

October 8, 2013

Chairman Pendergrass: Good Morning. Thank You For Joining Us. Today Is Tuesday, October 8th. Our Weekly Scheduled Board Of County Commissioners Meeting. Ask Everybody In The Audience To Silence The Cell Phones And Start With The Invocation From Pastor Arlene Jackson At Grace United Methodist Church Of Cape Coral. Thank You. Please Stand.

Oh, God, You've gathered Us Here Today To Do The Business Of Lee County. You Know, To Many People Going About Their Day-To-Day Affairs Just As Usual, It Seems Like Lee County Mechanics Just Happen By Themselves. Most People Don't Even Give A Thought To How It All Comes Together. But Behind It All, Some Leaders Make Decisions And They Care About Those Mechanics That Others Take For Granted. And Those Leaders Are Gathered Here. The County Commissioners. And They And We Are Gathered Here To Do That Which Others Take Completely For Granted. This Team Of Leaders Have A Difficult Role. They Need Their Discernment And Guidance Today To Do It Well. We Ask You To Lead Them With A Steady Hand To The Best Decisions For The County Today. Thank You For Them. Strengthen And Guide Them We Pray. Amen.

Chairman Pendergrass: Please Join The Pledge Of Allegiance. 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. Thank You Very Much. At This Time, We Have Three Ceremonials This Morning And The First One Is Commissioner Mann I Believe. I'm Sorry, Commissioner Kiker Was Next.

Comm. Mann: I Yield For The Gentleman From The Beach.

Chairman Pendergrass: Change It Up A Bit. Commissioner Mann, You Got It.

Comm. Mann: Back To Me?

Chairman Pendergrass: One Of Those That You Got Delegated.

Comm. Mann: It Is My Pleasure To Read This And It's Been My Pleasure, I Think To Read This. Welcome Back, Folks, We're Very Pleased To Have You Guys With Us. Resolution Recognizing All The Great Work Done By The Hispanic American Business Alliance. Also Known As Haba. Whereas, The Hispanic American Business Alliance, Haba, Under The Leadership Of The Leonardo Garcia Is Recognized As A Leader In Southwest Florida In Promoting International Relationships With The Dominican Republic, Puerto Rico And

Other Spanish Speaking Nations And Whereas, The Hispanic American Business Association Conducts A Stage Programs At The Government Business, Law Enforcement, Education And Professional Levels Between Southwest Florida And The Dominican Republic, Puerto Rico And Other Spanish Speaking Countries And Whereas, Haba, Helps Lee County Government Business, Education, Law Enforcement And Professionals Have A Better Cultural Understanding And Collaboration With Our Counterparts For The Dominican Republic, Puerto Rico And Other Spanish Speaking Nations And, Whereas, Haba Helps Lee County Students And School Leaders Experience An International Cultural And Leadership Experience In The Dominican Republic, Puerto Rico And Other Spanish Speaking Countries, Now, Therefore, Be It Resolved That The Board Of County Commissioners Of Lee County, Florida, Is Proud To Recognize A Hispanic American Business Alliance As A Valued Resource With An Essential Role In Our Community And Does Hereby Proclaim October 8, 2013, As Hispanic American Business Alliance Day In Lee County. And Recognizes That Today Is A Day Of Special Importance And Is Worthy Of Recognition By The Citizens Of Lee County Duly Executed This Very Day By Our Chairman, Cecil Pendergrass. Congratulations! [Applause]

Thank You.

Thank You. We Can Do It.

Commissioners, I'm Allowed To Speak Spanish To All Of You Today.

Comm. Mann: That's Ok, Speak.

French. And I Brought My American Flag To Show Respect. And The Country We Love, Especially When We Celebrate The Hispanic Heritage Month Which Is Interesting. We Celebrate It From September 15th Through October 15th. I Don't Know Why It Was Split. Half and Half. And We're Very Happy And Appreciative Of These Opportunities. It Means A Lot To Us And We'll Continue To Work For The Betterment Of Our Community, The County. We All Try To Do A Good Job To Make Sure We Have Business Opportunities, Work, And Good Schools. And That Quality Of Life Is Always There For Us. I Want To Thank Steven, Amy And A Couple Here Who Have Been With Us For A Long Time, Too. Ingrid, Small Business Owners For Coming And Celebrating With Us. May You Have A Wonderful Day, May God Bless You And God Bless The United States Of America.

Chairman Pendergrass: Thank You.

Comm. Mann: Thank You. Thank You.

Chairman Pendergrass: Next One. Commissioner Kiker?

Comm. Kiker: Thank You Very Much. And My Presentation Is The Ombudsman Program And Residents, If We Can Have The Representative Here, Please Come To The Microphone

And Join Us. And If You Can Go To The Microphone And We'll Read The Presentation, Take A Picture And Then We'll Ask You To Say A Few Words, Is That All Right? Ok. Thank You Very Much. And This Is On Behalf Of The Board Of County Commissioners For Lee County. The Resolution Whereas, More Than 1.5 Million Individuals Living In 16,000 Nursing Homes And One Million Individuals Living In 50,000 Care Assisted Living Facilities In The U.S. With Over 4,000 Facilities And 170,000 Residents In Florida. And Whereas, The Federal Nursing Home Act Of 1937 Guarantee Individuals Their Individual Rights In Order To Promote And Maintain Their Dignity And Autonomy And Whereas, All Residents Should Be Aware Of Their Rights So They May Be Empowered To Live Safely And Helpfully With Dignity And Self-Determination. And Whereas, We Wish To Honour And Celebrate These Citizens To Recognize Their Rich Individuality Including The Right To Have A Say In Their Care. And Whereas, Individuals And Groups Across The Country Will Be Celebrating Residents' Rights Month Emphasizing Importance Of Informing The Rights Through Facility Practices, Public Policy And Resident Centered Decision Making. Now, Therefore, Be It Resolved That The Board Of County Commissioners Of Lee County In Florida Does Hereby Proclaim October 2013 As National Long-Term Care Residents' Rights Month. In Lee County, Florida, Encourages All Citizens To Join In These Important Observances, Executed This 8th Day Of October, 2013 By Honourable Cecil Pendergrass. Congratulations.

We'd Like To Thank The Commission For Its Generous Proclamation Today. We Really Appreciate It. And I'm Valerie And This Is Silverman That I Just Announced Is A New Volunteer With Our Program. The Long-Term Care Ombudsman Program Supports Residents In Long-Term Care Facilities, Nursing Homes And Others And As A Volunteer Advocate, We Work With The Residents In Those Facilities To Ensure That Their Basic Rights Are Protected And On Behalf Of All Of The Residents In Long-Term Care In The State Of Florida And Specifically The Close To 5,000 Residents In Long-Term Care Across Our County, We Are Honoured To Accept This Proclamation. Thank You Very Much.

Chairman Pendergrass: Thank You. Thank You, Commissioner Kiker. Next, If I Could Have Sally And I Believe A Whole Group Here For Safe Kids Could Bed Marts. -- Coordinators. Come Forward, Please. Next Resolution Is For Walk To School Day. Our Good Friend Jay Anderson Back Here. Yes, It Is. Good Morning, Thank You For Coming Down For This Very Important Message To Our Community. Thanks For Joining Us. Resolution Reads Whereas Despite Ongoing Efforts To Better Protect Children, It Remains The Second Leading Cause Of Injury-Related Death Among Children Under 19 Years Of Age. Whereas In 2011, There Were 465 Disabilities And 20,000 Injuries To Children Pedestrians. Whereas Most Children Pedestrian Fatalities Result In An Incident With A Motor Vehicle And Whereas Children Are More Likely To Get Hit By Cars In An Area With High Traffic Volume, Higher Number Of Parked Cars On The Street, Higher Posted Speed Limits And The Absence Of The Divided Highways. Whereas, The Recognition Of International Walk To School Day 2013, Children,

Parents, Educators, Community Leaders, Safe Kids And Volunteers Are Joining Together Nationwide To Walk To School To Preserve Pedestrian Safety In Our Community. Whereas Lee County Have Planned For International Walk To School Day In 2013 In An Effort To Educate Children And Families About The Importance Of Pedestrian Safety. Therefore Be It Resolved The Board Of Commissioners Of Lee County Does Hereby Proclaim October 9, 2013, As International Walk To School Day In Lee County And Call Upon All The Residents Of This County To Join With Me In Supporting Their Efforts Of Activities Of Safe Kids, Lee County To Children, Pedestrian Injuries And Deaths To Our Children Duly Executed This 8th Day Of October Signed By Myself, Cecil Pendergrass. Thank You.

Comm. Mann: Congratulations!

I'm Trying Not To Cough. I'm Ill This Morning.

Chairman Pendergrass: Thank You, Would You Like To Say A Word? Or In The Group?

Thank You For Allowing Us To Come Here Today And Declaring October 9th International Walk To School Day. Safe Kids, Lee County Is An Injury Prevention Coalition Made Up Of Health And Safety Experts Helping Children Ages Newborn To 19 Years Old. We Cover Many Areas Including Car Seat Safety, Sports Safety, Bike Safety To Name A Few. However, Today I'm Here To Talk To You About Pedestrian Safety. Recently, Safe Kids Worldwide Did An Observational Study With Support Of Fed Ex And Recorded 1 In 5 High School Students And 1 In 8 Middle School Students Were Observed Crossing The Street Distracted By Some Form Of Technology. We Believe That Starting As Early As Elementary School, If We Can Educate Children Who Walk Safely, We Can Prevent A Tragedy From Occurring. Tomorrow, The Coalition Members Who Include Fire Departments, Hospital Staff, Law Enforcement, Safe Routes To School, Fed Ex And Many Other Agencies Will Be Walking With Five Lee County Schools And Two Collier County Schools To Walk To Schools Safely. Those Schools Include Gateway Elementary, Bonita Springs Elementary And Tangle wood Elementary. I Invite You All To Come And Walk With Us. I Have The Times Here. Again, Thank You For Your Time And Declaring Tomorrow International Walk To School Day.

Thank You.

Chairman Pendergrass: Thank You. I Think It's Really Important To Our Community And Our Children And Foundation In Our Community And I Know Personally From My Past Year The Worst Thing To Do Is Tell A Parent About The Injury Or Death Of A Child And It's Really Heartbreaking To See The Kids On The Walk To School. Now It's The Recap. No Items On The Recap. Go To Public Comment On The Consent And Administrative Agenda. Speakers Will Have Three Minutes To Speak At The Podium. First Speaker, Jim Larkin.

Good Morning, Commissioners. My Name Is Jim Larkin, President Of The Lee County Hotel Association. We Represent Just Under 100 Members, Hotels And Supporting Industries Of The Hotel Association Here In Lee County. Aside From That, My Daytime Job Is General Manager Of The Crown Plaza Hotel At The Belle Tower Shops And I'm Here To Speak On Behalf Of The Lee County Hotel Association. We Understand There May Be Some Discussion Coming Before The Commission About The Use Of Hotel Bed Tax For Renovations Of The Harborside Events Center. Our Organization Does Not Support That And We Would Not Support Any Use Of The Tax For Renovations At Harborside And This Morning At Our Board Meeting, We Unanimously Approved A Measure That Board Member John Naylor Is Here With Me This Morning Will Be Presenting Shortly. We Feel That The Renovations At Harborside Are Certainly Necessary And We Feel They Should Be Done But Using Lodgers Tax Money To Do Those Renovations Is Not The Way That We Feel Is In The Best Interest Of The Community Or The Hotel Industry, Lodging Industry For Those -- For Those Funds. Thank You Very Much. And I'll Let John Naylor Read A Statement On Behalf Of The Lee County Hotel Association That Was Unanimously Approved This Morning By Our Board Of Directors.

Chairman Pendergrass: Thank You, John. Next Speaker, John Naylor.

Thank You, Mr. Chairman. Commissioners. For The Record, John Naylor. I'd Like To Read, As Jim Said, The Resolution Or Just The Statement That We Approved This Morning. While It May Be Unfortunate That The J.W.M. Management Have Decided They No Longer Wish To Build A Hotel In Downtown Fort Myers, It May Be A Blessing In Disguise. This Decision Will Enable The City To Step Back And Determine What Is The Correct Vision For The Hotel Site, Harborside And The Post Office Space. What Are The Current And Future Needs? What Is The Best Use Of That Land And Space? We Support The Correct Scope Of A Downtown Hotel Project. But Strongly Encourage The City To Contract For An Independent Analysis And Market Study. The Use Of Bed Tax Revenue Should Be Monitored Closely. While The State Law Allows Bed Tax To Be Used For Construction And Maintenance From Municipally Owned Conference Centers, They Must Be Owned And Operated By The Municipality. Leasing Harborside To A Private Developer Would Negate The City's Ability To Bring Tourist Revenue. Who Controls The Areas Of Parking Are Also Areas Of Concern. Answer To The Above Questions Might Influence The Question, Is Harborside An Events Center Or A Hotel Convention Center? Let The City Due Diligence Like They Did For The Plant That Involved Through Many Years And Various Workshops. Obviously There's Been Success In Moving Forward Downtown And We Just As An Old Mentor Of Mine Said Many Years Ago, We Need To Make Haste Slowly. Thank You Very Much.

Chairman Pendergrass: Thank You. At This Time, I Have No Other Blue Cards. Are There Any Other Speakers On The Scent Or Administrative Agenda For The Day? We'll Close The Comment. This Time With The Board's Approval, I'm Going To Ask To Move The County

Manager Items Before The Consent Agenda. He Asked To Speak Early Because He Has An Appointment So If He Can Do That.

Comm. Mann: I Yield To The Chair's Wish.

Chairman Pendergrass: Thank You.

Thank You Very Much. There Will Not Be A Presentation This Morning. However, We Wanted To Come And Express Our Appreciation. I Specifically Want To Express My Appreciation For You Engaging Me In Recent Weeks And Months On The Topic That John Naylor Just Read About. We Respectfully Disagree With That Characterization. Our City Has Been Involved And I Did Not Want To Speak About This. Having Heard That, I Need To Address It Publicly. Our City Has Vetted A Process Over 36 Months Long. We Had More Documentation That You Can Shake A Stick At. You Will Decide What's Appropriate For The County To Participate In And We Respect That And We Will Give You The Necessary Ammunition To Judge That And Judge It Fairly. On Behalf Of Our City. We Have Received Word And The Reason We Will Not Be Making A Presentation Later In Today's Meeting Is Yesterday, Our Applicant Withdrew From The Process Because He Has Been Selected In Two Other Cities For Two Very Robust Property Opportunities, Two Hotels And Retail Development. This Project For Fort Myers Was A Vision That Was Inspired Some 10, 13 Years Ago In A Process And In A Bigger Vision And So What I'm Here To Respectfully Say To You Is Thank You For Engaging Me And Our Staff In Recent Weeks And Months On This Project. We Have At Least Three Candidates Who Have Been Sitting On The Sidelines To See How This Unfolds Early On In Our Process, We Knew We Would Be Competing With Two Or More Cities That They Were Competing In. They Beat Us To The Finish Line. We Have A Great Vision For Our City And Let Me Also Finalize This By Saying That Harborside Serves A Greater Community. The Region, If You Will, And We Have Events From Across Florida And The Nation That Come And Drive A Substantial Amount For The Economy For Our City. We've Had \$700 Million Of Private Sector Investing In The Core Of Our City With Infrastructure Projects That Set The Table For That To Happen. We Ask You To Please Be Available To Us In The Future. I Would Hope To Be Back Before You In Six Months Or Less. Probably The First Quarter Of 2014 With A Proposal That We Believe That You Will Find Exciting, Easy To Support And Necessary To Support. That's All We Wanted To Say This Morning Is Thank You For Giving Us Your Time And Thank You For Allowing Us To Make This Remark Without Having The Presentation In The Meeting. We Respect You And Look Forward To Seeing You More In The Future. Thank You.

Chairman Pendergrass: Thank You.

By The Way, Let Me Introduce Billy Mitchell, Dave -- It Was A D Anyway And Don Pates Who Are Here With Me Just To Show Support. Thank You For Having Us. We'll See You Next Time.

Chairman Pendergrass: Thank You.

Comm. Mann: Mr. Chairman, Before We Run Them Out Of Here, Can We Say A Word? I Want To Thank The Mayor And Your Entourage For Showing Up Here This Morning. Particularly Mr. Pate Who Has Trained Several Mayors On Downtown Redevelopment And Has Done A Superb Job But Where We Are Today Is So Different From Where We Were 25 Years Ago Which I Remember Well. And I Remember 50 Years Ago When Downtown Fort Myers Was Where It Was All Happening And It Was Robust Is A Good Word To Use In Describing That. We've Been Through Some Tough Times And I Just Want To Say This Publicly While You're Here, Mayor And I've Met With You And I've Met With Mr. Mitchell, We've Talked About This As I Think All Of Us Have With You Guys. It's Nothing That The City Is Going To Do Downtown Where We Can -- The County Can Find Some Way To Assist. Our Futures Are Tied Together And There's No Separating That Particularly When We Talk About The Ball Field At The Park. We Are Partners. We Will Continue As Partners Because This Has Gotten Off To A Slow Start As Far As The Use Of T.D.C. Funds Doesn't Mean -- I Don't Want You To Leave Here Thinking That There's Not Always Going To Be A Healthy Dialogue With The Two Of Us. So As Your Options Become More Available, Come On Back And We'll Talk. We Meet Every Tuesday.

That's Exactly The Spirit, Commissioner, That We Respect And Appreciate. We're Partners. We're Going To Always Be Partners And In The History Of Our Political Work Together, I Think We're Uniquely Joined At This Time In The Cooperative Spirit. And That's What We Celebrate. That's What We Cherish. We're Not -- We Don't Propose To Tell You How To Help Us. We're Just Saying In The Future When We Bring You A Viable Project, Please Be Open To Helping Us Like You Have Been. You've Been Very Inviting To Us In This Moment And Weeks Leading Up To This, That's What We Respect. We Serve The Same Citizens. I Can't Thank You Enough For That Sentiment. We Do Very Much.

Chairman Pendergrass: Thank You, Mayor. Always A Pleasure. Only Thing That I'd Like To Throw In The Mix Is -- And I've Stated This Several Times Before And This May Be My Opinion Because We Haven't Had A Discussion Here But This Whole Thing About Aiming Your Project At Where The Money Might Come From. And I Think You Heard A Reaction This Morning That Says If You Go There, There Will Be Some Issues With That. And I Would Just Caution, You Know, As You Move Forward To Make Sure That If You're Going To Be Asking For Funding From Lee County, Please Don't Segment Or Compartmentalize Where You Think Your Money Should Come From Vs. Let The Business Case Stand On Its Own. This Is Where You Want To Go And This Is What You Need And This Is The Kind Of Money That We're Talking About Let Our Staff Work On Where The Funds Might Be More Appropriate And I Just -- I Would Just Caution You Of That Because I Think We Get Some Other Groups Involved That I Don't Agree With Them And I Don't Want That To Be In The Way Of You Getting This Project Done.

We Don't Want To Be In A Position Of Agreeing Or Disagreeing. Tell Us How You Can Help Us. We're Asking if It's Inappropriate That T.D.C. Money Be Involved. That's Not Something That We're Aware Of Or Believe To Be The Case. We'll Follow Your Lead On That. You Direct That Around. We Have A Process That's Been Vetted. It Is Feasible. We're Going To Have Another One Or Two. This Is A Small Piece Of A Broader Vision That Started Years Ago So We're Not About To Dictate Anything. We're Here To Ask You To Help Us. We Need Your Help. This Affects Everybody In Our Region And Beyond And We Think It's Worthy Of Your Consideration.

Comm. Kiker: Thank You Very Much.

Can't Thank You Enough For That.

Chairman Pendergrass: You've Done A Great Job With Downtown. Your Leadership As Council, Mayor Create An Environment To The Hotel When's They Come Downtown And I Think You Have An Environment Now Where They Should Be Falling Over Each Other To Come Downtown Without Having To Force Them To Come Downtown. You've Created That Environment. And You've Done It Locally With Hertz. They Came Here Because This Is A Place They Want To Come To.

The Harborside Events Center Had A Very Active And Robust Life In The 80's And 90's When We Had A Hotel. And We Need A Hotel. We're Going To Make The Case For You And Ask You To Help Us In The Near Future And We Can't Thank You Enough For That.

Chairman Pendergrass: We're Partners.

Comm. Mann: Now Get Back To Work.

Chairman Pendergrass: Thank You. Anything Else On That Topic? Thank You. Consent Agenda. Items To Be Pulled For Discussion. Commissioner Kiker?

Comm. Kiker: None.

Chairman Pendergrass: Commissioner Mann?

Comm. Mann: None.

Chairman Pendergrass: Motion Moved. I'll Second. Commissioner Mann With The Motion. No Consideration Items Being Pulled. No Objections? Motion Carries The Consent. No Administrative Agenda. Go To Public Hearing. We Have One Public Hearing This Morning. For Towing Ordinance.

Good Morning, Commissioners. Assistant County Attorney. Your First Public Hearing Today Is A Hearing That Was Continued Originally From September 10th. The Affidavit Of Publication Is -- Has Already Been Reviewed. It Was Sufficient With Respect To Form And

Content. When You Continue The Hearing, You Continue To A Date Certain So It's Been Readvertised. However, The Towing Community Has Been Informed Of The New Hearing Date. The Ordinance Before You Is A Revision To The Lee County Towing Ordinance. Since The September 10th Hearing, There Was A Revised Version Of The Ordinance Provided To The Board Of County Commissioners And To The Towing Community. It's Also Attached To The Blue Sheet That Provided A Number Of Changes In Response To Alligator Towing. Correspondence To You That Was Presented On September 10th As Well As Some Additional Correspondence That Was Received As A Response To Some Of The Changes That Were Made. Alligator Towing, I Understand, May Be Before You Today To Provide Additional Comments And The Sheet That I Provided You Just Now Is A Response To Those Additional Concerns That Alligator Towing Did Have And We Received That Late -- I Received It Late Yesterday Afternoon. So I Apologize For Presenting This To You At This Point In Time Without Giving You An Opportunity To Review It Earlier. I Don't Know If You Have Any Questions With Respect To The Towing Ordinance. There Are Members Of The Sheriff's Office Here That Can Answer Those Questions. This Isn't An Ordinance That's Being Presented At The Direction Of The Sheriff's Department. And The County Attorney's Office Facilitating That Process.

Do You Have Any Questions Of The Attorney?

Yeah, I Do. I'm Waiting To Hear You Say That You're Comfortable With These Changes Represented In This Sheet Or You Have Heartburn With Any Or All Of Them Or Where Do You Stand?

I Do Not Have. I'm Comfortable With And Would Suggest That You Adopt These Changes As Part Of The Ordinance. They Do Help To Clarify Issues That Could Potentially Be An Issue For Someone Else. They Are Consistent With The Statutes.

Comm. Mann: You're Ok with It and I Think We're Going to Hear from Alligator Probably Speaking on the Holiday Issues. You Want To Touch On That? And The Anticipation Of That?

I'm Going To Tell You That That's A Policy Issue For The Board To Decide.

Comm. Mann: Let's Hear From Them And Maybe I Can Get Back To You.

Chairman Pendergrass: We Open Public Comment Of This Public Hearing. Any Public Comment On This Hearing?

Good Morning. Alligator Towing. Only Issue That We Still Have Remaining Is After Hours Charges For Holidays Is Not In The Ordinance. If A Holiday Falls On A Monday Through A Friday, County Staff Is Pretty Much Saying We Have To Man Our Office And When It Was Brought To Their Attention, They Said It Had To Be A Board Issue And The Board Would

Have To Change That. To Read Holiday Would Also Be Including As An After Hours Charge. Any Questions? Mr. Chairman?

Comm. Mann: This Is A Little Unusual To Have A Dialogue. This Is The Only Way I Can Handle It. I Visited With Kevin And His Mom, And They Are, You Know, They Are Veterans In The Business Around Here, Alligator Towing Has Been Here Forever. So I Feel Like I'm Speaking To A Representative Of The Industry. But Now, We Haven't Had This Additional Language That You Wanted In The Past As Part Of The Ordinance. And Also, I'm Thinking It Was Only 45 Minutes Ago, I Just Talked To You. So I Haven't Had Time For All This To Gel. But I'm Thinking Holidays Are No Respector Of Accidents. You Guys Are Always Open For Business On Holidays. Would That Not Be The Case? I Mean, You Get More Accidents On Holidays And You Get More --

We Are Not Open. Drivers Are On Call. They Are Not Manning The Office. And For Someone To Release The Property Or Vehicles, It Would Have To Take An Office Staff To Come In. During Those Hours On A Holiday. Drivers Are On Call From Their Houses And Not From The Office. And That's In Respect To All Towing Companies. I Mean, I Don't Know Of Anybody That Works On A National Holiday Or A County Holiday. It Would Take An Office Personnel To Come In To Open The Office Up To Get Into The Computers To Release The Vehicle Of Property. We Are On -- We Are On Call But Not Actually In The Office Working So If There's An Accident, My Driver Gets Called Away From Their House To Go Work The Accident And Then They Take The Vehicle To The Storage Yard, They Never Access The Office, The Actual Paperwork.

Comm. Mann: Can't Have The Last 50 Years Without This Thing. About To Give You A 50% Increase In Your Fare.

It's Never Been An Issue Before. When It Was Brought Up To County Staff, It's Always Been A Status Quo That Holidays Were Included Into The -- In Nights And Weekends. The After Hours Has Always Been Status Quo. When It Was Brought Up To County Staff, County Staff Said That Was Not In There And It Would Not Be As Status Quo, I Guess Is A Good Word For It. It Would Take The --

Comm. Mann: I Don't Know If That's The Right Word. I'm Not Understanding It. You've Always Been Able To Charge --

For Gate Fees.

Comm. Mann: In The Past You've Been Doing It. You're Trying To Formalize What You've Been Doing All Along.

Correct.

Comm. Mann: And You Raise Your Right Hand And Swear That's The -- That's Your Left Hand. Either One.

Yes, Sir.

Comm. Kiker: And It Is Another County Ordinance Across The State.

Comm. Mann: I Want To Ask Council, Is The Language That You've Got A Copy Of The Language That They Have Offered. I Mean, Is It Technically Sufficient To Do What He's Asking For?

Got That Copy.

Comm. Mann: Unusual Way Of Writing Ordinances. Your Comment?

Chairman Pendergrass: Normally It Would Be Closed And People Would Get The Vehicles To The Office From Home Because They're Not Manning Their Office And That's The Issue. Safest Way To Do It Is Recognize The County As Their Holiday. Start Making It Federal And Different.

Comm. Mann: I Understand You're Going To Limit It To Whatever We Recognize As The Holiday.

Chairman Pendergrass: They Were Charging Gate Fees Based On Holidays And There's A Lot Of Traffic On New Year's Day.

Comm. Mann: Technically, They Haven't The Authority But They've Been Doing It, Getting Away With It Forever.

Chairman Pendergrass: With The Time Of Nighttime And The Weekends. It's Kind Of Incorporated With That. Unwritten. Good Time To Put The Language In There. I Think What I'm Concluding Here, It's Been Going On And It Has Not Been An Issue That Was Technically Probably In Violation Of The Ordinance. Since This Is The Way We've Been Doing Business, I Don't See Any Big Issue Here With Us Not Including It If Technically The Language Is Adequate To Do What They're Asking.

I Apologize. I Was Having A Conversation With The Detective But It's My Understanding What They're Asking For Is That Gate Fees, The \$35 Gate Fee Being Applicable During 8:00 A.M. To 6:00 P.M. That They Normally Would Be Open A Monday Through Friday Or A Saturday Or Sunday. And Have That \$35 Gate Fee Be Applicable From 12:01 To 11:59 On A Holiday And That The Holiday Schedule We Would Be Following With The Lee County Holiday Schedule. Is That My -- Did I Understand That Correctly?

Comm. Mann: I Wanted To Make Certain If We Move To Final Adoption, The Spirit Of What You Just Described Could Be Included With What Language You're Finally Happy With.

It Can Be As Long As My Understanding Is Articulated What You Want Correctly.

Chairman Pendergrass: You Did Exactly What I Was Thinking To Include All County Recognized Holidays.

Can Do That.

Comm. Kiker: I Hate To Be One That Throws A Monkey Wrench Into The Machinery. I'd Kind Of Like To Finish The Rest Of The Public Input Before We Get Into How To Write The Code, If That's All Right.

Chairman Pendergrass: Anything Else. Any Other Public Comment On This Public Hearing? We'll Close Public Comment And Come Back To Board For Discussion.

Comm. Mann: I Yield To You Since I've Been Mouthing Off Here.

Comm. Kiker: I Think It's Pretty Obvious, You Know, That Everybody Is Ok With The Way Everything Is Written Except For Maybe That One Thing On The Holidays. Is That What You're Saying? We Need To Adjust That And Is That A Problem?

Chairman Pendergrass: Need A Motion To Amend That Language Of The Gate Fee To Adopt A New Language For That. And I Had Some Questions About The Other Part Of The Ordinance, Too.

Comm. Kiker: Ok.

Comm. Mann: We'll Get Into The Proper Form Here. I Would Move The Ordinance As Before Us And Present It With The Additional Language That Council Will Add Involving The Holiday Discussion That We Just Had.

Comm. Kiker: I Will Second That.

Chairman Pendergrass: You Said You Wanted Some Other Changes, Though?

Comm. Kiker: I Had Other Questions About The Ordinance.

Chairman Pendergrass: Do We Need To Vote On That First?

Comm. Kiker: No, Discussion. Come Back To The Podium, Please. Reading The Whole Sheet. You Gave Us That. A Couple Of Questions Before You Gave Us That Sheet. Maybe It Addresses That. On The Fee Schedule, Base Right For Private Property Tows, Is That Still The Same Way Or Would It Be Flat Rate? Fee Schedule For Private Property Tows?

I'm Not Sure I Understand Your Question. I Apologize.

Comm. Mann: Mr. Chairman, Just To Clarify Something, My Motion Would Have Included The Sheet That She Has Presented Us This Morning.

Chairman Pendergrass: Ok.

Comm. Kiker: You Have To Change Your Second.

Chairman Pendergrass: My Second For The Sheet. On The Record Rates For The Fee Schedule, Attachment A. It Says Wrecker Rates, Base Rate, Private Property Tow, \$120. Is The New Sheet To Have The Same Language Or Sort Of A Flat Rate?

Mr. Pendergrass, Detective Summers, The Rates Would Not Be Changing, Yeah. -- Yet.

Chairman Pendergrass: Under Base Rate, Then The Tow Has Been Charged For That Additional Fees. If You Change It To Flat Rate, Then That Limits The Towers That Cannot Add Extra Fees To The Consumers On The Private Property Tows Under Florida Statute 072.

Yes, The Base Rate Will Be \$125. Under The Florida Ordinance. For Any Type Of Tow That Would Be -- Require A Class A Wrecker. There Would Not Be Any Other Fees Associated With It.

Chairman Pendergrass: They Couldn't Charge Other Fees On Top Of That? The Way I Interpret The Definition Of Flat Compared To Base, The Flat Would Be Both A Flat Rate, Nothing Else. Base Would Be The Base Starting Rate That Would Go Up.

It Could Go Up If There's A Gate Fee.

Chairman Pendergrass: Ok.

Other Than That, There Shouldn't Be Any Other Fees Associated With The Tow.

Chairman Pendergrass: Under That, It Says "Mileage Charge" It Says Per Mile Charged Beyond Initial 10 Miles For Private Property Tows, Florida Statute 171302 In Paragraph 1a, This Must Be Stored Within A Site Of 10 Miles. You're Giving Them An Option To Tow More Than 10 Miles. Being Able To Charge Them More Than 10 Miles.

Correct. That Was Left In The Ordinance Due To If There Is A Situation To Where A Vehicle Needs To Be Towed More Than 10 Miles Because There Is Not Another Company That Does Private Property Tows That Can Handle The Vehicle Or Handle The Requirements Of The Property Owner, This Was Also Under 715.07 Under Florida Statute, It Involves A Greater Distance Of Up To 15 Miles. That's Why We Left It. If There's A Situation Whether It Be A Vehicle They Can't Handle Or Requirement That The Property Owner And There Isn't A Tow Company Within That 10 Miles That Can Handle What That Property Owner Wants.

Chairman Pendergrass: We Talked About This A Month Ago In My Office. My Concern Then As Well As Today, Charge A Fee Because They Have A Contract And They Take The Car To Lehigh Acres And They're Going To Be Towing There?

No, That Wouldn't Be --

Chairman Pendergrass: It Shouldn't Happen. But The Way We're Writing The Ordinance, It Could Happen. We're Allowing It Under The Statute To Allow It To Happen. So The Consumer Has To Go From The Beach To Lehigh Acres Or Buckingham To Pick Up His Car, He'll Be Charged Mileage On Top Of That. Just Try To Keep It Within The 10-Mile Buffer.

I Understand That. But In The Wording Of The State's Statute, If I Have A Company That Cannot Perform Those Duties Within That 10 Miles, The Property Owner Is Allowed To Go Out To 15 Miles Under The Statute. So I Was Trying Not To Make The Ordinance When It Was Written As Locked Down To Where If There's A Situation, I Only Have Right Now One Company That Tows Off Fort Myers Beach. If That Business Was To Go Out Of Business, Then That Could Be A Problem Understanding That Using Your Example That This Ordinance Wouldn't Be Applicable On Fort Myers Beach.

Chairman Pendergrass: Still Putting That Back On The Consumers, Though, They'll Have To Be Paying A Number Of Fees Because The Business Could Contract With Somebody In Fort Myers, And Vice Versa. And Doesn't Create A Hardship. We Saw A Story Like On The News, Guy Was Hustled While He Was In Lehigh Acres For A Month And He Got Out Of The Hospital And Had A 14 Hour Tow Bill And People In The Community Rallied Together And Paid The Tow Bill For Him Basically Because This 82-Year-Old Man's Car Was With A 14-Hour Tow Bill For Storage And Everything Else Added Up. I'm Trying To Keep That From Happening Again To Protect Our Citizens. I Can See People Abusing This If We Leave The Language On That. That's What I'm Concerned About. We Hear The Story Of An 82-Year-Old Man Like Last Night, His Car Was Towed. Probably Legally Towed, Improperly Parked. He Was Hospitalized. Got Out And He Has A \$1400 Tow Bill. When You Leave The Language Like That In There, It's Allowing Companies To Bill Behind It And People Will Have To Pay For It. That's What My Concern Are. I Don't Know How Many Companies Are Towing Within The Radius Of 10 Miles Of The Beach. That's What My Concern Is.

Statute Specifically Says They Can't Go Outside The 10 Miles Unless There Isn't Another Company That Can Handle That In Reference To Private Property Tows Much That's Why We Added The Lapping Wauj In There. I Don't Know Where Else.

Chairman Pendergrass: How Are We Going To Monitor If There's Other Companies? They're Not Allowed To Go Beyond 10 Miles If There's Another Company. If There's Another Company, If There's Not A Company, They'll Pay That.

That's Why I Added The Language Of If Permitted By 715.I Can Get You The Exact Statute.

Chairman Pendergrass: I Got That Statute In Front Of Me. You're Referring To 072.I Don't Want To Face More Hardship By Having To Monitor Who Has The Contract Here, Who Has The Contract There And Who Is Actually In Business And Who Is Actually Doing The Tows. We're Not Going to Hear about it until the People Call Our Office or Call Your Office. Because Mileage and Everything Else. And That's What I'm Trying To Avoid. There's Enough Businesses In Lee County To Cover The 10 Mile Radiuses Throughout Lee County.

If Those Instances There Are. Tow Companies Are Pretty Good At Being Spread Out Throughout The County. They're Not All Clumped Together In One Industrial Area. Under 715, It Says If No Towing Business Is Located In The Area Of Towing Limitations Under Set Paragraph, The Following Limitations Apply. Any Towed Vehicle Or Removed Vessel Must Be Towed Within 500 Miles If There's A Population Over 500,000.If There Isn't A Business That Can Handle That, Then They Can Go Outside That 10 Miles And That's Why The Language Was Put In The Ordinance The Way It Was. Under Section 21 Of The Pending County Ordinance, Under Two, Mileage Charges, It Specifically Says The Mileage Charge For Private Property Impound Tow Must Be Consistent With Florida Statute 715 Which Requires Storage Within A 10 Mile Radius Of The Removal Site. That's Part Of The Ordinance.

How Are We Going To Monitor If Somebody Does Not Follow The Ordinance And Go Outside The 10 Miles And There's Another Company Within The 10 Miles To Do The Private Property Tow? How Are We Going To Monitor It Through Your Office?

Hard To Monitor Every Tow. There's Well Over 500 Tows Done In Lee County Between For Law Enforcement, Nonessential Tows. That Doesn't Include The Cities. If There's A Complaint, The Complaint Is Investigated. If The Complaint Is Brought To The Sheriff's Office, It Comes To My Office And It's Investigated.

Chairman Pendergrass: Would The Ordinance Work If We Took The Language Out If Permitted By Florida Statute 715.We Already Have A Statute Covering It.

We Could Do That.

Chairman Pendergrass: It's Not Necessary To Have That Language In There. I Think You're Creating A Loophole Here That People Are Going To Take Advantage Of The Ordinance And The Statute.

Well, Let Me Just -- You're In The -- You're In Attachment A That Is On The Chart And That Chart, They Are -- The Towers Are Specifically Required To Reproduce This For The Benefit Of All The Clients. There's People That Get Their Fix -- Their Vehicles Towed. So

This Is A Short-Hand Way Of Saying What's Already In The Ordinance. We Could Change It If You Want To But To -- If Somebody Has To Be Towed More Than 10 Miles Over The Storages Because There's No Other Kind Of Wrecker That Can Be Able To Tow That Vehicle, To A Place To Be Stored, Then They Have A Right To Charge The Extra Mileage Fee. That's Pretty Much The Only Instance That I Can Think Of. I Mean, There Probably Are Others. So They Have To Have The Ability To Be Paid For That In The Event That It Has To Happen But It's Otherwise Not Permitted Unless There's A Specific Instance In Which It's Appropriate. So We Can Change It. We Certainly Can Change It If You'd Like Us To.

Chairman Pendergrass: See If My Colleagues Have Any Discussion On That Item. Any Questions Or Concerns About That? Or No?

Comm. Mann: Council Seems Comfortable With The Existing Laj Wauj That Is Not -- Are You Saying That You Don't Think It's Necessarily A Problem?

I Think That If You're Going To Have People That Are Going To Abuse The Ordinance, They're Going To Abuse It Whether It Has That Language In It Or Not.

Comm. Mann: That's A Good Positive Outlook.

Sorry.

Comm. Kiker: May I Ask, Are You Not Comfortable With The Way It's Written And You Want Something Changed?

Chairman Pendergrass: No, I Think It Creates A Loophole For Any Company To Say I Can Go Beyond This And Charge, They're Going To Try To -- If There Are Businesses In Albia, They Can Try To Lobby For Businesses In Southwest Tate Knowing They're Going To -- They Can Charge Extra 10 Miles Because There's No Towing Within That 10 Miles. What I Was Trying To --

Comm. Kiker: What Would You Like To Have Changed?

Chairman Pendergrass: That's Why I Was Asking, If The Ordinance Would Still Work For Them, If That Language Was In There. Not If It's Permitted By Florida Statute Would That Still Work With Them?

Yes.

It Would, The Only Exception To That Is If It's A Piece Of Equipment That A Tow Company Can't Handle That's Within The 10 Miles. If It's A Unique Piece Of Equipment And The Property Owner Wants It Removed And The Tow Company Is At The -- That's The

Only Tow Company In The County That Can Handle It Is On The Other End Of The County, Are We Preventing That One Tow Company From Getting That One Piece Of Equipment?

I Don't Think So. These Are Only Related For Private Property Tows. Usually Private Property Tows Are Two Axel Vehicles. Not Damaged Vehicles. Usually Parked Vehicles. Illegally Parked At A Condominium Or Blocking A Road Or Something Or Parking In Private Property Driveway. They're Usually Not 80,000 Pound Crane Or Not A Loaded Dump Truck Is Not Usually A Vehicle That's Going To Take A Flatbed And It's Going To Be A Regular Flatbed Or A Regular Wrecker So That's Why I Don't Think You're Going To Have That Issue With That.

O.K. We Changed It Out Of The Class A Wreckers And Class B And Left It For C And D, That Way If There Was Those Instances Where It Was A Unique Piece Of Heavy Equipment.

Chairman Pendergrass: For Private Property Tows?

Yeah.

Chairman Pendergrass: That Would Work. That Would Eliminate All The Private Vehicles.

So Removing The Mileage Charge For A And B Wreckers And Leaving It For C And D For Unique Pieces Of Equipment.

Chairman Pendergrass: That Would Work. I Don't Think Any Wrecker Maybe Today Would Tow 80,000 Crane Illegally Parked On A Condominium Or Home Owners Association. It Will Be A Private Vehicle Of Somebody On Vacation Or Somebody Went To Jail And Ended Up With A Car There. What Happened? That's The Reality. That Would Protect Citizens From Being Charged, You Know, \$200 Tow Fees From The Beach To The Lehigh Acres Or North Fort Myers To Island.

I Agree.

Comm. Mann: I'm So Glad We're Part Of A Team. You're So Far Ahead Of Me On This One. I'm Not Moving Until You Say It's Ok.

Chairman Pendergrass: Any Feedback? Anybody Agree With That?

Commissioners, Commissioner Mann Could Amend His Motion To Include The Recommended Changes, As You Discussed, There Is An Attachment To Attachment A.

Comm. Mann: While We're Still Confusing Things, There's A Letter In Here Asking If We Could Include Debit Cards. It's Been Done?

Yes.

Comm. Mann: Then I'm Not Going To Further Confuse Anything. I Was Thinking That The Chairman's Eyeballs Were Connecting And Ok With This Last Change That He Articulated. Are We Very Clear On That?

Yes, Sir.

Comm. Mann: That's What I Wanted To Amend My Original Motion For To Include Now The Seconded Who Caused All This Grief Will Agree With It.

Comm. Kiker: I Agree.

Comm. Mann: We Can Move Right Along Here.

Chairman Pendergrass: I Have One More Question. Public Records, Public Record Retention. Three Years, I Believe, For One And Then Based On The Sheriff's Office?

The Ordinance Indicated That A Private Property -- A Private Agreement Between The Tower And A Private Property Owner Had To Retain For One Year After It Was Extinguished Or Terminated. That's Not A Public Record. So We Don't Control That. That's A Private Document. With Respect To The Manifests On The Tow Sheets, Those Are Required To Be Maintained For Three Years. The Information Services Is What Determines What The Records Retention Is And Specifically, It Talks About Records That Are Applicable To The Vehicle, You Know, The Manifests That We're Talking About Here. It Says Three Years. So We Eliminated The Ability For The Sheriff To Say That They Could Extinguish It Prior To That Because They're Never Going To Say Yes Anyway. We Just Eliminate That.

Chairman Pendergrass: I Want To Make Sure That The Sheriff's Office Will Conduct The Same Things. We'll Make Sure That We're Doing The Right Thing As Far As The Ordinance On The Creating Standards.

Correct. We Had Discussed That.

Chairman Pendergrass: Thank You.

Comm. Kiker: Couple Of Questions.

Chairman Pendergrass: Mr. Kiker?

Comm. Kiker: Talk For A Second. Now, The Goal Was To Keep Everything Under \$200?Is That Right?

That Was My Original Goal, Yes.

Comm. Kiker: Are We There?

Yes.

Comm. Kiker: Ok, And Then The Second One And The Office With A Last Minute Changes, Much Like What We Just Witnessed Is That You Went Out And Solicited With Everyone On Your E-Mail List To Make Sure That Everybody Was Ok With The Last Version Of This. And We Didn't Get Anything Back. Is That Correct?

That's Correct. I Haven't Received Anything Other Than What You Have Received From, I Believe, Gene's Towing And From Alligator Towing.

Comm. Kiker: Thank You Very Much. I'm Satisfied Like You Are.

Chairman Pendergrass: Thank You. As Long As Part Of The Corrections Amendment To The Motion, You're Good With That

I Understand What We're Doing. What You're Doing.

Chairman Pendergrass: Any Other Questions? Any Other Discussion? Any Objection? Motion Carries.

Did Everyone That Wanted To Speak From The Public Get An Opportunity? I Wasn't Sure --

Chairman Pendergrass: Yes. We Called For Comment And Nobody Else Came Forward.

I Wanted To Make Sure. Thank You.

Chairman Pendergrass: Next Is Walk-On Items. We Have One Item.

Comm. Mann: Move It.

Chairman Pendergrass: Commissioner Kiker Seconds. Any Discussion? Any Objection? No Objection. Motion Carries. Commissioner Items. Commissioner Kiker?

Comm. Kiker: Yes, Sir. I Have A Couple That I'll Make Very Fast. One Of Them Had To Do With The Sand Trucks Hauling Route And This Is To The Last Minute Changes, What A Dynamic Situation That We Have With Collier County Right Now. As I Understand At This Point In Time, We Have Staff That Is At Their Meeting Representing The County. Can You Talk About That Real Quick?

Mr. Chair?

Chairman Pendergrass: Roger.

Thank You, Dave Loveland Are In Collier County To Put Comments On The Record. When The County Commission Discusses The Issue Of The Use Of Corkscrew Road In Collier

County, They'll Be Making The Point Relative To Public Safety, Environmental Concerns Primarily So We're -- Actually, We're Monitoring The -- Actually Watching The Commission Meeting Right Now To See If There's Any Progress. They Haven't Gotten To It Yet.

Comm. Kiker: Just For Everybody's Edification, This Board Has Taken An Official Position That We Want To Take An Alternate Route. We Don't Want Them To Use Corkscrew Road And We've Made That Very Public And I Believe In A Responsible Nature. One Of The Things That -- One Of The Commissioners Asked For Was Can You Please Give Us Why We Thought It Might Be A Public Safety Issue. And Actually, We Should Thank Her For That Because As We Looked Into Certainly It Is. And It Was Lot More Safety Impact Than I Thought It Was Going To Be. So Indirectly, We Thank Them For That. The Other Thing Had To Do With Surplus Land Which I Know Is Again A Moving Target And We, As A Board, Instructed Staff To Go Back To Class Action And Take A Look At It Since It's Supposed To Be A Volunteer Program And We Were Going To Take Different Kind Of Approach And More Proactive Approach Rather Than Bleating This Point Every Week, Is There Any Chance That We Could Just Get An Update Either By E-Mail Or Something On A Weekly Basis Prior To The Meeting That We Know Exactly What's Going On With The Land Purchases, What's Available, What's Not Because I Know That's Changing. They Took Some Of That Property Off The Sale List But Not All Of It. And What Does That Mean? And Now The Water -- Water Is Putting Some Properties Up As Possibilities As Well. So I Would Like Somehow If We Could Get The Word Out From Your Staff, Even To The Media, Etc., On A Regular Basis So People Know What's Going On. And Would Have To Get Consensus On That But I Would Like To See That Happen.

Mr. Chairman, I Would Think That Information Was Initially Distributed. Water Management District, As You Say, So If We Could Have The Most Recent Accumulated Summary Of What The State Is Offering And What The Water District Is Offering, Given To Us So We Can Understand Where We Stand Or Whether Or Not There May Be A Role For Our \$2,020. We Don't Know Because I Don't Know What's Still Available Out There.

Comm. Kiker: I Want To Make Sure We're Looking At The Same Piece Of Paper. We Get E-Mails And We Get Newspapers, Sometimes They're Not The Same And It Takes Longer To Put That Together Than It Would Be To Say Ok, I Know Where We're At. Everybody Should Know That Same.

Comm. Mann: Quick Summary. I Agree.

Comm. Kiker: Everybody All Right?

We Met In My Office And We Met Internally Yesterday To Have This Conversation And We Can Provide You, Have A Conversation With You Today, If You'd Like Here In Chambers. And We Can Tell You The Latest Or Send It To You In Writing, Your Choice.

Comm. Kiker: Just Send It In Writing.

Ok. We'll Send You An E-Mail Today.

Comm. Kiker: Other One, Those Two Are The Same, Had The Opportunity To Go To Washington, D.C. Last Week. And We Had A Congressional Briefing And One Of The Things, I Think, Was What Was Most Unique About This Is Because Washington Had Their First Week Of Shutdown And A Lot Of People Thought Maybe --

Comm. Mann: Shortly After You Arrived. Is There A Connection There?

Comm. Kiker: Yeah, There Is.

Comm. Mann: Just Kidding.

Comm. Kiker: But I Guess What Really Ended Up Happening Was Ended Up Being A Good Thing Because It Was The First Week Where It Actually Did A Shutdown And Everybody Hadn't Gone Home Yet And Everybody Knew What They Were Going To Do At The Time. In Essence What Happened When I Was Told By Folks Who Had Worked Washington All Their Life, They Had Never Seen The Kind Of Response That We Got In This Meeting Ever. In The History Of Washington, D.C. Briefing, We Had Almost -- We Had Over 25 Congress Folk Show Up. Nancy He -- Pelosi, All Of Them. All Came In And Did Their Two Or Three Minutes Of Why They Were There. Generally Speaking It Was 25 Out Of 25 Of Folks That Are Ready To Support This Initiative And That's For C-33 And C-44 And There's Two Or Three Other Projects That The 16 County Coalition Have Put Together A List And So Having Said That, It Was Pretty Exciting. We Had From This Location, We Had Matt Caldwell, Fit Hagen, Mayor Rolan And Roland, Thank You Very Much. And Myself All Testified. I Believe That We're Not Going To Have A Problem At All Getting Support On It. Do I Think We're Going To Get Funding? I Think That's Going To Be Chapter 2 And Obviously That's Going To Be The Issue. What They're Looking At We'll See With The East Coast Immediately Is \$287 Million. Almost \$500 Million For C-43 That Affects Us Directly. Almost A Billion Dollars Coming Out Of The Federal Government. That's Going To Be A Lot Of Money And That's Going To Be A Lot Of Work On A Lot Of People's Part To Make All That Happen. But Certainly, The Catalyst Is Now There To Make All This Happen. Yes, Sir?

Thank You To Staff For Pulling It. The Response I'm Getting I'm Very Happy The Commission Is With This And Engaged At The Federal Level With This. And Our Question Is Any Time I Have Any Type Of Performance, There's Action Taken That Way. In Lee County, Pretty Much Been Doing It For Many Years And Basically Want Some Action.

Comm. Kiker: I Think That The Timeline Is A Lot Of This Is Already In The Works. And I Think Part Of The Effort Was To Continue The Support And Not Let It Go Away. So Some Of This Is Already, You Know, Like This. Some Of The Work On The East Coast. As Far As

The C-44 And C-43. I Think That's Something That Has To Be Discussed When They Get Back In Session. I Don't Think There's A Commitment There And Roland May Be Able To Answer That Question Better Than I.

Chairman Pendergrass: Is There Any Talk About Long-Term Goals. It Will Take Four Inches Off The Lake In Parts. We'll Lose All Our Discharge With Heavy Rating Season. I Was Hoping They Wouldn't Be Talk About The C-43 Funding Scheduled To Come To A Vote But Look To Other Sources To Bring In The Water.

Comm. Kiker: We Can Get Into A Long Conversation On This One. I Think On C-43, C-44, You're Only Talking Probably About 20% To 25% Improvement And We've Got To Start Somewhere.

Chairman Pendergrass: Right.

Comm. Kiker: And The Other One Obviously Is There There's Lots Of Money That Needs To Be Spent On The Dike To Make Sure That It's Safe And That It -- And They Can Increase The Capacity There. So Really, It's Like Putting A Big Jigsaw Puzzle Together And You Got To Do A Little Bit At A Time Whenever You Can. That's Not Even Sure Of Some New Things That I Think We've All Heard About Lately And I Heard It Termed As Water Farming. Have You Ever Heard Of Water Farming? Where There's A Group Of Agriculture That -- In Our Immediate Area Talking About Being Able To Store Water For -- And Almost Immediately. Not Five Years, 10 Years From Now But In The Next Year, But I Think That Funding Is Targeted At A State Level And So Again, Like I Said, It's A Lot Of Pieces Of The Puzzle That Needs To Be Put Together. I Think That What The Advantage That We Had On This One Is That -- And With Roland There And Everyone Else, We Had Experts Everywhere. And Everybody Knows What To Do And How To Fix It. The Problem Was That Had We -- I Believe The New Ingredient In Here Is That We Have Given It An Economic Component That Says That How It's Affecting Tourism. Because This Is All About Money Now. And So How Much Money Are We Losing? How Much Did We Gain? How Much Is It Going To Cost? Where Are We Going To Get It At? We Kept It At An Economic Level, Financial Level And I Think That Gave It New Legs In Terms Of What's Going To Happen Next. So You're Not Really Hearing A Lot About The Environmental Piece Of It. Everybody Knows We Have A Problem There Environmentally And Everybody Knows There Are Solutions Environmentally But Not Everybody Knows Where We're Going To Get The Money From So That Was The Discussion And So That's Why I Think It Was Probably Productive In That Sense That We Hadn't Seen In A While.

Chairman Pendergrass: Thank You. You Want To Put Pressure On Them And Hope They Continue? I Know This Board Feels The Same Way About The Resources And We Make Sure Water Safety, Thank You For Your Efforts.

Comm. Kiker: That's The Good News. I Have To Tell You About The Bad News. That's The Insurance. Flood Insurance. Where I Came From, It's Called We're In A Heap Of Deep Sneakers On This One. Because It's Been Passed And Already, If You Haven't Started Receiving E-Mails Or Letters Or Phone Calls, You're Going To. And They're Going To -- We're Almost Going To Have To Address Them One At A Time. I Met With Betsy And Thank You Very Much, Figured If We Can Come Up With Some Talking Points In Terms Of What's Happening With That. While I Was There, I Got An E-Mail From One Of Your Constituents And Their Insurance, Flood Insurance Went From \$2500 To \$50,000 In One Whack. That's A Bunch Of Money. We Went Back And Asked For Copies Of Contracts, Etc., And There Was Several Variations In How They Got To \$50,000 But Truly, At The End Of The Day, Their Flood Insurance Went From \$2500 To \$37,000 In One Flail Swoop. The Building That They're Insuring Was Only Worth \$187,000. That Means In Five Years, They Could Pay For The Building Outright With The Amount Of Money That's Coming In From Insurance. This Thing Is Out Of Control! I Think This Snuck Up On Everyone. If You Talk To A Lot Of The Legislators, They'll Tell You That All The Way Up To July/August Time Frame, They Thought That The Bump Was Going To Be Maybe An Average Of No More Than \$1,000? \$5,000 Is Going To Be The Extreme. What's Happening With This Is Every Time Your Flood Level Drops, It Doubles. It Can Go From \$2500 To \$5,000 To \$10,000 To \$20,000 To \$40,000. It Doubles All The Way Down. So We Got Some Huge Premiums That Are Coming Up That Don't Make Any Sense. I Actually Gave That E-Mail To Congressman Rooney And He Couldn't Believe What He Read. Trey Ridell Is Understanding A Bill To Try To Put This Thing On Hold Long Enough To Do An Affordability Study. And That Does A Couple Of Things. One Is You Can't Afford That Type Of Insurance. Second Of All, Then You Start Getting To Actuaries And That Doesn't Make Any Sense At All. There's A Lot Of Work That Needs To Be Done And What We Need To Do On Our Level Which A Lot Of People Ask Is We Need To Ask Folks Who Have Second Homes Here To Go Back Up North And Let Their Representatives Up There Know That They Need To Vote On This A Little Differently Than They Are Because Right Now, My Guess Is That This Thing Is Going To Keep Going And This Is Going To Change Our Industry. This Could Change Our Foreclosure Rate. This Could Change Everything. I Think This Is Singly One Of The Biggest Things That We Have To Deal With In The Next Few Months. Sorry To Take So Long. We Need To Preach This One As Much As We Can. This Is A Big Deal.

Chairman Pendergrass: Do You Know What The Associations Are Responding From A State Level? Board Association Of Counties, Have They Responded To This?

Comm. Kiker: Yes, They Have. They Were With Us In Washington, Actually. Also The Coalition. One Of The Things That We Want To Do Is Make Sure That We Stay On The Piece Of It. Only On-Site Conversations We Were Able To Bring This Up. I'm Going To Tell You Every Meeting I Was At It Got Brought Up. But The Problem Is Everybody We Talked To From Florida And They All Agree With This. It's Apparent In Iowa, They're Not Having

Floods And They Think It's A Good Idea. There's A \$45 Billion In The Flood Insurance Fund And Unfortunately, I Think They're Trying To Pull It Up In One Year.

Chairman Pendergrass: Thank You. Any Other Items?

Comm. Kiker: That's It From Me. Thank You.

Comm. Mann: One, Mr. Chairman. I Had Talked About Last Week Briefly. Membership That Lee County Is Entitled To On The Babcock Branch Advisory Group That I'm Volunteering For, That The Commission Needs To Take Action To Recommend Somebody To Commissioner Putnam Who Makes The Final Appointment So I Would Move That We Accept Commissioner Mann's Volunteering To Be The Lee County Representative.

Chairman Pendergrass: I Will Second That. With The Agreement Of Commissioner Kiker, I'd Be Happy To Do A Letter To Putnam.

It Was Advertised In A Timely Manner And Put On The Agenda By 9:00, I Know, Yesterday. You Can Vote On It Today.

Chairman Pendergrass: Any Discussion On The Item? Any Objection? No Objections, Motion Carries. Be Happy To Take It. Commissioner. Any Other Items, Commissioner?

Comm. Mann: Nope.

Chairman Pendergrass: Ok. Commissioner Kiker?

Comm. Kiker: I Have Three. Two Of Them Are For The River Improvement Unit. And Another For The Construction Licensing Committee.

Chairman Pendergrass: Motion Carries. Commissioner Mann, You Have Any?

Comm. Mann: No.

Chairman Pendergrass: County Manager Items.

Thank You, Mr. Chair. One Item. Sometimes In The Sort Of The Heat Of Everyday Battle That We Forget To Say Thank You To Some Points And Point Out Some Really Good Work That Gets Done. You Know, If You Ask All County Employees, You Know, They'll Tell You That They Enjoy It. I'll Tell You About This One Employee. Her Name Is Kara Stewart. She's A Permit Manager Over In Community Development. Last Thursday, There Was A Three-Hour Power Outage Over There. And We Had A Lot Of People In The Building Looking For Their Building Permits And We Lost Our Computers, We Lost Everything. Kara Very Quickly Called One Of The Field Guys And Had Them Bring Their Truck In Along With Their Laptop And The Portable Communications System. They Were Able To -- They Were Able To Print Building Permits From The Truck, You Know? And So They To Continue

Conducting Business And It Was Kara's Quick Thinking And, You Know, They Could Easily Have Just, You Know, Gone And Hang Out Under A Tree. I Want To Say Thanks To Kara And Community Development. They Catch A Lot Of Heat Over There For Some Of The Decisions That They Have, I Want To Say Thank You Publicly.

Chairman Pendergrass: Thinking Out Of The Box, Did A Good Job On That. County Attorney Items? This Item We Have Public Comment. Public Presentation Of Concerned Citizens. We Have One Speaker At This Time. John Mately?

Thank You, Mr. Chairman. Thank You, Commissioners. I Want To Address The Problem Of Ickley. Lee County Is A Member And We Need To Get Rid Of It. I Don't Want To Be A Member Of It. I'd Like To Present Two Things To You. First Of All, Here's A Copy Of The Communist Manifesto. And This Is What Marx And Engels Has To Say About This Property. In This Sense, The Theory Of The Communists May Be Summed Up In A Single Sentence. Abolition Of Private Property. Communists Have Been Reproached With The Desire Of The Right Of Personally Acquiring Property As The Fruit Of Man's Own Labor Which Property Is Alleged To Be The Groundwork Of All Personal Freedom, Activity And Independence And Our Founding Fathers Thought The Same Thing. That Property Is A Corner Stone Of Freedom. And Then On The Next Page, The Next Couple Of Pages, Marx Says In A Word, You Reproach Us With Intending To Do Away With Your Property. Precisely So. That Is Just What We Intend So That's A Communist Plan To Take Over Property. And You Need To Stop Buying Property. You Should Sell The Property That The County Owns That It's Not Using It And Get Rid Of It. We Need The Money Better Elsewhere Than Taking Property. And Then I've Got Some Articles Off The Internet By People Inside Florida About This Problem. And It Says Icky, International Council Of Local Initiatives Has A Commitment To Sustainable Development Throughout The World That Results In Private Property Warm Grab Failed In Warm And Fuzzy Terms. They Come Up With Regulations And Other Ideas That Restrict Property Owners From Using Their Land. The Regulations Include The Endangered Species Act, Wetland Regulations As In Dade County And A Myriad Of Other Laws Governing The Use Of Plants, Animals, Air And Sea. They Have Infiltrated Local Governments In The United States And Around The World. And Then Here's Something. The Crowley Political Report, A Program That Comes -- That Is On The Radio In, I Think It's Sarasota County It Says Here. But Rick Scott, Agenda 21 And The United Nations, You May Be Concerned About The Agenda 2,1 But Florida Governor Rick Scott Is Not Going To Let That Happen In The Sunshine State. Crowley Political Report Listened To An Interview That Scott Gave Matt Bruce. It Was A Fairly Routine Question And Answer Session Between Scott Bruce. When Bruce Asked This Question. A Lot Of People Are Concerned About This U.N. Agenda 21, Sustainable Development, They Don't Understand It. A Lot Of People Don't Even Know What It Is. And You Have On The Website That 91% Of The People In Lee County Approve Of This. I Have Talked To A Lot

Of People Outside Of Our Group And I Think I've Only Found About One Person Who Is Even Knows About It Or What It Is.

Chairman Pendergrass: Only Three Minutes.

My Three Minutes Are Up?

Chairman Pendergrass: I Want To Thank You.

What I Need To Do Is, I Guess I'm Going To Have To Start Bringing Some Friends And Letting Them Finish What I Start And We'll Just, You Know, Read It Through And Everybody Get Their Three Minutes. Is That Acceptable?

Chairman Pendergrass: Yes, Sir.

Ok, Good. I'll Give You These Copies And There's More Things To Be Read.

Chairman Pendergrass: Thank You.

Make Copies And Give Them To Anyone. This Is Serious Business, Men. Serious Business.

Chairman Pendergrass: Thank You. Thank You, John. Meeting Is Adjourned.