eugene S. Trefethen to the FT. MYERS/LEE COUNTY ENTERPRISE ZONE COMMITTEE BUSINESS OWNER IN EZ, Bill Barnwell to the FT. MYERS/LEE COUNTY ENTERPRISE ZONE COMMITTEE BUSINESS OWNER IN EZ, Misty Nabers to the COASTAL ADVISORY COUNCIL COMMITTEE AT-LARGE (GASPARILLA ISLAND/BOCA GRANDE), Heidi Taulman to the COMMUNITY SUSTAINABILITY COMMITTEE DISTRICT #1, and Noel Andress to the LOCAL PLANNING AGENCY COMMITTEE DISTRICT #1. Commissioner Hall moved approval, seconded by Commissioner Judah, called and carried.

COUNTY MANAGER ITEMS

County Manager Karen B. Hawes had nothing to offer.

COUNTY ATTORNEY ITEMS

[County Attorney Michael Hunt](#) requested permission to respond to the letter from [Timothy Schoenwalder Esq.](#) representing the Champion Development Corporation on behalf of the Board. Commissioner Hall so moved, seconded by Commissioner Manning, called and carried.

The Chairman adjourned the meeting at 10:05am.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)