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Chairman Pendergrass: Good morning. Thank you for joining us. Today is March 12th, 2013. Please join us now in prayer. Pastor Wes Olds, Grace United Methodist Church of Cape Coral.

Good morning. Let us pray. God, we thank you so much for the gift of this day. We are alive thanks to you. We have a cause today, we have a reason to get up and, Lord, we thank you. You are the source of all life. We pray for gentleness and self-control surrounding our day today in our relationships with you and one another. We thank you so much for our leaders, our community and our country. We pray today your blessing this day on everything it holds. Thank you for your goodness. Amen.

I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, One nation, under God, indivisible, with liberty and justice for all.

Chairman Pendergrass: Thank you. Please be seated. The first on our agenda today is ceremony presentation. Commissioner Hall. Girl Scout Week.

Commissioner Hall: Is Renee Armstrong here? Great. You have staff, volunteers and scouts with you? If you could come to the podium, it's my pleasure to read this resolution. Good morning. We're going to put you right there at the podium. I was a brownie and a girl scout, too.

Where are my cookies?

I should have stopped. They're selling cookies right now. I think the girls did bring some. Again, it's my pleasure on behalf of the board to read the resolution. Whereas march 12, 2013, marks the 101st anniversary of girl scouts of the United States of America, which began in 1912 when Savannah, Georgia native Julia Lowe gathered girls to develop them physically, spiritually, and mentally. It helps girls discover themselves, their values and take actions to make the world a better place. Core programs around science, engineering, math, environmental relationships help girls develop a solid foundation in leadership and the Girl Scout cookie program empowers girls through five skills, goal setting, money management, people skills, decision making and business ethics. Where through the talent and dedication of volunteers of various abilities and expertise the program is delivered to 10,000 girls throughout 10 countries and throughout southwest Florida is served by the Girl Scouts of Gulf Coast Florida council. In Girl Scouts of Gulf Coast Florida, a girl belongs to a sisterhood. These friends are dedicated to discovery and taking action in her world and all girls are inspired to make a difference and together girls can change girls. These are today's girl scouts. Be it resolved by the Board of County Commissioners of Lee County, Florida does applaud Girl Scouts for their years of leadership and proudly proclaims this Girl Scout Week duly executed

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this 12th day of March, 2013 and signed by Cecil Pendergrass, our chair. Come forward, we'll take a picture and then hear some words. Thank you so much.

Commissioner Hall: It's also women's month this month. How appropriate to open with the Girl Scouts. Thank you so much.

Good morning, Commissioners, Renee Armstrong for the record. Thank you for honoring us for the third annual year and for our 101st birthday. This is their Girl Scouts. Keep these girls in mind at cookie booths selling. This is cookie selling season to help support girl leadership and our mission is to help support them and have them become the leaders for tomorrow. How many in the room were girl scouts growing up? Quite a few. Keep supporting the mission. We need the leaders of tomorrow. There's not enough women in leadership. Thank you very much. [Applause]

Chairman Pendergrass: Thank you. The next item is the recap. No items on the recap. Move on to public comment on the consent of agenda. Public comment on the current agenda today. I have no cards for that. Closed. On to consent agenda. Items to be pulled for discussion by the board. Commissioner Manning?

Commissioner Manning: None.

Chairman Pendergrass: Commissioner Kiker.

Commissioner Kiker: None.

Chairman Pendergrass: And I have none. Commissioner Hall.

Commissioner Hall: None.

Motion? Second. Any discussion? No discussion. Any objection? Motion carries. Administrative agenda.

Move item 1-a, chairman.

Chairman Pendergrass: I'll second for discussion. Any discussion on the item? No discussion. Any objection? No objection. Motion carries. Move into public hearing. At this time we will open up the public hearing item one, impact fees. A few cards for those.

Commissioner Manning: Mr. Chairman, does the attorney's office have anything to put on the record?

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Good morning. Donna Marie Collins, assistant county attorney for the record. This is a continuation of your February 12th, public hearing regarding impact fees in unincorporated Lee County and school impact fees countywide. At the last hearing you were considering the possibility of a suspension and wanted to continue the public hearing so that you could consider other options including reduction on the rate of collection. There was a meeting held at a management and planning committee on March 4th where you discussed it in further detail and decided you were going to pursue a reduction in the rate of collection, although that rate of collection was not specified. So this is the continuation of the public hearing and we hope to get direction on that issue. You can ask staff any questions you want or the attorney's office. You must allow public input. Thank you.

Chairman Pendergrass: Thank you. At this time we open up public input. You have three minutes to speak at the podium. Warning lights should be working today. The first speaker is Scotty wood.

Good morning, ladies and gentlemen. My name is Scotty Wood, 19,000 Sapphire Shores Lane in Estero, West Bay residents are interested in providing commentary on any Lee County initiative that might improve or negatively impact the community we have worked hard to live in. I strongly recommend you not reduce the imposed levied impact fees to developers who pass them on to customers. If the moratorium is passed the county will lose millions of dollars and we'll lose money to pay for future infrastructure needs or have property taxes increased to pay for them. We have for many years had a number of impact fees on new construction that allowed new cost to pay for the infrastructure needed because of the growth. This has allowed our growth to provide the money to do all the infrastructure work to keep up with that growth. Roads, schools, E.M.S., fire, parks, etc. All the new widened roads that serve our community plus the Estero community park and fire stations were largely paid for with impact fees. We have turned the corner and our economy is starting to improve. Building has started again. All you need to do is look around and see homes going up all over and more are coming. We do not need to give away millions of dollars to stimulate something that's already improving. There is no data that supports the claims that a moratorium would stimulate building. In fact, studies have shown it has no significant effect. Impact fees have been adjusted every year and already reduced from 50% from their high in 2006. The cost of homes are driven by the market conditions. If the county gives up the income from impact fees there is no proof that it will not just become an increased profit to a builder. Impact fees are imposed on new construction so the infrastructure needed because of that growth is paid for by the people who cause the growth. Growth pays for growth. The supporters of a moratorium or major reduction say impact fees are not a stable source of income and we need a more stable income for future infrastructure needs. That's another way of saying

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remove the burden from new construction and switch it to the taxpayers. The impact fee has worked for years and allowed Lee County to be one of the fastest growing counties in the country for years. We should not change it now to enrich a special interest group.

Thank you. Nick Bados. After Nick is Russell Shaw. Thank you.

Good morning, Commissioners. My name is Nick Bados speaking for the Estero Community Council of Leaders. I'm opposed to a moratorium or reduction of the impact fees. Over the last six weeks, you have heard the same position be expressed to you and in the press by many individuals and groups including the Estero council of community leaders, brooks concerned citizens, city of Bonita Springs, Bonita Springs Chamber of Commerce. The five mayors. Bike Walk Lee, editorials in Naples. The Lee County League of women voters. 600 e-mails that each of you received plus many others. We believe we have already begun the upswing in the economy. We hear every day in the papers that housing is going up and unemployment is going down. It would be foolish to give away millions of dollars of impact fees now when there is no evidence you'll gain anything. Especially when the county is so strapped for money. We have heard the opponents of impact fees say they are not a reliable source of revenue since it goes up and down. I ask you consider two points about that statement. Income from impact fees have gone up and down over the years, but that only proves the system is working. When growth is down revenue from the impact fees are down. We need a lot less infrastructure growth. When revenues from impact fees are up growth is up and we need and then will have the money for infrastructure growth. Two, when the opponents of impact fees say we need to find a more reliable source so have money everybody should be aware they are talking about switching the burden for infrastructure needs from the people who cause the growth to the taxpayers. We do not need this action at this time. Many others in Lee County believe if you impose a moratorium or deep slashes in the impact fees it will be detrimental to our county's economic health. I have been around all of you for quite a while and I guess I can count to three. So please bear with me and let me make a suggestion that might accommodate all of the goals and at the same time not completely eviscerate the impact fee system that so well served Lee County for so many years. I respectfully request that you consider the following. Impose a 50% reduction on impact fees now except for the E.M.S. and fire. Increase the impact fees by 1% of the current amount per month for the 24 months. Thus, at the end of the two-year period we'll still be 26% lower than we are now. At that point you could go back to the system having an outside consultant evaluate whether the impact fees should go up or down depending on predetermined conditions. I thank you very much.

Thank you, Nick. Next, Russell. Please silence your phones in the building, please. Thank you.

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Good morning. I'm Russell Shrapp with a law firm here in Fort Myers to speak to reduction of the impact fees you might consider today. Moving in the reduction or suspension would be a boost to the economy, the development industry and wills to making Lee County more competitive in attracting new business. I did pass or distribute to your offices yesterday a letter that requests specific consideration of one issue. That is the issue of impact fee credits. When the board considered suspension last month I believe it was, there was language in the draft ordinance that provided for a two-year extension of any impact fee credits if there was a suspension of impact fees. It strikes me whether you talk about a suspension or a significant reduction in impact fees that there will be an impact on the holders of impact fee credits. You should consider including that language that was in the ordinance last month for the suspension if you do adopt a significant reduction in fees today. That language would simply extend impact credits for two years in recognition of the decreased marketability over the suspension or reduction period. I included in my letter language that I would suggest or request be included in the ordinance and would consider it and hope you would consider it today. I do have copies of that letter if you don't have it with you so you could have the language in front of you. Any questions I'd be happy to address.

Chairman Pendergrass: Thank you. Jane McNew.

Good morning, Commissioners. Jane McNew. I oppose reduction to the impact fees. It's been outstanding program in the past. It's served the county so well. It's been logical to the growth and supported by the impact fees. I understand the reason for it being reduced a few months ago to quite a substantial reduction to help give the county perhaps a building spurt. But here we are again reducing again. I'm not clear that these impact fees, if they are reduced further, will end at a certain point, for sure. I'm not clear whether any reduction in fees will follow with a reduction in housing prices. It seems there are studies, scientifically done in Florida of counties adjacent to each other wherein one county eliminated their impact fees, the other did not. And they watched the price points and frequency of sales in the two counties and it showed that the county that kept their impact fees sold as many houses and prices were not the problem. That might lead some people to think if we reduce impact fees will the housing prices reduce? I would speculate the evidence is there they don't have to reduce prices. So what is going to happen to the excess money they collect, the builders collect when they sell the houses with the reduced fee? I don't see it working to anybody's favor but perhaps the builders. Now, that would lead me to say that I don't like the feel of this legislation. It just doesn't sound like good politics and I think good politics -- bad politics doesn't have to last very long. I trust and hope you all will stand firm and not reduce the impact fees any further. Because this county needs them. This county has been very wise in the past and this will surely accrue to us, the taxpayer. You have to get this money from someplace. It will be us.

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We have already paid our impact fees. Those of us that have come and built our homes. I don't want to pay for them again. It's unfair and furthermore if you do that it will devalue the price of our properties. Thank you for your consideration.

Chairman Pendergrass: Next speaker, Eleanor Blitzer. Eleanor.

Good morning, Commissioners. I'm Eleanor Blitzer, pediatrician from Fort Myers. I'm not representing any certain group. First, I want to thank you for something really nice, wonderful that's in our county, which is our bike paths. You have done such a lovely job and I want to tell you my favorite ones in case you haven't been on them. My favorite most one is the linear bicycle path from Carodial to Gladiolas. It's great. When you get there you can turn around and get on new bike paths to the cypress slew and onward. I don't know where the money came from but I've been told some of the money comes from impact fees. So I want to thank you. Secondly, in order to come today I had to change my dentist appointment. When I called up the dental receptionist, I told her what I was up to. She said certainly. Dr. Blitz ergo there and speak for us. I guess this is something other citizens have been thinking about. I would ask you keep the impact fees. We do have to pay for the growth. They have to have sewer and water and streets and protection and parks and schools, they have to have these things and it seems to me there's only three ways to do it. We have to have impact fees or we have to borrow money or increase taxes. I can't think of other ways and I haven't seen other ways. So, we citizens really like our services. We like our services very well. That you have helped us to get. In addition to liking our services, we need a fiscally sound county. People won't feel comfortable moving here if they think we borrow so much we'll go bankrupt. Then their homes will be worth less and they won't want to move here and certainly not to invest here as new business people. So fiscal security is also important for government. So, all in all, that's what I want to say and I want to say thanks for your continued work.

Chairman Pendergrass: Thank you. Next speaker, Ed Russ. After Ed would be Dick Ryans.

Good morning.

Good morning. I'm Ed Ralph we own deep lagoon marina. We bought it in 1997. We went through a rather lengthy battle with the environmentalists to keep our permits and then the economy turned around and we started construction. In order to start construction in 19 -- or 2005 we had to pay a \$300,000 impact fee for sewer and water, which we did. Things were good in those days. We had budgeted that and it was fine. In the last now five years or six years things have changed. In order to get banks and people to build things on your property, ours is all commercial, you have to get that budget down as low as possible. Banks, you have to bank a budget for a building you want to build in our case a boathouse for boats inside, of

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course, and they look at that budget and they say, go back to your subcontractors and go back any way you can and get your budgets down. The one way that this county can help stimulate business because stimulus programs that have been available through governments like yourselves and businesses throughout America were not available to us. We got no stimulus plan, no tarp money. Our government can assist us greatly by getting the impact fee down, I'd like to see it eliminated for a while, for sure, but your discussion about dropping it down to 80% would be very helpful to us. It means something to the bank and to our ability to actually build this new building that creates jobs, new taxable building. It's very important that you do this. Folks have spoke, God bless 'em, they're not involved in the day-to-day battle to get your business moving. Many businesses around the county need the same help. We ask your help. Thanks for your time.

Chairman Pendergrass: Thank you. Next speaker, Dick Grimes. After Dick will be Patty Whitehead.

I'm Dick Grimes, a licensed contractor member of the CIA, a taxpayer and most importantly a voter. And rather than dwell and go over everything again. I'm not in favor of this. It will benefit a small portion of the business of the construction industry. It's the investors in that industry. 90% of my business is remodeling and there's gobs of work. I hope you use your brains on this and just not vote for it. Thank you.

Chairman Pendergrass: Thank you. Next, Patty Whitehead.

Good morning, Commissioners. Here again representing the responsible growth management coalition of southwest Florida. Our position on impact fees is as follows. They are created to address the infrastructure demands of rapid growth. Lee County has not stopped growing. According to statistics for 2010 through 2012 Lee County's percentage of growth was greater than the try county areas of Dade, Broward and Collier county and Charlotte and Sarasota and Mantee Counties. Homes were built during the bubble years that paid their impact fees. As these homes fill demand for construction will pick up. Impact fees have not cop strained our growth and still will not. Construction demands will remain down. Occupy built homes in established neighborhoods prevents blight and Lee County has received \$20 million in neighborhood stabilization funds to have families fill those built homes. It's said businesses aren't coming here pause of our fees. They'll come if we subsidize their arrival. Frankly, they have already declared themselves to be free loaders depending upon government subsidy of infrastructure which existing businesses did not demand or expect. Why should the potential new bees be free in their community commitment? The community commitment is already shown by their lack of willingness to stay where they are at and to be true to the existing community that they are leaving from. How about saying no to subsidies? We have many

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challenges to our ability to stimulate our community. We have gotten through the recession because our citizens have tried to be good citizens. We need to support that infrastructure not undercut it. Labor is not cheaper and gas prices are not. We should make the necessary reduction of 10% to 20%, in that range. Large cuts just subsidize the developers. The five to 20 year planning program is funded through that period. A two-year cut will take away revenues needed unless made up from other sources, no doubt property taxes. This proposed reduction has no other stated source. Either money gets shuffled or comes out of the pocket of the taxpayer or projects don't get built, public project don't get built and standards decline. Low standards don't quality growth. Quality standards make it a better place to invest for our families, businesses and for the future. In short, our position is let's promote the following. Efficient consumption of land for our water, wildlife and the quality of our lives. Let's finish what we started in development and prevent blight for Lee County.

Chairman Pendergrass: Next. Bob Konig. After Bob will be Ruby Daniels.

Good morning. Good morning. I'm Bob Konig chairman of the Horizon Council. We believe strongly that the impact fees should be suspended. As a Horizon Council, we are here to help generate economic development to attract businesses, attract new families. This commission has done a great job supporting that with incentives, reasons to come here and to take it away on the impact fee side isn't right. You come down to build a new building, project, get a new business going, we'll support you here and take it away over there. Impact fees, I'm also a contractor. Some of the things I have heard today, we don't make money on an impact fee. I understand the necessity for them, but I do think as a contractor now I'm speaking you need to look at how we do this and why. There's a lot of good ideas out here. There's a lot of I understand the need for some of these, to keep schools. We now have a surplus of school seats. We're going to keep the fire. We're not suggesting that goes away. Roads. We need to look at that. I've said it before. I'll say it again. You add the Publix in McGregor it doesn't increase traffic. It cuts traffic. We need to be smart so we are competitive as a county. No one is suggesting we raise taxes or ruin the quality of life, that we you know basically make this an unattractive place. As a builder, developers, we want it to be nice and have good services. We need to have a good, open conversation about how this is paid for. Suspending them now. Let's do it. Let's see how we put it back in place and how we pay for things as we move forward. Thank you.

Thank you. Ruby Daniels and then Anthony Greco.

Good morning. Ruby Daniels, president of Ala Inc. We oppose the suspension of impact fees because we believe taxpayers will have to pick up the tab for lost impact fees. We know from history back in the 60s taxpayers were the ones paying for growth. That was a problem then

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and we foresee it being a problem now if impact fees are done away with. We have not found any data that supports suspending impact fees will stimulate the economy. Parks, schools, libraries, fire services, E.M.S. services contribute to the quality of life of those in rural areas as much as it contributes to the quality of life of those who live in to the urban and suburban areas. We also think that suspending impact fees seems to be in conflict with some of the policies in our 2035 horizon. The suspension of impact fees will affect rural areas and that is a concern to us. We believe redevelopment are appropriate in the Brownfield areas, not in the green fields. There is a fairness issue to current residents who paid impact fees versus new residents who will not be paying impact fees. Our last concern is if we give one special group special consideration, what happens when another special group comes to the county and asks for special consideration that also the taxpayers will have to pick up? We are opposed to the suspension of impact fees. Thank you.

Chairman Pendergrass: Thank you. Anthony Greco. After Anthony will be Carl Recowicz.

Anthony Greco, Cape Coral Industry Sox and most members. We are not arguing impact fees are not a good thing. They are. They help growth and it's good for our infrastructure. We're not raising taxes we're using up capital that is already there from the growth years in the mid '80s. Our levels aren't where they were from two decades ago. We want to spur growth and get things going again. Let's pass this. Get this moratorium over. It's only two years and then we'll move on from there. Thank you.

Chairman Pendergrass: Thank you. Carl. After Carl, Phil Douglas.

Good morning, Commissioners. For the record I'm Carl Vogel Red Sox. We need to keep the impact fees for this reason. The baby boomers are the richest this country has ever produced. They can afford impact fees. We are approximately \$28 million in the hole. We need every cent we can collect to get out of this deficit we are in. Some people say it's \$20 million. Some say \$30 million. Some, news press I think said \$28. The economy is rebounding. Housing sales are up. Building is up. New housing, housing sales is up. We are far and above the highest percentage of building permits in our county. We are above even Collier County in building permits. I believe the ordinance has changed. Is that correct? It has changed. I think in respect to the voters, if this has changed and you want to reduce it instead of do away with it, the public should have the respect and the voters for a hearing on this and a 10-day comment. I think that's part of Lee County's procedures. Maybe it's not the law but Lincoln says it's the spirit of the law, not the law itself. Fourth, the ordinance has changed, I talked about that. Fifthly, you have to reduce money somewhere. I hear the county is going to give the boys raises, what about the lower 10%? Are you going to cut the people off entitlements?

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This has to be looked at too. As far as the second amendment, I have done my grandmother gave me which she had since the 1900s a rifle that my uncle had and it's time to keep --

Chairman Pendergrass: That's the second item. This is public impact fee.

I have to go, so I'm just saying.

Thank you for your time and please keep the impact fees as they are for the voters.

Chairman Pendergrass: Thank you. Next speaker, James English. I'm sorry. Phil Douglas. After Phil Douglas, James English. Whoever gets here first. Phil, let James go.

Thank you. Mr. Chairman. Ladies and gentlemen. For the record, I'm Jim English from Alba. I have spoken here before and I don't want to spend a lot of time being repetitive, but I'm opposed to any additional reduction in these impact fees. They have already been reduced as I understand it by about half since this economic problem has been in existence. Somebody has to pay for all these facilities and services that these new people require when they come here. If you are going to if I have them a free ride, then the rest of us are going to have to pay the bill. It's going to result ultimately in an increase in either property taxes or sales taxes or other some sort of revenue. There's an article in the news press this morning concerning Hillsboro County that they reduced impact fees and there's no discernible or very little discernible increase in building as a result of that effort. So without going into anything else there's a lot more I could say but I respectfully request that you do what's fair and what's right and you don't eliminate any other increases or eliminate any more impact fees. Because ultimately it will result in an increase in taxes for the rest of us. We're already running a deficit. Thank you.

Chairman Pendergrass: Thank you. Phil Douglas. After Phil is Randy Labelle.

Going, commissioners, I'm Phil Douglas. I live in Estero, a member of the Estero County of community leaders and I'm wearing blue not for the second item but to speak on impact fees although reminded I was wearing blue. What you are hearing here today are the little people up here saying don't remove the impact fees because they fear their taxes will go up. I was here six weeks ago speaking and saying that I felt a moratorium, a reduction of the impact fees was bad policy. Nothing has changed my mind. I'm more firmly committed to the fact that it is bad policy today. I have tried for six weeks to find economic support and evidence to show that a reduction in impact fees is going to spur more jobs and economic growth. I'm here to tell you it's not there. There is no relationship between a reduction of impact fees and more jobs and economic growth. What it is, it's a special interest group, that's exactly what we see here, a special interest group is here asking for something. If every special interest

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group came up here and you gave them what they wanted we would be bankrupt. It's that the simple. The economic sense this makes to me is keep the impact fees as they are. We know that the economy is turning around. We also know that the evidence we have today shows us that builders and developers are building more with less. There's no rationale to say there will be more jobs. They're getting by with less people. So it's unfortunate that we are here discussing this. I have a feeling in my bones that this is going to unfortunately, pass. A reduction may pass. I think, again, it's bad public policy. I think it's a mistake. When you tell us when budget season comes around what your deficit is I'll be back again and say and you contributed \$4 million more because you reduced impact fees. So, folks, it's worked. Let's keep it. Thank you.

Chairman Pendergrass: Thank you. Randy Sabo, please.

Good morning, commissioners. I respectfully request that each of you today vote for a suspension of the impact fees for two years. I hear about special interests today, new bees. It's if the building and housing and construction industry is a special interest that's a good thing. It's the thing that feeds us all. There's folks here that are looking for the revenues and things that will support the things and the projects they want. If they weren't interested in that they wouldn't be here concerned about it. I appreciate and thank you very much auto each of you for having the fortitude to look beyond the small things and look at the big picture. The big picture is that you can make a decision here today that over the next two years you'll see results that are much more than the money you'll collect on the impact fees the way they are. Thank you very much.

Chairman Pendergrass: Thank you. Next speaker, Clara M. Graham. After Claire, Jim shields.

Good morning. My name is Clara M. Graham, president of the League of Women Voters, Lee County. We oppose the moratorium on impact fees, but we know how difficult it is to strike a balance when opinions are diverse and the needs of many constituents must be met. We thank the Lee County commissioners for their effort to reach a compromise. Today, you will decide on a percentage of impact fees that will not be collected. The league strongly urges you to keep that percentage on the lower end of the scale somewhere less than 40%. Also, the league urges the Lee County Commissioners to give serious consideration to the effect that the reduction of impact fees will have on the future of Lee County. We suggest implementing some form of monitoring and evaluation process that will determine the effects your two-year moratorium on impact fees will have on the fiscal security of Lee County. This information can be utilized to make decisions for future actions. Areas to be addressed should include, did your decisions meet Lee County needs for economic growth? Were current capital improvement projects funded by impact fees? Outstanding impact credits and road credit

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obligation requirements met? As you make your decision we trust your thoughts will be on the necessity of funding to assure continued growth for the county and on maintaining sustainable resources to support roads, education and recreation as well as the safety for the citizens. Thank you.

Chairman Pendergrass: Thank you. Jim Schultz.

Good morning, Commissioners. Good to be here. This maybe a bit of a different take. We all understand Lee County has certain areas which at this time may well need and deserve a suspension or reduction or maybe even a moratorium of impact fees. It's also equally true there are other areas in the county where there is no such need. This is clearly not a case of one size fits all. Grand Days property owner comprised of 979 homeowners I respectfully request that you adopt a resolution that provides no reduction, no suspension, no moratorium on impact fees within Estero's development area. Why do we say that? For more than the past decade in unincorporated Lee County it's well documented that the EPI.

Of the county's large scale improved development or pending requests are in the Estero's area. In fact Estero's population has swelled 160% in the past 10 years. According to the Lee County DCD, planning decision report even as of December 6, 2006 total Estero area development pending and approved projects exceeded eight million feet in retail. Four million in office and 9 one million industrial. Within a three mile radius you can drive from Ben Hill Griffin Drive and Corkscrew Road, and witness the Lion's share of 13 million feet of development. In Estero, we will tell you it's well done. We have already paid our impact fees and rightly so. We now pay ongoing taxes tonight county, of course. Why again would we be asked to pay more because others did not pay? Because of a proposed impact fee suspension and moratorium? We think not. 40,000 Esteroans that is unacceptable. We paid once. We politely say we choose not to pay twice. We kindly ask and respectfully request that you adopt a resolution that provides no suspension, no reduction, no moratorium on impact fees in the Estero area. Thank you kindly for your time and attention. Thank you very much.

Chairman Pendergrass: Thank you. Next speaker, Ron Pierre. After Ron, Marty McLean.

Good morning.

Good morning. Ron pure representing the taxpayer action group and I had a conversation over the weekend with a couple of local folks in the town that one of whom is a councilman. I don't have to mention any names but he reminded me that Lee County owes the city a million bucks for our having fronted the county the million plus dollars necessary to take care of a county road. I would appreciate you pay the bill. It has very much to do with what we are talking about here today. The impact fees. You know, I mentioned at a past meeting that the

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county has been all over the place in the past. Unfortunately, as we were going through the roof with building in our county impact fees stayed down here for several years. It wasn't until the mid decade, this decade that you folks brought the impact fees up to meet somewhat the demand on our county for permits etc. To builders. When you got to that point you stopped because the bus came along. Lo and behold what had taken the commissioners a long time to address, an increase in impact fees, you started to reducing them almost overnight to meet the downturn in the economy. Here we are looking at another decrease in this round of decreases that have taken place in the very recent past over the past three or four years. It doesn't gel with a lot of folks and doesn't gel with taxpayer action folks. There are advantages that major developers get also on this greenway green belt matter we will release information on over the next few days and I also hope that a commissioner with any interest at all family or otherwise that may enjoy a benefit from your advancing a reduction in these impact fees will recues himself or herself from the vote. I appreciate your time. Thanks very much.

Chairman Pendergrass: Thank you. Marty.

Good morning, County Commissioners. Sitting on this side of this is unusual for me. I come here to speak in the reduction of impact fees. I have been here for three years for the same item. What we are looking for I hear statistics from people, they can't find where there's a proven fact that are spawns growth. Well, that box isn't on the application that says are you brought in here because of reduction of impact fees. I have done half a dozen projects in the past year 1/2 and I'll tell you the change of use impact fees enlarged or increased businesses, a couple of businesses allowed them to expand within Lee County. One in the city of Cape Coral impact fees helped them in their furnishings in reduction. I have a national franchise that I work with. They look at areas of the best savings. I put together two projects in a surrounding county that was solely driven on the savings on impact fees. There's a lot of money tied up in fast food. McDonald's. One of us want to open a similar restaurant that's what we'll pay. McDonald's recovers there's in a month. We may never recover ours. The thing to look at here is how the funds are evenly divided and what had they are used forward. Somebody sits back and says is it a driver? Yes, it is. I pulled a dozen permits within the five surrounding counties and I'll tell you it is a driver on those that will allow the reduction. What percentage you come up with is entirely up to you but what we are happy for looking for, an elected individual for the city of Cape Coral. I've been pushing for this in the stay of Cape Coral. Whatever you do here today I have every intention of doing that in the city. I know working in the development and business standpoints with contractors right now because of what's going on, these are negotiation tools. I know one builder that rolled the dice in order to get a contract signed they agreed to pay half the fees because people are waiting to hear

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what the outcome of the meeting is here today. I look for you to make the right decision. Thank you.

Thank you, council. Next David Bastro, I believe it is.

Good morning. David Bastro, president of Grand Days master board. I'm going to quickly cover what Jim covered. We are surrounded by development in Grand Days. There are thousands of homes being built around us and the fact there was a you impact fee didn't slow them down at all. We question the discussions concerning how we would really be stimulating the economy and job growth. The article in today's county had no increases in job, no increases in sales, no increases in anything when they did away with their impact fees. We would ask you consider that. I believe the voters are going to have a long memory about things like this that affect directly sales tax increases. I left California what I started paying 9% sales tax. Think about it. We ask for your vote.

Thank you. Next speaker, Amy Desmonis.

Good morning for the record Amy school budget direct observe for Lee County. One of the contributing factors for the great and success of a community is the school district. This school district is working hard to be the best. As you know, of course there are many things that have happened over the course of several years that has resulted in a loss of millions at the county level and of course the school district level as well. You all know that as well as anyone. We know that you have many things to consider beyond just us, the school district, but there are several things we wanted to make you aware of so you could carefully consider that when you make your decision. At this point every dollar for us counties. We're still growing at a rate of 1300 to 1800 students a year. We have never stopped growling. There was one year in 2009-2010 we least students net overall. The next year we made that up plus some. We have been growing consistently. One of the things that is a factor is the success we had in our school district and we wanted to continue to do that. We have a great need to maintain the buildings we currently have and be able to provide state-of-the-art facilities for every student that attends schools in our county. Ultimately we are your partner in the community. There are 10,000 working school district employees that will continue to work hard to provide the best education for everyone that attends our school district. We ask you carefully consider the impact of the decision that you have in front of you and what you are about to make because for us every dollar that you receive is critically needed. Thank you.

Thank you.

Next speaker, Carl Swing. After Carl, Jim Craiger.

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Mr. Chairman, commissioners, going. Carl Swing, city of Bonita springs. As you know we have been vocal opponents to a full moratorium on impact fees. For all the reasons that have already been mentioned before as well as today. I am here today, however, to thank the commissioners for listening to those who have expressed concerns about a moratorium on impact fees. Now you are considering a percentage reduction of the impact fees instead of a moratorium. Given that I feel something is going to happen today. I believe a reduction is a far better way to go than a full moratorium. I leave the final percentage to you, but support the direction of the discussion and trust that the commission will settle on a prudent, responsible reduction. We know as always many of your decisions are difficult. This is one of them. We appreciate your efforts on behalf of all the residents of Lee County. Thank you.

Chairman Pendergrass: Thank you, Carl. Next, Jim.

I'm Jim Craiger, third term president of the Lehigh Acres Community Council. I have a resolution. A resolution of the community council of Lehigh acres declaring our support for the continuation of the collection of impact fees for roads, parks, schools, fire, and E.M.S. services. Whereas the community of Lehigh acres is home to more than 86,700 residents within 44 square miles and whereas this vast area and taxpayer population base makes up the largest most identifiable area of Lee County and is the largest unincorporated area of Lee County. Whereas over four decades ago the residents, businesses and community leaders sought to establish an entity to speak as a unified voice to local, state and national governmental bodies and officials about the concerns of Lehigh residents and taxpayers and whereas the formation of the community council of Lehigh acres was established and today is made up of 21 elected members and 20 permanent member seats. It has been brought to the attention of Lehigh acres community council that the Board of County Commissioners for Lee County have been considering the suspension of impact fees for roads, parks, schools, fire, and E.M.S. services. Whereas the impact of not providing the funds necessary for these services greatly affects not only the residents' health and safety but will the impact commercial development, jobs, and the economy of the residents of our community. Whereas any such suspension or reduction in the collection of impact fees either permanent or temporary will cause great harm to an already fragile economy in Lehigh acres. No credible evidence always had been provided to you that any suspension, reduction or elimination of impact fees would cause the opposite result to the economy to take place be it resolved the community council of Lehigh acres recommends the Board of County Commissioners vote no on temporary suspension or elimination of impact fees presently collected or will be collected in the future as they represent an important funding source to pay for needed infrastructure throughout the county and especially in Lehigh acres. Passed unanimously and adopted the 19th day of February. Thank you.

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Chairman Pendergrass: Thank you. Next speaker, Margaret Bannion. After Margaret, Ann pierce.

Good morning. I'm a member of the Palm Beach planning panel. I teach at FTCU and sit on the advisory committee. In all these community venues there has been a concern over the impact fee. We realize the impact fees are related to quality of life investments and those are key assets for Lee County that attract new businesses, visitors and new residents. In past meetings I've given testimony and shared with you some research from leaders all over the world who advise policymakers to question the wisdom of advice that offers them a quick fix to deep roads problems. Reduction in impact fee is a quick fix not shown to generate job growth or better business environment. Research also shows that what does increase the business environment and economic development are investments in infrastructure, quality transportation systems, schools, and parks. Given that, if your intention is to reduce the impact fee or place a moratorium it's really essential you start the process today for a replacement mobility plan and fee as well as other funding mechanisms that will ensure that Lee County is making those investments and is open for business because it's invested in those assets. Thank you.

Chairman Pendergrass: Thank you. Ann Pierce. Donna.

Daryl Letourneau. We are in support of theism pact fees and continuation of them because we strongly believe in the shared responsibility of the system that we have had for over 20 years. I want to focus on the last revenues and the budget consequences before you today. The choice that you make today will depend on -- will have consequences and the amount depends on what happen race you reduce. You really have three options. Either you dip into the reserve fund deeper and have more deficit spending or two, you make cuts in programs or operating costs from the county. Or three, you reduce funds that have been reserved for the incentive program to bring companies to Lee County. I think there are \$4 million to \$7 million. It's important to couple whatever decision you make on impact fees with how you are filling this hole. The second part of this is that's the budget consequence of before you on impact fees. However the \$10 million estimated for revenue losses this year in the budget are really an understatement of the true consequences. Those estimates assumed no increases in permits, no increases in the past year and we have had a 49% increase in permits. The superintendent of schools is actually officially revised the estimate up 74%. Whatever you sty today you can multiply it by another 40% or 50% in terms of lost tax revenues to the coffers of Lee County. Lastly, if you are going to reduce the fees, I think that the problem that Commissioner Mann put on the table was an excellent one, couple the reduced rate with incremental increases, solving a problem that all of you have discussed, how to sunset this

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provision. If you have an automatic incremental increase back to where we started, then two years from now there will be less pressure on you to extend the reduction. Thank you.

Chairman Pendergrass: Thank you. Next speaker. Alan freeman. After Alan, Neal Montgomery.

For the record, I'm Alan freeman, a builder in Lee County and been a member of the builders association for many years as you can probably see from my age. I'm here to speak to this overall issue I know you have a difficult decision. Your job is to make a wise decision based on a lot of input a lot of which is very good. My job is to say something that might sound intelligent enough to be considered when you do make a decision. I had spoken previously and I appreciate you deferring your decision February 12 to take more input on this issue. I had spoken about reducing impact fees. I believe the level has been too high. I think that is the case. However when you have an impact fee mechanism if that's how you fund infrastructure, lowering the impact fee or removing it completely lowers the county's credibility with lenders, creditors, impact fee credit recipients. It has to be considered very carefully. Commissioner Kiker, at the last meeting hit the core issue of this that impact fees are too high when you look at the overall level of standard stabilized building in Lee County. That level hasn't been reached to date. That staggering the fee based on some kind of economic activity or time to bring that back if it's reduced makes a lot of sense. I have some slight differences though. I think that's a wise direction but construction activity is basically based on the laws of supply and demand, not impact fees charges. However there is a level that's reasonable, whether it's 5% of the cost of a product or whatever. We have exceeded that greatly over the years. I would suggest you reduce the impact fee 40% to 60% and bring them back up with 10% or \$1,000 or \$750 increases every six months stabilizing the market and give people an incentive if you want them to buy they will have an incentive to buy before the next increase. I can't tell you the massive overbuilding we experienced resulted in a glut of housing supply, foreclosures, lack of financing, those are the reasons we have such a poor construction market, not high impact fees. People would generally agree if your waiter tells you he's married to the manager of 509 chain restaurant and they bought a \$175,000 house they flipped for \$350 and are now selling for \$600,000 that something is wrong with the market. When your friends in the insurance business for high end net worth are shifting their business from lawyers and doctors to people in the construction business and concrete and plastering something just seems it's out of whack. Again, I would support a decision to keep impact fees, reduce rate, support growth and development. My father after the last meeting or before the management planning committee passed away. I would like to him typically for wisdom on this issue. He enjoyed Lee County, loved Lee County. He would thank everybody here who was a public official or in some way created an atmosphere where Lee County

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through from 30,000 to 600,000 people. He was able to support his family and develop in San Carlos parks with 8,000 residents and hope that you understand that the building business is basically how much down, how much a month. It isn't really directly related to the impact fee. I thank you for the time. I hope you make a wise decision. A gradual increase but not back to the levels they currently exist.

Chairman Pendergrass: Thank you. Sorry for your loss, Alan.

Good morning. I'm here to appreciate the idea that Lee County wants to be competitive with other surrounding counties. There are so many of them that have done reductions and investors do make decisions with their pocketbooks. We need to be competitive with other places to put people back to work. I'm here to talk about development for regional impact. I agree with Russell Shrapp when he says we should extend the life of impact credits and proportion share offsets. Sometimes most paid up front and they don't get impact fee credits but justify set on shares. I would ask you to extend credits for two years and dear eye off set in shares. In your ordinance that has headings or titles to say where it applies in the up incorporated area or countywide there is case law to suggest titles don't count. If we Claire I know in the body of the ordinance to avoid any confusion on that. And again, because dear eyes have already paid in most at the higher level but they'll only be able to use the offset at a level commiserate with what you do, I would encourage you to include a measure to get credit for impact credits so they remain competitive. A lot of your best communities efforts, folks here, those are all communities part of dear eyes and they have paid their money up front so I understand their position. We ought to be able to make those developers whole and because dear eyes paid up front they obtained condition current investment. I would ask you to consider for two years the concurrency vesting. Thank you.

Chairman Pendergrass: Thank you. John Sullivan. After John will be Bill Ryan.

Good morning. Just to make it clear I'm not here as mayor but a resident of Cape Coral/Lee County. I wasn't prepared to speak to this issue this morning but after listening to the comments, several thoughts crossed my mind. I think we're maybe trying to shoot a rabbit with a Howitzer here to get your attention. I think you are looking at two problems. Two different issues. You are looking at commercial development and building homes. I think they are two different animals that have to be treated in two ways. I don't believe that anyone moves to Lee County or would stop them from moving to Lee County because they have to pay impact fees. I came here eight years ago myself. I looked at services provided, public safety, I was looking for a good roads, sunshine and I wanted to be near water. I don't think that's going to stop anyone from building a home because they have to pay an impact fee. I think everyone realizes they have to carry their own load and pay their own freight. To U.S.S.

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spent the impact fees for two years I think is a mistake. The other side of the coin is commercial development. Commercial development might be a whole different ball game because of the fact that impact fees can be extremely expensive costing \$3 million depending on what the situation is. Whoever owns a business wanting to build in an area also understands they have to carry their own weight, as well. Standing here listening to the commentary I thought a piece is missing here. The peels is maybe they should be treated in a different way. Commercial rather than hitting them with an impact fee amortize it over 10 years. That might make it more palatable for a business moving in here that's looking at a huge bill right from day one. I don't believe the average homeowner that the impact fee is going to stop them from coming here. I think they are two different animals. We're trying to paint the same picture for two different situations. Take that into consideration. Think about it. I don't believe this is well thought out and needs more analysis and more logic and a little more constraint. Thank you very much.

Chairman Pendergrass: Thank you. Bill Ryan, please.

Good morning, commissioners and fellow citizens. We are here today and the burden of the decision falls on five individuals. When I spoke last month, I suggested that possibly you take a cross-section, representatives from horizon council, have the building industry, from the realtors, and even some of the homeowners and let them come back to you. Because one thing I want to assure everybody in the room, we are all interested in the same quality of life. We all want to see our children grow and grow professionally through proper education. We don't want to discourage tourism not having roads or good beaches. But one thing that we all seem to be in conflict over is the funding mechanism for the infrastructure needs we're going to need not only today, but in the years to come. Under impact fees the money raised can only be used for new infrastructure. One of the difficulties I have, you heard me speak last time and I called it a discriminatory tax against construction and the next generation. Because it's a flat fee, a guy spending \$14 million on the southern tip of Cape Coral is going to pay basically the same fee as someone building off at water. That might be your son or my son or my grandchildren. The difficulty today and it goes back to Frank God and the legislation they put through that turned the housing market upside down years ago is the fact that now funding is very difficult to come by. I suggest and I pray that you look at a sizable reduction. I don't think it's realistic to try to get 100%, I have fought for it for 30 years and don't think it will happen. If you take a two-year period with an 80% reduction and put together a group of people that have some knowledge and come back to you, you are only five people representing the entire population. Let them work out the details. I'm not suggesting in any means, I don't want to see a valorem go up but there has to be a mechanism that will

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work as well as impact fees and provide money for new infrastructure but also the retrofits we'll need at some point in the future. Thank you.

Chairman Pendergrass: Thank you. Next speaker Sonny Hawes followed by Ray Allan.

Good morning, Commissioners, Sonny Hawes. This meeting is being played out like it's against two special interest groups and it's not. It's for the record the strongest with biggest special interest group in Lee County is the Estero Community Leaders. The building association represents our biggest industry, the construction industry. It's about jobs. Your decision today hopefully to suspend, reduce the impact fees for a couple years will simply stimulate our economy and put people back to work. As most of you know I represent -- Portables, sanitation. I was at their gala event and Saturday I was at mine and Bradenton giving back to their community. That's all the building association has ever done and is still doing under these hard times. This is simply about jobs. For the record for everybody to understand, I know I represent my company, my family and these people in the county, the building association is suffering from deflation. We need to bring the prices up. We're not keeping up with material costs. We need to find a way to bring our prices up and be more competitive. We put people to work. I put more drivers on the road. Kenny Wallace sells me more trucks. We fix them and buy more fuel. 80% of the septic tank service folks come to our station. We all reciprocate and make money and help each other. We're supposed to. I ask you do the right thing, make the right decision and give our number one industry. We don't need a port, or a railroad. We need to put people back to work. We put people back to work everybody including mama is spending money. Thank you.

Chairman Pendergrass: Thank you. Next speaker, Ray Allen.

Good morning. Thank you for the opportunity to speak to you. I'm the president of the Collier building association. After listening to all the comments that have come through this morning there's an if I in it number of Wall Street this argument can be phrased and battered back and forth but I wanted to touch on two points. Builders and developers are not a special interest group. They represent our community. Their spouses work in the restaurants, our children go to our schools and they aren't a special interest group. These expenses go through to whomever buys the product and they are applied in the commercial as well as the residential arena. The other thing, I wouldn't argue about the correlation of studies as to the relationship of the economy and impact fees and other communities. I think the argument is specious. We are unusual in Lee and Collier County. I would leave it to common sense. When the median home price in Lee County is approximately \$150,000 and impact fees are nearly 10% of that, that impacts the sale of the product and everything. I hope you support the reduction of the impact fees. I think it would be a boon to our community and the right move.

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Chairman Pendergrass: Next speaker, Bob Knight.

Greetings, Bob Knight, vice-president of Paul Homes. Also today representing myself as a residents of Lee County. Yes, we vetted this out as far as to keep the impact fees, get rid of the impact fees. What I'm most concerned about is what are we doing with the county as far as we continue to dip into reserves to operate. I look at the reduction of impact fees as an ability to accelerate the completions of certain jobs. When the job is completed now you accelerate the ad valorem tax on that piece of property. That's what you need to drive at now. We are on our own. You'll have no help from the federal or state government. We have to do at this time ourselves and dig out ourselves. As far as the media thing we have increased greatly, when you increase from 10 to 12 houses that is an increase. But we have not reached 9199 -- 1999 rates of permits. You have nothing to lose because you're not really bringing in many impact fees right now. You have that opportunity if it works these projects can be completed, the commercial projects are what you are out after also adding to the ad valorem stream keeping from tapping the reserve. If you exhaust the reserve it doesn't make any difference. This entire county of residents will pay more property tax regardless of what's going on in construction. Please keep that in mind. Thank you.

Chairman Pendergrass: Thank you. Stephanie keys and then Bill.

Good morning, Stephanie Keys representing over 4400 members of the realtors association of greater Fort Myers and the beach. I'm the director of public policy. With me today are some of our leadership team. I would like to ask them to stand or raise their hands rather than each of them come up here. And some of them have been here before and you know most of them. The realtors are as one gentlemen said not a special interest group but builders of the community. They are the experts on housing. And your neighborhoods. The facts and figures that some people have been stating are just not the case. Lee County is on the precipice and on the edge of possibly taking a step in the right direction but we are far from full recovery and going gangbusters. These people are literally taking a 10 to 15-year reduction in their lifestyle quality of life. Their take home pay, salaries, incomes. Same with the builders and contractors. It's not a situation of us versus the others. These realtors are the ones that sold those folks in Estero their homes. Many of the folks in Lee County have bought other homes, they have bought move-up homes. They have paid impact fees more than once, possibly two and three times. So, there is no question that and I know Commissioner Kiker spoke to the Estero council the other night and fairly stated there is no question Lee County's fees are too high. Staff has admitted it. It's in the record. There's no question that that Theston Council also supports the same position the realtors support which is either suspending or substantially reducing the fees. You heard from several members of the horizon council including the chair today. You had members here in the past that did say if these fees were

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reduced there would be additional large commercial projects coming our way. I feel you all as members of the horizon council should certainly pay attention to those facts and figures. We also saw today unfortunately, in the newspaper that some of the impact fees were transferred out of district that possibly should not have happened. Again. Perhaps more oversight, perhaps a budget director that would be in charge of looking at all of the fees, the revenues, how the use of the reserves should be used, how the use of all of the county's money could be best used and efficiently. For all of those reasons we would respectfully request you either suspend or substantially reduce the impact fees.

Chairman Pendergrass: Thank you. Next week, Bill. -- next speaker, Bill. After Bill is Michael Magney.

Good morning. Thank you for your time. I'm Bill Spineli. I've been a southwest Florida builder for a little more than 20 years. I live in Collier county. I'm currently an officer with the greater chamber of commerce in Naples. I just want to share I genuinely appreciate each of the commissioners time invested into reaching out into the community listening and learning about this issue to take a pause and come to a good decision. I heard one gentleman today that I think really hits the core of what's going on. In Lee County, there are approximately 60,000 people that are unemployed or underemployed. There's a bunch more in Collier County. For every person that came up here today and started talking about these high taxation policies and other considerations, I didn't hear anyone talk about what will we do to help people get a job and save their home. I think the commission is moving in the right direction with policies to help people who live here and have better employment for people who live here. I'll go on to say your discussion has prompted the discussion to come up in Collier County. In cooperation with a more regional approach and good work at the horizon council the support of our local universities we appreciate your choice to act. We respect your decision to listen. To do nothing is to avoid the problem. A full moratorium is probably going too far. A temporary significant reduction does creates reason and creates jobs. Thank you phenomenon your time.

Chairman Pendergrass: Michael Magney. After that is Joe Mazur.

Good morning, Commissioners, I apologize for my hand writing. Let me make it brief. I support the impact fees. I remember I have been in the construction industry for about 25 years. A number of people suffered even in the very good times. Impact fees allows them to buy a home, build a home. That's true today, too. By suspending or reducing impact fees it will allow them a better opportunity to build a home that puts people to work and that's really what it's all about right now. Putting people to work. Thank you very much.

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Chairman Pendergrass: Thank you. Jo and after Joe Richard Durlin.

Good morning, speaking just as a citizen as an elected officials through the '80s and '90s I was known as the father of impact fees and I've learned a lot about them. I've gone to court to defend them and defended them against the building industry. You can talk about the revenue streams in the best of times and the best of revenue. In the worst of time, they are the worst of revenue. Collection of impact fees or moratorium will not stimulate the construction industry all by itself. If it would you could have made this decision three or four years ago and alleviated the last three or four years of paper. But we believe it will increase the momentum we have just started to build in the construction industry here in southwest Florida specifically Lee County. But as a student of government more than 35 year student of government and teaches public sector budgeting at the graduate level I want to you consider this, no one has asked to you consider this specific issue, talk about and determine and think about the value of a one-time revenue source, restricted revenue source. Think about the value of that and the elimination for a small period of time against the advancement of a recurring revenue stream without the same restrictions. That's the issue in front of you today. You forgive or reduce a revenue of impact fees for a limited period of time with the hopes of advancing the collection of ad valorem taxes, state shared revenue and new construction revenue streams. Those are the answer to your \$28 million problem with the budget. Impact fees are not the answer to your \$28 million hole in the budget. You give up something to advance something that can fix your problem. That's your decision you make today. That's the financially prudent decision to make and I hope you all vote for. Thank you.

Chairman Pendergrass: Thank you. Richard Durling.

Good morning, for the record I'm Richard Durling, longtime resident and builder in our county. I'm here before you one more time to speak in favor of an impact fee reduction or moratorium. I won't repeat the facts that were brought forward today, but I do want to point out a couple of facts I can speak to directly. The first is lost jobs and lost construction here in Lee County. I have two clients that have gone top Punta Gorda Charlotte county because of impact fees. That's a fact. Two is not a lot but I'm a small builder and we multiply that by other builders in this county and it can be a significant number. Their decision was directly tied to the fee they would be paying for the privilege to build a new home that I'll remind you is more hurricane proof, more energy efficient, more fireproof and brings in higher tax dollars, as well. All benefits to this county. More importantly, it generates jobs. Now the subcontractors in Charlotte County are the ones who will derive jobs from those two new houses built up there. Their impact fees are 1/10 of what they are in Lee County. Speaking of percentages a previous speaker spoke to this. But a medium home price of \$150,000 the impact fee is 10% of the cost of the home. It's a significant amount of money when it comes

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to qualify a person to build a new home. It is a deterrent from people building which is a deterrent from generating new jobs here in Lee County. There was also talk about we're on the recovery, we're booming, building. It's not thousands of houses being built as a previous speaker alluded to. It's a very small percentage. Fact is last month it was report that last month was the lowest number of permitted residential homes in the recorded had I, in the records that we keep, which is very significant issue that you need to be aware of. So, again, I would encourage you to vote in favor of this reduction. Most importantly it will bring jobs to Lee County. That's what we need. The citizens here in Lee County need a break. It's been many years since we have had an economy stimulating new growth and jobs and that's foremost the most important thing. I ask you to goat in favor of the reduction or suspension. Thank you for your time.

Chairman Pendergrass: Next. Heather Mazerkowicz. I have no other cards. If there are any please bring them forward.

Thank you. I'm here on behalf of the building industry of lee and glade county. I wanted to bring up something else that nobody has talked about. We are a part of the community. The builders in the worst economic time they have gone through have given back \$2.3 million in projects through the giving arm of the V.I.A., called builders care. I wanted you to understand that. In the last six years in the industry hit the hardest here we can all agree to that, our industry has given back to the residents of Lee County \$2.3 million in projects for families in need. I felt that was important to put on the record. I thank you this morning for your time and look forward to your vote in favor of a suspension.

Chairman Pendergrass: Any more cards? Thank you. Patty Ludwin.

Good morning. I'm a resident of Bonita Springs and lived there over 20 years. When we came down to Florida 20 years ago, my husband came down first and he says we're not, you're not coming. There's nothing here. I said we will grow. I am one of the little people. I'm also a woman voter. Jobs. I want to talk about jobs. I have experience with losing, being laid off from my job three years ago. I worked for an insurance agency, one of the top producers in the company. And I was laid off after 12 years because of the economy. I started my own insurance agency. I was elected to represent vice-president of Florida Homebuilders and I am proud to see what we have seen in the years I have been in Lee County. Impact fees affect our citizens. If you represent the citizens, you will vote to suspend the impact fees. I have seen many commissioners over the 20 years come and go. I see a lot of smart commissioners before me. I would appreciate you to suspend, get our economy going. There is about a dozen other counties around our state that have suspended the impact fees for two years. Let's get

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people back to work. Even our governor of the state of Florida says let's get back to work. Let's vote to suspend the impact fees.

Chairman Pendergrass: Next speaker, Nancy Williamson.

Good morning. Thank you all for being here. I'm Nancy Williamson, a realtor from Lehigh Acres, Florida. I'm not standing here representing greater Fort Myers and the beach. I had no intention of speaking today. I would like to address a couple of things. I think it's wonderful that Bonita and Estero and Mayamar homes probably in the \$600,000 range. In Lehigh acres it's \$60,000 range. I would love to retire. People talk about taxes being affected. As a realtor in Lee County, I'll never be allowed to retire. It just isn't going to happen. I do believe it should only be a two-year whatever you want to do. I'm sure your minds are made up so thanks for listening. I do have friends who are contractors. I do know that they have had to let people go. I know that's been a reason for some of the foreclosures because people have no jobs. They're leaving. Why should they stay. I also believe that while they say we are on the way up I do believe we are on the way up I specialize in foreclosed homes and sales. Guess what? They're coming back and I'm getting several of them. The reason the values are going up is because we have a shortage of inventory. I'm all about that. But when we run out of inventory because they can't afford go build homes we're going to be in trouble then growth ends in Lee County. That's all I have. Thank you.

Chairman Pendergrass: Thank you. Any other cards or speakers before I close public hearing? At this time the public hearing is closed. Come back to the board for discussion. Commissioner Kiker.

Commissioner Kiker: If I may, I would like to thank everybody who came here today to speak to the board and in the past meetings we have had. Thank you for your patience and the professional way you have displayed your choices and the respect you have given each other and to this board. I'm going to recognize both for the folks that are for and against the subject and have said so in the past in many e-mails and documents that they forwarded to the board and the many phone calls evidence that. We have had a few and working with a lot of the local grams and also thank the staff for the hard work they have done on the subject especially recently. Thank you for that. Since I have been on board with the Board of County Commissioners, this is the first time we have had a subject that has required this much conversation and investigation. I want to recognize the other board members here for the individual effort that you have given to this subject. As this board as an entity, I have viewed what I would reference as restraint on the board's half to not vote 30 days ago and go back out and listen to folks. In our last meeting, we discussed many alternatives we have heard tonight including moratorium and complete suspension of this. At that time in conclusion the

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board gave direction to both legal and to the staff to reduce the impact fees and come back with an ordinance. In reference to the ordinance as written by our legal staff, I would like to proffer a motion to adopt this ordinance pertaining to impact fees in Lee County reducing the rate of the collection of certain impact fees for two years for the amount of 80% for two years starting 3-13-2013 and ending 3-13-2015.

Commissioner Mann: I second that for the discussion but I ask him to exempt prior impact fees and impact credits brought forward to us today.

Commissioner Kiker: If I may, I believe that is part of the ordinance as written, but I would include the extra language as produced today. I would amend my motion to say that.

Chairman Pendergrass: Motion on the floor. Any discussion?

Commissioner Mann: Well, yeah.

Chairman Pendergrass: Commissioner Mann.

Commissioner Mann: My first comments are not directly to the motion to come of the comments that were offered this morning. And it's to those who were kind of hard on the building industry. Anybody here today that has followed this issue at all knows I don't support the motion or the concept of a suspension and I have not and I have been fairly vocal and obvious about my opposition. But it is unfair and I wish we hadn't gone there to single out particularly the building industry as part of an evil empire for whatever they are trying to foist upon the poor citizens of Lee County. Every one of us here today needs a roof over our head, a hospital, a grocery store, the church, the roads, the schools, we need all of that and the building industry is simply responding to a demand as are realtors. It's unfair to single a group out for any kind of evil intention here. I'm sorry we had to go there. I wish we had not. I can take plenty of time to oppose their reasoning and their logic which I will add here center a few moments. -- adhere in a few moments. I speak as a son of the first president of the local building association, George Mann, my brother. My only brother runs that business today. My brother's son is also a registered general contractor state general contractor. These are all decent people. Let's keep -- I'm asking everybody keep their focus on what we're talking about. We're talking about taxes and how we make a fast-growing area a quality of life place and how we pay the bills and what is the fairest way to do it. That's what we are debating not whether there are evil people in here trying to take advantage of some unsuspecting county commissioners. I'm sorry to have dragged that out. I thought it was important to share with everybody. Growth requires infrastructure improvements. Let me go back and focus if you want to take a break that's all right. I'm going to take a couple minutes. This is critically important with implications for the future are critically important. So I think it

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needs to be discussed and we should share with the world what we are thinking and with each other. We haven't had an opportunity to really figure out where we are going here. Somebody has to pay for the roads and the schools. The parks. Everything that is a part of growth. Before the recession sit 2006, 2007, pick a date, before the recession hit over the previous decade we had grown by 100,000 people here in Lee County. 100,000 people. That's a creation of a brand new city larger than the average city in the United States of America today. It requires a new school, two middle schools, four elementary schools. It requires fire stations, it requires a police station, parks, roads, all of the things we have been talking about. Somebody is going to pay for it. It's been my experience working in government to learn about 35 years ago the legislature and a lot of local governments concluded that growth was not paying for itself and the taxes and I can clearly document this in any county the taxes continued to creep up with all that growth. Wow, growth is not paying for itself. Even without Thomas Edison we invented impact fees and they came back in the mid '80s. It was a wonderful tool to help growth pay for itself. Because if all these schools and fire stations and police stations were not paid for by the people coming here than you and I will pay for it. That's why we invented the impact fees and it's spread the burden over lots of the in if you folks, thank you very much for paying when you came in here. Because clearly the improvements had to be made or our quality of life would have been a joke here and nobody would have wanted to come anyway. We come here because it's a beautiful place. I don't think, frankly, impact fees being \$5,000 more or less, I'm sure you are telling the truth and can show the example of somebody moving to Charlotte county to save \$14,000 or \$12,000 whatever the difference was, but I also know that the clear numbers over the last five or six years where Charlotte county has virtually for all comparable purposes no impact fees and Collier county has very high impact fees and we're leaning toward Collier but more in the middle, the fact is the lowest impact fee is Charlotte and they're not producing any houses, virtually none. Collier County with the highest impact fees is leading particularly in the high end. Let me share there are. I have taken some of the same numbers you have, Commissioner Kiker. I've simplified this. I have only used two charts. I'm sorry I don't have this. I'm trying to talk these people into common sense.

Chairman Pendergrass: We have it thank you.

Commissioner Mann: You don't have this one. I just got it this morning. It talks about impact fee levels and the number of permits I should. It's a simple comparison. The logic the reason we are having 24 discussion -- this discussion, point being made, impact fees are the reason that the construction permits have collapsed. That is not the case. I have to keep reminding folks, smart folks, we have had a recession here, the worst in the history of our lives. Everywhere in the country housing starts are down, particularly where we were so overbuilt

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as we are here in Lee County. There's nothing you can do with impact fees that will deal with 25,000 foreclosed homes on the market today. If you can buy that house for \$100,000 or build a new one for \$200,000 without an impact fee you're going to buy the \$100,000 until they are eaten up, gobbled up it's a specious argument. I love you and say are you not an evil empire, but I disagree with your logic and no one has come up here all morning long and talked about this oversupply of homes. Until we deal with that and we are eating away at it and we're making progress, Randy, he's my friend on the other side of this, he thinks I'm the evil empire. But I want to quote some of the stuff that came and you all attended I think four of you did. We had the market watch a couple of weeks ago. I apologize again, folks, but this is important. Market watch. They gave us a packet of goodies and I opened it and started making notes about all the speakers. There are three excellent ones including Mr. Tabo. The one that opened the meeting was the publisher Leah Chan. She was doing a welcome speech. Prices are up, inventory are down. We are nearing the end of the inventory I was talking about. Prices up, inventory down. Danny Grimes, as sharp an aggressive realtor as there is in Lee County and probably in Florida today, he showed us a bunch of charts. Every chart he showed positive growth in the last two years. We hadn't monkeyed with impact fees except reduce them by 25%. He said there's a growing demand for new. My notes from that meeting. Demand for new construction 150,000 new house market is ready but needs financing. The Federal Government made it harder to borrow money because we were loaning money six and seven houses at a time with no down payment and we wonder why we got in trouble, why we were overbuilt and so many foreclosures. The Federal Government finally agreed on something Congress said we shouldn't be doing that. They made it tougher to borrow money. Randy is one of the leaders in the industry. A successful businessman works with development all the time. He says there are new homes and new residential development. Everybody sees the positive signs. And he speaks to Collier single family up 50%. Land doubling and tripling in value. Lee single family up 49%. New permits. Multifamily up 33%. The locations in Bonita and Estero, really up. Lee County will be the place that attracts buyers of affordable homes. \$100,000 to \$150,000. He made reference to watch Lee County and Cape Coral trigger again. He did have to point of the that Charlotte was the exception and they were down 9%. Charlotte with the lowest impact fees in southwest Florida and some of the lowest in the entire state of Florida. Their construction went down the last two years. Buyers know we have hit the bottom and we're on the way back up. That's wonderful. Builders, national builders stock somebody pointed out was rising, the amount you pay to buy their stock. Stan stouter -- I'll bring this to a close here pretty soon, but I'm having too much fun. I don't get to do this very often.

Commissioner Hall: What do you mean? Every week.

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Commissioner Mann: Failing domestic policy is our biggest threat, the Federal Government and loosening money. Six houses with no down payment maybe there is something required but he also points out that Florida is the fifth best state of all 50 states to do business in, period, across the board. The fifth best. Collier marketing pointed out the hottest of three down here right now. I point out that Collier has the highest impact fees. The very newspaper that covered this event that they co-sponsored the next day their own coverage, boom time on the way back, home building on the rise in the area. Real estate professionals note. The home building party is just starting to rock in southwest Florida after seven years of hard times. Then there's a chart down here that shows all the building starts except Charlotte county. Two weeks earlier housing market, same paper been housing market brings relief. February 16. It's a lot more fun giving presentation here says chief economist and national consulting director. There's been an absolute dramatic turnaround. W.C.I. communities, 461 new home sales. 461 brand new home sales. You know why people come here? I pulled this for fun the other day. This is a chart of all of the golf courses in Lee County. There's 46 of them you can play at. Pay your fee and play. We also have the weather that you may have noticed. We have just one fantastic quality of life. Also fine schools, a university, a great four-year state used to be community college now Edison state college. We have an airport, an interstate. I will throw in baseball as controversial as that gets. There's a quarter million people go to the baseball games down here in the spring. This is a good place to come. And also the performing arts hall where a quarter million people attend every year. Lee County has so much to offer. \$12,000 on the impact fee is not the reason people decide not to come here. It's a wonderful mace. It has a great quality of life and we have a balance in the way we pay for things around here. The impact fees play a role and they are not -- a major role and they are not the reason the industry collapsed. There was a recession. We were at the epicenter and still are and we are on the way up and everybody agrees on. I apologize one more time. But it's a great place and we're coming back and coming back strong. At a time when we desperately need these resources to maintain that quality of life, this is the wrong time to throw it away and take a giant leap backwards and God knows where we go from there. Frightens me to think about that. I'm proud to serve on this county commission. I'm proud for my predecessors the way they have done everything I talked about. People present, make tough decisions. I'm through preaching now and once again welcome -- [Applause]

Commissioner Mann: Thank you very much we don't allow clapping.

Chairman Pendergrass: Commissioner Hall is next.

Commissioner Hall: Thank you for sharing all that information with us. I have a couple questions for Pete first of all. Pete, staff gave us an impact reduction scenarios. Using simple

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math I want to make sure I added it correctly. 80% reduction from 1112 and times it by two that will give me what we are reducing in potential revenue for the two years am I correct?

That's correct. Fire and E.M.S. you wouldn't take.

Right. The county portion of impact fees. What we are looking at for two years it \$5.1 million over two years of potential impact fees. I wanted this to be part of the budget process. I wish we would have done it last year, but we didn't have our two new colleagues with us. What I hope we could do going through the budget is look at how we'll make sure projects don't slip. It's not a great deal of money but it impacts Fort Myers Beach and dollar amounts we have made to municipalities and other communities. I want that to be a priority to look back at with I projects will be pushed back and how do we keep them moving forward. It would be interesting to see how we do that. This board hasn't had the wherewithal to keep us whole with revenues. Councilor Manning, you and I have been supporting a budget and I thought the same revenues. If we may see an increase in value, that to me is still a tax increase. I hope we stay flat and I don't know how we don't take in the increased revenues. Secondly, on the letters we got, commissioner Pendergrass is the chairman; not Commissioner Manning since November. Thank you. Put specific language in her letter that I wanted to make sure -- I tried to compare it during the comments. Her language to what you all have put into the ordinance. While Commissioner Kiker's motion includes in general that language I want to make sure we are not skipping anything. I know of we have shared the credit issue, but Neal has six points dealing with D.O.I.s. I wanted to make sure it dealt with the D.O.I.s and credits.

I need clarification on the motion. It was my understanding that the motion included the two-year extension of impact fee credits outstanding. I wasn't aware there was anything else included in the motion. No. There was not. If I could address Neal's letter. I have reviewed it. There is one item that is not included in the ordinance as I have prepared it other than the two-year extension of impact fees or outstanding impact fees and that is the issue of dear eyes in unincorporated Lee County that have prepaid assessment to address impacts. I believe we can put in a provision in the ordinance that would I hesitate to say compensate, but compensate them for any development that occurs within this two year reduction window such that perhaps we can impact fee credits for the 80% not being collected and they can use those within the district. What happens with those D.O.I.s they pair a share. It impacts fees and it's useful within that project. Within the two year period anything that gets developed they are not able to get the full benefit of that proportionate share payment.

Commissioner Hall: I ask that be included in the motions.

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If I could read that into the record.

Commissioner Hall: Thank you.

D.O.I.s in unincorporated Lee County that have prepaid proportionate share assessment in full may receive road impact credits for permits obtained during the reduction time frame equal to the difference between the actual fee collected and the fee set forth in the schedule in the land development code. The road impact credits will be available for use in the road impact district of the D.O.I.

Commissioner Hall: Thank you. Then I wanted to make sure that the ordinance that the staff will direct lively report back to the Board of County Commissioners and you have at the end of a 12-month period, am I remembering correctly? Are they going to report permits? Unemployment? We have two issues we are asking for to see what the impact of the reduction is.

The provision that I have prepared says kind administration will collect data during the two-year reduction period and will update the board on various economic indicators including but not limited to employment, taxable sales and permitting activity at the end of the first year.

OK. Who is actually in charge of making sure that data is collected and not a rush at the 11th hour to collect that. County manager? That should be able to be enacted immediately and come back to us to describe how they'll capture that data for us?

Yes.

Commissioner Hall: I appreciate that. I want to thank everybody for coming. We have heard a lot from all of you. My office has received hundreds of e-mails. I didn't support a total zero because I think it's dangerous to go to zero. After looking at all the information that's here, my biggest concern is we move forward with what the county has done. I'll share two disappointments that will dishearten a couple in the audience. I was disappointed at the council position. It didn't go to council, but the executive committee and I was there when they decided to support the impact fee as was commissioner Pendergrass. I was shocked at the discussion that went on at the table how they would decide their support or not. I have been participating committee meetings and I would like to see more dialogue, Doug. Russell brought forward his concern about impact fee credits and it was pushed aside. There was no discussion. Know that's a good point let's go back and put our heads together and make sure what we are advising the county commissioners on is appropriate. This was coming fast and furious, I recognize that, but when we ask that committee to review the issues they have to

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step back from their industries and look at what the objective is there. I'm disappointed in staff for not providing them with information or having Mary make a presentation to them. We have had to slow the process down because of the input from the community. That organization is the community of business leaders. Again, I'm disheartened how much work I have to go through to find out where these recommendations are coming from to know they are not vetted in a comprehensive manner. They are reacted to a bunch of people swaying and a vote wasn't really taken. It concerns me, the process. I would have felt better about it probably had I not been at the meeting to see how they got to that conclusion. But I hope we can work closer with the executive committee like the subcommittees are doing. We know a lot is getting vetted through committees doing through arduous situations but I didn't see them go pack and discuss this with them. It's an executive committee recommendation not an horizon council recommendation. I'm going to support the motion and hold this board's feet to the fires that we are the takers of how this moves forward and we need to put out information to the community and make sure that information is accurate and concludes sieve. I know with this time frame with the building industry and Richard and I have had conversations about this what do you want to do? Fees aren't going away. Mobility fees, impact fees, developer fees as we do in utilities, we still have to have these fees. I hope under Heather's leadership at the B.I.A. you'll form a committee to work with us to see how do we want to move forward so before we get close to the end of the two-year reduction we have an opportunity to vet out where we are going. Lee County is a productive community. I believe in my travels in the state one of the best communities, phenomenal cities and this is what we have to work in tandem. I hope if the B.I.A. with the Cape Coral industry we'll reach out to the five cities to have recommendations there as well and the school boards all these decisions impact all those agencies. Thank you for the time. Commissioner Mann, thank you for your passionate speeches. I know this is a disappointing vote for you. I was happy to stay the entire time of your conversation and not cut you off and leave. I welcome the next sermon, as well

I have a few words to say. Commissioner this is a very important issue. Before I was here as a county commissioner and a citizen. I'm not a builder or have family in bills but I have seen what's happened in the last five years people out of work, under employed. This is to increase the tax base in Lee County. Other than what Joe has suggested is creating more tax base. Protecting environment and quality of life I could stand with Commissioner Mann but looking at the facts the numbers speak for themselves. The school board talks about increasing 100 seats a year. They could work 12 years and not fill the schools here in Lee County. Lee County has a reserve to do that. The schools are not closing. There are plenty of schools. There's plenty of golf courses. But guess what? They are \$3,000 now. They'll give you a membership to pay the monthly dues. There's a reason for that. People left. Creating policy or

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jobs here in Lee County? I support the motion. Mr. Chairman, unless you offer an amendment, strike 80% and insert 50%. No more speeches. Pretty simple. Instead of an 80% reduction a 50% reduction. Something to think about.

Chairman Pendergrass: On the motion?

Commissioner Mann: Offer an amendment to the motion? Any discussion?

Commissioner Mann: I think it dies for lack of second.

Commissioner Hall: Yeah.

Commissioner Mann: Thank you for that opportunity.

Chairman Pendergrass: Discussion, objection?

Commissioner Mann: Yes.

Chairman Pendergrass: Motion carries 4-1.

Commissioner Hall: Mr. Chairman if you could take responsibility to work with staff before June to how the 5.1 million will affect those capital projects so we know where we are at.

Chairman Pendergrass: Thank you.

Commissioners, just a moment, please. I have a housekeeping item I have to bring before you. It has to do with a motion and a second we received at the first public hearing of this

Chairman Pendergrass: Can we take a five minute break as the room clears? Thank you. We'll be adjourned for five minutes.

Chairman Pendergrass: We will reconvene, march 12, 2013. If you could silence phones in the audience. Staff. Donna Marie.

Yes. As a follow-up to the ordinance I want to follow U.N. on direction the board gave on the February 12 public hearing for the impact fee ordinance. There was a request any impact fees collected between February 13 and today be held in escrow and either fully or partially reimbursed depending on the action today. I want to put into the record that school, road, community park and regional partial impact fees collected will be partially reimbursed to the pay's on record, 80%. Any impact for school, road, community park, regional park will be reinstated in amounts that reflect the adjustment to impact fees and finally the administrative

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fee for school road, community park and impact fees will be assessed based on the percentage of the impact fee retaped by the county after adjustment. That is it.

Commissioner Mann: Mr. Chairman, can you put a price tag on that?

I don't have those numbers available. Perhaps --

Commissioner Mann: Just get it to us. If you don't have it now it's all right. If you are forgiving them somebody has to figure out how much it's going to be.

Chairman Pendergrass: Thank you. Move on to walk on and carry overs. None. Commissioner items. Commissioner Manning. Known.

Chairman Pendergrass: Commissioner Kiker.

Commissioner Kiker: Yes, sir. Apologize. First, I would like to try to achieve consensus with the board. The city of Bonita Springs is requesting that we consider C.R.A. in their downtown area. So if we could direct staff to work with them and then bring back to us either in the form of a presentation from the town and/or the staff.

Commissioner Mann: Let me ask if I may, I don't understand the relationship between us, the C.R.A. and the city. Do they not have the authority to do what they want to do?

They have to get approval from the county because once they set the base for their C.R.A. district, whatever that area is the county's general fund tax rate any increment would go to that C.R.A. No different than what Cape Coral and city of Fort Myers has. Fort Myers has 11 and Cape Coral three C.R.A. districts.

Commissioner Mann: This will transfers dollars at work from the county to the city?

That is correct.

Commissioner Mann: Any growth dollars from this point forward?

That's how it works.

Commissioner Mann: We are frozen. Commissioner Manning, I think we were both here when we went crazy about C.R.A.s springing up all over the county and taking growth dollars. That's when I said growth --

Commissioner Manning: Totally different time though.

Commissioner Mann: And commenting them to these C.R.A.s

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Commissioner Manning: And it worked.

Commissioner Mann: Found out we couldn't today the sheriff's budget.

Commissioner Manning: Not true.

Commissioner Mann: A foot in the door.

Chairman Pendergrass: I request cop accept U.S.S. on this.

Commissioner Manning: If you need a motion I'll make a motion to work with Bonita springs to identify their C.R.A. boundaries and what the increment will be and bring it back for final up or down vote.

Commissioner Hall: I was aware. I don't have a problem with us looking at it and determining what is good or bad. We need to look at it wholly as we sit on budget issues to see what it means to us. Absolutely I support that.

Commissioner Kiker: Thank you.

Chairman Pendergrass: Second to the motion.

Second.

Any cost to the county?

Commissioner Hall: Yeah. Additional revenues from the future. Future C.R.A. will go strictly to that district and we lose those revenues. That's why if we go through and see what the estimation will be we'll have an idea what it will cost us in the future depending how long they want the C.R.A., 10 years, 20 years. I don't think they can go behind 30 years.

I would like to review the cost to Lee County taxpayers overall.

The motion is to have staff work with them.

You this.

Chairman Pendergrass: We need to call the question. Need a vote. It was a motion. Discussion? Objection? No objection. Motion carries.

Commissioner Kiker: Thank you, Mr. Chairman. Secondly, I'm going to play new guy here for a second and ask in terms of process. Last week we had an opportunity to vote on a little bit more than \$1.8 million for recycling cans and it was in preparation for initiative for 2015. I

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was wanting to know if there was a way to bring that back for discussion and possibly postponing spending \$1.8 million until we get our budget and check. I don't know if that's possible, plausible process wise. I have to talk to the attorney here I'm assuming.

Under Robert's rules, you can bring it back the next week if you were on the winning side of the motion and I think you were.

Commissioner Kiker: Yes, ma'am, I was.

You can ask it be brought back.

Chairman Pendergrass: Commissioner Hall was absent and commissioner Kiker was in favor that day.

Commissioner Kiker: So I don't know if that requires a motion or direction.

It would -- are you asking it to be brought back to vote on it again?

Commissioner Kiker: Yes, ma'am, I would.

Then you have to have a motion to bring it back again.

Commissioner Kiker: So moved.

Chairman Pendergrass: I'll sector discussion.

Commissioner Mann: I'll second and vote for it.

Commissioner Hall: That's fine. Discussion if I may? Solid waste is an enterprise fund. Lindsey needs to give us their overall budget and how it's looking. It's not a general fund issue. It's an enterprise fund issue. If we had the who, what, where it would help me.

The other thing I would want to check is where's we are at in the procurement process, make sure we haven't signed any contracts that bind us in the future.

I would assume that.

That's the only way if it's not executed. At this time it would be a motion for reconsideration.

Good morning. We have I should a purchase order for this. As a department to handle, which means solid waste would be placing the order and coordinating that with the vendor where we are in the process I don't know. I don't know what's been communicated to the vendor at this point in time.

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Commissioner Kiker: That was my understanding.

Commissioner Mann: Excuse me. A purchase order isn't a signed contract.

No, sir, it is not.

Commissioner Mann: We have time to rethink this. I think based on have the motion you notify the vendor that we are rethinking this.

We can certainly do so.

Commissioner Hall: Pull back the purchase order if possible and give us until next week. You are saying no. One person is saying yes. I want to make sure there's clear direction.

The request was for Bob to notify the vendor we are reconsidering the vote. The purchase order would not be pulled.

Commissioner Hall: We don't want them to procure that. I'm using the wrong terminology. Don't purchase the containers if they haven't been purchased.

If I can I need to check if the contract has been executed. There's a second part, the contract portion of it. Besides the purchase order portion of it. I'll look at that as well and get back with you.

Do we need a vote on that?

Yes.

Chairman Pendergrass: Any objection? No objection. Motion carries.

Commissioner Kiker: Two quick announcements. First, congratulations Fort Myers beach. They had a successful shrimp parade. And secondly three weeks ago I was invited to be principal of the day at an elementary school. So in return I have asked the principal to be commissioner of the day and he will be joining our ranks Friday. If you would welcome him with open arms. Principal Larry wood. He's going to be addressing the T.D.C. in terms of talking about what kind of influence the tourists industry has on his school. That was it. Thank you very much.

I have two items trying to get an update on the county manager search. I see Christine coming up. I know we were given a way out schedule of a 14-week process. I was trying to find out which week we are in. I have appointments scheduled with staff next week. Trying to find out if that's week one or week three.

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Good morning, Commissioners, Christine Brady for the record. We have been trying to schedule time with our recruiter from Bob Murray and associates Rene Nalock. We were trying to bring her in next week but trying to get everybody's schedules to accommodate has been a challenge. We prepared a memo to send out today with a couple of options for you to review looking to get some feedback in regards to scheduling. As far as the recruitment schedule is concerned the timeline that I believe you are referring to, we're still in the candidate profile development. We're at the point where the recruiter needs to be able to meet with each of the commissioners to discuss what the skills, education, the traits that you are looking for in order to prepare a profile to put in front of you for final approval before it actually gets posted.

I think I'm scheduled it Friday. If there's a conflict I'll change my schedule if it will expedite the process.

We have a memo to send out for you folks today, so we can get additional feedback and times.

Thank you. I sent an e-mail to the board yesterday talking about procedure for handing out letting the board know about commissioner items prior to the meetings here and also the port authority to get feedback from the Board of County Commissioners if everybody agrees with that process or if you want to do something differently.

Commissioner Hall: Perfect.

Commissioner Kiker: I have a question. During the meeting if we come across something we want to be bring up, mention, is that, does it prevent us from having any discussion or bringing up anything new?

Chairman Pendergrass: I don't have a problem with that at all. It's something we talked about.

Commissioner Hall: Best efforts, maybe.

Commissioner Kiker: I don't have a problem with it. I encourage it. I would like to see what's going to happen ahead of time.

Chairman Pendergrass: Trying to make the meeting more efficient, prepare staff, so their aware of our questions and we can move forward.

Commissioner Mann: Mr. Chairman, as long as you understand the spirit in which you are asking this. We have tried this before and I think the commission generally tries to let folks know in advance but there will be occasions and we'll try to limit those.

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Chairman Pendergrass: I have no other items. Commissioner Mann?

Commissioner Mann: No.

Commissioner Hall: I was at the Collier County Commission meeting on Friday and we had a request from Hendry county and glade county to see if we could put together a joint three county meeting to talk about c-43, the property that the county that the south water management purchased in Hendry county and the Boehme county in glade county and have the corps as well as water management makes presentations with staff. I was hoping the board would support that. How the schedules work, I don't know, but if I could work with county administration to put out that invitation and see where it goes. Those commissioners are going back to their board. It was request made to me and I said I'm sure the board won't have a problem with that. Thank you. I'll work with county administration to send out those invitations. Then a quick update I was in Washington, D.C., for a national association of county legislation meeting. It's grim up there be. Of course, the bills going through, one of the bills going through it happens every year is the elimination of interest free municipality bonds. I know you are aware of what that means to county and utilities and hospitals if those aren't available but that's another discussion through Congress. I had an opportunity to sit with our new congressman and he gave me plenty of time at the met with our senators odd other people from the delegation. If we can get a word in at least we can get a pending allocation but it's not looking hopeful but congressman Shuster and there are 18 chiefs reports, a lot of chiefs reports so I'm hoping this is the year we can get it structured. Appreciate the board's indulgence. I apologize for my absence, but I think it was a good meeting. We have a new executive direct of Naco. As we go through our visioning process we haven't done that yet and it's already march but I thought we would reach out to Matt. He was here with the national regional planning council. He's very familiar with this area. He did a phenomenal job bringing Naco back from the brink. We had serious organizational problems. At the last finance meeting he went through the team building process and I thought it was fantastic and targeted. Maybe that's something our staff needs and for commissioners to come in on the last day to see what's happening. We have organizations to reach out through and I hope we utilize them. They are much less expensive than actual consultants. Thank you.

Chairman Pendergrass: Thank you. Commissioner appointments?

None, none, none, none. County manager items.

Nothing. Thank you.

Chairman Pendergrass: County attorney items.

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An update on the mediation from last week. It was a successful resolution. Commissioner Manning did attend on the board's behalf. We will be bringing back a blue sheet next week Tuesday in order for a vote to be taken on that item.

Chairman Pendergrass: Thank you.

Commissioner Mann: I can't believe what we just heard. Successful resolution. We vote for something you recommended next week that issue will go away?

Commissioner Hall: No.

We're going to drop the litigation portion of it and the scientists are taking over from there.

Commissioner Mann: OK. The meeting took place and nobody shot one another.

No guns were allowed.

Chairman Pendergrass: That was the successful part of it.

Commissioner Mann: Thank you. I didn't mean that as a segue but --

Chairman Pendergrass: Anything else.

No, sir.

Chairman Pendergrass: Next the presentation on matters of concerned citizens. Thank you all for waiting to speak today. I have cards here from speakers. If you did not fill out a card you can do so. Thank you again for being patient. Patty Ludwin. She did one earlier. Keith Hanson. [Inaudible]

Chairman Pendergrass: OK. Robert Lawrence.

Good morning, Commissioners. Darlene Murphy has agreed to give me her three minutes and I have lengthy things to talk about, Darlene Murphy.

Commissioner Mann: We didn't do that.

Can't do that. All right then. All right. I have some things here that I'm going to be referencing so if you would like to have them I can pass them out. My name is Robin Lawrence, single mother of two and a small business owner. I have been a resident of Lee County since 1987. Today a committee group of concerned citizens is here to submit a resolution affirming the second amendment of the constitution. It's patterned after one passed in Beaufort, North Carolina and similar events around Florida and the rest of the

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nation. The resolution passed in the city of Marco and Collier county earlier this year in February. By putting this resolution on the march 19th 2013 Lee County Bach and voting by consensus to adopt as written you will be petitioning the governor and Florida legislator to stop government overreach and protect the rights of the citizens of the Florida. I'll read the resolution for the record. Whereas the constitution of the United States provides a well regulated militia necessary for the security of a free state the right of the people to keep and bear arms not be infringed and the Constitution of Florida provides the right of the people to keep and bear arms in defense of themselves of state shall not be infringed except it may be regulated by law and the United States Supreme Court has twice upheld second amendment with the right of individuals right to bear arms district of Klum versus Heller and members of Congress have been reported recently to consider adopting laws resolutions or actions infringing on the right of Americans to keep and bear arms. Whereas the reasons given in support of gun registration banning certain weapons and accessories, restricting the bearing of arms such as excessive restrictions on conceal carry and other restrictions have not been shown by the substantial weight to be effective in accomplishing stated objectives of such restrictions to protect public safety be it therefore resolved by the Board of County Commissioners of Lee County, Florida sitting in duly called session on this day that the Lee County Board of County Commissioners call upon the Florida legislature to nullify the implementation of any federal law executive order to keep and bear arms and further resolved no county resources be used in the implementation of federal law executive order or executive directive that infringes on the right to keep and bear arms. I did it. Thank you very much for your time. Appreciate that. Do you want me to leave this information?

Chairman Pendergrass: If you wish to give a copy, yes.

I'll bring it up. OK.

Chairman Pendergrass: Brian Harris.

Thank you very much for allowing me to speak today. The resolution you have just heard Brian Harris for the record whiskey creek. It's not about gun control or divisive but individual liberty. Politicians in Washington, D.C. are currently devising way to infringe upon liberty that belongs to you and me. Label certain firearms as assault weapons and limiting magazine capacity will not solve violence in America because evidences does not stem from an inanimate object such as a gun or club but the moral decay of our society. The constitution when ratified by founding fathers placed limits on federal authority. James Madison said the powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which remain in the state governments are numerous and indefinite. Samuel Adams in 1772 said among the rights are these. First a right to life, second to liberty, thirdly

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to property with the right to support and defend them in the best manner they can. These rights do not come from government. In fact, they existed before and in spite of the creation of government. Adams' phrase in the best manner they can is crucial to the question of the day. The best manner possible is arms. The pages of history are replete with examples of the examples of disarming the people of their God given right to self-defense leading to death, destruction, slavery and tyranny. Adolph Hitler said the most foolish mistake we would make would be to allow the subject races to possess arms. All cop concerns that have allowed those conquered to carry arms have prepared their own undoing. A right that existed before we created our government should not be infringed is simple clear and defined. The Federal Government has no constitutional authority to meddle where our right to keep and bear arms. This is a local issue. What is more local than the rights of the individual. We as citizens of Lee County and the state of Florida must come together to preserve our natural God given rights. If not us, who? This is a unifying document. By approving this resolution as written we will send a message to our fellow Floridians, elected representatives and all that we will defend our human rights. We expect our legislators to exercise their authority as codified by the amendment. They will have no option but to do the right thing. John Adams once said liberty once lost is lost forever. Let it not be said we did nothing. Thank you.

Chairman Pendergrass: Thank you. Rick Stevens. [Applause]

Chairman Pendergrass: No applause, please. Rick Stevens.

Mr. Chairman, Commissioners, thank you for the privilege of appearing before you this morning. There's been a lot of discussion about important issues today and one you just dealt with is one of the more difficult ones you face. Supporting this resolution is an easy one. You have all taken an oath to support the constitution of the United States. We believe our rights were given us by our creator inalienable not subject to the discussion or discretion of government. We are asking you, our leaders on this level, to stand for us and to say these rights are inalienable and should not be threatened by any force of government on any level. Again, it's an easy decision. It's one we hope you will support. We feed you on our behalf to express our sentiments to our leaders. Why should we bother? If that were the case no one would make a phone call or come before you if you would ignore it. We must assert our voices and we ask you on our behalf to have do just that. Thank you.

Thank you. [Applause]

Chairman Pendergrass: No applause from the audience for the fairness of everybody speaking. Deborah Slovak. Thank you. Mr. Chairman, members of the commission, thank you for giving me the opportunity to speak at this public forum this afternoon. I've come to enact

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the second amendment resolution. Recent tragic high profile events in our country have set our president, vice-president and Congress in motion to propose numerous gun control laws, regulations and executive orders which would have the direct effect on infringing on the right of people to keep and bear arms. The current rhetoric from Washington, D.C. has alarmed citizens causing them to feel the need to arm themselves as quickly as possible should the Federal Government carry through with its proposals. County and municipal governments across our nation have been enacting second amendment preservation resolutions calling on governs and state legislatures to assert power to nullify any federal law that infringes on the right to keep and bear arms. This started when the resolution before you was passed unanimously by the county commission in Beaufort, North Carolina. From that point those passing verbatim or similar resolution is increasing daily. Marco island has passed the resolution you hold and Collier county also passed a second amendment preservation resolution unanimously. You will not stand alone when you resolve to enact this resolution. The good citizens of Lee County will recognize your fortitude to take the right, moral and just course of action, while you will be sending a strong message to our governor and state lessors you spend to protect our constitution and citizens right therein you embolden other counties to take the same step. If more local governments pass second amendment resolutions it will be become difficult for the Federal Government to implement gun restrictions, bans or other constitutional acts through coercion or co-opting of the local government. Today we the people of Lee County are presenting you with this resolution and are counting on you to uphold your oath of office placing this on the formal county agenda and passing the resolution unanimously. Without the right to defend ourselves as codified in the second amendment our rights to life and liberty are also in danger. Thank you.

Chairman Pendergrass: Next John Larson Sodak.

Thank you, Mr. Chairman. Commissioner Mann Commissioner Hall. Commissioner Kiker. Commissioner Manning. It's good to be here. In Florida, we have one million 617,248 veterans. I am one of them. We all fought for only one thing because we were different creeds, different colors, different ideologies. But the one thing we fought for was the consensus that we had for the Constitution of the United States. Lee County has 60,798 veterans. I also have a concealed weapons permit. In Lee County you have 34,252 people that have concealed weapons permits. When I took that oath of office to fight for my country, I took that oath of office to fight for all enemies foreign and domestic. It's important for me that you all understand, we love our constitution. Mr. Mann I know you have you a beautiful voice and you sing in the choir at your church. Who protects that church from telling you anything what to do? All of our forefathers left their native countries to come here for one thing, for freedom of religion. Freedom of speech. However what protects it all? It protects

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our second amendment rights. Every single one here is important to be able to protect that right unalienable. The right to bear arms. I ask you to please affirm the strength that you have for that constitution and vote and let us be here again and then vote for our recommendation. Thank you very much.

Chairman Pendergrass: Thank you. Next speaker, Keith Hanson? The last card I have.

Good morning, Commissioners. Thank you for providing me the opportunity to speak before you. We have heard a lot of different sentiments today. If you do opt to put this on the agenda for the next meeting, which my hope is that you will you will, hear a lot more sentiments pro and con. We have had a couple people that talked about keeping their oath. I am the former state chapter president of oath keepers. The mission of oath keepers is to reach, keep and inspire current and former law enforcement about especially forcing the constitution. I have heard to people referring you to you as leaders. You are not my leader. You are my representative. I voted for you to represent me not lead me. Therefore we and the power of this government is seated with us, the people. And also with you. You mentioned and I heard talk in other jurisdictions there have been all officials that have said this is not the role of county government. I suggest anybody who says or infers it's not the role of county government slept through eighth grade civics and doesn't understand how a federalist system works. The resolution of the Lee County commissioners calls upon the Florida legislature to nullify with the state of Florida any federal law the restrictions on the right to keep and bear arms. Our government is trick up, not trickle down. We need to come together. You see the shirts in this room, southwest Florida's alliance. Its need to be city, towns and county governments that comes together in Tallahassee to say we will not tolerate overreach of government in our state. You all rose from the ranks of private citizens to take that oath and serve as representatives to the community. My expectation of all of you is that you do your job and open your oath. Thank you.

Chairman Pendergrass: Thank you. I have no other cards. Anyone else to speak?

Commissioner Mann: Mr. Chairman.

Commissioner Hall: One more speaker.

Chairman Pendergrass: Please come forward and state your name for the record. Joe Pulsateri. It's a sad state of affairs in this country to think that the people have to come to you and have your affirmation on a document that states what our right is as citizens. But we need your affirmation because the current state of affairs has brought an awful lot of distrust of government. I'm not pointing at any of you people, but the current administration has brought this distrust. Please give us your affirmation. Thank you.

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Chairman Pendergrass: Thank you. If you could fill out a card for our records for public records? Any other speaker before we close public comment? Man with your arm up.

My name is Deborah Ivy. I just want to say that all the sheriffs in all of Florida have signed an oath not to seize our guns. The sheriffs are not under your rule. They are under the rule of the people and they are you. The rule of the constitution. I think God for our sheriffs. Thank you.

Chairman Pendergrass: Thank you. Another hand in the back? Ma'am, if you could fill a card out for our records. Come up, ma'am, please. State your name for the record if you could fill a card out before you leave.

Good morning Nancy Markham Miller. I am here as a direct descendent of 12 revolutionary war patriots. My great great great grandfather Silas weeks died under George Washington at valley forge. I'm here to the stand for what my forefathers stood for. I ask you to adopt this resolution. Thank you.

Chairman Pendergrass: Thank you. Any other hands? Anybody else we will be closing the public comment after this if there is not anybody else.

Thank you. I'm Darlene Murphy. I have a card up there. Thank you. I came before you, I wasn't born in this country, but I'm a citizen of this country as an adult I chose to be an adult of the country I saw the constitution we had and unlike most of us I got the opportunity to choose to be an American. when I chose to be an American, I became a veteran of the United States Air Force. I have also been a police officer. I have served my country my country, the United States of America because of what it promised me. One of the things it promised me were our amendments, especially the second amendment here. Now, this might surprise you. I don't own a gun. Even as a former law enforcement Officer, even as a former soldier, I don't own a gun because I have a member of my family that has a mental illness. When you own a gun you have to be careful. But because of that, don't take my right away that I fought for, that I chose. Don't let emotions get so carried away that you start taking away our rights. Thank you.

Chairman Pendergrass: Yes, sir. Please come forward.

My name is Jason Eller. Thank you for letting me talk. One of the things that I think has been neglected a little bit today talked about is also semiautomatic weapons as well. Our founding fathers talked about the importance of having a well armed militia to protect us from foreign invasion but also to guard us from any ran Cal government. Tyranny isn't a word used often in today's language but I would like to bring it back. I believe that is what we are facing in our

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Federal Government. "Forbes" magazine published an article yesterday one of the mainstream news media outlets and no longer being swept under the rug by the main stream media but they blatantly said the Federal Government is approaching 1.6 billion rounds of ammunition, a lot of that is hollow point, as well. As you know may know that is not supposed to be used in a state of war but those are being purchased. And when I think about that it is something that seriously bothers me and I would appreciate your support in this vote. Thank you.

Chairman Pendergrass: Thank you. At this time the meeting is adjourned. Thank you for coming.