

MAY 01, 2000

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

John E. Albion, Chairman
 Douglas R. St. Cerny, Vice-Chairman
 Ray Judah
 John E. Manning

COMMISSIONER COY WAS ABSENT FOR THE ENTIRE MEETING, AS HE WAS OUT OF TOWN.

The Chairman called the meeting to order at 1:35 p.m.

1. DISCUSSION ON PROPOSED LAND DEVELOPMENT CODE (LDC) AMENDMENTS

Review Staff and LDC Advisory Committee proposed amendments to the Land Development Code.

OPTIONS:

- a. Direct Staff to proceed with proposed amendments.
- b. Direct Staff to proceed with modifications to proposed amendments.
- c. Direct Staff not to go forward with proposed amendments.

RECOMMENDATION:

Direct Staff to proceed with adoption of proposed amendments.

Assistant County Attorney Timothy Jones distributed a one-page handout entitled "General Over View of Spring 2000 LDC Amendments" (copy is on file in the Minutes Office); explained that a more detailed report will be available prior to the public hearings in June; suggested that additional Board discussion could be scheduled for the June Management and Planning Meeting; and provided a brief summary for each of the amendments proposed for Chapters 2, 6, 10, 30, 34, and Administrative Codes. In response to questions from Commissioners Judah and Albion, Attorney Jones confirmed that elevation of the residential units in a Category 3 area to above Category 3 level would remove the land from that Category; that new Code Enforcement procedures should allow faster processing of violations; and that comparative information will be available for the public hearings concerning current processing times and proposed goals. Development Services Director Walter McCarthy explained that the same option had been printed twice due a typographical error on the summary sheet previously provided to the Board, and noted that the option to be put forth would be that "connections from existing bikeways and pedestrian ways to commercial buildings would become a mandatory feature of the LDC". Commissioner Judah suggested that the County should be held to the same standard for new parks, and that existing parks should be upgraded to meet the new standards. During a brief Board discussion concerning proposed bonus density procedures, Attorney Jones explained that the option proposed by the County Attorney is to handle bonus density issues the same as any zoning issue, which will eliminate administrative approval, allow public input before the Hearing Examiner, and allow the Board to make the final decision. He added that the alternate option proposed by Community Development would try to keep the process more legislative and would bypass the Hearing Examiner's review. Commissioner Manning noted that ex parte communication rules would be in effect with the Attorney's option, and Attorney Jones confirmed that the Commissioners would no longer be able to discuss the application with either the applicant or the neighbors. Responding to Commissioner Manning's inquiry, Attorney Jones explained that the recently publicized "cluster" issue would pertain to Comprehensive Plan amendments rather than the LDC process; and that staff has been reviewing the Arnold Committee recommendations to determine which of them had not yet been implemented. Commissioner Manning remarked that approval of the cluster concept would defeat the purpose which the County had gone to court to uphold. Community Development Planners Robert Gurnham and Matt Noble responded to Commissioner Judah's inquiries concerning indigenous vegetation credits in Density Reduction/Groundwater Resource (DR/GR) areas by stating that details are still being worked out at the advisory committee level, that the idea of preservation rather than restoration had governed the LDC prior to the amendment allowing golf courses, that there is a long history of restoration failures, and that staff desires guidance from the Board as to an acceptable credit. After Commissioner Judah expressed his support for staff's recommendation of 125% as opposed to the applicant's request for a 2-to-1 credit, Mr. Noble replied to Commissioner Albion's questions by stating that he is unaware of any similar program that has been totally successful, that the implementation standards would be crucial to success, and that flexibility would be necessary to allow for differences between locations. Commissioner Albion pointed out that any mitigation must be "on-site." Commissioner Judah

inquired as to the status of the request to allow billboards in airport noise zones, and Mr. Gurnham reported that the request has been withdrawn temporarily and would not make this round of amendments.

2. PROPOSED CITY of FORT MYERS DUNBAR/BELLE VUE ANNEXATION and TRANSITION INTERLOCAL AGREEMENT

Advise the Board of County Commissioners on the status of the proposed City of Fort Myers Dunbar/Belle Vue Annexation and Transition Interlocal Agreement, and receive further direction. This presentation to the Board will include projected budget impact for the County.

OPTIONS:

1. Proceed with negotiations for the proposed Interlocal Agreement for transition of the two enclaves to municipal levels of service if approved by the electorate.
2. Discontinue efforts to negotiate and draft the proposed Interlocal Agreement, as there would be potential expenditure of County funds to assist the City of Fort Myers with the transition of services to the annexed areas precedent to the referendum on the annexation. Additionally, continues the existence of County enclaves within the City and the associated problems with service delivery for the City of Fort Myers and County.

RECOMMENDATION:

Staff recommends continuing with negotiations with the City of Fort Myers and the drafting of the proposed Interlocal Agreement for the transition of services to the annexed areas.

Assistant County Attorney David M. Owen provided the Board with a brief summary of the issue; and noted that the City Council has decided to continue this matter from the November, 2000, election to a possible special election in 2001. He added that County and City staff agree that there are matters to be further refined in terms of phasing, staging, and implementing of the level of services from the County to the City; that one of the remaining issues involves the Tice Fire District as a third party and the necessity to transfer fire protection services to the City in a financially and physically responsible way; and that the City desires to continue negotiations toward a final Interlocal Agreement. In reply to a question from Commissioner Judah, Attorney Owen explained that fire services, as well as other services, would become municipal services as part of the annexation process. After Commissioner Albion pointed out the need for continued participation by the Tice Fire District, Commissioner St. Cerny commended County and City staff for their continued coordination and communication in resolving this issue.

3. DRAFT UPDATED SCHOOL BOARD/PARKS & RECREATION INTERLOCAL AGREEMENT

Review Draft Updated School Board/Parks & Recreation Interlocal Agreement

OPTIONS:

1. Approve the Updated Agreement. Parks & Recreation staff and School Board staff have been meeting for several months to update the Agreement, and all parties involved are in agreement with the changes.
2. Make some changes as per concerns of Administration and the Board of County Commissioners.

RECOMMENDATION:

Approve the updated Interlocal Agreement.

Parks and Recreation Deputy Director Barbara Manzo explained that the update is intended to clarify the language and to make the Agreement simpler and to make it work better; that the main change involves the addition and deletion of facilities shown on Attachment B; and that the cities have been asked to create their own Interlocal Agreements with the School Board for facilities within their boundaries. Commissioner Albion requested information regarding the feasibility of local park districts for needs that cannot legally be addressed with impact fees. Ms. Manzo confirmed that this possibility has been under consideration and that discussions are ongoing.

4. LEE COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE

Examine the status of the County's Solid Waste Management System and examine the impact of future growth on the system. Develop reasonable alternatives or specific courses of action for future disposal facilities.

OPTIONS:

Develop short term and long term plans for the disposal of solid waste.

Advantages:

1. Ensures a planned transition for the closure of Gulf Coast Landfill and transfer of operations to the Lee/Hendry Regional Landfill.
2. Long term plan required in order to minimize solid waste disposal at the Regional Landfill in order to comply with the neighboring landowners (Judah) agreement.

Disadvantages:

1. May result in the development of one or more private Construction & Demolition landfills in Lee County.
2. May require additional zoning restrictions for Construction & Demolition disposal facilities.

RECOMMENDATIONS:

1. Utilize the Solid Waste Plan Update for projecting expected solid waste generation in Lee County.
2. Pursue long-term commitments from all of the municipalities in Lee County. Plan for disposal facilities based on the commitments received from the municipalities and on projected growth of the participating areas.
3. Investigate alternative disposal contracts with private companies for transfer/dispose operations.
4. Perform detailed cost/benefit analysis for waste-to-energy plant expansion and haul/dispose options.

Solid Waste Division Director Lindsey Sampson distributed and reviewed a three-page handout entitled "[Solid Waste Master Plan Update](#)" (copy is on file in the Minutes Office), as prepared by Division staff and the consultant, Malcolm Pirnie, Inc. He noted that the following recommendations included in the 1989 Solid Waste Master Plan have been implemented: an aggressive recycling program, a waste-to-energy facility, and a Class 1 landfill for ash disposal. He added that the waste-to-energy facility is operating at its guaranteed capacity and that some solid waste is diverted to the Gulf Coast Landfill; that the update plan reviews disposal and recycling facilities, household hazardous waste, waste tire processing, vegetative debris, and construction and demolition material disposal; that generation of solid waste in the County has increased by an average of 5.7% per year since 1995; that the volume of materials collected for recycling has increased about 6% per year; and that a shortfall in disposal capacity of about 28,000 tons is anticipated for this year at the waste-to-energy facility. After Mr. Sampson reviewed the five recommendations contained in the update, he responded to inquiries from Commissioners Judah, Manning, and Albion by stating that diversion of solid waste to the Gulf Coast Landfill occurs only when one of the combustion units is shut down for routine maintenance; that the feasibility of a fourth combustion unit is being investigated; that proposed agreements that have been provided to the municipalities; that bids will be let next year for additional construction at the incinerator site; and that disposal rates should remain relatively stable for the next 10 years. Commissioner Judah commended Malcolm Pirnie Vice-President David Cerrato and his firm for the professional oversight that has kept the County on track with the Solid Waste program.

5. SANIBEL CAUSEWAY PROJECT DEVELOPMENT & ENVIRONMENTAL (PD&E) STUDY

To report on the current status of the PD&E Study, with particular emphasis on the no-build, rehabilitation, and tunnel alternatives.

RECOMMENDATION:

Proceed with the study.

After Division of Transportation Director Scott M. Gilbertson reviewed the purposes of the study, Public Works Director James W. French clarified the relationship between this study and a separate water quality study being conducted by the South Florida Water Management District (SFWMD). Mr. Gilbertson noted that preliminary results

of the SFWMD study will be presented on Wednesday, May 3, at the District's Fort Myers office. PBS&J Project Manager Sharon Phillips briefly introduced the study presentation; noted that a [packet distributed to the Board](#) (copy is on file in the Minutes Office) contains all the slides to be shown; and pointed out that, because the study is a National Environmental Policy Act (NEPA) study that also adheres to the Coast Guard regulations, the County will be able to use any available federal or state funding and permitting will be facilitated. Ms. Phillips added that the study is about half-way complete, that a public meeting is planned for the end of June, and that a September public hearing is anticipated. PBS&J Project Director Jim Kennedy reviewed and explained the information presented on the 24 slides regarding financial impacts, implementation details, and effectiveness of the three alternatives already analyzed: tunnel, maintenance, and rehabilitation. He noted that the probable construction costs for a tunnel, not including costs for environmental mitigation, right-of-way and business relocation costs, and a bridge for Sextant Drive, would be between \$550 million and \$625 million; that the maintenance alternative could increase the service life of Structures A, B, and C by about 17, 9, and 12 years, respectively; and that the rehabilitation alternative, with corrosion protection, is a viable alternative for further study. He added that the three "build" alternatives remaining to be analyzed are a low-level replacement bascule bridge, a mid-level bascule bridge, and a mid-level fixed bridge. Commissioner Manning opined that the tunnel option should be dropped because it would result in excessive tolls. In response to inquiries from Commissioner Manning, Mr. Kennedy confirmed that a life cycle cost analysis would be performed and Ms. Phillips clarified the figures on Slide 22 that compare new construction costs to costs for repair. Commissioner Manning pointed out the Board's duty to protect the health, safety, and welfare of County residents; and emphasized the need for everyone to have all the facts necessary to make a responsible decision. Brief Board discussion ensued regarding the possible effects of the SFWMD study on the man-made islands, and the effect of causeway alterations on the elevation of Summerlin Road. Mr. Gilbertson, Ms. Phillips, and Environmental Services Director Larry Johnson responded to the Commissioner's concerns. Commissioner Albion requested a bench-mark process that will use data from previous studies, and emphasized the importance of maintaining open communication with the City of Sanibel.

BOARD COMMENTS/DISCUSSION

No items for discussion were presented by the individual Commissioners.

The Chairman adjourned the meeting at 3:05 p.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)