

September 10, 2013

Give Them Wisdom, Courage And Strength To Administer The Laws -- Emergency Blazen Your Law, Your Word, Your Wisdom Upon Their Hearts. That True Justice And Mercy Would Be Expressed In All Their Work. Let None Of Us Shrink From Our Responsibilities As Citizens To Serve, Obey And Discipline Our Lives For The Common Benefit And Welfare Of All Around Us. In Your Fire, With Your Spirit, Emergency Bolden And Commission All Of Us. The Leaders And Citizens Of Lee County To Bring Integrity To Our Political System. To Serve Your People And To Bring Real Glory To Your Name. Amen.

I Pledge Allegiance To The Flag Of The United States Of America. And To The Republic By Which It Stands, One Nation, Under God, Indivisible With Liberty And Justice For All.

Please Be Seated.

If Anyone In The Audience Has Cell Phones, Please Silence Your Cell Phones For The Meeting. Thank You. At This Time We'll Have Public Comment On The Consent Administrative Agenda. First Speaker Is Russel. After Russel Will Be Rob By

As Requested, The Business Issues Task Force Convened And Heard Presentations Regarding The Ordinance Prepared Recommendations For The Consideration By The Executive Committee Of The Rising Council Which They Considered On Friday And Elected To Pass On To You. I Believe Those Have Made Their Way To You. But Basically, The Business Issues Task Force Recognized Some Concerns With The Vacant Property Registration Award. And That Does Require Lenders To Potentially Go On Property Prior To Foreclosure Proceedings Being Complete. There Is A Legal Issue. Dawn And I Will Both Recognize That We're On Opposite Sides Of On This Particular Matter. The Business Issues Task Force Recommended, For Your Consideration, An Alternative To The Proposal That's Presently In The Ordinance Form. That Alternative Would Essentially Provide For Registration Of A Property When There Is For -- Forecloseure -- Who Is Responsible For The Property And Request That The Lender Engage In All Due Diligence Efforts To Contact The Mortgage Owner To Obtain Permission To Go On The Property. And If That Permission Is Obtained, To Then Proceed. In This Way, The Ordinance Is More Of A Cooperative Effort Between The County Code Enforcement Efforts And The Lenders. Rather Than A Direct Regulatory Approach And A Direct Mandate In The Foreclosure Process. If You Do Decide To Go With Ordinance In Any Form, There Were Several Additional Recommendations The Task Force Made. First Of All, We Believe The

Trigger For Registration Under The Ordinance Needs To Be Very Clear That It Is At The Time That Foreclosure -- Some Of Which Are Very Innocuous. Secondly, We Would Recommend That The Ordinance Not Apply To Properties After The Foreclosure Proceedings Have Been Completed And The Property Has Been Titled To The Lender Or Other Entity.

Your Time's Up.

Thank You. Appreciate It.

Next Speaker Is Robbie.

Good Morning. I'm Here Representing My Staff And Our Bank, That Is The National Bank. From Speaking With Several In The Banking Community, I Think They'd Like For Me To Represent All Of Them. But That's Not For Me To Do. We Did Everything You Asked Us To Do To Come With An Appropriate Compromise. We Do Sympathize With Those Individuals That Live In Communities That Are Having Abandoned Properties That Are Being Affected. So We Did That And I Think We've Come Up With Some Good Alternatives, Which Are Probably Before You. I Just Don't Know That There's Been As Much Compromise All The Way Around. We Did What You Asked Us To Do. Again, All I'm Here Today For Is To Please Ask You To Not Ask Us To Do Something That The Florida Banker's Association Attorneys Tell Us We Should Not Be Doing. Our Own Attorneys Tell Us We Should Not Be Doing. As A Banker In Excess Of 30 Years, Every Attorney Has Told Me Never To Do. And That Is To Go On Someone's Property Who Has Ownership And Trespass And Do Things That I Do Not Own. So We Just Ask You To Please Consider Not Asking Us To Do Something That Legally We Have Been Taught Not To Do. Thank You So Very Much.

Thank You.

Next Speaker Is Scott. After Scott We Have Courtney.

Good Morning, Members Of The Board. I'll Keep It Real Brief. My Name Is Scott. I Represent A Third Party Vendor For Almost 50 Local Governments Throughout Florida And Other States. I Really Don't Have Much To Say Other Than The Ordinance Works. I'm A Retired Code Administrator. I've Used This And Saw It Work. Compromise Is Great. We've Made Every Effort Humanly Possible. Many Trips Over Here To Listen To The Concerns Of The Bankers. But Probably More Important To Me Is The Concerns I Hear From The People In The Neighborhoods Of These Properties That Are Negatively Impacting Their Property Values. The Ordinance As It's Written Currently Is Very Effective. There's Been No Challenge To Any Of Our Ordinances For Any Of Our Partners. There's Almost A Thousand Of These Ordinances Nationwide. Our Banks Are Routinely Cleaning Up Properties. It's

Actually Created Another Industry For Property Preservation Companies. It's Putting More People To Work. But Banks Are Not Resisting The Ability To Go On Properties And Perform Property Maintenance. So I Would Argue That One Point. Other Than That, Unless There's Any Questions That's All I Have To Say.

Thank You, Scott. Next Speaker Is Courtney. After Courtney Is Stephanie.

Good Morning, Commissioners. Thank You So Much For Having Me. I Wanted To Actually Point Out That There Are Quite A Few Mirads Of Legal Issues. With Legal Issues Comes Legal Fees. I Did A Little Bit Of Research. Just To Let You Know, I'm Here Are The Florida Association Of Realtors Office Of Public Policy. The Research I Did Was From A Government Office Of Accountability Study. One Example Would Be The City Of Cleveland, Which Has A Population Of 500,000, Smaller Than Lee County As A Whole. Their Legal Fees Dealing With Their Vacant Property Registry Totalled Just Over \$3 Million In One Year. This Is When They Introduced It In 2010. This Is From Banks Having Issues And Challenging Ownership Rights, Trespassing Issues. And I Just Want To Know If The County Feels That It Has The Funds To Defend This Issue If It Comes Up In Court And All Of The Legality That Comes Along With It. And One Other Question That I Ask Is When You Have This Fee That Needs To Be Paid By The Owners, They're Not Going To Want To Pay A Possible Vacant Property Fee. I Think That If They've Already Lost Their Home, I Don't Think That They're Gonna Give The County Anymore Money, They're Already In Default. So Who's Gonna Pay For This? Are You Gonna Expect The Lenders To Pay For It When The Home Is Sold Again In Closing Costs? There's Just A Lot Of Issues And A Lot Of Costs Coming Up. I Noticed Something In A Proposed Registry That Would Basically -- A Lean Could Be Put On The Property. Is That Lean Gonna Go Towards The Next Home Buyer. There's Already So Many Incum -- Adding Another Layer Of Issues And Bureaucracy And Forms And Fees To It Is Just Going To Deter Buyers. And Frankly, I Think The Whole Issue Here Is To Try And Bring More Money Into The County. And Get These Homes On The Market And Sold. Thank You.

Thank You, Next Speaker Is Stephanie.

Good Morning. Stephanie Keys With The Realtor Association Of Greater Fort Myers And The Beach. And I'd Like To Echo Some Of The Comments Made Already By Russel And Robbie And Courtney. I Also Would Like To Say That The Work Done Together With The County Attorney's Office And Our Group Has Been Going On For Quite Some Time. And We Really Have Worked Hard Together. It's Just Unfortunate That We Still Have So Many Unanswered Questions. And We Would Like Y'all To Please Have The County Attorney's Office Answer Some Of Those Questions. We Would Love To Hear From Bobby Stewart. Because We Really Do Feel That Your Code Enforcement Staff Can Handle This. I Believe The Realtors Are Willing To

Come Together With A Task Force Of Property Owners In The Various Neighborhoods Hardest Hit, Come Up With Some Good Solutions With Your Code Enforcement Folks. Do What They Can. Again, A Voluntary Registration, 24/7 Contact Person With The Public Safety Folks, Your Code Enforcement Folks. That's Not A Problem. We Totally Agree With The Need For That. But If A Neighbor Has An Issue With Something Next Door, We Absolutely Want Them To Be Able To Call Their Jurisdictional Public Safety Person And They Have To Know Who Is Responsible. That's Not A Problem. That's Similar To What We Had Suggested From The Cape Coral Ordinance. However, Just Like Anything Else -- Again As Robbie Pointed Out, There Are A Lot Of Legal Ramifications To A Lot Of The Items In The Ordinance. We'd Hate To See The County Burdened By Those. If There's Jobs That Are Gonna Be Created, We'd Rather See Them Here In Lee County With Local Folks And Using Local Realtors And Local Property Managers. Also, I Did Want To Mention That Bryce Harper Called Me This Morning And He's Very Interested In Buying A Home In Lee County Should The Nationals Move Here. So He Would Be One Of The Ones That Would Possibly Be Buying One Of These Vacant Properties. Thank You, Commissioners.

Thank You. Any Other Speakers On The Consent Agenda? I Saw A Lady Walk In With A Blue Card. Any Other Comments On The Consent Administrative Agenda? If There Are Anymore Speakers, Please Come Forward. I Saw A Lady In The Back With A Blue Card. Was That For Later Or For Public Comment? Ok, At This Time The Public Comment Is Closed.

No Items On Recap.

Commissioner Manning?

None.

Commissioner Kiker?

C-14a.

I Have None. Commissioner Mann?

I Wanted That One Too And 1-A. Commissioner Manning Makes The Motion, Commissioner Mann Seconds. Commissioner Kiker, We'll Let You Go First.

We Need To Call The Question On The Balance, Mr. Chairman.

I Thought He Did.

Motion For The Balance?

Commissioner Manning Made The Motion, Commissioner Mann Second It. Any Objection? No Objection, Motion Carries.

1-A.

Transferring A Bunch Of Money Around To Cover Stuff That I'm Looking At You, Councillor, To Tell Me If I'm Wrong On This.

Based On The Challenge By The Clerk Last Year As To The Proper Use Of Tourist Money. And This Is Correcting That Or Paid It Back With The Mstu County Wide Dollars?

That's Correct, Commissioner. This Is The Last Action To Do That. Those Funds Were Transferred From The Mstu To The Main T.D.C. Fund. And This Is Just Being Transferred In To Those Funds. That \$1.2 Million Is Being Transferred To The Reserves.

That's One Of Those Things That There's Really No Issue Here. We Have To Pay It Back From Somewhere. And This Just Kind Of Finalizes That Process. It Gives Me An Opportunity One More Time To Express My Concern About A Lack Of What I Perceive To Be The Lack Of Oversight On The Consultant Attorney. I Don't Think There's Anything Wrong With Me Talking About Him. I Mentioned His Name Many Times Here. And I've Always Tried To Do It In The Most Complimentary Fashion As Far As His Ability As An Attorney. What I Have Failed To Say, And I've Looked At Several Contracts That We Have With Him Is The Oversight And Direction. I Was Concerned That We Were Paying Him On One Contract Around \$200,000 Here. And I Couldn't See What He Was Being Asked To Do. And There Got To Be Actually A Debate As To Whether He Was A Consultant As An Attorney Or Was He Working As A Lobbyist Or Was He Doing Both And Who He Was Answering To. And It Was Never Really Quite Clear. It Could Have Been To Others, But It Wasn't To Me. And I Don't Think Collectively To The Board It Was. And As I Was Really Getting Steamed Up About The \$200,000 That We Were Paying, I Found Out We Were Paying Double That And More On Another Contract That Came Through Utilities. And Overall, We've Paid This Gentleman And His Firm In The Neighborhood Of \$1 Million. And Again, I've Just Failed To See The Clarity Of Direction And What We Were Getting From That Million Dollars. I Said Welcome, I'm Glad You're Here This Morning. He Has A Little Selfish Interest Of His Own. But One Of The Things I Hope To See With Our New County Attorney Is A Relationship Stronger Than Ever Before With The County Administration. I Think We Can Do A Lot To Improve That. With The Greatest Respect To All The Past And Whatnot. You All Take Your Directions From Us. And I Don't Think We've Given You The Direction That You've Needed. This Is My Opportunity Again To Hope That That Relationship Matures And Gets Enhanced

Over What It Has Been. We Should, I Think, Have A Policy For Instance If We Never Approve The Hiring Of An Attorney For Any Job -- Our Attorneys Have Been Asked, Can You Do That Job In Your Office. And Only After They've Reviewed It And Signed Off And Said No We Would Recommend You Go Out, Then And Only Then With Great Clarity Of Purpose. That's My Little Sermonette. I Can't Vote Against The Technical Issue Here Before Us. That Was My Point. Thank You For Yielding, Commissioner.

Commissioner Kiker, Second. Any Discussion?

Yes.

Commissioner Hall?

I Want To Just Make It Really Clear That The Money That We're Moving Over Is For Two Contracted. Greg And With John. So We Have Two Contracts In There. It's Not Completely Just One. And On This Amount, John Has Been On Tract And Greg Has Been On Contract. Averaging About \$140,000 A Year For Their Work. Those Contracts Have Gone Out To Bid. They Haven't Been Continued On, They've Gone Out To Bid A Couple Of Times.

There's A Monthly Review Of The Work That They've Done. It Hasn't Been Ambiguous At All. If We Don't Ask To See The Details And We Don't Get Their Monthly Updates. There's Monthly Updates For Both And The Work That They've Done And The Moneys That They've Paid On Their Monthly Charges. But Again, Both Of Those Contracts Are Coming Back Up For Bid Again. So We Can Put It Back Out There And See Where It's Going. If We Don't Like The Services That They're Providing Us, Then We Can Pick Two Different Consultants To Do That Work. But You're Right, When You Take On -- It's No Different Than At Our Port Authority Meeting Yesterday. If I Look At The Millions And Millions Of Dollars I've Paid Them Because They've Done Work For Us. Greg's Done Work Right Around 7 Years Or 6 Years For Us As Well. I Just Want To Keep It In Perspective. I Don't Disagree With Your Comments, Commissioner Mann. I Just Want To Make Sure That All The Facts Are Out There.

Any Objection? No Objection, Motion Carries. Commissioner Kiker? C-14a.

C-14a. Lee County Abandoned Property Registration Program. I'm Hoping At The End Of This Discussion That This Board Will Choose To Delay The Public Hearing On This Until We Get Some More Information Put Together. I've Done What I Think Is A Considerable Amount Of Work Thanks To Staff. Looking At The Numbers, The Numbers Don't Work. It's Kind Of Like Slamming The Hammer Down. You Don't Know What Your Target Is. And I Don't Think Tracking Banks Ownership Is The

Problem Here. I Think That's Just A Symptom. The Problem Has To Do With Code Enforcement, Has To Do With People Having To Live Next Door. It Takes 18 Inches Before We Can Even Do Anything. If You Take A Look At The Numbers And If You'll Bear With Me For A Second. The Number Of Code Enforcement Violations, If I Say Some Of These Numbers Wrong You Need To Come Up Here And Correct Me. Bemy Guest, Ok. I Won't Take It Personal. 2012 There Was 3100 Violations. 2013, We're At 1700. And The Year's Almost Over. And Out Of Those 1700, Only 600 Of Those Are Banks. The Other 1100 Are Violations Of People That Actually Live In The Houses Today. So, If You Want To Resolve That. If That's The Problem We're Trying To Resolve, Then That's The Action And The Direction That We Should Be Giving Staff In Terms Of How Can We Beef Up Code Enforcement, Et Cetera. If You Look At The Results Of The Code Violations, The County Has Demoed -- There's Been One House That Was Demoed. And That Was Done By An Owner. And There Was 13 Houses Secured By The County And Nine Houses Secure By Owners. The Nut Of It Is, When You Get Down To How Is Our System Working And What Is The End Results, It's Not There. I Listen To The Challenges. And I Would Agree That A Lot Of The Legalities Of This Has Been Good Over The Years. But It Seems Like It's Been Challenging. If There Are Results Coming Out Now That Are Different Than A Couple Years Ago. I Think, Again, We Should Be Very Cautious Before We Start Dealing With Property Rights. That Can Be A Very Expensive Lesson. I'll Even Go As Far As What I Think Part Of The Problem Is, Is Just Mowing The Grass. Right Now, Out Of The 3500 Code Violations, 1400 Of Them Are From Mowing. And That Is Based On 18 Inches High, There's 4,000 Violations For Mowing. If You Go To 10 Inches High And Do It, It Goes Do 10,000. It Takes 60 Days From The Time That They Get A Citation. So Now The Grass Is 18 Inches High, Takes Another 60 Days Before You Can Go In And Take Over The Mowing. That's The Problem. It's Not Tracking This. And I've Talked To Mr. Stewart And There Are Certain Components Of This Proposal That Are Needed And Required And Would Be Helpful To Staff. But I'm Also Hearing That That Component Can Be Done By Staff. Why Do We Need To Do Another Hundred Or Two Hundred Dollars, Another Layer Of Regulations On Top Of -- The State Legislation That Just Spent \$15 Million To Move These Things Through The System Faster. And We Haven't Even Given That A Chance To See How That's Gonna Work. I Think We're Just Way Ahead Of Ourselves On This One. I Think That We Ought To Be Looking To Staff To See If They Can Adopt Some Of These Components Without Starting Another Regulatory Body Or Somebody From The Outside. I Think We Need To Let The State Legislation Actions Catch Up. And I Think We Need To Be Very Cautious About How We Move Forward With Just The Legalities Of It. Thank You.

Mr. Chairman?

Commissioner Hall?

Listening To What You're Saying And What You're Asking Us To Do Is To Delay This. I Don't See Where We're Gonna Get More Facts In Delaying In Perpetuity A Pup -- Public Hearing. If Some Things Change, If We Can Do Some Things With Our Existing Ordnances Let's Make That Our First Line. And Then If That Doesn't Work, We Can Always Bring This Back To A Public Hearing. If We Delay It, Then It's Looting Out There. Am I Misunderstanding You?

That Would Be My Preference. Just Stop It Now And Let Staff Take A Shot At It, Work On It. If They Want To Comment, Fine. We've Learned A Lot About This Problem. And I Think To Jump To The End Might Be Worse Than What We're Bargaining For.

I Just Have A Question For Staff Then Just As A Follow Up.

I'm Gonna Go After You, Then.

I Think What I Was Hearing Is That There's This Limbo Time Between The Properties That We Have Nowhere To Go To If There's A Burglary On The Property. And Then When The Grass Gets So High, Being Able To Access. Am I Misunderstanding That Or Do You Feel That At This Point If Someone Calls And Complains That There's An Abandoned Home Next To Them That We Can Go On And Do What We Need To Do?

We Can. But We're Dealing With That Absentee Planned Owner Things To Register Mail Which You Get No Response To. That's The 60 Days We Refer To. When You Have To Wait Those Time Periods And Return Registered Mail In Order To Fulfill Your Legal Notification Obligations Before You Can Enter Upon That Property. We Will Continue To Do That Without This Ordinance Or Not. And When You Have Unresponsive Parties, That Time Gets Long. Whether There's Any Opportunity For Us To Shorten Any Of That. We Can Look At It Again. Done That A Few Times Over The Years.

Let Me Ask The County Attorney If You Guys Looked At That To See If We Can Shorten That Time Frame To Access Property.

We Haven't Specifically Looked At It. We Have Looked At It, But I Think The Best That You're Gonna Do Is Maybe Cut Off A Couple Of Weeks Off Of That Time Frame. In Order To Be -- We're Not Gonna Cut It Down Substantially Less Than The 30-60 Days.

That's Fine. I Don't Have Any Other Questions.

It's Not Just Grass, Correct? All These Violations?

Correct. The Largest Number, Of Course, Are Lot Mowing.

This Will Make Them Responsible Earlier In The Process Than They Are Now. Of Course I Think That's Probably The Objection.

Any Next Question Is For The County Attorney. Dawn, You've Been Working On This. This Ordinance, Do You Consider It Legal?

Yes, Sir, I Do Believe That It Can Be Legally Enforced.

Thank You. I Have No Other Questions. Commissioner Kiker?

In My Office, When We Were Talking, Along The Same Lines As Commissioner Pendergrass, We Were Talking About The Actual -- This Represents Perhaps A Third Of The Issues. But The Smaller Part, The 600, If You Will, Of The Banks -- As It's Written, You Could Do It Yourself And Get The Same Results.

Not Exactly. There Was The Enforcement Of This Ordinance Of The Contracting Out To A Third Party Vendor Decision For Another Day. You Kind Of Have Two Parts, The Registry Part And The Maintenance Part. And We Had Some Discussion. We Could Do The Maintenance Requirement. The Other Part Kind Of Gets You The Money. That's Why They Kind Of Go Together.

This Whole Activity Is Revenue Neutral, Right? You Probably Bring In \$900,000 In Assessments. That's The Number You Gave Me And That's About What It Costs To Implement It.

I Think You'll Probably Generate A Little More Revenue Than What It Costs To Do The Program.

I'll Finish Up Quickly. One More Time, I Don't Think This Is Attracting Problems So Much. If You Want To Go Into Lehigh And Talk To The Folks, They Want The Place Next Door Cleaned Up. That's What They Want. And That's It. And If We Can Either Become More Aggressive, From 18 Inches To 10 Inches. I Don't Know How Much Grass Grows In 60 Days. But If You Do Your First Violation Notification At 10 Inches Instead Of 18, Maybe Some Of These Lawns Will Get Done Before They're 30 Inches Tall. That's The Problem. And Tracking These Things Down And Adding Another Layer Of Regulations And Tracking And Here We Go Again. I Don't Get It. I Think We Just Need To Become Aggressive And We Need To Fix The Problem. It's Right There In Front Of Us. We Don't Need A New Law Or A New Regulation To Do It.

Commissioner Manning, -- Commissioner Mann, Do You Have A Question Or Comment?

Yeah, Several Comments Here. I've Been Privileged To Represent Lehigh Acres. The Last Seven Years It Could Be Considered The Poster Child For The Issue We're Dealing With Here. It's Been A Top Priority To Both Their Citizens And My Office To Try To Deal With This. And We Have Made Great Strides. We've Still Got A Way To Go. I Want To Particularly Thank -- Who's Seated Here Today From Lehigh For All The Thousands Of Hours. I'm Not Talking Hundreds, I'm Talking Thousands Of Hours That He And His Wife And Others Have Committed To Dealing With This Issue And Working With Our Code Enforcement People And With Bobby Stewart And Others In The County. Without That Citizen Help, I Don't Know What In The World The Condition Would Be Today. But We Have Come A Long Ways. And Even This Year, There Have Been 19 Homes Bulldozed Out There. We're Getting There. But When You're A Poster Child And You're The Worst Hit Of Any Place In The County, And Lehigh Was The Worst Hit Of Most Counties In America, You Know What The Problem Is. I Want To Say This, I'm Trying To Do Everything I Can To Help That Community. I Am A Little Worried That We Have Created Great Expectations Through The Discussions And Deliberations On This Proposed Ordinance. And I Think It's Just Fair For Somebody To Say That This May Not Be The Silver Bullet That Is Gonna Change Everything If It Comes Into Effect And We Should Pass It To Public Hearing And Adopt It. Also, We Have An \$8 Million Lesson That We Learned About Legalities And Challenges To That And How Expensive That Can Be And How It Gets Drawn Out And You Just Don't Get Anywhere And Then You Lose. All Of Which Leads Me Up To This, I'm Not Ready To Throw In The Towel. And I Think It's Still Appropriate

If The Feds Are Involved In The Foreclosure And They Are -- We Have No Enforcement Authority Over Them. And My Concern From Being Only Partially Well Read On The Whole For Closure Issue -- I Want To Ask Her Two Questions. One, Help Me With The Impact Of That Federal Case On An Ordinance Here If We Should Adopt It And Any Other Ordinances That Have Been Adopted In Florida. I Presume It Would Have The Same Effect. And Then Secondly, Would You Touch On -- If We Move Forward, Can You Give Me Some Comfort Overall Those. Yeah, It Might Be Good If You Came Up And Visited With Us. Start With The Fanny May And Freddy Mac Issue And That Federal Case. And Can You Respond To Some Of The Other Points That She Made.

Ok. The Chicago Case Indicates That Basically In A Word It's The Federal Government Doesn't Comply With Local Regulations. And That's, More Or Less, A Synopsis Of What That Case Means. What We Have Experienced, Even In Lee County, If The Federal Government Was Actually The Mortgagee, Which They Are

Not In Most Instances, Just Because A Mortgage Is Underwritten By Freddy And Fanny Doesn't Mean That They Are The Mortgage Holder. This Ordinance Addresses The Mortgage Holder And Not The Underwriter. So The Overwhelming Majority Of The Mortgages That Are Effective In Lee County Would Be Subject To This Ordinance And The Ordinance Would Be Effective With Respect To Those.

Ok, Can You Go On And Touch On The Highlights Of Perhaps Some Of The Other Issues That She Had Questioned On Those Bullet Points? Talk About The Liability Issue Again. That Seems To Continually Be A Point Made By All The Bankers.

The Liability Issue Has Two Parts The Way I Understand It Between Robbie And Russel And The Way They Explain It. Russel's Issue Is That Bank Doesn't Hold The Title To The Property. That Florida An Lien State And The Combination Of Those Two Things Prevents The Application Of This Ordinance. Florida Is A Lien State. The Lien That We're Talking About Is A Mortgage Lien. In That Contract, The Property Owner And The Bank Have Gotten Together And Agreed To Certain Terms Of That Contract. In That Contract, It Says That The Bank Has The Ability To Go On The Property, To Maintain And Preserve It And Enter On To The Property. So They Have Contractually Agreed On Both Sides To Allow Exactly What We're Requiring Under This Ordinance. I Disagree With Russel. And That Is The Reason Why I Disagree. But We Are A Lien State. That's Not Really Relevant To This Ordinance. And Then I Forgot The Other Part. The Liability Issue, From The Way I Understand It And As It's Explained To Me Is That The Banks Will Be Required To Hire A Property Manager. And That Property Manager Is Gonna Act On Behalf Of The Bank And That Property Manager Might Do Something Or Get Hurt On The Property And There By Caused The Person That Hired Them To Be Liable. And That, To Me, Is A Third Party Contract Issue And Has Really Nothing To Do With The Application Of This Ordinance. It's Between The Bank And Whoever They Hire To Be Their Property Manager. The Liability Issue, It Does Exist. But I Don't Think It's Particularly Relevant To The Application Of This Ordinance.

Mr. Chairman, One Final Point Here. I've Made Some Reference To This A Week Ago Or Two Weeks.

Whenever We Were Last On This Issue. It Was My Hope Then That The Banks And Realtor Interest Groups Would Be Able To Crass Specific Language On The Really Hot Nerve Points Of The Proposed Ordinance So That You Would Have A Chance To Review Them And Perhaps At Least Have The Language Available To Us When We Do The Final Public Hearing So That We Could Entertain Two Different Concepts. You Or We Can Wait Until The Next Meeting. Everyone Is Saying That It Is A Voluntary Ordinance. A Provision In That Ordinance Says That The Mortgagee Has A Defense, That They Are Not The Title Holder. When You Read That Statement In

Conjunction With The Balance Of The Ordinance Which Actually Requires Them To Register, Maintain And Secure The Property. I Would Tell You Needed To Strike Through That Provision Because It's Not Consistent With The Purpose Of Adopting An Ordinance. It Basically Renders The Ordinance Ineffective. And For Lack Of A Better Way To Say It, Potentially Voluntary. I Would Not Suggest You To Adopt An Ordinance That Was Not Enforceable By A County.

Commissioner Manning Had A Question?

The Issue Before Us Today Is Not To Debate The Merits Or Demerits -- Move It To A Date Certain Here To The 24th. If You Want To Pick Another Date So That Both Parties Can Get Together, That's Fine With Me. We've Talked About This For Months. I Believe In Our Legal Staff This Time Has Given Us Some Very Substantial Written Arguments To Do Just That. So I Will Move This Public Hearing, This Issue To Public Hearing On September 24th At 9:30. And I Would Encourage Both Parties To Get Together To Draw Up Any Kind Of Conclusive Changes To The Ordinance That Works From Both Sides. And If Not, We'll Just Have To Play It. That's My Motion, Mr. Chairman.

Mr. Chairman.

Before We Have A Discussion, Is There A Second To His Motion.

I'm Sorry, Do We Have To Have A Second Before We End Discussion On This?

Once A Motion's Made, It Requires A Second Or No Second.

Second For Discussion.

Second By Commissioner Mann For Discussion. Commissioner Kiker?

Again, I Agree With You. But On The Other Side Of It Is What Problem Are We Trying To Fix? What Is It You're Trying To Accomplish? What Is It You'd Like To Accomplish In Your Community? How Can You Adjust The Code Requirements, Et Cetera. How Can You Manage Them Better And Get The Results That You're Looking For. We Should Be Making A Business Decision, Not A Legal Decision On How To Run Our Business. I Really Think That This Is A Bad Idea. Thank You. And How You're Gonna Regulate It. That's How This Works Up Here. I've Got It Figured Out Already. And On The 24th We Won't Be Talking About What This Real Problem Is. I Really Think You're Off The Mark On This One, Folks.

Any Other Discussion? Any Objections?

Yes.

Motion Carries. That's The End Of Consent Agenda. We Have No Administrative Agenda. Move On To Public Hearings. Public Hearing Number One.

Do We Have To Put Anything On The Record? Keep Things Moving.

I Have The Affidavit Of Publication With Respect To The Public Hearing On The Telling Ordinance. It Is Efficient With Respect To Form And Content And I Do Enter It Into The Record At This Time. I Don't Know If You Have Any Questions. This Is A Public Hearing. I'd Be Happy To Answer Any Questions. And We Do Have Members Of The Sheriff's Office Here To Answer Any Questions.

At This Time I Do In The Have Any Blue Cards. Is There Anyone Here For Public Comment On Public Hearing Number One? Please Come Forward. Please State Your Name For The Record. You Have Three Minutes To Speak On Public Hearing One.

There's A Few Issues With This Ordinance. A Couple Of The Main Ones Has Been Revised. It's Very Well Stated And Prohibited. They're Doing A Referendum In House To Do An Inventory Sheet For Each Deputy. On The Second Page, Number Three, That Is Changed In The New Ordinance That We Got This Morning. In This Ordinance, It Does Not Allow For Any Working Time Fees Or Anything Unless You Have A Mechanical Connection Done To The Vehicle. If We Get Called To An Accident Scene And We Clean Up The Road, We Do Not Load The Car, Have It Tied Down And Ready To Go Before An Owner Shows Up Or Chooses Somebody Else To Tow Their Car. We Get Paid Nothing. That Would Also Incur If We Get A Car In A Ditch. Before We Have It Tied Down Ready To Go, We Get Nothing For The Work That We've Done Per The Way The Ordinance Reads Right Now. Which Is A Major, Major Issue. Because If I'm Gonna Send A Driver To A Scene And They're Gonna Work For 30-45 Minutes And They Don't Get The Car Tied Down And They Do All The Things That Needs To Be Done, We Get Paid Zero At An Accident Scene. We Have To Drop The Car And Leave It And The Owner Can Take It And Do Whatever He Wants To With It. There's Some Issues In Here That -- And There Is Some Time Restraints In Here. 12 Months And 36 Months On Keeping Records. I Don't Think That Should Be In Here. Because It Is Considered Public Information. And I Don't Know That 12 Months Is Considered Keeping It Long Enough. Statue 7185-A Has Been Taken Care Of. There Are A Few Minor Issues That Can Be Changed And Can Be Fixed. You Might Want To Table This And Have Another Discussion About It To Fix The Issues. Especially On The Show Up Fees And Stuff Like That. Any Questions? Thank You.

Thank You.

Next Comment? Any Other Public Comment On This Item Before I Close Public Comment? Seeing None, Public Comment Is Closed.

Move The Item, Mr. Chairman.

Commissioner Manning Makes The Motion.

Is There A Second?

Mr. Chairman?

Commissioner Hall?

Since There's No Second, I Think What's Been Provided Points Out Some Issues That We Probably Need To Address. That's One Of The Problems That We See Over And Over With Our Ordnances. We Have The Best Of Intentions But They're Not As Black And White As They Should Be. So I'm Not Uncomfortable Moving This And Trying To Look At All Of These Things And Make Sure They're Incorporate Ed -- I Think Some Of The Points They Brought Out Here, And Again Quickly Looking At This, I Think They Need To Be Addressed. I Don't Have A Problem Continuing This Public Hearing To Make Sure We've Touched On It. There Was No Second To This Motion.

I Agree With You Too. I Had Some Questions About The Ordinance. And I'd Rather Make It More Black And White Too And Clear.

I'm Gonna Move That We Continue This Public Hearing For Two Weeks. Is That Enough Time? Two Weeks?

Commissioners, If We Could Have It For A Date Certain?

Is Two Weeks Enough? And I'll Give You A Date If Two Weeks Is Enough.

We'll Probably Go For Three.

I'll Make A Motion That We Continue This Public Hearing To October The 1st.

I Will Second That.

Mr. Chairman?

Commissioner Mann?

I Will Confess That Not Being Really Up To Speed On This. So I Appreciate The Additional Time. I Was Not Comfortable Voting On This Today. And I Notice On The Blue Sheet That The Proposed Ordinance -- One Of The Largest And The Oldest In Lee County.

Any Objection? No Objection, Motion Carries.

I'll Move Walk On Item Number One, Local Emergency And Local Flooding Conditions.

Commissioner Hall Makes The Motion. Commissioner Mann Seconds. Any Discussion On Walk On Item Number One? No Discussion, Any Objections? On Number Two?

I'll Move The Employment Agreement With Richard.

Second.

Commissioner Mann Seconds. Richard's Here Today. Richard, Thank You For Being Here Today. Any Discussion From The Board? Any Questions About The Contract That I Was Able To Successfully --

Great Work, Mr. Chairman.

Yes, Great Work.

Any Objections? No Objection. Motion Carries.

I'll Move Carry Over Item No. 1. Which Is The Florida Department Of Economic Opportunity 186,103 --

Commissioner Loftus -- Commissioner Hall Makes The Motion. Commissioner Mann Seconds. Any Discussion? No Discussion, Motion Carries. Richard, Thank You And Welcome Aboard. We Look Forward To Seeing You Next Month. Do You Have Anything You'd Like To Address The Board With, Since You're Here?

Just Very Briefly, I'd Like To Thank You For The Confidence That You've Shown In Me. I Certainly Look Forward To The Opportunity To Deliver. I Would Like To Thank You, Chairman, For Successful Negotiation As Well As Andrea Fraiser Who Is Exceptional In Working Through This Process And Putting This Contract Together. I Look Forward To Joining The Community.

To Begin With, I Just Came From The 13th Annual E-Awards This Morning. It Was Very Well Attended. They've Done A Great Job. Second Thing That I Would Like To Bring Up, And I'm Sure Commissioner Hall Can Say A Lot More Than What I'm Going To. I Did Attend A Town Hall Meeting Of Sorts On Fort Myers Beach This Last Week. And This Was After --

People Are Hearing What's Going On Down Here. But One Of The Subjects That Came Out Of It -- Flood Insurance. It's At A Federal Level.

Reneed To Be Doing A Full Court Press On This. I Think The Words I Heard Was

That This Could Be An Economic Tsunami If We Don't Do Something About This.

We've Got Places That Their Flood Insurance For A Year, It Just Went Up To \$16,000. So If You Want To Talk About People Losing Houses And Things Happening Out There, This Is One That's Gonna Do It To Us. Make Sure That They Have Numbers That They Can Call.

I Would Support That If You'd Like To Be The Point Person For That. Any Board Discussion?

Thank You. And The Second Thing I Wanted To Bring Up Is The Budget. And I Think There Was Some Discussion On Whether Or Not We Wanted To Not Do The 18th. I Guess A Meeting On The 18th.

Are You Talking About The M And P On The 16th?

16th, Yeah. At This Point In Time, I'm Not Feeling Comfortable. I Talked With Pete And He Spent An Extraordinary Amount Of The Time With Me Yesterday Going Through The Budget. I Think There's Some Clarity That Either Needs To Be Discussed Before The 16th. We Need To Make Sure That This Budget Is Clear To People.

So You're Asking Us To Have A Budget Work Shop On The 16th?

You're Mixing Updates. I'm Trying To Figure Out.

I Want To Hold The Date On The 16th. I Think There's Some Questions That Need To Be Answered About The Budget. If They Can Get Answered Before Then, That's Fine. But Right Now, I'd Like To Have That Discussion. Partnership For Results Would Be One Of Them.

So Why Can't We Do That On The 18th? That's What The Public Hearing Is For.

You Can, You Can.

Commissioner Mann?

I Support What Commissioner Kiker's Suggesting. Very Difficult To Work On The Details, Which I Think Commissioner Kiker Is Referring To. I Have Questions For The Whole 2020 Thing. I Met With Pete Yesterday And I'm Still Scratching My Head About Some Of This. I Would Feel Much Better If We Had One More Go At It Where We Could Just Let Our Hair Down And Make Certain We Understand This.

The M And P Is The 16th, The Public Hearing Is The 18th.

Let's Go Ahead And Hold It And Use It For Budget Deliberations.

I Will Support Keeping An Appeal On The 16th. But I'm Comfortable With What We're Doing With The Budget.

We Need That Extra Time, By All Means. That's Fine.

I Would Hope It Goes A Lot Faster.

I Have No Intention Of Thinking That. But I'm Going To Be Optimistic And Hope That We Can Get Through Without Running On The Fly Like We Normally Do. And In That Context, I'll Be Glad To Supply Questions Or Comments To Staff Ahead Of Time. I Just Want To Get Through It. It's A Pretty Important Decision We're Making Here.

I Think We All Agree With You On That One.

On A Happy Note, I Have A Lot Of Constituents Come To The Courthouse And Visit My Office. They Said Why Don't We Have A Picture Of The Current Commissioners Somewhere In The Hall Way? And I Was Wondering Would Y'all Be Willing To One Day Before A Meeting Take 30 Seconds And Get A Group Picture So We Can Display It In The Lobby Of The Courthouse? If You Would Like To Do That, If You Don't That's Fine.

If We Start That It Just Changes Repeatedly. We Have Our Five Photographs In The Stadium. I Don't Mind Doing It. But It's Something That You're Constantly Changing Out. It's Not That Big Of An Issue To Me. We Have Our Port Authority Picture Of All Of Us That We Take At The 1st Of The Year.

Do You Want To? It Doesn't Matter To Me. I'm Just Thinking It Would Be Nice To Have A Group Picture. I Had Several People Say Why Don't You Have A Picture? Most County Chambers --

Is That Something We Can Do Next Week?

Have Public Resources Hang It Up In A Frame. If You Like, But If You Don't Want To.

Commissioner Chairman, If That Suits You, It Tickles Me Pink.

We Can Do This In House For \$3, Can't We?

Exactly.

You Want Your Picture Taken?

Commissioner Mann, Do You Have Any Commissioner Items?

Yeah. Commissioner Manning, I Understand If You'll Roll Your Eyes One More Time. This Is My Weekly Periodical. This Has To Do With Impact Fees And The Fact That We've Eliminated 80% Of Them Here For A Two Year Period. And I Have Tried To Keep This On A High Note. I've Tried To Point Out Week After Week To Local Paper Stories How We Have Rebounded From The Recession. It Seems To Not Take Up The Time Of The Commission By Doing That So Far. Today's Paper, Survey Likes What It Sees Here. Hiring Prospects In Lee County Have Rebounded From Being Ranked Dead Last In The Nation And Are Now Forecast To Be Among The Strongest To Close Out 2013. This Is Serious Business. We Are Gonna Do A One Year Review. And Every Article, Every Report That Any Of Us Have Seen Have Talked About We Have Bottomed Out And We Are Coming Back. And This Is Just One More Indication At A Time When We're Struggling To Find The \$480 Thousand To Deal With Partner Incur Results. Why Are We Still Giving Large Millions Of Dollars Away To People Who Are Building New Homes And New Buildings Here That Can Easily Afford To Pay The Impact Fees? In The Big Picture, We Need That Review At The End Of The Year. And I Hope We Will Then Take Different Action. Thank You Very Much.

Thank You.

I Think At Some Point In Time, You Should Memorialize When That One Year Is Going To Happen. That Has A Tendency To Creep. At One Point We Should Say This Is The Date We Want To Hear From You At This M And P.

March Will Be A Year.

If We Don't Control That, It Gets Controlled For Us. I Have A Couple Of Things. To Dove Tail On To Commissioner Kiker's Issue On Flood Insurance, Florida Association Of Counties Has Decided To Take On Federal Policy. So We're Not Only Gonna Be Working On State Policy, Federal Will Also Be In Place. The Items That We've Chosen, There's Four Of Us On The Committee. The Farm Bill Offshore Energy -- Those Are The Areas That We're Going To Monitor And Associate With National Association Of Counties. But Florida Association Of Counties Is Going To Take On Those Issues. So Commissioner Kiker, I Would Suggest -- That Is An Issue That We'd Love To Have You Get Involved With. There's A Bunch Of Folks That Are Very On Top Of This Across The State. So I Think You'll Fit Right In There. And That'd Be Great. [Laughter]

Their Policy Meeting Is In West Palm On The 18th On Top Of The Restore. But That Is The Day That We Have Our Last Public Hearing. So I Will Not Be Able To Attend.

I'm A Little Fearful About Trying To Get Back With The Afternoon Storms. So Hopefully Staff Will Go In Our Stead And Be There. It's Gonna Be Hard For Any Staff That Stay All Day For That. But We'll Get Updated Then. Nine County Coalition On Friday. Nine County Coalition Has Again All 16 Counties. We Reached Out To All 16 Counties In The Water Management District. Just Like Us, We've Set Resolutions Asking Our Congress, Our Delegation, Or Port Of Delegations, Senators And Congressmen To Support Getting It Marked Up And Getting It Passed In The House. October 2nd, I Don't Know If You All Know This, But There Is An Everglades Caucus. And The Co-Chairs Are L.C. Hastings -- Set Up A Fly-In To Meet With That Caucus Because They're Having A Joint Meeting At That Time And To Do Some Lobbying. Lastly, We Did Have A Town Hall Meeting Specifically -- Rob, I Want To Tell You Your Staff Did A Phenomenal Job. We Had Over 160 People There.

I Think You're Gonna Hear A Lot More. People's Perception Of Wanting To Buy That Sugar Land. That's A Billion Dollar Acquisition That The Water Management Cannot Do. I'm Not In Favor Of This Board Banging On A Desk For A Billion Dollar Land Acquisition. At Some Point, We're Gonna Probably Get Asked To Do That. But I'm Giving You A He Did Up On That. It Was Great To Have Him Involved Again And Sharing His Wisdom With All Of Us.

Commissioner Manning?

None.

Commissioner Kiker?

None.

I Have None. Commissioner Mann?

I Have Several Here. Marvin Smith, Peter To The

Commissioner Hall?

None.

County Manager Items?

Good Morning, Commissioners. Very Quickly, Two Weeks Ago The Commission Asked Staff To Look Into The -- Two Weeks Ago The Commission Asked Staff To Look Into The D. E.P. Surplus Property List. We Left For You On Your Desks The Evaluation That Staff Did. With Your Approval, We'd Like To Do A Cover Letter --

No Objection. Motion Carries.

I Just Want To Thank My Colleagues For Bringing This Issue Up. This Is Needed And I Really Appreciate You Guys For Bringing This Forward. We Must Protect What We Have So Far.

Anything Else, County Manager? County Attorney Items?

No, Thank You.

Excuse Me, Are We Gonna Be Doing The New Public -- Commissioner Items 24 Hours Ahead Of Time?

October 1st It Becomes Effective.

So That Includes Mr. Mann Has To Tell Us He's Gonna Talk About Impact Fees.

Well, For Ministerial Issues, No. [Laughter]

Because I'm Sure There's Some Folks In The Public That'd Like To Comment On What You're Gonna Say Before You Get To It. Just A Thought.

That's Why We Have The Next Thing.

It Will Be Sad News To Everybody. I Have Researched That With A Bunch Of Lawyers. And I'm Still Able To Bring Articles From The Paper With You On Short Notice.

That's All I Have, Thank You.

Are We Done Now? Back In Order Here. Next Item Is Public Presentation Of Matters. We Have Two Cards At This Time. John, First Speaker. After John, Margie.

Thank You, Commissioners. The United Nations Has A Website. And On That Website, It Talks About Agenda 21. And Agenda 21 Is Promoted Through Ickly. And Ickly Uses The Name Sustainability. If You Look On The Website, You Will See The United Nations Website. You Will See That Lee County Is A Member. And The United Nations Is Putting Out A Program Through Agenda 21, Which Is Connected To Ickly Which Is Connected To Sustainability. Which Also Has Another Name Of The Lee Plans. Looms Even Larger In The Face Of Global Implementation Of Agenda 21 By Member Nations. In Particular, The United States Of America Has An Estimated 500 Million Weapons In The Hands Of Its Civilian Population. It Is A Massive Dynamic Problem For The Process Of Confiscation As There Will Be Those Who Refuse To Surrender Their Firearms. The Conclusion Of Discussions Led To The Adoption Of Proposed Agenda To Begin To Process For Introducing Of Member Nations Of Frame Work By Which They Can Begin Confiscation Of National Laws To Disarm Civilians Within Their Borders With A Graduated Process. We Have Identified Several

Problem Areas That Must Be Addressed. They Are Classification Of Military Grade Weapons To Be Made Illegal For Possession. Creation Of Program To Provide Reasonable Compensation For Voluntary Surrender Of Such Arms. Gratification Of Laws To Begin The Restricting And Strict Licensing Of Concealed Firearms. Gratification Of Laws To Begin The Restricting And Strict Licensing Of Hunting Grade Firearms.

I Know That Council Has Put Out A Letter Saying That We Support The Second Amendment And -- But I Just Want To Emphasize Again The Connection Between Agenda 21 And Ickli And Sustainability. And I Just Want You To Be Aware That This Is Going On.

Thank You. Next Speaker Is Margie. Thank You.

I Think I've Got This Down To Three Minutes. Fellow Commissioners, I've Been A Taxpayer In Lee County For Many Years. While My Permanent Residence In Manatee County, By Heart Resides Here In Lee County. Thank You For This Opportunity To Go On The Record On Behalf Of Many People Who Support An Opposition To The State's Proposal Of Surplus Conservation Lands. My Family Has Owned A Cabin There Since The 70's. We've Raised Our Sons There, Teaching Them The Value Of The Environment. We've Educated Visitors From All Over The World About Its Environmental And Historic Attributes. We Told Them What Champions Lee County And The State Of Florida Have Been To Be Bold Enough To Say -- Members Of The Restoration Council Will Convene In Tallahassee To Consider Whether Or Not To Put Ten Parcels On The Block Of Surplus Land. Question The Criteria They Use. I Want To Thank Commissioner Manning For Bringing This Issue Up At A Previous Meeting. And I Understand That A Letter Of Opposition Will Be Going And Stating That These Lands Should Be Removed From The Surplus Block. We Aplowed This Position And Know Lee County Has A Long History Of Working In Close Corporation With The State To Establish This Park. Surplusing These Lands Would Be A Step Backwards And Would Be In Direct Conflict With Everything The Term Conservation Stands For. In 2005 -- Which States Our Protected Zones. Or Outstanding Character From Which Most Types Of Development Are Excluded. A Living Laboratory For The Study Of Dynamics And Bio Diversity. The Thrust Is To Protect And Maintain This Aspect Of The Island. It States The Goal Is To Make It A High Priority To Buy Up All Of The Remaining

Mr. Chairman, If I May. If I Can -- To Waive The Out Of County Speaking Fee Today. I'd Appreciate It.

Make Up For The 200 Mile Drive. Thank You, It's Worth It Everything We're Doing. And I Appreciate It.

Thank You. Any Other Speakers From Public Comment?

Just Very Quickly, Executive Vice President Of The Building Industry Association. Thank You, Commissioner Mann For Continuing To Bring Up How Great We Are Doing Here. We Believe It's A Result Of The Decision That The Commissioners Made. I Just Wanted To Clarify One Thing. We Spoke About The Fact That The Revenues That You're Missing From The Impact Fees And How You're Also Having A Hard Time With Partnering For Results. Thank You Very Much For Your Time.

Thank You. Any Other Public Comment?

Mr. Chairman. I Can't Let That Hang. We Are Using Impact Fees To Pay Back General Revenue Loans.

Any Other Public Comment? Seeing None, Meeting Is Adjourned. Thank You.