

May 3, 2016

Frank Mann: Before We Begin, For Members Of The Public Who Want To Speak On One Of Our Consent Items, You Need To Fill Out Of One Of These. County Manager Has Some Down Here, And Please Put The Item That You Want To Speak To At The Bottom Where It Calls For It. With That We Begin All Of Our Proceedings. Our Invocation This Morning, We Welcome Back The Reverend Dr. Randy Moody Who I Would Further Proclaim His Fame. He Is Recently The Chaplain Of The National Association Of Sons Of The American Revolution. He Has Been Now Elevated To The Parliamentarian Post Recognized Side-By-Side With The Daughters Of The American Revolution. Mike Is Yours.

Let Us Pray. Precious Creator, You Created This World And Proclaimed It Good, And We Who Live In Lee County Experience Every Day A Part Of Why You Proclaimed It Good. You Created Us To Live In Community To Care For Your Creation, To Care For One Another And To Be Respectful Of One Another In Your Grace. This Body Has Been Passed With Part Of The Care For This Particular Community, So Give Them Wisdom In Their Calling So That They May Make Decisions That Care For Your Creation, Care For This Community, Care For Your People, And Promote Justice And Camaraderie And Peace. In Your Name We Pray.

Thank You, Dr. Moody. Would You Join Me In 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. Thank You, And Be Seated. We Have Some Happy Duties This Morning. Where Are You? Which Item Is It You Want To Speak To? Okay. Well, Then That Would Come At The End Of The Meeting. You'll Have To Cool Your Heels Until That Point. Thank You. You're At The Right Place. Happy Duties Here. Ceremonial Presentations. Let Me Look First To Commissioner Hamman.

Brian Hamman: I Would Like To Call Everyone From The Bcb Who She Wishes To Invite Up For The Resolution.

Frank Mann: Bring Michelle With You.

Brian Hamman: Oh, Yeah. I Like That Shell. I Don't Want To Brag, But -- Good Morning. The Resolution Reads As Follows. Whereas The Lee County Board Of Commissioners Recognizes The Importance Of Tourism And The Leading Industry Of Lee County Generating Nearly \$3 Billion In Economic Impact Annually, And, Whereas, With More Than 100 Barrier And Coastal Islands Adjacent To Lee County, This Area Is Home To 50 Miles Of Beaches Renowned For Offering Some Of The Best Shell Collecting In The United States. Whereas, Research Shows That Shell Collecting Ranks Near The Top Of Favorite Activities For The Approximately Three Million Annual Visitors To Lee County, And, Whereas, Many

Visitors' Enthusiasm For Shelling Turns Into A Passion As A Success The Vacation Is Often Judged By The Number Of Shells Collected, And Whereas, Lee County's Shell Collecting Was The Inspiration For A Best Selling Book, Gift From The Sea "Written By Ann Morrow Lynnedburg In 1955 Based On Her Many Visits To The Area, And, Whereas, Lee County Delights Visitors With Some 400 Species Of Multi-Colored Shells From The Common Place Scallop And Clam To The Exotic Tulip, Olive, Fragile Paper Thick Shells And The Rarest Of Them All, The Brown Speckled Genomia. It's A Once In A Lifetime Find. Whereas, Lee County Is The Home To The Only Museum In The United States Solely Devoted To Shells And The Moluscues That Makes Them, And Famed Movie And T Actor Raymond Burke Acclaimed For Parts In "Perry Mason," "Godzilla," Among Others, It A Frequent Visitor To Sana Bell Island And The Launch Of The Shell Museum In 1995. Now, Therefore, Be It Resolved That The Board Of County Commissioners Of Lee County, Florida, Does Hereby Designate June 20th, 2016 As National Sea Shell Day And Encourages All Residents And Visitors To Enjoy A Walk On The Beach To Collect Uninhibited Shells, Ones Without Animals Or Molusks. It's Duly Executed This 3rd Day Of May, 2016. Signed By Commissioner Frank Mann. Congratulations. I'm Looking Forward To Sea Shell Day. Why Don't You All Come Take A Picture For Us.

Frank Mann: Come Blow Your Horn Up Here. All Of You. There You Go. Wow. All Right. Hold Up For A Picture. Do Any Of These Shells Make A Cool Noise?

Brian Hamman: Very Good. Why Don't You Tell Us Why We All Get June 20th Off.

I Don't Think We Get It Off.

Brian Hamman: Ah.

But We Are Definitely Going To Shell-Ebrate. I Want You To Know That There Are Going To Be A Lot Of Shell Word Games Going On In The Next Few Months, But We Are Really Super Excited To Kick Off The Very First Day Of Summer This Year By Celebrating National Sea Shell Day, And More Importantly, You Know, We Are Happy To Introduce To You Pam Rambo, Our Local Shell-Ebrity, Or Our Shell Expert, Or Our Consheltant On Shelling. She Has A Blog Called "I Love Shelling" And Not Only Has She Been Instrumental In Helping Us Garner A Lot Of Press Around Shelling Here In Our Community, But She Really Has Elevated The Information And The Knowledge Of Shelling And Helping Us Share That With Not Only Domestically, But Internationally, And We Are Really Proud To Work With Pam. I'm Going To Give Her A Chance To Say A Few Words, But Just To Give You A Little Bit Of An Overview, Not Only Will We Be Kicking Off National Sea Shell Day On The 20th, But Also 25 Of Our Industry Partners Are Offering A Very Special Summer Rate. If You Book Three Nights, You Get The Fourth Night Free. A Great Summer Deal Coming To Our Local Residents Who Want To Do A Stay-Cation, And For Residents -- Potential Visitors From All Over The World To Enjoy A Free Night Here In Our Destination. To Celebrate The Day We Will Have A "Good Morning America Broadcast Live From Our Community. We Have Our In

Market Talent That Morning, And We're Very Excited About That. Hopefully She Continues To Do Very Well On "Dancing With The Stars." That Certainly Elevates The Number Of Eyeballs That Will Be Watching "Good Morning America" That Day. With That We Want To Turn It Over To Pam, Our Shell Expert.

It's My Honor To Be Part Of National Sea Shell Day On June 20th. Let's Shell-Ebrate.
[Applause]

Frank Mann: Commissioner Manning.

John Manning: Yes, Thank You, Mr. Chairman. I Think I'm Up To The Challenge. This Is The Resolution That I Would Like To Read In The Record Celebrating -- If I Could Ask Don Mann, The Chairman, And Ann Getsch And -- Please Come To The Podium. Don, You'll Accept The Proclamation, And We'll Go From There. Resolution, Again, As I Said, Recognizes Bike Month In Lee County, And It Reads Whereas, Many Lee County Residents Own Bicycles And Surveys Indicate That The Majority Of Southwest Florida Drivers Ride A Bicycle At Least Once A Year And Over One-Third Ride Bikes At Least Once A Month And Whereas National Health Organizations It And Fitness Activists -- National Health And Whereas The Increase In Use Of Bicycles In Place Of Motor Vehicles, Use Corresponding Decrease In Gas Emissions, And, Whereas, Since 1998 Lee County Has Invested Millions Of Dollars To Construct Approximately 751 Miles Of Bicycle Facilities As Part Of Roadways And Retro Fittings Of Existing Roadways, And, Whereas, The Month Of May Is Being Promoted By The League Of American Bicyclists As National Bike Month With Wednesday, May 4th 2016, And May 8th As -- The Week Of May 16th. To Be Bike Month In Lee County, And This Was Duly Executed This Thursday Of May 2016 By Our Chairman Frank Mann. Congratulations. [Applause]

John Manning: Thank You, Mr. Chairman.

Brian Hamman: That Was A Tough Act To Follow. I'm Not Sure I Have -- I Apologize.

I'm Honored To Be Here To Be The Mouth Piece For The Pedestrians -- The Bicycle Pedestrian Advisory Committee, And As That Committee, We're Trying To Get Our Eyes And Ears With Regards To Bicycles And Pedestrian Issues, And I'm Proud To Announce We've Been Able To Look At 17 Different Facility Requests From Approximately Over 40 Citizens Of Lee County And Have Added 13 Of Those Requests To The List. I'm Not Too Happy, Though, To Report That There Was Only Constructed One Of Those Projects, But I Think Because Of That, I Think The Board Is Realizing We Need Additional Funding, And You Guys Have Stepped Up And Added That Funding, And We Appreciate That. With That Being Said, It Being Bike Month And Finally Over 75 Degrees, I Think It's Time To Dig That Bike Out Of The Garage, Dust Off The Seat, Oil Up The Chain, Pump Up The Tires, And Get Out And Ride Your Bike. Thank You Very Much.

John Manning: Appreciate It. [Applause]

Frank Mann: Thank You All For Coming. These Have Been Two Happy Ceremonial Presentations Here. We Have One Of A Much More Serious Nature.

John Manning: Thank You, Mr. Chairman. May I Ask That -- Anyone That Would Like To Accompany Her To The Podium, Please. She's With The Volunteer Advocate Bladder Cancer Network, And If You'll Join Us There, I'll Read This For You. I'll Ask To Have A Picture With You, And I'll Ask For Your Comments. I Had A Wake-Up Call Myself Two Weeks Ago Concerning This Subject, And It's Not Fun To Find Out If You're Okay Or Not. I Can Tell You That. It's Not Fun. Actually, It's Disabling In A Great Sense. I Can Only Imagine What It's Like For Someone That Actually Contracts Cancer, What They Have To Go Through. But I Hope That This Brings Attention To What It Is That You Have To Say, And Early Recognition Is Obviously Better Than Being Too Late. That's Exactly What We Experienced. I'm One Of The Lucky Ones. So This Is From The Board Of County Commissioners Resolution. Whereas, According To The Centers For Disease Control And Prevention, Bladder Is The Sixth Most Common Cancer In The United States. Whereas, Among States Florida Has A Fourth Largest Population, The Third Highest Incidents Of Bladder Cancer And The Second Highest Rate Of Bladder Cancer Deaths In The Country. Bladder Cancer Is The Fourth Most Common Cancer In Men And Tenth Most Common Cancer In Women. Whereas, Men Have A One In 26 Chance, And Women Have A One In 90 Chance Of Being Diagnosed With Bladder Cancer In Their Lifetime. This Year In The United States Approximately 75,000 New Cases Of Bladder Cancer Will Be Diagnosed And Nearly 16,000 People Will Die From This Disease. Bladder Cancer Occurs In More Women Annually Than Cervical Cancer, And Women Often Have A Delayed Diagnosis Due To Bladder Cancer Being Mistaken For Gynecology Problems. Bladder Cancer Can Occur At Any Age, But A High Percentage Of People Suffering From The Disease Are Over The Age Of 55. Even Though Bladder Cancer Is The Sixth Most Common Cancer In The United States, It Ranks 22nd In Research Money Received. Whereas, Due To Recurrence Rate Of 50% To 80%, Bladder Cancer Is One Of The Most Expensive Cancers To Beat. Now, Therefore, Be It Resolved, That The Board Of County Commissioners Of Lee County, Florida, Does Hereby Proclaim The Month Of May 2016 As Bladder Cancer Awareness Month In Lee County Dually Executed This 3rd Day Of May, 2016, By Our Honorable Chairman Frank Mann. Thank You. [Applause]

Brian Hamman: Orange Is The Color. Very Good. If You Would Like To Say Something.

On Behalf Of All Of Us In The Southwest Florida Bladder Cancer Support Group And Everyone Throughout The Country Who Has Been Impacted By Bladder Cancer, We Are Coming Today To Sincerely Give You Our Appreciation For Your Recognition Of This Particular Cancer. As You Said This Morning, Any Time You Have A Possible Diagnosis, The First Thing That Runs Through Your Mind Is, Oh, My Goodness, What Do I Need To Know About This, And What Do I Do And Where Do I Go? Beacon Is The Bladder Cancer Advocacy Network, And It's Celebrating Its Tenth Year Anniversary As Of November Of Last Year. In That Ten Years Education, Awareness, And Funding For Research Has Happened, And We Have Seen Major Changes Coming About Because Of The Scientific Advisory Board That

Has Been Able To Pull Together And Come Up With Calls That The Last 30 Years There Was Basically Only One Treatment That Was Happening With Us. There Are Three Of Us Here In This Group That Are What We Call Thrivers. I'm 12 Years Past My Surgery. Mike --

Going On Four.

Four Years. But He Has Been A Thriver Of Cancer For Many More Years Than That.

52.

52. He Is Not That Old. Deidre. Okay. Deidre Is A Year Past. The Big Thing That We Need To Make Sure That Everyone Knows That We Can Be Thrivers, But Awareness Of The Disease Is The Biggest Challenge, And The Most Important Thing For Us To Really Hone In On. The Fact That The Commission Has Joined With Us For The Last Four Years, And This Is The Fifth Time, And To Know That The State Of Florida Has Really Been In The Forefront In Making Awareness Throughout The State. Last Year For The First Time The House In Washington Agreed That They Would Pass A Resolution Announcing May As Bladder Cancer Month. We've Been Doing It For Ten Years, But Now We Know That We Have A National Month For Bladder Cancer. I Encourage Everybody To Wear Orange All Month Long. Thank You.

Thank You Very Much.

Frank Mann: Commissioner Kiker, Thank You For Your Personal Presentation On This Very Important Subject. Looking At Our Agenda We Have Two Items That Need A Motion To Make The Technical Changes. We Are Omitting Item Ten And Substituting Item 15 With Some Other Lanes E Language. Just For Clarification, Item Six On Our Agenda Is Shown As The First Item On Our Commissioners Sheet Here. It's The Presentation By The Auditors On The Comprehensive Annual Financial Report. That's Item Number Six. We'll Be Taking It Up Next Instead Of On The Place Of The Agenda. Can I Have A Motion? Motion, Second. Hamman, Manning. Is There Discussion? Is There Objection? Show It Adopted Without Objection. You Want To Introduce Mr. Desjalais.

He Will Give A Brief Presentation On The Annual Audit For The Ending Fiscal Year 2015.

Frank Mann: Good Morning. Good To Have You Back.

Good To Be Here. Good Morning. I Am Going To Make Some Comments Based On The Results Of The Audit Of The Financial Statements For The County, But Also The Financial Statements Of The Port Authority. Most Of The Comments Apply To Both. There's A Couple That Don't Apply To The Port Authority, But Overall We'll Cover Both At The Same Time. We'll Kind Of Get You Started Here. Maybe. Maybe Not. I'm Not Quite Sure How This Works. I Have To Run Through My Notes, And Then If We Can -- Maybe You Can Help Educate Me On This. In The Interest Of Time, We'll Run Through. We Were Engaged To Audit The Financial Statements Of The County And The Port Authority. We Were Engaged

To Perform Audits Of Grant Compliance, Both Federal And State, As Well As Compliance With The Passenger Facility Charges For The Airport, And Additionally There's A Number Of Items That We Have To Audit And Attach Under The Rules Of The Auditor General, So There's A Report That Relates To That As Well. Kind Of The Overview Statements Here. Those Are The Reports That We Delivered. Again, The Independent Auditor Report On The Financials, The Report On The Control And Compliance And Then Compliance That Had A Direct Material Effect On Grants, Whether State, Federal, And Then Including The Passenger And Facility Charges. Management Letters Required By The Auditor General Independent Report On Compliance, And, Again, These Are All Based On Requirements To Auditor General, And Then Finally Communication To You As Governance, Covering Specific Items Under The Auditing Standards. The Important Points Are Independent Auditors Report On Both The County Financials And The Port Financials, Unmodified Opinion On The Overall Financial Statement, No Material Weaknesses Noted, No Reports Of Noncompliance On An Overall Basis. When We Talk About Single Audit, That Does Deal With Federal Programs And State Projects, And The Facility Charges As Well. I Modified An Opinion On Compliance. Go I Guess A Way Of Back Drop, There Were 15 Programs That Were Tested This Year. Average Is Nine For The County. This Year There Were 15 Specific Grants That Had To Be Tested. Out Of Those 15 Grants We Had An Unmodified Opinion On Compliance, Meaning We Didn't Find Any Material Noncompliance With Those 15 Grants. We Found One Item Of Noncompliance And Eternal Control Out Of All Those, And We Basically Have Considered A Finding Not A Material Finding. That's Really Good. There Were No Questioned Costs. That's Pretty -- A Pretty Good Report Based On All The Departments That Are Involved Too Because This Is Not Necessarily One Of The Departments. It's The Fact That All Your Departments That Manage Grants Are Doing Their Job To Make Sure That They're Complying With The Requirements. That's Important. The Management Letter, There Were No Suggestions For Improvement, And The Prior Comment Was Corrected This Year, And The Unmodified Opinion On The Various Other Compliance Aspects That The Auditor General Requires Us To Report On. Very Good Results Top To Bottom. Those Things That We Need To Communicate To You Specifically, You Have To Remember That We Do Rely On The Report Of The Auditing Firm. The Supervisor, The Sheriff, And The Tax Collector. We Use Their Reports And Their Information And Rely On Their Reporting. There Are Significant Estimates Embedded In Your Financial Statement. They Include The Self-Insurance Claim Reserves, Potential Liability, Which We're Going To Talk About A Little Bit More. Shortly Post-Employment Benefits, Landfill Closure. Again, These Are Estimates. These Are Not Hard Numbers That As Many Of Them Are. There Were No Difficulties Encountered With Dealing With Management Throughout The Engagement, And Rest Assured, We Do Hit A Number Of Departments Throughout The Audit And There Was Cooperation Throughout The County. No Disagreements With Management In The Performance Of The Audit As Well. This Is The Big Picture Item Here. This Is The Difference From Last Year. I Did Bring This Up To You Last Year And Gave You Kind Of A Warning That This Was Going To Be Changed. Under The New Pronouncements For Reporting Pension, The County Had To Put The Pension Liability On Its Financial Statements In That Position. The Balance Sheet. That

Basically Was A \$207 Million Liability That Is Now Reported On Lee County's Financial Statements That Will Really Just Disclose In The Notes In The Past. We Brought That Forward To You Last Year. We Couldn't Report The Numbers Because, A, We Didn't Have The Information From The State, B, The Way They Were Calculating Things Were Changing Under These Pronouncements, And This Is The Reality Of The Situation. Even Though It's A Large Number To The County, You Have To Understand It's .9% Of The Overall Liability, Which Is Close To \$23.1 Billion. You're Proportionate Share Of The Liability For The Retirement System, You Know, Pension Obligation Is The \$207 Million. Every Year This Number Is Going To Be, You Know, Revived Based On Actuarial Assessments And So Forth, Returns On Investment, And Then Your Proportionate Share Will Be Brought Forward To These Financial Statements. It's A Big Number. When You Look At Your Financials One Last Point, And I'll Stop So You Can Ask Questions. When You Look At Your General Fund, You Know, Fund Balance, That Doesn't Change Because This Really Doesn't Hit That Fund Financial. From A Budgetary Statement, It Has Some Differences. This Goes To The Government-Wide Financial Statement. That Government-Wide Business Type Activity And The Governmental Activities Show That Liability. When You Look At That Year To Year, When You Look At The Comprehensive Annual Report, You'll See In The County-Wide Financials, Unrestricted In That Position Of A Couple Hundred Million Dollars. This Year It's Almost A Break. It's Almost Zero Because This Basically Took That Unrestricted Net Position Away. Just So You Understand How That Happened And Why It Happened, But It Is Separate And Distinct From Your General Fund Financial Statement, For Example. I'm Going To Stop There. I Guess I Should Say Thank You To Everyone Here At Lee County That Helped Us Through The Audit. Again, Everyone Cooperated, And We Were Able To Help Us Throughout The -- With That I'll Stop.

Questions For Mr. Red I-Man?

I Want To Clarify This. I Think I Know The Answer. For The Pension Liability Disclosed In This Different Fashion, Did That Have Any Impact On Our Bond Rating?

It Could. However, When -- This Is Known As Gasby68, The Pension Standard. As It Was Being Developed, The Underwriters, The Analysts, They Were Monitoring And Participating In The Whole Rom-Out Of Gasby 68, So They Were Well Aware Of How This Was Going To Change Your Financial Statement. However, At The Same Time They Also Knew That This Liability Was Out There Because They Saw It In A Note Of The Financials. In Essence, They Have Already Basically Considered This When They're Doing Their Ratings. I'm Not Going To Say It Won't Have An Impact. It Should Not Have A Major Impact Because This Is Not Something New. It's Gone Back A Few Years.

Frank Mann: Further Questions? Mr. Rediman, Seemed Like A Pretty Good Report Card To Take Home And Show Your Parents. We Thank You For The Good Work You've Done For The County, And Thank You For Being With Us This Morning.

Thank You.

Frank Mann: You're Excused. Councillor, Let Me Ask You, There Was One Item On Our Agenda. Number Five Has To Do With An Airport Report. Is This One Of Those Things Where We Need To -- When We Take It Up As Port Authority Or Can We Just Handle This As Part Of Our Regular Agenda?

The Port Authority.

Frank Mann: Let Me Suggest We Pull Number Five Right Now And Take That Up Separately And Let The Record Show We Are Seated As The Port Authority For The Purpose Of Taking Up Number Five On The Agenda. Port Authority. Bussy, I Always Call Him. I Know -- Is There Anything You Guys Would Like To Put On The Record? No? Do I Have A Motion On That. Manning. Second By Commissioner Hamman. Public Comment? None. Seeing None, Back To The Board. Is There Further Discussion Is? Is There Objection? Show It Adopted Without Objection. You Guys From The Court Can Go Back To Work. Thank You For Being With Us This Morning. Now, Let Me Ask You For Our Item To Be Pulled On The Agenda, Commissioner Manning.

John Manning: Mr. Chairman, I Sent An E-Mail To Each Warm Front You And Copied Others On Item 24. I Will Be Abstaining From That Vote Due To Conflict Of Interest, And I Will Cast The Necessary Forms Into The Clerk.

Frank Mann: Let The Record So Show. Thank You Very Much. Commissioner Pendergrass.

Frank Mann: I Have None.

Brian Hamman: I Have None.

Larry Kiker: I Have None.

Frank Mann: Let Me Then Ask For -- I Only Have Cards From The Public On 19. We'll Take That One Up At This Time. Joe Carter.

Thank You Commissioners For Considering Number 19, Which Is Where Conservation 2020, Management Of The Bob James Property, As Opposed To That Going Under State Forestry. Conservation 2020 Would Be Opting Out Of That. I Have Some Friends That Are Here In Support Of Conservation 2020, Managing That Program -- Or That Property. We've Put In A Lot Of Sweat Equity At Various Conservation 2020 Properties. We Look Forward To Doing So With Your Positive Vote. We Look Forward To Doing So At The Bob James Property As Well. Thank You.

Frank Mann: Thank You, Ms. Carter. Thank You Gentlemen For Being With Us. Ruth Mcgregor. With The Luces Sierra Club On The Same Item.

Thank You For Giving Me The Opportunity To Speak This Morning. Ruth Mcgregor, Sierra Club, Collier Glades, Hendry And Lee Counties. I'm Here To Speak On Behalf Of The Bob James Preserve And All This Inhabits. As You Well Know Bob James Preserve Is The Largest Preserve In Lee County. It's A Sensitive Water Shed Home To Endangered Species Like River Otters, Fox Squirrels, And The Florida Panther, Among Others. By Allowing Public Access To This Preserve, Says The Citizen And Taxpayers Of Lee County Would Be Able To Enjoy This Preserve For Recreational Use Supper As Birding, Biking, Camping, Hiking, Nature Study, And Horseback Riding. This Would Provide Opportunities For People To Experience The Flora And Fawna Of The All Florida Has To Offer. Eco Tourism Would Also Generate Revenue And Help Stimulate The Economy In The East Auto Lee County. I Urge Commissioners To Continue To Support The Conservation Land Acquisition And Stewardship Advisory Committee And Their Efforts To Oversee And Insure The Protection Of The Conservation Land. This Would Allow The County To Improve Public Access And The Enhancement Of Water Quality. In Honor Of The Namesake Of The Preserve, Commissioner Bob James, Let Us Not Foresake To Acquire This Is This Preserve For Future Generations To Be Able To Enjoy.

Thank You For Being With Us.

Frank Mann: Further Members Of The Public That Would Like To Be Heard On This Item, Number 19? Or Any Other Item? But We're On Item Number 19. Okay. We're On That. I Would Like The Chair To Accept A Motion On Number 19.

Brian Hamman: I'll Move That Lee County Assume Management Of Bob James Preserve.

Frank Mann: Second That? Second By Commissioner Manning. Is There Further Discussion On That Motion? Is There Objection To That Motion? Show It Adopted Unanimously. Thank You Very Much. [Applause]

Frank Mann: We Try To Restrain Ourselves In Here, But It's Too Late. You've Already Exposed Yourselves Here. Thank You For Being With Us, Folks, And You Can Sneak Out Quietly Now If You Would Like. Unless You Just Want To Enjoy Government At Work. Thank You. Then I Would Accept A Motion To Approve The Remainder Of The Agenda. Whose Item? First Motion By Pendergrass. Second By Hamman. Discussion On The Motion?

Cecil Pendergrass: I Will Support The Motion, Except For Item 24 Where I Have A Conflict.

Frank Mann: So Noted. Further Discussion. Show It Adopted. We Have Finished The Official Business Of Today. We Are On Public Hearings. Mr. Jacob, You're Going To Introduce That. Thank You.

Good Morning. My Name Is Mr. Jacobs, Assistant County Attorney. I'll Enter That Into The Record Now. This Is The First Of Two Public Hearings On The Creation Of Rebatable Area With Regard To The Project. At The Conclusion Of Today's Hearing We Request That You

Move This Forward To Second Public Hearing On May 17th At 5:00 P.M. Staff And Myself Are Here To Answer Any Questions You May Have.

Frank Mann: Questions For Mr. Jacob Or Staff? Is There Members Of The Public That Would Like To Be Heard On This First Public Hearing On This Item? Hearing None --

John Manning: Move To Second Public Hearing.

Frank Mann: Commissioner Manning Moves This To Second Public Hearing, Second Bid Commissioner Hamman. Discussion, Objection? It's Moved Into The Second Hearing. Hearing Number Two. Two Hearings. Two Alawyers.

Good Morning, Commissioner John -- Assistant County Attorney. I Have Both -- Well, Actually Two, Three, And Four Of Your Public Agenda This Morning For Public Hearings. First, However, I Have Affidavits Of Publication With Respect To Vac2014-00002. Vac 215-00021, And Vac201600006, And An Affidavit Of Publication With Regard To The Third Vac 2016-00021. I Have Reviewed All Of Those With Respect To Form And Content. They Are All Legally Sufficient To Proceed This Morning, And I'm Going To Give Those To The Clerk. Beginning With Public Hearing Agenda Item Number Two, This Is A Request To Vacate The Public Interest In A Utility Easement At 1013 Broadway Avenue. It's Vac 2016-00002.

Frank Mann: Question Of Council? Are There Members Of The Public That Would Like To Be Heard On This Agenda Item? Back To The Commissioner. I Have A Motion By Hamman. Second By Manning. Further Discussion? Is There Objection? Show Is It Adopted Unanimously.

Case Number Three On Your Public Hearing Agenda To Vacate The Public Interest On The Portion Of A Roadway At 16490 Cook Road In Fort Myers.

Frank Mann: Are There Members Of The Public That Would Like To Be Heard On This Agenda Item? Hearing None, Back To The Board For A Motion.

Frank Mann: Motion By Hamman, Second By Manning. Is There Discussion. Is There Objection? Show This One Also Adopted Without Objection.

The Fourth Agenda Item On Your 9:30 A.M. Public Hearing Agenda This Morning Is To Vacate The Public Interests And Waterway At 11742 Island Avenue In Matt Leche.

Frank Mann: This Is The Time To Be Heard. If You Are A Member Of The Public, And You Would Like To Speak. Hearing None, Back To --

Brian Hamman: No, Wait. We Do.

Frank Mann: Is This On This Particular Item That You Want To Speak To? The Public Hearing Number Four. This Is Mr. Edwards From Lehigh.

Brian Hamman: Could Be Mr. Shipley.

Frank Mann: The Only Other Card I Have Here This Morning --

He Didn't Do A Card.

Frank Mann: You're Edwards. Take Your Seat. Announce Yourself. We'll Have You Fill Out A Card When You Are Finished, Please.

Patrick, I'm The Agent For The Application For The Petition. The Owners Bought This Lot About A Year Ago And Didn't Realize That We Had The Problem. The Sea Wall Was Reconstructed In 2005, And It Created A Height In This Area. The Terminal End Of The Canal, The Lot In Question Is A Corner Lot. It's 25 Foot Setback On Both Streets. And The End Of The Canal Was At An Acute Angle. It Had A Pocket In The End, And When The Sea Wall Was Reconstructed Under A County Permit, That Was Put In At More Or Less A 90 Degree Angle To Eliminate The Pocket. I Spoke To The Staff. That Was A Standard Procedure To Try To Eliminate These.

Frank Mann: I Apologize For Interrupting, But You Are Making A Case. I Don't Think That It Needs To Be Made.

Okay.

Frank Mann: Could You Please Repeat Your Name One Time.

Patrick Hunt.

Frank Mann: Hunt. The Address?

My Address? 8363 Caloosa Road.

Frank Mann: Any Other Members Of The Public Like To Be Heard On This Item? Is There A Motion? So Moved By Commissioner Manning. Second By Commissioner Hamman. Is There Objection? Further Discussion? Is There Objection? Show It Adopted. Thank You For Your Participation Here This Morning. That Is All Of Our Public Hearings. Commissioner Appointments. Commissioner Manning. How Did I Get Ahead Of Myself? I Do It Frequently. That's Why I Bring You Four Guys Along. Carry-Over. Mr. Desjarlais.

Commissioners That Is A Carry-Over Item Of The Acceptance Of The Contract -- Negotiated Contract With Tetra Tech For The Study, The Overall Study, A Master Plan For The Integrated Solid Waste Program Over The Next 20 Years.

Frank Mann: I Personally Have Been Briefed On This A Couple Of Times, And I Think I Understand Where We Are Standing. Any Questions Of Staff On This One? Do I Hear A Motion?

John Manning: So Moved.

Frank Mann: Motion By Manning. Second By --

Brian Hamman: Public Comment?

Frank Mann: Second By Pendergrass. Any Members Of The Public Want To Speak On This Carry-Over Item Number One? Hearing None, Back To The Board. Further Discussion? Objection? Show That Item Adopted. Carry-Over Number Two. Doug, Is That You Too? Who Wants That One Around Here In Sta --

Carry-Over Number Two?

Frank Mann: Yes.

Thank You. Rohland.

Good Morning, Commissioners. Natural Resources. This Is To Hire A Consultant To Do A Feasibility Study For A Water Quality Project In North Fort Myers Along The Fpnl. It's Fully Funded By The State Appropriations This Year, So Any Questions, I'm Here.

Frank Mann: Questions? Hearing None, Any Members Of The Public Like To Speak On Carry-Over Item Number Two? Back To The Board. I Have A Motion By Hamman. Second By Manning. Further Discussion? Is There Objection? Hearing None, It's Adopted Unanimously. One Last Carry-Over.

Thank You, Mr. Chair. This Is Amended To The Preline Resolution Sercci.

Good Morning. Randy Sercci, Lee County D.O.T. This Is A Petition To Get An Access Points That Doesn't Exist On Tree Line North Of The Terminal Access Road To Develop The Property To The West.

Frank Mann: Any Questions? Members Of Public Would Like To Be Heard On This Item? Hearing None, Back To The Board. Motion, Commissioner Pendergrass Moves. Seconded By Commissioner Manning. Further Discussion. Any Objection? Show It Adopted Without Objection. Now, How About Commissioner Appointments?

John Manning: I Have A Reappointment Of Reluctantly Of -- To The Boca Grande Recreation Committee.

Frank Mann: Is There Discussion On The Appointment? Is There Objection To It Passing? Notwithstanding, The Motion.

Thank You Ever So Much.

Frank Mann: Commissioner.

Cecil Pendergrass: Reappointment Of The Tanglewood Improvement Unit And Randy Sovada Of The --

Frank Mann: Motion And Second. Is There Discussion, Objection? Show Those Two Adopted Without Objection. I Have One I'll Take At A Different Time. Ormal Hall To The Park And Rec Committee.

John Manning: So Move.

Frank Mann: Second By Hamman. Is There Discussion, Objection To It? Adopted Without Objection. Commissioner Hamman.

Brian Hamman: I Have One Reappointment. Allison Gruber To The Parks And Recreation Service.

Frank Mann: Second By Hamman. You Are The Motion Maker. Manning Seconds. Discussion? Objection? Show It Adopted Without Objection. Commissioner Kiker?

Larry Kiker: Yes, Sir. Thank You. I Have Two. I Have A Reappointment Steven Dockenbrock For The Anchorage Way And A New Appointment, Myrna, So The Home Heights Streetlighting.

Frank Mann: Second By Manning. Discussion, Objection? Show It Adopted Without Objection.

Larry Kiker: Thank You.

Frank Mann: Let's Take Up Commissioner Items. Mr. Manning.

John Manning: None.

Cecil Pendergrass: I'll Be At A Workshop Today, And Sorry To Miss That. I Know I Had Asked For The Discussion About Progress. I Thought It Would Be Later On In The Year, But Looking Forward To Hearing What You Have To Say About That, But One Thing I Did Talk About The Whole Thing, I Don't Know If We Had Thought Before They Could Do The -- Getting On The Ballot, But I Don't Think That's Possible Now. There's A Law That We Basically Are The Only Ones To Give Authority To Be On The Ballot. Today We Talk About The Future. Also, You Know, Lee County Is Already Currently Funded By \$4.5 Million A Year. That's Something We Can Talk To That Group. If They Need To Increase The Funding And Services To Provide For The Programs That They Wanted To Facilitate To Finish The Progress To Children's Council. I Don't Know If Commissioner Kiker Was Real Instrumental 234 Bringing That Forward, And Also Wanted To Meet Last Week With The News Press. We Were An Audience For That Meeting. Look Forward To Hearing Your Discussions Today In The Meeting.

Frank Mann: Let Me Ask You, Commissioner Pendergrass, Last Time We Talked On This Subject, The Last Meeting, I Believe, I Was Confused About What Their Hopes Were As Far

As When They Would Go To The Ballot, And I Was Thinking It Was This Year They Were Trying -- 2018 That They're Hoping --

I Think 2018 Would Be Better To Do A Campaign For It In Support Of The Community. It's Going To Take A Couple Of Years To Get That Support. The Southwests Of The Funding Of The Future Funding Available. The County To Do The Separate Government Agency. The Line Item. Don't Shoot The Questioner. Simply Looking At 2018 Then, And We're Not True The 2016 Election, And You Can't Either This Afternoon. You Want To See If Maybe We Can Push It To A Time When You Can Attend With Us And We Can Have A Full Discussion On It?

Cecil Pendergrass: We'll Have Several Meetings On This Item, So I'm Sure We Can Have More Discussions In The Future. Roger, Were You Able -- Was Your Staff Allowed As Far As Mr. Mohammed And News Press And The Situation Supporting This. Okay. Thank You.

Frank Mann: I've Got Three. Go Ahead. I Just Wanted To See If Commissioner Pendergrass Wanted Us To Push It Off Because It Seems Like If There Was No Urgency, Then --

Cecil Pendergrass: When I First Brought This Up, I Said May 17th Or Later Because There Wasn't A Timeline, And I Was Lucky To Get A Workshop Today. I'm Not Able To Be There. I Have A Conflict. I'm Sure The Other Meeting -- If I Have Any Comments, I Can Come Back The Next Board Meeting.

Frank Mann: It's Been Advertised. There May Be Some People That Are Here To See What We're Going To Say. We Probably Limit Our Discussion On It Today Knowing That We Got More Time, But We'll See What Happens This Afternoon. Roger.

Mr. Chairman, You'll Recall From The Instructions That You Gave At Your Last Meeting Regarding This Issue -- The Explanation Of How It Makes Us Weigh On The Ballot And The Powers And Duties That We Provide The Statute And It's A Pretty Simple Conversation Today.

Frank Mann: Commissioner Kiker.

Larry Kiker: Thank You. I Really Don't Have Too Much. I Would Like To Thank Attorney General Are A And Glen Sawyer Who Attended The Meeting With The Fort Myers Beach And Answer A Lot Of The Questions. You Did A Good Job. I Really Do Appreciate You Doing That. Then Probably Just A Heads-Up. Perhaps We Can Start Getting Input From Folks That Some Of Us Are Planning On Going To Washington D.C. Here This Coming Month, And We're Going To Talk About Water Quality, Transportation, The Fema Insurance, Which Is Still Around. You Still Got To Keep Talking About That. And The New Flood Maps. We've Got Four Topics That I Know That We're Going To Try To Cover While We're There, And I Think It's Going To Be At The End Of The Month, And Look Forward To The Trip And Working With You Folks. That's All I Have. Thank You.

Frank Mann: Pendergrass? You Are A Maybe. Somebody Is Going To Be Having A Baby.

Brian Hamman: I Have Hopefully An Excused Absence. Make It Your Wish. I Hope So. We're Waiting On Junior To Come Any Day Now.

Congratulations.

Frank Mann: They Got A Little Boy In The Picture. Be Here Any Time. That's Where Why The Man Is A Little Nervous Today. He Is A Veteran. He Has Done This Before.

Brian Hamman: That's Right.

Frank Mann: He Is Handling It Very Well. If You See Him Up And Run Out Of Here, You Have To Understand He Has That Excused Absence In Advance.

Brian Hamman: Thanks, Mr. Chairman. Appreciate It.

Frank Mann: I Have Three Items. Let Me Run By You Guys And See What Comes Of This. You All Have In Your Pact A Letter From The President Of The Lehigh Municipal Service District. As You Recall, They Were Given Additional Authority A Year Ago To Perform Certain Acts Or Duties, Some Of Which Were Previously Performed By The County. They Subsequently Found Out That It's Easier Said Than Done And Easier Than Just Passing An Act In The Florida Legislature, And In Order To Proceed With The Take-Over Of Some Of Those Responsibilities, They Need A Dialogue With The County Staff, And What My Item -- If You Hear, The District Commissioner Would Be For Us To Give Them A Head Nod To Have Those Conversations, And There Are Several Steps That Have To Be Taken Before Any Action Was -- Or Any Of That Transfer Of Authority Would Be Taken Place. Anything That Comes Back To Us, But I Want To Ask If We're Okay With Letting The County Staff Have Those Conversations. I Think We Have Unanimous Head Nod On That One. We Had -- The Next Item Is Involving The Charter Study Commission That Worked For Over A Year. They Officially Concluded Their Business According To Their Rules No Recommendation That Would Take Any Commission Recommendation Directly To The Ballot. Those Folks Did Work Nearly 15 Months. My Suggestion Would Be Since We Only Do This Once Every Decade To Give -- Bring This Back For A Final Closure In Front Of The Commission Here Except A Final Report From Them And I Would Like To Suggest That We Give Certificates Of Appreciation All Of The Members That Served Without Pay So Faithfully. Mr. Manning.

John Manning: Mr. Chairman, I Would Agree That Recognition To The Members Is Appropriate And A Written Report, Richard, Is That Correct, That We Usually Get Every Decade. It's Been Two Or Three For Me Now. If They Advocate For A Position Bun Way Or The Other --

Frank Mann: That Would Be My Attention. Offer An Additional Meeting Of The Charter Commission. It Would Be A Blue Sheet, And If There Are Some Members Of The Public That Wanted Their Three Minutes, It Would Be Just Part Of The Routine.

Cecil Pendergrass: I Have No Problem Recognizing Volunteers Like All The Other Committees We Have, But I See No Need To Have That Open Discussion. If That's The Occasions I'm Sure Other Members Of The Commission Will Want To Come Forward. Not Just The Chairman Or The Certain Members Of The Public. I'll Recognize The Members For Their Health And All The Public Meetings They Have That Does Involve Meetings And Input From The Community, And Since Maybe The County Attorney Can Remind Us The Charter Government Based Upon The Charter, There's No Reason For Any Discussion. Is That Right, County Attorney, As Far As The Charter That We Work Under Here?

Mr. Chairman. The Charter -- There Are No Proposals That Come Forward. There's No Further Action Needed By This Board. It's My Understanding Past Historical Practice Has Been To Receive A Written Report From The Charter Commission Indicating A Summary Of Their Work, Which In This Case Would Be There Are No Amendments Coming Forward. Hope I Answered Your Question.

Frank Mann: Further Comment, Commissioner Kiker?

Larry Kiker: If We Need A Motion For A Written Report As Acknowledged By Our Attorney, And Include In That That We Put Some Special Recognition For The Folks That Spend A Lot Of Their Time Over The Last Year, And I Think We All Appreciate --

John Manning: Second That Motion.

Frank Mann: Commissioner Hamman, You Have A Comment?

Brian Hamman: I Certainly Would. I Mean, I Don't Have Strong Feelings Either Way. I Certainly Would Like To See Us Do Something To Recognize The Folks That Put In So Much Time. I Don't Know If It's In The Way Of A Ceremonial Proclamation Or Something Like That That We Can Do. I Don't Know What An Appropriate Gesture Would Be, But I Would Like To Recognize The Effort, The Time, The Public Hearings As They All Sat Through, But As Far As Rehashing And Reopening Any Of The Dialogue, I Will Go With The Will Of The Board. I Don't Know That That's Necessary At This Time.

Frank Mann: Well, I Think I Sense A Consensus That The Full Blown Battle Does Not Need To Be Rifaat. I Think Staff Was Already At Work In Obtaining -- Ms. Frazier, You Already Communicated With Judge Bolles, The Chairman About Getting Written Report. Is That Accurate? So That's Already Underway. I Don't Think We Even Need A Motion For That. Just A Consensus That We Could Prepare A Certificate Of Gratitude. I'll Have Ms. Ferry Check With Our Staff. If We By Consensus Could Have That Prepared And Delivered To Each One Of The Members Who Served. With That Discussion, Let's Move Forward. Councillor, We Okay With That? We're Going To -- We're Going To Receive The Written Report And Send The Certificates Of Appreciation. Okay. Thank You. Last One, This May Be -- I Don't Want It To Be Complex, And I Certainly Don't Want It To Be Controversial, But It Has To Do With A Conversation That I Have Had With Mr. Kitzen About The Proposal To Put Some Ball Fields

Up There On The Corner Of 31, And Near North River Road, And As I Brought This Up A Couple Of Weeks Ago, Mr. Kitzen Has Also Had Conversations With Mr. Desjarlais About It, And I Want To Let You Correct Me If Anything I Say Is Inaccurate. Roger Had Approached Me To Say That They Had Approached Him About A Possible Donation. I Wasn't Real Clear About The Land That He Was Referring To. There's Lee County In Two Places, One Of Which Was On The Previous To 2020 List And Was The Number One Ranked, But It Fell Off For Various Reasons. On The Subject Of The Baseball Fields That Came As A Surprise To Me, And I'm The District Commissioner There, And It Would Have Involved Us Being An Applicant For A Development In What Is Drgr And Is Also Listed As Rural In Both The North Alga Community Plan And Rural Adjacent To The Alba Plan, And The Other Area Out There, And It Would Have Changed The Character Substantially With Us Being A Co-Applicant. It Needed A Comp Plan Amendment And Almost Certainly A Zoning Change As Well. That Contemplated Far More Than What I Had Told Roger To Continue With. He Wanted My Okay, And I Said Certainly To Discuss Possible Donations To Land By Mr. Kitzen To The County. I Said Anything About Land Is Fine. Continue Those Conversations. Well, It Kind Of Exploded Into A Much Broader Conversation That I Just Described, And What I -- What I Would Like To Suggest. I Had A Subsequent With Mr. Kitzen After I Expressed My Concern Here. Very Civil Meeting. I Have Considered Him Quite A Visionary. I Just -- He Knows, And He And I Have Talked About It. You've Heard Me Say I Just Think It's Wonderful Proposal. He Has Already Kicked It Off, The Development. It's Just In The Wrong Place. He Has Done A Beautiful Job, And He Is Quite A Visionary, But I Asked Him In Our Conversation Is It -- Would It Be Possible For Us To Restart The Discussion About A Possible Purchase Of The 450 Acres Or So That They Own Adjacent To The Projects. It's The -- I'm Sorry. Let Me Pass These Out. It's The Telegraph Creek, Which Is Adjacent To The Bob James, And I Believe As The 2020 Advisory Committee Believed A Couple Of Years Ago, That It Was Compatible With The Type Of Lands We Would Like For Preservation, And It's Immediately Adjacent, And Due South Of The Telegraph Creek Preserve. My Question To Mr. Kitzen Was, Even Though This Felt They Withdrew Any Offer To Discuss This Further, When They Got Stuff On Price, I Said It's Over Two Years Later Now. Could We Possibly Restart That Discussion? His Situation Has Changed And Moved Forward. We've Discussed, Cussed, And Rediscussed And Now We Have An Updated Ordinance, And He Said He Would Be Happy To Reopen Those Discussions, And We Can Approach From The County To Him As Opposed To Him Approaching Us. My Hope Is For, Like, A Head Consensus Here To Restart Discussions With Them About That Particular 450 Acres. As I Said, It Was Previously Part Of The 2020 Discussion.

Cecil Pendergrass: I'm Fine With It. Go Ahead.

Frank Mann: And Unless -- Are We --

John Manning: If You Could Help Clarify.

Larry Kiker: You Started The Discussion Out Property For Using It For --

Frank Mann: Now, That Was Another Parcel Right There On 31.

Larry Kiker: It's Not The Same One.

Frank Mann: It's A Different Parcel. When We Started, I Thought That Was -- That's Why I'm Really Kind Of Pulling This All Out So Everybody Understands Because It Was So Confusing.

Larry Kiker: I Think, Mr. Chairman, We Have Recharacterized The Conservation 2020 Program So We Don't Only Have To Work With The Willing Seller, But Strategically We Can Go After Other Properties. You Think Your Suggestion Falls Under That Criteria. I Would Support That.

Cecil Pendergrass: This Is A Nomination, Anyway.

Frank Mann: Right.

Larry Kiker: I Think That's The Way The Program Is Supposed To Work.

Frank Mann: Is There Any Concern About It?

Cecil Pendergrass: I Had A Question. The Property That's Nominated, I Think They Wanted 15,000 Acres Appraised At 7,500, But What Does That Have To Do With The Ballpark Area?

Frank Mann: That's Right On 31.

Cecil Pendergrass: So It Has No --

Frank Mann: Not Connected. I Would Not Throw Out The Possibility If In These Discussions The Kitzen And Partners Wanted To Throw In That One As Part Of The Discussion. The Other Parcel.

Cecil Pendergrass: Mr. Chairman, One At A Time Is Probably The Way To Go.

Brian Hamman: Mr. Chairman, I'm Okay With Discussing Nomination 460-2 If That's What We're Talking About.

Frank Mann: Let's Do That.

Brian Hamman: Just With The Cavat That I'm Going To Be Very Hard To Convince To Buy Anything. Actually, I'm Just Not Going To Buy Anything That's Over Appraised Value. Just Know That, You Know, The Appraisal --

Frank Mann: That's Part Of Our Ordinance.

It Is A Mainstay. Unless There's A Simple Majority.

Frank Mann: Make Me Understand That. We're Either Back By The Maximum Appraisals Or Not.

If The Board Were To Determine That The Property Is Such Great Value That It Would Justify Exceeding It Is Appraised Value. The Board Has The Ability To Do So.

Frank Mann: Stay With The Motion.

Yes, Sir. What Makes That Property So Extraordinary That It's Worthy To Exceed Appraised Value.

Frank Mann: That May Be Ahead Of Us To Discuss That, But Now It's Appraisals That We Would --

John Manning: I Also Believe With Commissioner Hamman That I'm Not Probably Going To Support Exceeding Any Appraisal Can.

Frank Mann: I Think We Can All Stipulate Late To That.

Cecil Pendergrass: It Failed Because Of The Difference In Appraisal Value. Open County Lands Maybe?

Yes, Commissioner, That Is Correct.

Cecil Pendergrass: How -- I'm Not Sure How We Renegotiate The Partial Again If It Already Went Through Appraisals Now. If You Do An Appraisal Now, It Would Probably Be More Value Than Two Years Ago. Those Appraisals Are A Couple Of Years Old, And The Conservation Standards Wouldn't Be Any Higher.

That Would Be Correct.

Do We Pay For New Appraisals Or Use The Current Appraisals?

Mr. Chair.

Frank Mann: Roger.

Commissioners, If What You're Suggesting Today Is That We Simply Approach Mr. Kitzen With The -- And Tell Him That We Are Interested In Discussing The Purchase Of That Parcel, We Would Then Go Through The Formal Process Of Two Appraisals And -- Yeah. We Would Do New Appraisals Because The Ones We Have Are A Couple Of Years Old.

Frank Mann: He Withdrew From The Discussion. This Would Just Be A Restarting Of A New --

Cecil Pendergrass: The Seller Would Be Willing To Sell Over Appraised Value, So The Cost Of New Appraisals And Making Appraisals For -- Based Upon The Difference Of The Value Of The Acreage. It's An Opportunity To Have Negotiations.

We Could. We Could. I Think I Would Like To Sort Of Kick That Around With The Attorney's Office And With County Lands To, You Know, Sort Of Decide The Best Strategy For Dealing With It.

Cecil Pendergrass: From A Business Standpoint, Maybe It's Changed, So He Might Be Willing To Sell For Less Than He Was Two Years Ago.

Yeah. We Haven't Had The Discussion.

Frank Mann: All I Can Tell You, Commissioner, In My Personal Discussion With Him In My Office He Was Willing To Begin Negotiations Over, Again, Like It Was A Bring Day. I Would Suggest We Go By The Ordinance As We Crafted It. Let's See What Happens.

Frank Mann: Is There Any Discussion About The Ball Field? That Would Really Require Us Directing Roger And Staff To Pursue That As An Option Right Now For That Smaller Parcel On 31. I Told Mr. Kitzen That I Personally Did Not Think That Was A Good Idea. It Was Totally Contrary To The Plan And Some Of The Items I Pointed To Earlier, And That I Would Not Be Supportive Of Additional Discussions On That. We Would Be One Of The Developers There, And That's Going To Require At Least Three Votes On Our Part To Initiate That Kind Of A Conversation. I Need To Understand If Everybody Is Okay With Letting That Rest For Now Since -- And Since We Have Not Given Roger Direction To Pursue That And Then Let's Just Go With This -- The Other Proposal, Which We Seem To Have Agreement On. Are We Okay With Just Letting That Discussion Lie For Now? Well, Speak Now Or --

Cecil Pendergrass: It's On The Agenda, I Don't Feel Comfortable Talking About It Now, But I Have No Problem With The Staff Talking To Them And Negotiating And See What They Have To Offer To Lee County. I Have No Problem Moving Forward With That Discussion. But As Far As Us Voting On Anything In The Future, That's Something We Can Have To Look Into.

Frank Mann: That's Besides My Point. It's Not Just Having Casual Conversations. This Involves Significant Changes And An Opposite Direction And What The Comp Plans Call For For That Corner Right Now. It Calls For Us To Commit Millions Of Dollars To Build, I Don't Know, 12, 15 Ballparks Out There. It Was A Huge Number. And It Is Totally Inconsistent With Today's Plans That I Thought It Would Take A Whole Lot More Discussion Here. If We Want To Bring This Up Later, I Don't Know, In A Workshop Or Suggest A Blue Sheet To Move Forward On This So You Would Get Public Input? What I Have Felt Uncomfortable With Were Casual Conversations By Our County Manager At That Level, Which It Already Reached Accidentally The Governor's Office And Indirectly The State D.O.T. And Had Assumed A Whole Character And Movement On Its Own With No Direction From Us And No

Public Input As To Us Becoming Developers Of Baseball Fields And A Place Previously Occupied By Birds And Critters. I Just Suggest That We Feed Those Conversations Unless We Take Initial Affirmative Steps Here With Public Input Before We Go Back To Those Casual Conversations.

Chairman.

Yes.

Why Don't We Bring It Back On A Blue Sheet Agenda Item. It Doesn't Have To Be Done Tomorrow, But I Think We Need To Allow The County Management Team To Talk To The Kitzen Group And Get The Deal Points In Writing. What Those Might Be. Then We Can Vote On It. This Is Helter-Skelter Conversation, And It Doesn't Do Anybody Any Good Unless It's Brought Back In A Workshop Session Or An Agenda Item, And I Think It's Appropriate To Bring It Back As An Agenda Item. The Request, I Believe, Roger, Was That The Landowner Would Donate The Property And Then We Would Develop The Property, As You Noted In A Previously Meeting, Correct?

That's Correct.

Cecil Pendergrass: Let's Allow Him To Get The Deal Points In Writing, To Bring Back The Issues As A Blue Sheet, And We Will Give Him Further Direction At An Appropriate Time In A Fully Advertised Meeting.

Did The Motion Have Discussion To Move Forward?

Cecil Pendergrass: I Second The Motion.

Could You Repeat That?

You Have Direction From The Board To Continue Talking To Them Because The Points -- The Placement Of The Blue Sheet.

Frank Mann: Commissioner Kiker.

Larry Kiker: Fortunately, Unfortunately, I've Had A Little Bit Of Exposure To This. We Just Finished Talking About A Huge Project On Fort Myers Beach, And This Thing Went Two Ways. I Continue To Believe It Is Our Job And It Is Our Role To Discuss Future Developments With Folks That Are Interested And Investing In Lee County. They Have The Right To Ask, And We Have The Obligation To Provide Them With Resources And Answers And Whatever Is Appropriate. The Motion Says To Continue For Roger To Do The Job That You Have Been Assigned. The Only Cavat I Would Offer At Some Point In Time, And It May Actually Dictate Whether Or Not This Goes On Blue Sheet Or Not, Is At What Point In Time Is There A Formal Application Or That We Constitute A Formal Discussion, Which Is What You Are Talking About, And So I Would Like To Find Out From You What Would Be -- What

Would Be That Point Along The Way That Says There Is An Application Because There Are A Lot Of Discussions Going On At The Governor's Office, As I Understand, With D.O.T. To Me That's Just Identifying Resources And Finding Out What's Possible. That May Be The Signal When We Need To Go To A Blue Sheet. I Don't Know If Your Motion Will --

Cecil Pendergrass: I Will Amend The Motion To Say A Workshop Instead Of A Blue Sheet, And Then We'll Follow That Process As We Need To.

Larry Kiker: It's Starting To Get Messy, And People Don't Understand Why There's No Public Hearings, No Public Conversation In This. It's Because We're Really Not In A Position To Do It Yet Because There Is No Project Yet. Until There's A Project People Need To Understand That We're Limited On How Much We Can Actually Do That. You're Amending Your Motion For That, And I'm Going To Second It.

Cecil Pendergrass: I'll Amend My Second.

Larry Kiker: You Are Suggesting A Workshop As Opposed A Blue Sheet. >>.

John Manning: Deal Points And Bring It Back To Us, And We'll Approximate Put It On Workshop. We'll Have Further Direction After The Workshop Discussion. Bring It Right Back In A Blue Sheet And Further Delve Into Discussions.

John Manning: If You Can Keep That In Mind, I Appreciate It. Frivolous Discussion --

Frank Mann: We've Made Many Exception On That Case. Many Exceptions. It's Good, But We're Having A Full Discussion, And That's What I Wanted To Bring About Here. Commissioner Kiker, I Appreciate You Mentioning The Beach Case, Because That Was A Little Bit Running Around In My Mind Of The Situation Kind Of Gotten Well On Down The Road Before The Public Was Involved In It, And Then They Kind Of Went Nuts, Some Of Them Did, And I'm Trying To Avoid That. The Public -- The Workshop, Of Course, As We Know, We Don't Take The Public Testimony. You Do That Before When You Come In Here. That's Going To Be A Little Difficult To Manage Because I'm Sure You Are Going To Get Some Substantial Input There. This Whole Proposal Is Different From Figuring Out What A Potential Developer Would Want To Do Inasmuch As They're Asking Us To Co-Partner And Come Up With The Money. And Then Change The Entire Character Of Something That's Been On Plan For A Long Time. I Think The Workshop Is Probably Better Than A Blue Sheet Right Now. It Will Give Indirectly More Public Opportunity Than Has Been Today. What I Don't Want Is A Continuation Of What's Going On Today Without Clarity And What Is The Good Word We're All Using?

Transparency.

Frank Mann: That's A Great Word. That Has Helped.

Any Other Discussion To Talk About That? Anything Else That's Going On With The Developer, The Property Owner? Any Other Discussion?

No, Sir.

Cecil Pendergrass: If Something Comes Up Before The Workshop Is Scheduled, Please Let Us Know. Individually We'll Have Discussion Before The Next Board Meeting, And You Can Give Us Updates, And They Might Be Ready For Application. We Just Don't Know. If They Could Have Some Type Of Request Before The Workshop Is Scheduled, Then Maybe Go Back To Some Of That. You Say There's Discussions And Negotiations --

Based On The Motion, We Would Talk To A Developer To Determine Potential Deal Points For Donation And What Commitment Might Be Made By Lee County, And Then We Would Present That In The Workshop. That's My Understanding Of The Motion. That Accurate?

Larry Kiker: Mr. Desjarlais, This Is Where We Might Have Fell Off The Turnip Truck With The Fort Myers Beach With The Developer. We Had A Meeting Where We Did Discuss What A Project -- What A Project Might Look Like, But There Was No -- You Know, It Is Neck Thing You Know Is They Were Wanting Us To Be Part Of The Project, And So It Really Kind Of Didn't Take A Course That Was Normal, And I Think We're Running Into The Same Thing.

I Understand.

Larry Kiker: Already We've Got A District Commissioner Here That's, You Know, Touting That This Changes The Character Of The Environment. It's Against The Lee Plan, Et Cetera. You've Got All These Discussions That Need To Take Place. I Don't See That That Happens In A Work Session. I Don't -- And So I Think, You Know, We Have To Be Real Clear Where We're Going With This, And I Agree That Your Job And Your Duty With Your Staff Is To Work With Folks Like This And To Try To Iron Out All Those Things That Need To Happen, Which Is What You Were Doing With The Other One. I Think We Need To Make It Clear, There's Got To Be A Point In Time Where Application Has To Be Made Before This Board Can Even Take Action. I'm Not So Sure That We're The Ones That Should Be Working Out The Details Of An Agreement. I Think That's Your Job. That's A Direction That You Need To Get From Us, And That's What I Hope You Are Giving To Him. I Want To Make It Real Clear, We're Not The Ones That's Negotiating The Deal Here. I Mean, We're Getting In Trouble -- Not In Trouble, But It's Not Going To Work. Doesn't Work.

Mr. Chair. I View This As A Conversation About Due Diligence In Understanding What The Developer Has In Mind, And Then In A Workshop We Have A Better Understanding Of It And We Can Report To You What Those Did What Those Issues Are, What The Deal Points Might Be, And At The Same Time Report To You On How The Deal Points Match Up Or Not? It's Pretty Simple Analysis Is Really All It Is.

I Think We Ought To Do It In Terms Of When They're Ready To Come Back To The Board For Discussion And Let Them Do That. In The Meantime, I'm Certainly Comfortable Giving You Direction.

Mr. Chair, We Clearly Recognize That We Couldn't Possibly Be Any Action On The Part Of Staff Or This Commission Until And Unless The Developer Makes An Application For Development Order. I Mean, That's -- That's A Given.

Frank Mann: Commissioner, Haven't You Been Trying To --

Brian Hamman: That's Fine. I Think We've Progressed Past The Point. If We Did Have A Chance To Go To Work Session To Try And Discuss This Further, I'm A Visual Learner, And If We Can Get A Map That Would Show Kind Of The Exact Piece That We're Talking About. Also On That Map Show Us The -- All Of The Preserve Land Around It Too So We Can See The Large Amount Of Land That Will Be Forever Preserved In That Area And Never Touched By The Government, And Then Also Kind Of Show The Comp Plan Too What The Future Land Use Map Would Look Like In That Area. It's Information So That We Can Really Get The Full Picture Of What It Is That We're Really Talking About Here.

It's About Full Disclosure. Absolutely.

Cecil Pendergrass: When They Did The Ground Breaking For Their -- It's Basically Two Miles From The Civic Center. This Was All Done About Ten Years Now, And Then You'll Have Houses On The North Side. You'll Have The Center Two, Three Miles South. Pretty Much All Of This Down 31 There.

Frank Mann: That's What The Residents That Live Out There Are Concerned About. The Organization Of That And Then It Begins To Creep East. They'll Be Creating Resistance. Commissioner Kiker, Appreciate Your Comments. I'm Not Sure That The Motion Is As Crafted Is Going To Get Us In The Right Direction, And We May Find Ourselves Subject To The Same Criticism That The Beach Did And Indirectly Us, By Letting These Conversations Go On As Opposed To Perhaps Just If We Can Nothing, If Mr. Kitzen Wanted To Continue These Discussions, All He Has To Do Is Be Very Clear And Open And Follow The Process As To What He Would Like To Suggest Here. As Opposed To We're Discussing This As Though It Were Going To Pass The Political Muster With No Public Input And Only This Discussion So Far. We're Telling Him To Entertain Suggestions That Commit Us To Millions Of Dollars And Major Changes And The Comp Plan And Zoning With No Public Input.

Cecil Pendergrass: That Is Not True.

Frank Mann: It's Not A Point Of Order. We're Just Discussing Things.

Cecil Pendergrass: Let's Wrap It Up.

Cecil Pendergrass: It Is True What The Public Perceives. Okay. Motion, Why Don't You Restate?

Cecil Pendergrass: It's To Allow Staff To Continue To Discuss The Deal Points With Mr. Kitzen Or His Surrogate And To Bring Back Those Deal Points In A Memorandum Of Understanding To Us At A Future Workshop So We Can Clarify This Issue Instead Of Rambling On Discussing It. That's My Motion.

Frank Mann: Further Discussion On The Rambling? Is There Objection To It?

I Object.

Frank Mann: Thank You. I Don't Have Anything Else. Where Does That Leave Us On The Agenda? County Manager.

Nothing Today, Mr. Chair. Thank You.

Frank Mann: County Attorney.

Nothing. Thank You.

Frank Mann: Patient Gentleman, Mr. Edwards.

Hi, My Name Is Charles Edwards. This Is Not As Big A Deal As Some Of The Stuff You Guys Have Been Discussing. I Am At 16th And Gardener Almost Out Of The County, And When I First Moved Down Here, It Was Really Nice In The Morning. We Sat Outside And Listened To The Roosters Crow. I Said To My Wife, Why Don't We Get Some Chickens? I Went Into Fort Myers To A Feed Store. I Bought The Chickens, The Feed, The Hen House, Everything In The City Limits. Took Them Out To My House. Got The Chickens All Raised. We're Eating Nice Fresh Chicken. Nice Fresh Eggs. I Know What Chemicals Went In Them Because I Gave It To Them. Then I Get A Letter In The Mail Certified Letter From Zoning That I'm In Violation. They're Going To Fine Me \$250 A Day Over Some Chickens. I Get To Talking To Everybody, And Come To Find Out It's Illegal For Me To Have Chickens Out In This Rural Area. I Don't Have Any Neighbors That I Can See. Yet, It's Against The Law Or Against The Zoning For Me To Have These Chickens. I Did Some Research. I Have Five Pages Of Major Cities In The United States That Allow Backyard Chickens. I Also Have A List Here 12 Major Cities In The State Of Florida That Allow Backyard Chickens. Back Yards Chickens Are Allowed In New York, Chicago, L.A. These Are Major Metropolitan Cities. What I'm Asking You For Is To Change The Zoning. Not To Allow Roosters That Make Noise. Just For Some Hens In The Backyard. Put Some Limitations Like The Other Cities Have. Some Of Them May Even Have Permits That You Have To Buy So They Have The Money To Enforce The Rules. I'm Not Asking To Free Range The Chickens, Run Them In The Yard And The Street. Most Of The Cities That Allow This, You Have To Keep Them Caged. All I'm Asking Is For Some Commonsense On This Law Because These Chickens Make No Noise. You Can't Hear My Chickens. They Don't Smell. They Don't Get In The Neighbor's Yard. I Don't See How

They Found Out That I Had Them Other Than I Talked To A Few Of The Neighbors That Also Have Chickens. They Hide Theirs. They Hide Them So You Can't See Them From Anywhere, And I Was The Idiot, I Set My Coupe Out Where You Can See It From The Road. It's In My Backyard. It Doesn't Bother A Soul. Yet, Unless I Get A Variance Or You Change The Law, These Chickens Have Become Like Pets To Me. I Have To Kill My Chickens Because I Can't Find Anybody That Will Take Them. I Think That's My Three Minutes. I Appreciate Everybody's Help.

Frank Mann: Let Me Thank You For Coming In. He Has Been On The Phone With Ms. Barry Reviewing This Whole Thing. I Can Only Add To What She May Have Told You, And She Probably Told You This Anyway. A Couple Of Years Ago This Issue Did Come Up In Lehigh Acres. It Caused Consternation. The Community Council Out There Took Up And Discussed It, And Decided That They Did Not Want To Support The Changes That You Are Suggesting Here Just As A Suggestion.

Things Have Changed In The Last Couple Of Years.

Frank Mann: That's What I'm Suggesting To You Is Get Back With The Community Council There And See If You Can Neutralize Them Or, Better Yet, Get Some Kind Of A Positive Expression As To What They Would Support In Terms Of Spread Out Chicken Ordinances Under Certain Circumstances. That Sort Of Thing. The Problem Came When The Chickens That Were -- Got In Trouble, Like You Did, Back Then, Were Very Close To Other Houses.

Right.

Frank Mann: There May Be Some Way To Craft This. I'm Not Suggesting It In Any Detail, Of Course, Where It Would Be The Least Offensive, And Under Certain Circumstances You Might Be Able To Do What You Are Suggesting Here, But I Would Strongly Encourage You To Look For The Advice And Support Of The Community Council, Which Tries To Speak For The Community As Best It Can.

The Bottom Line Is, Though, The Ordinance Is Written And Controlled By The County Commissioners.

Frank Mann: You Are Asking Us To Change It.

Right.

Frank Mann: I'm Asking For A Community. I Need More Than One Person.

Right, Right. There's A Web Page Devoted To It, But In The Meantime, Though, Until I Can Get The Changes, What You Are Saying Is These -- Like I Said, These Chickens Have Become Pets Like My Dogs. I Have To Slaughter My Chickens. Is That What -- That's Basically What I Have To Do, Correct?

Frank Mann: You Have To Get Out Of The Chicken Business.

That's What I'm Saying. No One Will Take Them. No One Will Take A Grown Chicken. There's Only Two Alternatives. Give Them To Somebody Or Kill Them.

Frank Mann: I'm Sorry. We're Really Not In A Position To Suggest You Do What You Do.

Like I Said, I'm Out Of Options, And Your Assistant Told Me To Come Here. I Appreciate It Very Much For Your Time.

Frank Mann: Thank You, Charles. Thank You For Coming In And Sitting Here And Enjoying Government For Two Hours. Thank You Very Much. Are There Other Members Of The Public That Would Like To Discuss Any Issue Close To Their Heart? Work Session Update.

Thank You, Mr. Chair. This Afternoon Workshop We Have Two Items To Discuss The Plan And Amendment Update To Be Presented By Mr. Loving, And Then Also The Presentation On The Children's Services Council Structure, Which Should Just Take A Few Minutes.

Frank Mann: We're Adjourned. Thank You.