

September 6, 2016

Frank Mann: Regular Meeting Of The Lee County Commission. It Is Our Custom To Open Each Meeting With An Invocation. Would You Join Me Please Standing And Remain Standing For The Pledge Of Allegiance. I'll Ask The Reverend Mann To Lead Us In The Invocation. .

Our Father, We Ask As We Begin To Deliberate The People's Business This Morning That Our Actions Be Pleasing To Them And Most Especially To You. Amen.

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

Frank Mann: Thank You, And Be Seated. Mr. Pendergrass, Are You Ready? The Chair Yields To The Commissioner To My Right.

Cecil Pendergrass: Thank You, Chairman. If I Could. Max, Please Come Forward. I Would Like To Introduce, We Have Two Special Guests Today. Raven And Sammy, And They're Two Kittens From Animal Services, And This Time Of Year We Start To See A Lot Of Cats And Especially A Lot Of Black Cats Like Raven Here Coming Into Halloween. Like To Get An Update From Animal Services And How The Adoption Rate Is Going And Also If Anybody In The Audience Would Love To Adopt A Cat From Our Animal Services, Feel Free To Contact Them. Maria.

This Is Sammy. He Is 3 Months Old. He Came In As A Nursing Kitten And Was In Foster Care. Raven Is Our Oldest Feline Resident. He Has Been Here Since May. He Is Literally Grown Up In The Shelter. He Really Could Use A Home. All Of Our Pets This Month Are Just \$30. Now Is The Best Time I Can Think Of For You To Come And Adopt A Cat Or Two Or Three.

Cecil Pendergrass: Have You Got Any Extra Surplus Due To The Storms Up North Or Anything? I Saw There Was Something About Rabbits That Came From Up North And A Rescue That Was Flooded?

We Don't Have Any Rabbits Right Now, But We Do Occasionally Get A Rabbit Or A Ferret. We Have Other Small Pets.

Cecil Pendergrass: Max, If You Could Turn Around And Show Raven Where, If Anyone Wants A Black Cat For Halloween, There You Go.

I Checked How Many Cats We Have, And We Currently Have 97, And I'm Sure There Are More Being Signed In As We Speak. Come Adopt.

Cecil Pendergrass: Thank You. Hopefully Somebody Will See Them On The Tv And Decide To Make A Great Home For Them. Thank You For Your Help.

Frank Mann: Commissioner Pendergrass. These Little Critters Remind Me Of -- This Is 20 Years Ago. It Was My Day To Do The Children's Message At Church, And I Wanted To Make The Point Of How God Created All Kinds Of Different Folks, And It's Important That We Love One Another And Respect One Another. I Went To The Pound, And I Got Five Cats About That Same Size. We Got All The Little Kids Out. I Started Turning Loose The Cats Because I Was Going To Say They All Look Different, They're Different Colors. One Has Short Hair, Short Tail. We All Love Them, And Aren't They Adorable? It Was Just A Beautiful Thing, And The Cats Got Loose. They Were All Over That Church. We Finally Got Them All Collected And Adopted Before The Day Was Over.

We'll Make Sure They Don't Get Loose.

Frank Mann: Thank You For Being Here With Us This Morning. We Hope They All Find Homes.

Cecil Pendergrass: Thank You, Mr. Chairman.

Frank Mann: It Is My Pleasure To Invite Representatives From Lee Memorial Health Systems. I Know We Got A Gang Of Them, So Y'all Just Kind Of Gather Around The Microphone Up Here. Michael Natchef Is Our Government Relations Director With The Hospital.

Sandy Cohen, Chairman Of The Board.

Frank Mann: Hey, Mr. Chairman. Let's Read A Little Resolution For You Guys On Your 100th Birthday And Then We'll Look To You To Say A Word Or Two. Thank You Very Much. Whereas The Lee Memorial Health System Began Serving The Fort Meyers Community On October 3rd, 1916 With Its First Hospital, Lee County Hospital, Built With \$300 Set Aside By A Group Of Community Leaders And Donated Lumber From A Dismantled Courthouse Which Used To Stand Right Here. And Whereas Lee Memorial Health Systems Is One Of The Region's Largest Employers With More Than 11,000 Dedicated Employees, Including 300 Physicians And Advanced Practice Clinicians And Is Supported By And God Bless Them All, 4,500 Volunteers And Auxiliaries, And,As, Since Its First Hospital -- Opening Its First Hospital A Century Ago, Lee Memorial Health System Remains The Bedrock Of The Community By Offering Acute Care, Emergency Care, Rehab, And Diagnostic Services, Health And Wellness Education, Community Outreach, And Advocacy Programs Throughout Its Five-County Regions, And Listen Up To This One, Whereas Many Well Known Lee County Citizens, Such As Commissioner Frank Mann Were Born As The Original Lee Memorial Hospital Shortly After It Opened, I Might Add. Lee Memorial Health System Has Received Many Awards Including The Health Grade Distinguished Hospital Award For Clinical Excellence Given Only To The Top 5% Of The More Than 4,500 Hospitals Evaluated Nationwide For Its Outstanding Clinical Performance And Continues To Offer Quality Service With A Passion For Improving The Overall Health Of Its Community And Nationwide As It Celebrates 100 Years Of Caring For Its Residents. Now, Therefore Be It Resolved That The Board Of County Commissioners Of Lee County, Florida, Congratulates Lee Memorial Hospital On Its Centennial On October 3rd And Recognizes The Contributions To The Community And That Residents Are Encouraged To Celebrate And Recognize The Hard Work And Contribution Of Its Board Of

Directors, Physicians, Nurses, Employees, Volunteers, Auxiliaries And Donors To The Success Of The Lee Memorial Health System Duly Executed And Signed By Me, Proudly The Chairman Frank Mann. Congratulations For All You Do For Our Community. [Applause]

Come Get Your Picture Took And Bring Your Plan With You. Hold This.

Frank Mann: You'll Think It's Something. Come Turn Around So I Can See You Guys. Thank You.

Frank Mann: Other Famous People. Wow. Show Of Hands Out There Other People Born In Lee Memorial. I've Got A Gang Out There. All Right. Picture Time. Sandy, We Would Love To Hear A Word.

On Behalf Of My Colleagues, And I Would Like To Introduce Them, If I May. We Have A Vice Chair, Donna Clark. We Have The Secretary, And We Have The Treasurer David Collins, And Board Member Jessica Keeler. It's A Pleasure To Represent You And The Rest Of The Administration As Well. This Proclamation Is The Crowning Of The 100 Years Of Service, But I Think We Can Say It's Also The Beginning Of The Next 100 Years. We Look Forward To The Opportunity To Continue To Serve All The Citizens In Lee County With The Best Medical Care And Education And Health And Wellness Orientation That We Can Provide. We Like To Think Of Ourselves As A Small City Medicine Providing Big City Services, And We Will Continue, We Hope, To Be Able To Do That And Keep The Doors Open To All Citizens. Thank You For This Proclamation.

Frank Mann: Thank You.

We Appreciate It.

Frank Mann: God Speed In Your Next 100 Years.

Thank You. [Applause]

Frank Mann: Now, If You Want To Stay And Learn About Good Government, You're Welcome, But, Otherwise, Your Party Is Over, And We Won't Be Offended If You Have To Go To Work. Jim Nathan, Our Director Known To All Of Us, Had A Big Medical Powwow In Orlando Today With A Bunch Of Contemporaries Around The State. He Could Not Be With Us This Morning. Give Our Best To Him. Thank You. Thank You. Now, Let's Look At The Recap, And We've Got Quite A Number Of Items, So Let Me Ask For Just To Make Sure We Do It Right, Let's Take Three Separate Items. We Need To Omit This Item For The Agenda -- From The Agenda Altogether. Item Number 21. The Staff Will Bring It Back When They're Ready. They Don't Have A Date Yet. Just To Omit This Item, 21. A Motion, Please.

Cecil Pendergrass: Move That Item.

Second.

Frank Mann: Motion And Second. Is There Discussion? Is There Objection? Show That Adopted. We Want To Defer These Estero Related Items, 16, 17, 31 Until Council Has Had A Chance To Deal With Them First And Then Bring Them Back. I Need That Motion To Defer.

Cecil Pendergrass: So Moved.

John Manning: Second.

Frank Mann: Motion And Second. Is There Discussion? Is There Objection? Show That Adopted Without Objection. And Item 29. This Needs More Staff Attention. They Will Bring It Back When They're Ready. I Need That Deferral Motion.

Cecil Pendergrass: So Moved.

John Manning: Second.

Frank Mann: Motion And Second By Commissioner Hamman This Time. Is There Discussion? Is There Objection? Show That Adopted Without Objection. And Now -- Where Is 27? I Don't Have That. I'm Sorry.

Cecil Pendergrass: Updated One?

Frank Mann: Item 27, Which Is -- Which Is The --

Frank Mann: Help Me Here.

Brian Hamman: Monitoring Service.

Frank Mann: Say It Again.

Brian Hamman: Well, Maybe We Can Ask County Manager, Did You Want To Defer Item 27 As Is Reflected On The Latest Recap?

Yes, Sir, That's Correct.

Frank Mann: Just Tell Me What It Was.

That Was The Security For Parking.

Frank Mann: And Defer Until A Date Certain Or Just When You Are Ready? I Guess It Will Be --
When We're Ready.

Frank Mann: Item 27 Deferral Motion, Second. Is There Discussion? Is There Objection? Show That Adopted. Now, I Am Sorry. I Hope That --

Brian Hamman: I Think You Got Them All.

Cecil Pendergrass: Chairman, I Had A Question About 29. We Went To 27, And I Didn't Get A Chance To Speak Up. I Have A Question Of Staff Real Quick. On Number 29 Is This Something You Put Anything In Jeopardy? It's For The Contract Pending Services For That Local Agreement?

Frank Mann: Sure, Yes. County Attorney, Can I --

Cecil Pendergrass: This Is The Contract That We'll Have Notification Of The Changes Of The Company. It's Been So Long. If It's Going To Change Or Put The County In Harm's Way For Exposure Of The Contract Inside The --

No, Sir. It's Our Understanding Both Parties Are In A Status Quo Position Pending Final Action By The Board.

Cecil Pendergrass: I Think That Was My Question Initially. We Had Services In Case Something Happened The Next Two Weeks Or Something. Thank You.

Frank Mann: And For Item To Be Pulled, Staff Has Recommended That We Pull Items 18, 22. Commissioner Hamman, I'll Get To You, But You're Going To Want To Do 38, Right?

Brian Hamman: I Also Like To Pull Number 1 And Number 38.

Frank Mann: Let's Start With You. Commissioners Want To Pull Items. Commissioner Hamman Has Asked For 38, 1 , And --

Brian Hamman: Just 1 And 38.

Frank Mann: Oh, 1 And 38. Okay. Commissioner Kiker. None. I Have None. None, None. Okay. We'll Hold Those For Discussion And Action. Right Now Let Me Go To The Public And Ask Are There Members Of The Public? I Don't Have Any Cards Here On Specific Commission Items To Be Discussed This Morning Or Pulled For Special Discussion. Hearing None, Back To The Commission, And I Need A Motion To Approve The Remainder Of The Consent Agenda.

Cecil Pendergrass: Moved.

Brian Hamman: Second.

Frank Mann: So Moved And Seconded. Is There Discussion? Is There Objection? Show That Adopted Without Objection. Now Let's Go To Commissioner Hamman.

Brian Hamman: Okay. Thank You, Mr. Chairman. I Just Wanted To See If We Could Get On Item Number 1 The Title Of The Item Is To Terminate Tcs Finance By The Supervisor Of Elections Office. I Understand We Need To Terminate This Lease In Order To Stop Having To Pay Interest Payments, But I Wondered, Mr. Chairman, If We Could Ask The County Manager To Give Us Keep A Timeline Of What Happened With The Equipment Purchase And Why We're Having To Take The Action We're Taking Today?

Frank Mann: That's Quite Appropriate. Mr. Desjarlais.

Thank You. Commissioners, The Basic Timeline Is That The County Was Requested To Enter Into This Lease On Behalf Of The Supervisor So It Could Be Tax Exempt Status Or This Is Mail-In Ballot Verification Reading Equipment That Was Being Constructed By Bell & Howe. The Equipment Was Constructed. The Supervisor Took Possession Of It This Year, And At That Time Decided Instead Of The Lease Wanted To Go Ahead And Purchase The Equipment. So That's Why We Have To Terminate The Lease So We Don't Have Interest Payments On It. Part Of This Is Because We Didn't Know When We Entered Into The Lease That There Actually Was A Purchase Agreement From 2014 That I Think Was Controlling In That Situation And That The Supervisor Would Have Had To Buy This Equipment Anyway. That's The Basic Timeline. T. Hart, Who Is The Attorney For The Supervisor's Office Is Here If You Have Any Kind Of Detailed Questions.

Brian Hamman: Do We Know If The Equipment Is Working, And Is It Being Used?

Commissioner, I Would Ask If T. Could Answer That.

Frank Mann: Why Don't You Go Ahead And Go To The Microphone And Help Us Out Here.

I'm Tom Hart Here On Behalf Of The Supervisor Who Apologizes For Not Being Able To Be Here. A Big Staff Meeting To Wrap Up That Last Election And Start The Next One For November. The Question I Think Was Is The Equipment Working? The Equipment Is Working, But It's Not Working To Her Satisfaction. She Was Trying To -- She Was In The Process Of Getting That Started When The Elections Began, So She Had To Put That On Hold Until After The November Election. Her Staff And The Bell And Howell Folks Will Then Get Back Together And Start To Try To Make That Work. It's A Sorting Machine And I Guess An Envelope Opener. I Haven't Seen It. My Understanding Is That As You Probably Know, More And More People Are Voting By Mail, So There Are That Many, 80,000 This Past Election. Probably Be Over 100,000 In November. It Will Get More From There. She Needs Help With That, So That's The Purpose Of The Machine. The Answer Is No, It's Not Working To Her Satisfaction Today.

Brian Hamman: Do We Know When The Supervisor Learned About The 2014 Contract To Purchase The Equipment Direct From Bell & Howell? Did She Learn About That After?

I Think She Knew In 2014, But Then For Budgetary Reasons, Which Frankly I'm Not Familiar With, She Thought That It Would Be Better To Buy It On A Lease, So She Got The Lease Program Started, As Pete Has Told You, The Lease Was A Tax Exempt. Supervisor Can't Enter Into A Tax Exempt. She Asked You To Do That For Her. There Was Some Delay Because While We Were Getting That Before You, Bell And Howell Sold The First Equipment To Somebody Else And So We Had To Do It Again. We Did It Last September. The Bottom Line Is That She Has Paid For The Machine. It's -- She Owns It. By Terminating Today, You're Saving \$20,000 Or \$25,000 In Interest Fees.

Brian Hamman: Was It -- Did It Cost Less To Purchase The Equipment Direct From Bell & Howell Than It Would Have Through The Lease Company?

No, It Would Have Cost More. It Would Have Cost, As I Said, Another 20 -- It Probably Would Have Cost Another \$40,000.

Brian Hamman: After All The Interest From The Lease?

If We Finished Out The Lease.

Today We're Just Cancelling The Lease. We're Stopping Any Future Interest Fees From Accruing.

Yes, Sir.

Brian Hamman: Accruing Interest Fees, How Much Were Those?

Current Interest Is In The \$11,000 Range, I Believe.

Brian Hamman: Thank You, Mr. Hart. I Appreciate You Answering My Questions. I'll Turn It Back Over To The Board I Think This Is An Opportunity That We Can Explore In The Future We Have A Great Procurement Department Here At The County, And It Seems Like Maybe We're Not Working As Closely With Some Of The Constitutionals As We Could To Try And Offer Procurement Services On Their Behalf Too. After All, We're Paying For These All Out Of The General Fund, So Why Wouldn't We Work Together Then To Make Sure That We're Using Our Resources The Best Resources That We Have Available To Make Sure That As We Make Future Purchases We Make Them In A Cost Effective Manner? I Think It Might Be Worth Exploring An Interlocal Agreement With The Supervisor's Office Or Any Of The Other Constitutional Offices To Make Sure They Want To Use The Expertise That We Have On Our Staff To Help With Future Equipment Purchases. That's Not A Motion Today, But That's Something That I Would Like The Board To At Least Think About And With All That Said, I Guess I'll Go Ahead And Move The Item.

Frank Mann: Motion And Seconded By Commissioner Manning. Further Discussion? I Mean To Simply Say That I Think That's A Good Suggestion. I Don't Know Whether The Constitutionals Will Think That We're Treading On Their Constitutional Turf And Independence, But We Do Have The Resources Available. I Think It's A Good Suggestion. I Hope Perhaps Just Broadcasting It In This Fashion Might Let Them Know That We Would Be More Than Willing To Offer Those Services To The Benefit Of The Community.

Mr. Chairman? Public Comment If We Could, Please?

Frank Mann: They Seem So Happy Right Now. Would Any Members Of The Public Like To Comment On This Item? The Wisdom Of The Chairman, I Thought Not.

Thank You, Sir.

Frank Mann: Thank You Very Much. Moving Right Along. Now Is There Objection? Hearing None. Show It Adopted Without Objection. You Have Another Item, Commissioner Hamman.

Brian Hamman: Thank You, Mr. Chairman. I Would Like To Pull Item 38 For Discussion, And Can I Ask Our County Manager Just To Introduce This Briefly?

Frank Mann: Tell Us About It.

Thank You. Doug.

Commissioner, This Is The -- This Is The Actual Roll-Out Of The Implementation Of The Automated Metering Information System. It Is A Fixed Grid System That Allows For Immediate Meter Reading Fed To A Central Station. It Eliminates The Need To Read Individual Meters Physically And So This Has Been Piloted, And We Are Now Authorizing The Contractor To Go Forward With Implementation Of This System Over A Period Of Three Years.

Brian Hamman: I Brought This Up Not Because I Have A Problem With The Meter Reading. I Think We'll See A Savings By Implementing This Equipment. My Concern Is How We're Paying For It. It Appears As If We're Going To Take Out A 20-Year Loan To Pay For This Equipment, And This Is A \$23.3 Million Purchase. The Interest Rate On The Loan Is 1%, But My Question Is, Mr. Muir, If Maybe You Or Ms. Keys Could Answer, How Long Do We Expect The Equipment To Be Used?

We Hope We Use It Forever. The Estimated Life Of The Equipment Will Be Replacing Meters Probably, I Assume, About A 15-Year Life Per Meter. You Know, You Just Never Know. It Could Be Shorter. It Could Be Longer. The Term Of The Loan Really Is Simply That's Kind Of Been Our Habit, 20 Years. When We Look At The Cost Per Year Of A 20-Year Loan Through The Srf, It Really Provides A Reasonable Annual Payment That We Can Budget, And We Really Determine That Based On That Annual Cost, We Will Have A Return On Investment Or A Payback Of This Equipment Within Eight Years. Less Than The Life Of The Equipment.

Brian Hamman: Do You -- Will We Have An Opportunity After That Eight-Year Period To Put The Savings That We're Seeing From Implementing This New System Towards The Loan To Pay It Off Maybe Faster Than 20 Years?

Absolutely. There Are No Restrictions On A Pay-Off Of This Loan Prematurely, So We Can Apply Either Capital Or Savings Towards Paying It Off Early.

Brian Hamman: The Equipment Itself, I Understand, You Know, Is Pretty Standard, Hardy Piece Of Equipment That Goes In The Ground, But Obviously It Will Be Powered By Software. Do Software Upgrades Come With This?

Two Things. Software Upgrades, Excuse Me, Are Available And Will Be Part Of The Agreement, But The Other Issue That We Really Wanted To Take A Hard Look At Is Over Any Long-Term Contract We Wanted To Make Sure That We Had Options If Something Were To Happen To The Company That Is Rolling This Out, So We Absolutely Have The Ability. This Is Transferrable Data To

Other Companies That Do The Same Thing, So We're Not Heading Down A Dead End. It's All Transferrable.

Brian Hamman: Let Me Ask This. Would It Do Any Harm To Our Timeline If We Were To Push This Off Until We Had A Strategy To Maybe Pay These Off A Little Bit Earlier? Again, My -- The Thing That I'm Not Comfortable With Is Borrowing Money For 20 Years Because For Equipment That May Only Last 15 Years. I Want To Know That When We Make That Final Bond Payment 20 Years From Now Or Final Loan Payment 20 Years From Now That We Are Paying For Equipment That's Still In Use And Not Paying For Equipment That's Been Replaced By That Point. Would It Hurt Any To Maybe Push Off The Decision Until We Understand -- Until We Have A Better Mechanism To Pay The Loan Off Faster?

I Would Have To Ask Pam Keys To Come Up And Talk About That. I Know There Is Some Contractual Lines That She's Moving Towards. I Think She Would Be Able To Give The Detailed Answer.

Frank Mann: Please Come Join Us, Ms. Keys, And Jump Right In, And Then I'll Call On Commissioner Manning When You Are Through.

Good Morning. Pam Keys With Public Utilities. We Could Delay Some If That's Helpful. We Are -- We've Been Working On The Pilot Program For About Two Years, And We're Trying To Keep The Project Going And Keeping The Contractor Moving Quickly. As Far As Options For Paying Off The Loan, We Can Bring Those To You When We Do The Application. We're Going To Have To Come Back For Approval Of The Application. Please Understand That We Use The 20-Year Period, Which Is Very Standard So That We Could Assure That There Was No Rate Impacts. We Did Not Do Any Other Evaluation For A Sooner Pay-Off. However, If Mr. Muir Has Said The State Is Very Flexible With The Loans. After The Eight-Year Period, If We're Finding That There Is A Benefit To The Enterprise To Pay It Off Early, We'll Have That Option. As Far As The Equipment, The Equipment -- The Majority Of The Equipment Is Under A Seven-Year Warranty. Seven To 15 Year Warranty With A Prorated Warranty After That. The Assurance Of Having The Equipment Being Successful And Lasting Greater Than The 15 Years Is Pretty Substantial.

Brian Hamman: Thank You, Ms. Keys. I Appreciate Your Answer To My Questions. Those Are The Questions I Have. I'll Turn It Back Over To The Board.

Frank Mann: Let's Have A Little Discussion. Thank You For Bringing It Up, Commissioner Manning.

John Manning: I'm Going To Move Approval. These Are Enterprise Funds? There's No Tax Dollars Involved?

That Is Correct.

John Manning: The State Revolving Loan Fund Is At 1%, That Can't Get Any Higher, But It Could Go Lower. Is That Correct?

Frank Mann: Mr. Kiker Had A Comment.

Larry Kiker: Appreciate That Very Much. One Of My Questions Was Exactly That In Terms Of This Is Not A General Fund Dollars.

Correct.

Larry Kiker: We Did -- Did We Set A Reserve Amount For Your Department?

We Do. We Do Have A Reserve This Year. I Believe A Reserve Is Budgeted For About \$65 Million.

Larry Kiker: Where Are We Right Now?

We're Very Close To That Amount. We've Tried To Keep It Very Consistent.

Larry Kiker: Okay. We Approved A Rate Increase Recently?

No. That Was Actually -- We Did A Rate Increase For Solid Waste Enterprise. The Utility Enterprise Has Been A Rate Increase.

Larry Kiker: Okay. So, You Know, Kind Of -- I Think Back To What Commissioner Hamman Might Be Referring To Is That At What Point In Time If We Exceed That Amount For Reserve The Intentions, I Think, From A Policy Decision Would Be Whether Or Not We're Going To Apply That To This Loan Or Not And Whether We've Had Those Discussions Yet, And I Don't Think We Have. Which I Think Would Follow A Normal Policy Philosophy That We've Been Follow For The Last Year. If You Will.

The Sloan A Reimbursable Loan. You Know, We Can Get Started, And Our Payment Is Not Until -- We've Got A Time To Take A Look At The Option.

Frank Mann: Even After Passing A Motion Should That Occur This Morning?

That Is Correct.

Frank Mann: Okay. Further Discussion? Commissioner Hamman, You Brought It Up.

Brian Hamman: You Know, Just, I Guess, One Last Time. Yes, I Believe We'll Have Time To Discuss The Loan Further. Absolutely. We Are Actually Awarding The Contract, Though, Today For \$23.3 Million, Correct?

Correct.

Brian Hamman: So After This Motion It's Approved, We'll Be On The Hook For That Somehow. We'll Have To Pay For It. You Know, I Want To Reiterate That I Have Confidence In Our Staff. I Really Like The Way We Did A Pilot Program Here To Test These And Roll This Out. I'm Still Concerned With The Financing, So My Vote Will Reflect That. I Do Have Confidence In Our Staff. I Think This Is The Right Way To Go For Cost Savings For The Enterprise System, And I Realize These Are Enterprise Funds, But When Your Enterprise Funds Even Get Into Financial Trouble, Then You Look

At Raising The Rates On The People Who Pay The Utilities. It Will Ultimately Hit The Bottom Line. That's The Only Reason. For My Volt Today. I'll Turn It Back Over To The Board. Mr. Chairman.

Cecil Pendergrass: Mr. Chairman, Just A Couple Of Questions.

Frank Mann: We'll Go To Commissioner Pendergrass, And Then We'll Go Back To You.

Cecil Pendergrass: Not About The Finance, But The Problem Itself. We Went To This System About Seven Years Ago, And It's Been Working Out Great. It's A Little Small Cap. It's Like A Little Disk On Top Of Your Water Meter, And They Only Have To Drop By -- They No Longer Have To Drop By. They've Been Working Accurately, And The Residents Have Enjoyed That.

Frank Mann: Commissioner Mann, Back To You.

John Manning: The One-Time Savings On This Is \$1.4 Million. I Would Have To Go Back And Look At It. It's Payable Over Two Fiscal Years, Which Is 16-17, 17-18. I'll Make The Motion To Enter Into This Contract With The Contingency That We Discuss The Nuts And Bolts Of The Contract Down The Road So We Have A Chance To Pull This Back If, In Fact, We Want To. That's My Motion.

Frank Mann: I'm Not Understanding It. Pull It Back? I Don't Think You Can Pull It Back Once It's Passed.

John Manning: My Motion Is For Approval With The Contingency That We Discuss This In A Workshop Setting.

Frank Mann: Okay. I Understand That. The Motion Clear -- Wait, Doug.

I Wanted To Just Be Clear. I Think What I'm Hearing Is That The Board Approves Of The Technology And The Implementation Of The Technology, So It Really Comes Down To The Term - - The Financing Terms And The Length Of Financing. With The Srf Loan, We Have Not Finalized That, So That Does Need To Come Back To You, So Given The Discussion Today If We Go Forward With The Equipment, We Still Have The Obligation To Bring Back To You The Srf Loan To Discuss The Term Of That Loan, Which Is Exactly, I Think, What I'm Hearing You Want To Pull Reserve Discussion On.

Frank Mann: I Think That Cools Some Of The Heartburn. Does That Help, Commissioner Hamman, What Doug Just Said?

Brian Hamman: Well, Sure. Certainly I Understand What Doug Said, And That Is, You Know, One Way To Do It, Absolutely. You Know, Go Ahead And Sign The Contract And Do The Agreement, Purchase The Equipment And Get The Installation In Motion And Then Discuss The Financing When We Actually See The Finalized Srf Loan Application Come Back. That's One Way To Do It. Just Personally For Me The Way I Want To Make The Decision, I Would Rather Make Sure We Have Our Financing In Place Before We Complete The Purchase. That's Just Where I'm At.

Frank Mann: Okay. Let's Make Sure Everybody Understands Where We Are. Mr. Kiker.

Larry Kiker: One Of The Repercussions If We Don't Approve It Today And Bring It Back Later Is The Commissioner Suggested.

I Don't Think There Are Any Contract Repercussions. I Just Think It's Simply Schedule. We've Really Been Looking At This To Bring It To The Board For At Least Two To Three Months. I Know Everybody Is Ready To Go. I Don't Know What The Status Of The Contract Deadlines Are Right Now. I Think It's -- We Can Live With A Delay.

Frank Mann: Are We Going To Be Here Three Months From Now In The Same Situation With Things Dangling, But We Need Then To Pass The Motion? Roger.

I Think It's Fairly Simple To Do The Analysis On A 15-Year Contract -- Or A Loan For The Period -- Period For The Loan And Show You The 15 And The 20 And Also Talk With You About Early Payment Of The Contract -- Or Of The Loan As Well. It's Pretty Easy. Two Weeks From Now We Should Have This -- All The Information You Need.

Cecil Pendergrass: That's Part Of The Contract, But Today We Can Move Forward With The System Approval, Right?

This Item Is Budgeted In Five-Year Cip, And As Pam Mentioned, It's A Reimbursable Loan, So We'll Be Spending The Capital Dollars Up Front And Committing The Money From The Utilities Uprise Fund If You Were To Pass It Today. Then When We Bring Back The -- In That Case When We Bring Back The Loan Application, You Would Then See An Analysis On 15 Or 20-Year Pay-Back Period.

Frank Mann: Let Me Understand What You Are Saying. I Thought I Heard You Say That If We In Essence Deferred This For Two Weeks You Could Provide Us With Some Of The Missing Links Here And Perhaps We Would Feel More Comfort In Moving Forward At That Time?

Yes, Sir.

Frank Mann: All Right. Is There Further Discussion?

Cecil Pendergrass: There's A Motion On The Floor. I Already Had The Same Question. I Already Was Comfortable After Getting The Answers About The Financing. Based Upon Interest Rates. I Had Seconded The Motion.

Frank Mann: You're Seconding The Original Motion?

Cecil Pendergrass: Yes.

Frank Mann: Is There Discussion? Commissioner Kiker?

Larry Kiker: Where Are The Reserves A Year Ago?

Our Reserves A Year Ago Was Right Around \$65 Million. Like I Said, Our Reserves Are Pretty Steady. This Year The Budgeted Revenues Have Come In Pretty Close To What We Anticipated, And Our Costs Have Been About 2% Less, So We Basically Hit Our Goals For This Year.

Larry Kiker: Have They Been At \$60 Million For A Few Years Now, Or Is That --

Yes, That's Pretty Steady. We Keep It Right Around \$60 Million, \$65 Million.

Larry Kiker: Just For Edification, \$60 Million Is For What? Why Do You Need \$60 Million?

We Have Several Dedicated Reserves Based On Bonds Covenants And Then We Also Have Reserves Based On Our Administrative Code. We Have Reserves For Operations If We Have Emergencies. We Have Been Able To Identify All Of Those Reserves And Then Keep Them Steady Throughout The Year.

My Memory Was, And Maybe Mr. West, Can You Help Me With This One As Well. I Thought We Removed Some Of The Dependencies On The Previous Bonds. Is That Correct?

I Believe That We Did That For Solid Waste Enterprise. But As Far As The Utility Enterprise We've Been Pretty Consistent.

Larry Kiker: All Right. Thank You.

Frank Mann: I Don't Think We -- From What I'm Hearing -- Do Great Damage If We Adopt This Today Or In Two Weeks. I Feel Like Our Options Are Still Fairly Flexible. If There's No Further Discussion, I'm Going To Ask For A Vote On The Motion.

Public Comment, Please.

Frank Mann: My Golly, You Are Like A Broken Record Over There. Do Any Members Of The Public Like To Weigh In On This Exciting Issue? Hearing None, Back To The Commission. We Have A Motion And A Second On The Floor. No, I Can't Repeat The Motion. Does The Maker Of The Motion Want To Try One More Time?

John Manning: The Motion To Approve The Agenda Item With The Contingency That We Will Discuss Certain Deal Points Down The Road.

Frank Mann: And It's Been Seconded By Commissioner Pendergrass. Are There Objections To The Motion?

Brian Hamman: Ay.

Frank Mann: Show Is Passing 4-1. Commissioner Hamman Objecting. Well, Thank You. Well, That Was A Healthy Discussion. We're Finished With Commissioner Items That We Have Pulled. County Administration. How About Item 18?

Thank You, Mr. Chair. Commissioners, This Item Is To Discuss And Ask The Board To Give Us Direction On Capital Projects Within The Village Of Estero. One Is The Sidewalks That We've Discussed A Number Of Times And Been Negotiating With The City Along Estero Parkway. There Are Gaps In The Sidewalks As A Result Of Intermittent Development Along That Roadway. Back Last December In One Of The -- And Discussing The Capital Project Priorities And Creating A List Of Criteria For You To Consider. Ultimately, The -- This Sidewalk -- You Instructed Us To Offer To The Cities A 50-50 Cost Share If They Wanted To See Some Of These Projects Rise To A Higher Level On The Priority List, And This Sidewalk Falls Into That Category. Also, Repaving Of Estero Parkway. Estero Parkway Is A Road That They -- That The Village Will Likely Be Taking Possession Of. We Haven't Finished Those Negotiations Yet. The City Would Very Much Like To Have That Road Repaved By Lee County At Full Funding. They Also Want For Lee County To Fully Fund The Sidewalk Completion. The Way We Fund Sidewalks For A Five Foot Wide Sidewalk. As We Understand, The Village Would Like Something More On The Order Of Eight To Ten Feet. They Would Like To Have Dollars Rather Than Have Us Do The Project. It Ultimately Would Be Their Desire. Our Recommendation Today Is -- Well, We Have -- We Have Included Three Options On The Blue Sheet For You. One Is The 50-50 Cost Share Between Lee County And The Village For Both Projects. That's Option One. Option Two Is For Lee County To Pay 100% Of The Projects. Option Number Three Is Do Nothing, But I Have To -- As We're Talking Earlier, The -- There's One Other Option That We Failed To Place On The Blue Sheet, And That Is The Estero Parkway Was Scheduled To Be Paved -- Repaved Sometime After 2019. You Could Still Keep That Schedule If You Wanted To. That Just Adds That To The Options As You Have Your Discussion Today. Our Recommendation Continues To Be A 50-50 Cost Share On Both Of These Projects. When You Think Back On The Workshops From Last Year And Establishing The Criteria For Road Projects And Sidewalks In Particular, The Board Was Specific At That Time About Asking Me To Reach Out To The City And Offer The Option For Them To Move Projects Up On The Schedule Sooner On The Schedule In The Event They Were Willing To, You Know, Cost Share With Us On Projects At A 50-50 Split. I Sent That Letter To Each Of The City Managers, And The Response Came Back From Estero That There Were Three Projects That They Were Looking For. One Was For A Traffic Signal At Corkscrew And Belletaire, Number One, And That Is A Project That A Developer Will Be Taking Care Of. That's All Been Negotiated. Not An Issue For Us. The Second Item That Estero Told Us In Their Letter They Wanted Was.

You Saw The Three Agreements Were Deferred Today. That's Simply Because The Village Needs To Take Action On Those Three Items Before They Come Back To You For Execution, And So I'll Just Leave That With You For Discussion. We Can Answer Your Questions As You Have Them Today.

Whatever We Do, I'll End Up At Least With Commissioner Kiker For Whatever Comments He Wants To Offer. Recognize Commissioner Manning.

John Manning: Just A Few Questions, And Roger, Maybe You Can Help Me Out Here. We Have Negotiated In, I Think, Good Faith And So Has The Village. We Have Yet To Have Signed

Agreements By Either Side In This. In Other Words, Final Negotiations Have Been At A Stand Still. Is That A Fair Statement?

Except For The Agreement That You Approved Today, Which Was The Landscaping. Otherwise, The Other Three Agreements Are In The Hands Of The City And We're Waiting For The Approval Of The Other Three Agreements.

John Manning: Is There A Problem That We Need To Be Aware Of?

Is There Any Outstanding Issues?

Frank Mann: Additional Comments? Yield To The County Commissioner.

I Don't Know When It's Going To Be Appropriate For Public Comment Because I Know There Are Some Folks That Want To Talk About This, But My First Question Would Be To Roger. Whenever You Are Looking At These Numbers That You Have In Your Options, Is That A Five Foot Or Seven Foot?

It's A Five-Foot Sidewalk.

Larry Kiker: It's Five Foot, And They Understand That. Anything More Than That They Would Be Responsible Are For?

That's Correct.

Larry Kiker: Okay. This Goes Back Before They Were Even Incorporated. I Think That's The Real Key To This Thing. Sidewalks Have Been A Number One Priority For Lee County. The Cause Of The Cost Amount, It Keeps Getting Pushed Down. That's Why We're Still Talking About It. I Think That The Fact That This Thing Is Scheduled For Repayment In 2019 Speaks For Itself Is That The County Was Prepared To Spend Money On That Just The Same. We Just Hadn't Got Around To It Yet. I Know We've Had Some Discussions Before Incorporation. If You Want To Rank Something On Consistency, They've Been Consistent All The Way Through That They Wanted To Have These Things Taken Care Of As Soon As Possible. I'm Going To Recommend That This Board Would Recommend That Would Approve The Other Option. I Guess My First Question Is If We Move The Repaving Out, What Happens? If You Move That Forward Instead Of Backwards, Says What Falls Out Of This?

It Would Come At The Expense Of Other Projects.

Larry Kiker: Such As?

Well, You Know, We -- This Year We've Dedicated \$5 Million A Year To Lehigh Acres To Get Those Roads Rebuilt And Repaved, And Everyone Knows The Condition Those Roads Are In, There Are Potholes Big Enough That Would Take My Car On Some Of Them. It's Not Just A Few Roads. It's A Lot Of Roads In Lehigh That Require Work. Therm Built By The Gulf American Corporation Probably 50 Years Ago, And Some Of Those Roads I Think We Actually Mow Rather Than Repave

Right Now. That Would Be One. Otherwise, It's Really About The -- All The Taxpayers In Lee County, Unincorporated, In Particular, That Are Subsidizing A City. We've Had This Conversation A Number Of Times Where Cities Have Approached You And Asked You For Contributions For Different Projects, And Each Time It Happens, It Just Opens The Door A Little Further That We're Spending Dollars In Cities At Their Request When They Have Sufficient Funds In This Case, Sufficient Funds For Certain To Pay For The Projects And Ultimately At The Expense Of Your Ability To Do The Capital Projects That You Are Responsible. -- We Are Responsible For. That Would Be The Basis -- Really The Basis For My Objection And Recommendation At 50% Cost Share.

Frank Mann: Commissioner Kiker, Let Me Interrupt. Your Possible Constitution, If I Read You Right, We Asked For Public Input On Any Item. I See Representatives From Estero Out Here, But In An Abundance Of Fairness, Though You Didn't Indicate An Interest In Speaking Before, Is There One Or A Couple Of Or One That Would Like To Speak On Behalf Perhaps? We Like To Recognize Public Officials When They're Here.

Cecil Pendergrass: That Will Take 60 Years In Lehigh Acres? Is That Correct? Given That Current Rate, It Still Will Take 60 Years. That's Something That Roger Talked About Incorporating Lee County And Subsidizing Current Roads And Cities. We Have To Be Careful With That Because There Are Other Areas And Residents Of Lehigh Acres That There Are A Lot Of Roads Out There With Some Bad Conditions. 60 Years Is The Current Rate. Those Will Be 100 Years Old At That Time And Not Being Paved.

Frank Mann: That's A Valid Point. Before I Accept A Motion, I Want To Make Certain We Understand The Impact Of That Motion, Whatever The Motion Happens To Be. Councillor, Glad To Have You.

Is There A Motion On The Table?

Frank Mann: No, Not Yet.

Councilman Rebel From Estero, District One. To Answer Commissioner Manning's Question About Where We Stand With The Local Agreement, We Had Our Workshop Last Wednesday. It Was Very Positive. We Have All Those Items On The Agenda Tomorrow To Be Approved At Our Council Meeting, Which Starts At 5:30 Tomorrow Evening. That's Why Those Items Are Here As Approved At This -- As The Gentleman Already Stated, It's A Timely -- It's A Timing Issue. As Far As The Sidewalks, I Think Commissioner Kiker Is Correct. Long Before I Was An Embryo As A Councilman Going Back Years Ago, Says This Item Has Been A Hot Tamale In Our Community. With The Eight Communities That Are Estero Parkway. They Were Promised The Sidewalks. There's A Lot Of Folks That Believe That The Road Was Never Approved And Executed With A Final Coat Of Asphalt. If You Go Out There, There Are Section That Is Look That Way. Some Sections Don't. That's Kind Of Debated. It Does Need To Be Repaved. It Needs A Final Good Coat Of Asphalt. There Was An Option Suggested To Me Where We Would Have The Sidewalks Approved, And The New Folks Would Take Care Of The Paving In 2018. Our Intent At Estero Would Be To Pave

That Road Now And Then Be Reimbursed By You Folks. That Was Another Conversation That We Had Here The Last Couple Of Weeks When We Were Up Here And We Talked With You Folks. As A Community We Do Want The Money Up Front As Requested,ing And I Don't Think That Message Has Changed. Like I Say, Even Long Before I Ran For This Seat, I Know The Eccl Folks Have That As An Agenda Item For A Long Time. That's All I Have. Let's See --

Thank You For All You're Doing For Your New City. Back To Commissioner Kiker.

Larry Kiker: Any More Public Input?

Frank Mann: I Took The Councilman To Be Your Designated Hitter. I Thought I Saw Heads Nodding Back There. Commissioner Kiker?

Larry Kiker: Thank You Very Much, Mr. Chairman. I Would Like To Move That We Take The Option That Allows For The County To Do The Sidewalks At 100% And That We Continue With The Normal Paving In 2019 That Would Allow If If The Village Of Estero Wants To Move That Up And Obviously They Could Pay For That, We Could Make That Happen, But We Don't Reimburse Until 2019 Date. Keep Everything In Order. That Would Be My Motion.

Frank Mann: With The Motion Pending, Does That Leave Other Areas Of The County Unimpacted? For This Year And Between 2019? Not A Trick Question, I Didn't Think.

It Would Minimize Impact Over The Next Two Years. However, That -- Depending On Who Takes Ownership Of Estero Parkway, If It Is Not A Lee County Road In 2019, That Reimbursement Will Be Reimbursement For A Road That's Not Ours, So It Will Offset Some Other Projects At That Time. Too Far Out To Really Say Specifically What That Would Be, But It Would Be A Commitment Of Funding For A Project That's Not A County Mandated Roadway, Assuming It Works Out The Way We Expect It To, And That's A Village Of Estero Roadway Responsibility.

Frank Mann: Mr. Kiker, I Thought That It's Contemplated All Along That They Would Own The Road Ultimately?

Larry Kiker: I Apologize For Not Bringing That Up. Thank You, Mr. Muir. One Of The Conversations We Had, Which I Think We Agreed Both Parties That We Have Discussions Going Forward Because There's Three Major Roads That If You Looked At The Connectivity Between Maybe Another Municipality And Unincorporated Lee County, Whether Or Not We Allow Those Roads To Be Transferred To Municipality Or Do We Keep Them In Our Portfolio, Which I Think Is The Discussion That We Have. I Think This Is A Point That We Have Policy, And We Need To Have This Discussion At A Future Work Session And Let You Folks Decide Policy On This Because Going Forward This Is Going To Make A Big Difference.

We've Had A Brief Discussion Recently With You About Having Workshop To Determine What Roads Lee County Would Actually Keep As A Matter Of Policy Whenever There's Either Annexation Or Creation Of A New City. When There Are -- The Ownership Of Those Roads Go To

A City, They Could, For Example -- Though I Can't Imagine In Doing It, That They Could If They Own The Road Stop Us From Adding Additional Capacity When It's Necessary As In A Widening A Road. That's Been Our Unofficial Policy To Keep Those Roads So We Can Maintain All Of Those Options. We Also -- We Talked Just Quickly About Individual Workshop Establishing A Policy As Sure As We're Sitting Here, There Will Be More Annexations And Policy At The Time.

Mr. Pendergrass.

Cecil Pendergrass: How Much In Reserve From Gas Tax Because --

Yes, Sir. Pete.

Cecil Pendergrass: Do We Have Any Idea? On Gas Tax They're Projected Around \$1 50,000 In Gas Tax Annually This Past Year. Impact Fees -- I'm Not Sure Road Impact Fees. I Thought It Was Around The \$400,000, \$500,000.

Cecil Pendergrass: No Matter What Action We Take Today, We Decide Which Roads They Take Over, Would They Use That Money For Future Maintenance Of Those Roads? Would That Be Excess Money They Have Now That They're Not Having To Spend Now?

The Plan Is That They Would Use That Money For, Yes, The --

Cecil Pendergrass: Road Maintenance. I Feel Like We're Pretty Well Gelled On That Lehigh Commitment. I Just Don't Want To See That Affected By This Motion. That's What I'm Trying To Get Here.

You Also Approved And The Following Workshop, The -- We Applied That Ranking Criteria To All The Projects That Were In The Hopper, And So We Ended Up With Tier One Roads Being Fully Funded In The Five-Year C.I.P. The -- In That -- In The First Tier Is 50% Funding For This Sidewalk Project. That Has Been There. Ultimately That Would -- That -- The Tiered Projects And The C.I.P. Were Formally Adopted, If We Did Something Different Today, It Would Just Require A Simple Majority Vote Of The Board, But Know That We're Changing The Projects That Have Run Additional Funding To At Least One Of The Projects In Tier One And He Repaving Of Estero Boulevard Have Not Been Repaving At All. Does It Affect Other Projects To The Extent That We Stay With The Existing Funding Dedicated To The Projects In Tier One? We Have To Reduce -- We Would Have To Reduce Funding By A Like Amount. The Other Option Is To Go To Reserves, General Fund Reserves To Every Time We Do This We're Spending Money That You May Need For Other Capital Projects If We Go Into Reserves.

Frank Mann: Mr. Hamman And Then Back To You.

Larry Kiker: I Just Need Clarification On This Because We're -- We Have More Money Than What Our Policy Calls For In Reserves Today.

That's Correct.

Larry Kiker: So If You Are Saying Going To Reserves, We're Not Even Making A Dent Into That Piece Of It.

Brian Hamman: Thank You, Commissioner Kiker. Thank You, Mr. Chairman. Mr. Chairman, I Appreciate You Taking Us Down The Path That You Did Take Us. To Me We Don't Have Enough Information To Actually Make An Educated Decision Today. I Would Like To See An Illustration Of If We Were To Take This Option An Actual Illustration, Away Would That Do To Our C.I.P. I Need To See That Information Before I Can Make A Decision On Yes Or No If I Want To Do This. I Want To Know What Falls Out Of The C.I.P. If We Add A Brand New Repaving That's Not Currently Contemplated Right Now, And We Have This 100% Of The Sidewalk In There, Some Projects Will Move Out Of The C.I.P., And I Need To Know What They Are Before I Can Make A Decision Yes Or No.

Frank Mann: We Have The City Officials Here. We've Got The County Officials Here. We Have Talked About This For A Long Time, And Folks Have Been Up And Down The Halls. Let's Be A Little Patient Here And See If We Can Answer The Questions And Move Forward. Back To Commissioner Kiker.

Larry Kiker: With Respect, I Disagree With You. The Motion Included That -- That The Repaving Follows The Same Normal Already Accepted C.I.P. There Is No Change There. Okay? It Then The Second Piece Of It Is That This Has Been A Priority For Lee County For A Very Long Time, Number One. We Have Enough Money In Our Reserves To Cover This Project Without Touching Anything That We Have Done Already With C.I.P. Is That Correct, Roger?

By Going To The Excess Revenue Above Reserves, You Would Not Have To -- No Adverse Affect Of The Existing C.I.P.

Larry Kiker: I Want To Make Sure That's Part Of The Motion.

Frank Mann: Commissioner Pendergrass.

Cecil Pendergrass: That Is True? I'm Sure That That Was A Budget Meeting Night Where Somebody Came Forward And Asked For Increased Funding For Human Services Or Some Other Project Or What City Is Going To Show Up Next Asking For A Project To Be Funded And -- There Are Other Projects. Throughout The Year We're Going To Have That. That Excess Reserve As We Set Our Trim Notice, We Load Our Millage Rate Already, The Reserve Number Is A Little Smaller Than What It Used To Be Because Obviously We Have 4.05 Now. Or Lower. That's My Concern Is What Is The Ability We Have For Reserves On The Next Project. Also, Not Knowing What The City Will Do With What Was The -- They're Going To Take. Not Knowing That, That's The Unknown For Me Too, And What's Going To Be Funded And Not Going To Be Funded. We Still Don't Know What They're Going To Do Between Then And Now.

Frank Mann: Mr. Chairman.

Larry Kiker: I Appreciate You Allowing This Discussion. Is That Even Though We Actually Plan For The Projects To Be Funded. Sometimes They're Slower Than Others. Having Said That, I Think There Is A Little Cushion, If You Will, Or A Little Wiggle Room When It Comes To Whether Or Not We Have To Go In In To The Reserves At All. Until Then I Don't Think We Have To. I Think That's Somewhat Of A Guess In This Respect. That Piece Of It --

Frank Mann: Let The Staff Respond? I Need Some Nodding Heads On That Side.

I Want To Make Sure We Understand, Commissioner Kiker, Says What You Said, And That Is Within The Existing Five-Year C.I.P. Are There Project That Is May Be Delayed Freeing Up Funding For Another Use? Is That --

I Don't Know. I Don't Think We Can Predict That Today. Does It Happen From Time To Time? It Does. It's Something That I -- We Couldn't Commit To Right As We Sit Here Today. It Does Happen From Time To Time.

Frank Mann: The Reserves In This Year's Budget That We're Talking About, Or Is That The General Reserve In Our Bank Account Right Now?

It Would Be Current Reserves.

Frank Mann: That We Enjoy Before We Adopt The Budget?

Yes. It's Really -- It's An Accounting Exercise. You Know, Our General Fund Reserves At 20% Are About \$80 Million For Next Year. You Know, Starting October 1st.

Frank Mann: Responding To What Commissioner Pendergrass Has Said, We're Closing In On A Budget Process For This Year. We've Got A Cushion Of A Little Over A Million Right Here. I Think He Is Worrying Is This Action If Contemplated Going To Impact That And Make It More Difficult For Us To Deal With Last Minute Issues, Or When We Use The Word Reserve, If We're Talking About The Nearly \$100 Million In Reserves, It Seems Like An Altogether Different Discussion.

I Think Just Like Always, If You -- If You Decide That You Would Like To Honor Estero's Request, You Would Approve That, And We Would Come Back And Tell You The Most Efficient Use Of Existing Dollars In Order To Make That Happen. As We Sit Here Today, We Probably Would Come From Dollars That We Have Above The 20% Reserve Level, And Do You Know What That Is Today?

Yes. It's Projected To Be \$9.1 Million, And The 1.4 Surplus Is Part Of That \$9.1 Million.

Commissioners, You Would Be Spending About -- Just About \$2.1 Million From That -- From That Nine If You Were To Fully Fund Both Of These Projects, And As Commissioner Pendergrass Said, We Don't Know Who May Be Coming To Speak From The Podium Tonight With Decisions You May Make About Additional Spending If At All, So It's -- You Know.

Frank Mann: Commissioner Hamman, Back To You.

Brian Hamman: Just One Other Thought To Throw Into That Argument. I'll Just Be Really Transparent. The Thing That's Hanging Me Upper Here, I Really Do -- I Love Estero. It's A Beautiful Area. It's Well Taken Care Of. The Citizens Are Wonderful Citizens Of Lee County, As Are Everybody Of Every City In Lee County. I Have A -- I Have A Problem With The Fact That We Have Received Requests From Bonita Springs, And We Went 50-50 With Them On A Deal Using Some General Fund Dollars. We Received A Request From Fort Myers For Harbor Side And Their Hotel Deal, And We Went 50-50 With Them As Well. We Received A Request From Cape Corral, And We Went 50-50 With Them. I'm Having A Hard Time With The Equity Here By Going 100%, You Know, And Possibly Using The Excess Reserves Now At 100% To Fund The Project At 100%. I Certainly Could Support The 50-50, And I Think That Would Certainly Fix The Problem. I Mean, We Auto Would Have Great Sidewalks By The End Of That. We Would Have A Freshly Paved Road And However That -- Whether They Want The Cash And Then They Pave The Road And Do The Sidewalks Themselves, I Don't Really Want To Get Into Those Weeds. I'm Okay Either Way. To Me The 50-50 Is How We Treated The Other Cities, And It Just Seems Like That Would Be The Most Equitable Solution Here.

Frank Mann: Mr. Chairman.

Thank You, Again.

John Manning: We've Had That Discussion. That Was Part Of The Discussion. There Is A Difference, And That Is That You're Talking About Projects Since They Have Been Municipalities They Have Been Projects. These Projects Were Before Estero Ever Became A Village, And It Was One Of The County's Priorities Before Then, And We Just Never Did Get To It. Okay? So That's A Huge Difference In Terms Of If They Have A New Project That Comes On, I Would Agree With You. 50% Is The Way We Conduct Our Business, And I Would Be The First One To Say That. This Was Before. Having Said That, You Know, One Of The Things That We Have Dealt With In This Whole Scenario Is That This Is A New Village, And We Did A Customer Service Agreement. We All Should Pete Went How Much We Appreciate The Work He Has Done On This The Last Year And A Half. We Are Now Learning What It Is That Is Going To Be Required To Do A Customer Service Agreement With These Folks Going Forward. We Have Learned Along The Way. That's Why You Have Three Or Four Different Items Here That We're Going To Talk About Because We Ended Up Splitting Them Up So We Could Deal With The Way That We Do Business As A County, But The Reason These Subjects Came Up Is This Is The First Year They Put Their Budget Together, And That's What They're Budgeting For, And That's Why The Discussions Are Happening The Way They Are. That's Different Than The Way They Were Done Last Time. Again, These Are Projects Before, Not After, Or During, And That's A Significant Difference, And I Hope You Consider This.

Brian Hamman: Thank You, Mr. Chairman. If You Are Okay With The Dialogue. I Appreciate That. Commissioner Kiker, I Apologize For That. I Think If You Were To Drive Through Fort Myers Or Lehigh Acres, You Would Find There Are Unincorporated Areas As Well That Have Probably Not Seen All Of Their Priorities Funded Over The Last Few Budget Cycles, And Those Priorities, You Know, Still Today Are Priorities That We're Trying To Take Care Of As Well.

Larry Kiker: I Agree. I Think You Had A Unanimous Support Whenever You Put Together A Study In North Fort Myers That Says We Need To Identify Projects That We Can Fund Going Forward. I'm All About That We Need To Invest In Our Communities, And I Have Said That Many, Many Times. Residents -- I Hate To Say It This Way. Rather Than Invest In Companies Coming In Here, I Would Rather Invest In Communities, And I Think That's What You Are Talking About. I Kind Of Look At That As A Different Subject And Different Topic Because I Think There's A Lot Of Work To Be Done There Yet.

Frank Mann: Mr. Kiker, I Think We've Thrashed This As Much As We Can Thrash It Without Rehashing It. I'm Going To Suggest In Advance That You Restate It One Time And That It's Included That The Staff Is Going To Find A Way To Make The Dollars Work On Your Motion So That It Doesn't Negatively Impact Any Other Sections Of The County At This Time.

Larry Kiker: I Would Parrot What You Just Said In That Motion, And The Motion Would Be That We Fully Fund The Sidewalks And Then Also Stay With The Schedule For Repaving For 2019, And If There Is -- If They Want To Accelerate That, Then They Can Self-Fund That Themselves, And We'll Reimburse Them In 2019. I Wouldn't Want To Interrupt That Funding.

Frank Mann: I Think The Motion Is Clear. Do I Have A Second.

Second.

Cecil Pendergrass: I Have A Question. Is The Sidewalk Funding For A Standard Sidewalk Or For More Elaborate Eight Or Ten Foot?

Five Foot.

Larry Kiker: If They Want To Make It More Than That, That's Their Dollar. I Would Suggest That They Have To Do That During The Time Of The Project Because Expensive Would Be To Do A Five Foot And Tear It Down And Do It All Over Again. I Imagine We Would Be Working With Them At That Point.

Mr. Chair, I Do Want To Clarify -- Just A Dollar Value. When We Say --

Frank Mann: For The Record?

It Would Be -- It's In The Blue Sheet. It Would Be \$1,686,601.

Frank Mann: That's Your Projection?

Yes, Sir.

Frank Mann: For The Sidewalk And Then The Year 19 We'll See The Road, Which Is \$509,604. Is There Discussion Or Objection On The Motion? Show Is Passing Unanimously. Thank You For That Healthy Discussion And Thank You Officials And Friends Of The Village For Being With Us This

Morning. You're Free To Leave. We Promise Not To Take It Up Again. Item 22. Who Wants To Introduce That? You? You? Who? He Yielded To The County Attorney. Mr. County Attorney.

I Should Have Yielded The Last Time. This Has To Do With A Hearing Officer Pay Package. Is That Correct?

Yes, Sir. Mr. Chairman, This Item Was With Regard To The Hearing Officer, As You Know. You Have Four Employees That Work Directly For You. Three Are -- Four By Contract. Mr. Desjarlais, Myself, The Hearing Officer, And Then Also Mr. Ball Out At The Port Authority. In The Hearing Officer's Contract, There Is A Provision For An Annual Merit Increase Of The Range Between 4% And 6%. It Requires This Board Annually To Make That Determination As To What Merit Increase Shall Be Afforded The Hearing Officer.

Frank Mann: Commissioners, Any Discussion On This? Commissioner Manning?

John Manning: I Just Want To Review What Happened Here. Three Commissioners Voted Donna Marie Exceeds Expectations. One Did Not, But Came Very Close To Doing That. To Bring Her Up To The Pay Range That We Discussed Last Year But Didn't Quite Get There, We Very New Contracts For Both The County Attorney And The County Manager, And I Would Recommend 6%. That's My Motion.

Cecil Pendergrass: I'll Second That. I Would Like To Make An Amendment To That. The Motion Maker -- Amend The Contract To Establish The Vacation Bank Of 160 Hours And Sick Bank Of 144 Hours Where The County Attorney And Manager We Had Included A Bank. This Would Not Include A Bank. It Would Be Re-Establishing Sick Time From Her Original Contract.

John Manning: I Agree To The Amendment.

Frank Mann: That Makes It Consistent With The Other Contracts.

Cecil Pendergrass: Re-Establish The Vacation When She Got The Original Contract And It's Exhausted. This New Contract Will Give Her The Sick Time And Vacation Time Again.

Frank Mann: Comments Here? Are -- Do We Have A Motion And A Second? Is There Further Discussion? Is There Objection? Show That Adopted Without Objection. Okay. Let's Move On To -- What Do We Have? A Carry-On? Carry-Over? What's Next? Public Hearing. We Have Any Hearings Here? Come Make Yourself Obvious. Counsellor.

Good Morning, Commissioners. John, Assistant County Attorney. Two Public Hearings On Your 9:30 A.M. Agenda This Morning. I Have Both Of Them For You. First, Let's Begin With Affidavits Of Publication. I'm Going To Introduce The Affidavits For Both. I Have Reviewed Them With Respect To Legal Form And Sufficiency. I Find That They Meet Those Requirements. I'm Going To Introduce Those Into The Record By Giving Them To The Board's Clerk.

Frank Mann: Questions Of Counsel? Are There Members Of The Public That Would Like To Protest The Subject? You're Not Fully Introduced. Go For It.

First Public Hearing This Morning. This Is To Adopt A Resolution For The Issuance Of Housing, Revenue Bonds Or Mortgage Credit Certifications And From Staff We Have Mickey From Planning And We Also Have The Counsel, Legal Counsel, For The Housing Finance Authority Of Re-County. That's Bill Burnett, And Indicating Our Note From For Your Benefit That There Are No Financial Or Administrative Costs To The Board Of County Commissioners For Approving This. This Is A Public Hearing.

Frank Mann: Counsel Or Staff. Members Of The Public Would Like To Comment? Hearing None, Back To Board For A Motion.

John Manning: I Make A Motion.

Brian Hamman: Second.

Frank Mann: Further Discussion? Objection? Show It Adopted Without Objection. The Next Public Hearing Please.

Yes, Sir. Your Second Public Hearing. This Is To Approve The Election To Use The Uniform Method Of Collecting Nonspecial Assessments. In This Case This Is Going To Be For The University Overlay Landscaping Operation And Maintenance Unit. It's Required Pursuant To Florida State Out 197.36.32 And Subparagraph 4a. Again, This Must Be Done No Later Than September 15th. Hence, It's On Your Agenda This Morning.

Frank Mann: Council? Members Of The Public Would Like To Comment On This Item? It's Required By Law For Us To Do This Or We Can't Collect The Fee. Is There A Motion?

Cecil Pendergrass: So Moved.

Brian Hamman: Second.

Frank Mann: Motion By Manning. Second By Hamman. Is There Objection To The Motion? Show It Adopted Without Objection. Does That Take Care Of -- One Carry-Over. Now Let's Do The C.O.

If I Could On The Examiner's Contract, I Don't Think We Took Public Comment. Do We Need To? There Was A Vote.

Yes, Sir. Out Of An Abundance Of Caution, If You Would, Please.

Frank Mann: Let's Move To Reconsider. Show All The Necessary Motions And Adopted To Here Take The Item Up Again Before Us. Without Objection. Are There Members Of The Public That Would Like To Comment. That Was A Hearing Officer's Contracted Pay Package? Hearing

None, A Motion Again By Commissioner Manning. Second By Commissioner Pendergrass. With Apologies From The Chair. Is There Objection? Show It Adopted Without Objection.

Brian Hamman: Back To Carry-Over.

Frank Mann: Now To The Carry-Over. Carry-Over Had To Do With The Caloosahatchee Regional Park, And We Had To Pull That Because The Rocks Weren't Ready To Move Or Something.

Mr. Desjarlais.

Thank You, Mr. Chair. Dave.

Good Morning, Commissioners. This Item Is To Award The Contract To Tsi For The Shoreline Stabilization At Caloosahatchee Regional Park. This Is The Final Phase Of That Project, And It's Tdc Funded.

Frank Mann: Any Questions Of Staff On That? Can I Get A Motion On That? I'm Sorry. You Guys Got To Train Me. The Year Is About Out. Members Of The Public That Would Like To Comment On This Item? Hearing None, Back To The Board For A Motion. Now, Move --

Brian Hamman: Move The Item.

Cecil Pendergrass: Second.

Frank Mann: Motion By Hamman. Second By Manning. Is There Further Discussion? Is There Objection? Show The Carry-Over Adopted Without Objection. Thank You, Guys. Now, Let's Do Commissioner Appointments. Mr. Manning, Let's Start With You. They're Easy And --

John Manning: I Have A Reappointment. Jay Johnston To The Land Development Code.

Brian Hamman: Second.

Frank Mann: There Is Discussion? Objection? Show It Adopted. That Was All, Commissioner Manning?

John Manning: Yes.

Frank Mann: Commissioner Pendergrass.

Cecil Pendergrass: Reappoint Randy Krist And Randy --

Frank Mann: Motion, Second? Show It Adopted Without Objection.

Brian Hamman: Mr. Chairman, I Have A New Appointment Of Trisha Sancher To The Roadway Landscape Advisory Committee. Thank You. And I Also Have Two Reappointments. Thomas Leonard Jr. And Judge Enfer To The Land Development.

Frank Mann: Motion And Second. Both Of Them. Is There Discussion? Is There Objection? Show It Adopted Without Objection. Commissioner Kiker.

Larry Kiker: Mr. Chairman, Thank You. I Have Three Reappointments To The Land Development Code. William Priestley, Linda Stewart, And Patrick Beness.

Cecil Pendergrass: Second.

Frank Mann: Motion, Second. Is There Discussion? Objection? Show That Adopted Without Objection. I Need A Motion, Please, On Al Patron To The Land Development Advisory Committee And Peter Commisy To The Same Committee.

Frank Mann: Motion And Second. Is There Discussion Or Objection? Show It Adopted Without Objection, And William Ott To The River Forest Street Lighting Unit. So Moved. Second. Is There Objection? Discussion? Show It Adopted Without Objection. And Now Let's Take Up, Yes, Commissioner Items.

John Manning: I Have 17 Commissioner Items.

Frank Mann: Lock The Door. We'll Be Here. Commissioner Manning.

Cecil Pendergrass: I Have None.

Frank Mann: I Will Second.

Brian Hamman: Thank You, Mr. Chairman. I Do Have One Commissioner Item. Real Briefly. It Was Brought To My Attention Recently That State Law Had Changed This Year Regarding State Certified Contracted Registration Fees. The Law Prohibits Counties From Requiring A Fee To Register A State License Because The Fees Have Already Been Paid And The Competency Has Been Approved At A State Level. I Learned, Though, Be That Lee County Was Charging A Voluntarily \$25 Fee To Register State License Here. The Fee Was Voluntarily, But If It Was Not Paid, The Contractor Would Have To Appear In Person Every Single Time They Wanted To Pull A Permit To Provide Their Documentation. To Me That Didn't Seem Very Business-Friendly Or Very Efficient Either. It Also Just Didn't Fit The Spirit Of The New Law. I Asked Our County Manager To Investigate The Situation, And Today I Wanted To See What You Found Out.

Ask Dave To Come To The Podium And Explain This One For Us.

Frank Mann: Let Me Ask You, Commissioner, Says To Revert To The Order Of Appointments. It Has Fallen To The Chair To Fill A Vacancy Of The Florida Association Of Counties. I Failed To Do This At The Last Meeting. There's A Vacancy And One Representative From Lee County Can Fill That, And We Like To Submit -- I Would Like To Commit Commissioner Pendergrass For That Role. I Have A Motion. Is There Discussion? We'll Send Him -- No, We Won't Do That.

Only Turn Left.

Frank Mann: He Will Find His Own Way Up There. Show It Adopted Without Objection. Thank You Very Much.

Thank You.

Frank Mann: I'm Sorry. I Think --

Mr. Loveland, You Can Talk About The Action You Took Regarding The State Certified Contractor Registration Fee. I Think It's A Real Win For The County.

Dave Loveland. We Researched What We Have Been Doing. We Feel As A Matter Of Convenience For All Of The People To Submit Billing Permit Applications. It's Important For Us To Maintain The Database That We Have That Identifies The Contractor's License Information, Insurance Information, And Any Designated Representatives They Have That Can Come And Pick Up Permits On Their Behalf. That Sort Of Thing. The Voluntarily Fee Doesn't Actually Generate A Lot Of Money. Our Proposal At This Point Is To Eliminate The Voluntary \$25 Fee. Still Maintain The Database. They'll Have The Contractors Provide Us The Information So That We Have All That In Our Database To Ease In The Application Process. Want Only At The Desk, But -- Or At The Counters, But The Electronic Permits Because That's A Bigger And Bigger Part Of What We're Receiving These Days As Well.

Brian Hamman: Is That Something The County Manager -- That's An Action You Can Take On Your Own Under Your Authority, Correct?

It's -- I Think It's -- Is It Fee Manual?

We Would Have To Modify The External Fees Manual To Take That Reference To That Out Of There, But --

Do I Have The Authority?

I Believe They Have To Come To The Board.

Brian Hamman: I Thought I Read The County Administrative Code That The County Manager Has That, But I Would Be Happy To Make That When The Time Comes.

Thank You. Mr. Chair, We'll Also Check With County Attorney To Make Sure That We've Got That Accurate.

Brian Hamman: Mr. Chairman, Out Of An Abundance Of Caution, I Would Like To Ask That They Bring That Back For Us On A Blue Sheet So The Board Can Approve The Change As Outlined To The External Fees Manual.

Frank Mann: I Think It Requires A Motion. Can You Do That For Us?

Can I Ask A Question?

Frank Mann: Yes, Mr. Kiker.

Larry Kiker: What Happens When A Contractor May Lose Their Insurance Along The Way? How Do You Track That? What Is The Process?

Well, It's Part Of The Database We Maintain. They Provide The Expiration Dates So We Can Track That, And If Something Has Expired, We Notify Them That That -- We Need Some Updated Information Before With He Can Issue A Permit.

Frank Mann: Okay With That? You Ready To Continue On? Thank You. I Have Two Items. One A Chicken Item. Y'all Have Been Reading With Enthusiasm, I Know, About Chickens In Lehigh Acres. It's Been One Of My Favorite Meetings To Attend, And I Have Attended -- I've Lost Count Of How Many We've Met On The Issue Out There, And In Front Of The Lehigh Acres Community Council. They Have Been Debating Whether Or Not To Recommend The County Adopt Or Move Forward Through Public Hearings For The Possible Adoption Of An Ordinance That Would Allow For Hen Chickens In People's Back Yards In Lehigh Acres. The Community That Has Participated Is Clearly Aware That Such An Ordinance Would Have To Apply County-Wide. Not Just Lehigh Alone. Understanding That, The Community Council Now On Two Occasions Has Voted To Approve A Resolution To The County Commission Asking Us To Play This On An Agenda For Public Input. I Have The Most Recent Confirmation, And That Was Dated August 31st. The Only Reason I Haven't Distributed This Or Given You Anything In Writing Is There's An Internal Squabble Within The Lehigh Acres Community Council As To Who Has The Authority To Write This Letter. It's From The Secretary, The President Feels That He Is The One That Has To Sign That, Says And He Has Cited Me With The -- What Do You Call It?

Cecil Pendergrass: We Got The Letter. The E-Mail Too.

Frank Mann: It Says He Is The One That Has To Sign It. They're Having An Executive Board Meeting. He Has Told Me Personally On The Phone Yesterday That It Is His Intention To Take The Issue Up At That Executive Board Meeting, Sign A New Letter, Send A New Letter Over His Signature So That We Can Deal With It At The Very Next Regular Meeting To Take It Up And Decide Whether We Want To Consider Adopting An Ordinance For Chickens. Just Be Aware That Two Weeks From Now, Do I Need To Blue Sheet This? What I'm Trying To Do And The Commitment I've Made To The Public Is That We Would Give Them An Opportunity To Be Heard On Whether Or Not To Go To Public Hearing On The Adoption Of An Ordinance.

Cecil Pendergrass: I Have A Question.

Frank Mann: Let Me Get An Answer To That First. How Do We Make Certain That The Citizens Of Lehigh That Want To Speak On This Issue Will Be Given An Opportunity?

Blue Sheet Agenda Item Would Be The Proper Mechanism, Mr. Chairman.

Frank Mann: Folks May Not Want To Hear This Issue Because There May Be A Lot Of Folks, But Is There Any Objection To Blue Sheeting That So That Folks Can Express Themselves Publically? Let It Be -- I'm Sorry.

I Do.

Frank Mann: I Think You Have Consensus From The Majority To Let The Folks From Lehigh Come Speak. Let's Move Forward.

Cecil Pendergrass: Were You Asking For Us To Bring It Forward In A Blue Sheet? Is That What The Question Was?

Frank Mann: Yeah. Not To Pass It. Just To Have It On A Blue Sheet So That People Can Be Afforded An Opportunity To Speak.

Cecil Pendergrass: I Have A Question Before I Make A Yes Or No On That When You Are Done, Chairman.

Frank Mann: Go Ahead.

Cecil Pendergrass: Would That Include All Of Lee County Or Just Lehigh. They Have Their Own Hoa, Their Own Fee Restrictions And Also The Chickens. That Would Be For All Lee County, Correct? We Already Started Getting Emails From Different Communities That Were Opposing This. That Would Be For Anybody In Lee County That Could Speak Against It, Correct?

Yes, Sir. Any Proposed Ordinance Amendment Dealing With Chickens Would Apply County-Wide By Land Use Classification.

Cecil Pendergrass: So Other Communities Could Speak In Favor Or --

Yes, Sir.

We Cannot Write A Land Development Regulation That's Geographically Specific.

Cecil Pendergrass: Okay.

Frank Mann: Any Portion Of The Unincorporated Portion Of Lee County, Any Citizen Of Those Areas Could Come Speak For Or Against.

Yes, Sir.

Frank Mann: And Ultimate Fairness To The Constituents That Have Pushed For This As Long As They Have, I Think It's Fair For Us To Hear From Them And Then Govern Ourselves Accordingly. That's What We're Asking For A Blue Sheet In The Next Meeting, Two Weeks.

I Just Want To Make Sure That I Do Understand What You Are Asking For, And That Would Be A Blue Sheet That Would Simply Allow For Discussion Of An Ordinance, Unincorporated Lee County, For --

Frank Mann: Should The County Move For Adoption Of A -- Or Move Toward Public Hearings Considering The Adoption Of An Ordinance Allowing Hen Chickens Only In Unincorporated Areas?

Okay.

Brian Hamman: Mr. Chairman, Is That A Two Public Hearings For An Ordinance Change?

Yes, Sir. It Would Be An Amendment To Your Land Development Code. One Of The Hearings Would Be, Yes, Sir.

Frank Mann: Commissioner Pendergrass, Thank You For Touching On The Issue Of The Deed Restrictions. That Has Recently Come To My Attention That There May Be Existing In Lehigh Acres Original Deed Restrictions On Any Lot Out There That Prohibited Farm Animals. We're Researching That Further. If That Proves To Be The Case, That Could Be A Major Obstacle. Let Me Ask You County Attorney To Speak To That.

Commissioner Chairman.

Larry Kiker: I Hear Where You Are Going. I'm Also Hearing That There's A Lot Of Loose Ends That Need To Be Discussed And Researched Before We Even Have That Discussion.

Frank Mann: There's A Lot Of Questions. This One Is The Reason I Brought It Up.

Larry Kiker: The Deed Restriction Changes The Conversation.

Frank Mann: Can We Hear What He Has To Say And Then --

Larry Kiker: I Thought He Was Finished. Are You Finished?

Cecil Pendergrass:

Frank Mann: He Was Going To Give Me His Impression Of The Potential Impact Of A Potential Deed Restriction As I Have Just Key Described.

Commissioners, The Question Of Applicability Of Private Deed Restrictions, It Is One That We Need To Look At In Terms Of A Superiority Of Regulation, Meaning That If The Deed Restriction Prohibiting The Raising Of Poultry Is Valid, Your Adoption Of An Ordinance Cannot Invalidate Nor Supersede That Deed Restriction. The Problem With Deed Restrictions Are They Are Basically Contracts Amongst The Property Owners. That Is A Private Legal Question That The Community Needs To Get Answered. It Would Be Difficult If Not Impossible, And Quite Honestly, Potentially Dangerous Liability-Wise For This Board To Get Into, And Answer The Question Of Whether The

Lehigh Deed Restrictions Are Currently Valid Or Not. That's For A Number Of Reasons. One, We Cannot Go Back And Recreate History To Even Presume That They Were Adopted Appropriately. There May Be Time Bars Under Statute That Have Not Been -- Or Have Been Recognized. We Don't Know For Certain. That Is A Private Legal Question, But It's Something That You All Need To Bear In Mind That Even If You Move Forward With An Ordinance, If There Are Deed Restrictions That Prohibits Poultry Is Valid, It Would Supersede Any Action This Board Would Take As Applied To Lehigh. The Deed Restrictions Are In A Deed Form For The Residents Against One Another. Not A Lehigh Ordinance.

Frank Mann: Let Me Further Say, I Just Got This Information Over This Holiday Weekend By E-Mail From The President Of The Lehigh Council Making Reference To This Deed Restriction. That Was The First I've Known Of It. I Would Have Brought It Up Long Ago Because Of The Potential Impact. When I First Met This Morning With Mr. Wesch, I Asked Him About His Ability To Review This, And Let Me Go Back To You As Far As The Private Nature Of The Deed Restrictions. I Don't Want To Put Words In Your Mouth.

In Building Our Discussion This Morning, My Concern Is Multi-Fold. Not The Least Of Which Is Our Office Commenting On The Vie Ability Of The Lehigh Deed Restrictions. That Is In The Nature Of A Private Legal Question, Ands Our Office Is Prohibited By Statute And Charter From Providing Private Legal Advice.

Frank Mann: Still, With The Public's Right To Be Heard On This Issue, It Has Lingered Out There For Several Months Now, And We Have Several -- I Have Had Nearly 200 E-Mail On This And Private Phone Calls. Would That Primary Interest Of Being Able To Let Those People Speak To That Again For Reminding Me Of This Issue. They Need To Come Here Armed With Their Own Legal Answer To This Dilemma.

Yes, Sir.

Frank Mann: That's A Good Way To Put It.

Our Strong Preference And Recommendation To This Board That The Board Not Be In A Position To Comment Upon The Viability Of The Deed Restrictions In Lehigh. That Is A Privately Legal Question That They Need To Have Answered As They Would Be The Enforcement.

Frank Mann: They Need To Convince Us That Little A Non-Issue Before We Even Need To Consider Moving Forward.

Certainly A Relevant Point In Your Decision Making Process Because, Like I Say, The Board Could Adopt An Ordinance That Would Then Be --

Frank Mann: Got You. I Just Want To Make Certain Folks In Lehigh, If We See Lehigh People Here This Morning, Commissioner Pendergrass.

Cecil Pendergrass: Being That They're Having A Meeting Tonight And There's No Way For Urgency. We Have Public Comment. We've Already Heard Them Speak On This Issue. Any Meeting They Want To Speak. I'm Not Sure There's Any Need To Move Forward With The Blue Sheet Not Knowing Any New Information With The Deed Restrictions Because It May Not Be An Item Two Weeks From Now If They Take Another Action Tonight. They May Vote On Something Else Tonight Based Upon Getting Some People Of The Council Out There. If They Don't Take Action, Then It Would Be On Our Agenda Anyway. They Can Still Come Speak Tend Of The Meeting With Or Without Being On A Blue Sheet On The Items. It's No Action Of The Board Having Exposure To The County.

Brian Hamman: He Has A Point. They Could Come Talk To Us. There's No -- We Always Have The Open Time For Public Comment.

Frank Mann: Here's The Frustration, And I'm Trying To Deal With Frustrated Citizens Out There. I'm Asking You To Try To See It From Their Perspective. If They Come At The End Of The Meeting, Which They Have Done In The Past Already, We're Not Structured At That Point To Take Action. They Would Like To Be Able To Speak To Us When We're In A Forum Where Action Can Be Taken Up Or Down. That's Why The Blue Sheet Is Necessary To Structure This And Have It Before Us. This Is Just A Fairness Thing For Citizens Out There. Might Be A Little Time-Consuming, But I Think It's The Right Thing For Us To Do. I Appreciate What I Thought Was A Consensus Coming. These Issues Are Before Us, All Of Which Are To Be Considered By Us. If We Then Open To Take A Motion To Do Whatever And If They Have Not Satisfied Us That The Shortcomings Are Being Dealt With Or Have Disappeared In Some Fashion, Then We Will Take Appropriate Action. This Is For Citizens Participation Before Us.

Cecil Pendergrass: I Support Public Presentations. That's Why I Was Asking The County Attorney Would This Put Us In Harm's Way If It Came Forth And We Had A Vote Yes Or No Because Of The Deed Restrictions? Can You Advise On That?

Frank Mann: I Think He Said Yes.

It Could Put Any The Position Of Adopting An Ordinance That Would Have County-Wide Affect That Would Be Preempted And Superseded By A Private Deed Restriction.

Frank Mann: That's The Citizens Will Have Adequate Opportunity To Speak To This And Make The Case. The Red Flag Has Been Flown. Alare Alerted Here.

Brian Hamman: If Folks Can Come During This Matters Of -- Give Us Their Opinions At That Time, Then We Could Decide As A Board To Move It To A Blue Sheet Or Take No Action.

Frank Mann: You're Still Structuring This In A Position That I'm Certain Will Be Viewed As Handicapping The Public And Their Ability To Influence A Vote.

Brian Hamman: I Don't Want To Handicap The Public In Any Way. You Know, I Would Not Stand And Just One Commissioner Would Not Stand In The Way Of Listening To Public -- Public Comment On This Issue, But Know That At The End Of The Day I've Got To Make The Right Decision For Lee County.

Frank Mann: Nobody Is Restrained From That In Any Way. I Think I've Heard That. I Think The Citizens Of Lehigh Are Hearing That Or They're Going To. I Will Certainly Be Communicating This Conversation With The President Of The Community Council. It Will Be Up To Him Who Brought This To Us To Be Able To Really Bring That Home With Legal Opinions, Lawyers By The Dozen Or Whatever He Wants To Do To Bring To The Meeting. Mr. Kiker.

Larry Kiker: I Hear What You Are Saying In Terms Of Whether We're Going To Handicap Folks That Want To Come Forward And Present This Argument. On The Other Side, What I Just Heard Is We Don't Want To Handicap This Board That Says That We Put This On A Blue Sheet In Such A Way That We're Up Here Making A Legal Decision On This Without Having All The Information That We Need. We Won't Get That Information From Public Input. We're Going To Get It This From This Gentleman Over Here.

Frank Mann: Excuse The Interruption. He Does Not Want To Make The Assessment On The Private Language And Deed Restriction. He Is Resisting Giving Us That.

Larry Kiker: He Is Also Telling Us Not To Do That As Welling Is What I Heard Him Say. I Heard Him Say Don't Do That. Didn't You?

Frank Mann: He Didn't Say Don't Try To Understand It. He Just Said He Didn't Want To Give A Legal Decision On A Private Matter. Correct Me.

Commissioners, What I'm Attempting To Explain Perhaps Not Too Artfully Is Unless And Until The Private Legal Question As To Whether The Deed Restriction Is Valid Or Not, This Board Might Be Moving Forward On An Ordinance Of County-Wide Application That Would Have No Affect In Lehigh Because Your Ordinance Would Be Superseded By Their Private Deed Restriction. My Humble Recommendation For Going Forward Would Be That Somebody, An Interested Party In Lehigh, Procure A Private Legal Opinion As To The Enforceability Of That Deed Restriction. If It's Enforceable, That Should Be Reported Back To The Board, And Then You Can Proceed Accordingly. In Which Case My Earlier Statement Of Moving Forward On An Ordinance That Would Be Superseded Would Ring True. If The Legal Opinion Comes Back That Those Deed Restrictions Are Not Enforceable, Then The Board Could Move Forward With An Ordinance Knowing That As Of County-Wide Applicability But Not Preempted Or Superseded By The Private Deed Restriction.

Frank Mann: I Don't See Great Harm By Allowing Them To Come Approach Us With A Blue Sheet.

Brian Hamman: What Would The Agenda Item On The Blue Sheet Say, Mr. Chairman.

Frank Mann: That's Essentially What I Just Tried To Describe. To The Board Of Lee County Commissioners Move Forward With The Possible Adoption Of A County Ordinance Allowing For The Presence Of Hen Chickens Only In Unincorporated Back Yards. Does That Sound Like What We've Been Talking About?

Yes, Sir.

Frank Mann: We Could Move Then To Adopt That Motion Or Not.

Cecil Pendergrass: County Attorney, If I Hear You Right, Are You Saying We Don't Have Jurisdictional Approval To Even Hear This? The Way I See Is We Don't Have Even Jurisdiction To Review That, Correct? Yes Or No, Or Is It More --

No, But With An Explanation If I Might. There Are Two Different Regulations At Issue Here. One Is A County Ordinance Under The Police Power That This Board Enjoys. The Second Is A Set Of Deed Restrictions That May Or May Not Be Applicable. The Board Could Go Forward And Adopt An Ordinance To Allow For Chickens Everywhere In Lee County, But If There Is A Private Deed Restriction That Controls That Private Deed Restriction Is Going To Be More Restrictive And, Therefore, Prohibit Chickens Whether It Be In Lehigh Or In Gated Communities Somewhere Else Throughout Unincorporated Lee County.

Frank Mann: Excuse Me, The Question Is Are We Prohibited From Even Hearing This?

Mr. Chairman, I Understood The Question To Be Different. I Attempted To Explain.

Frank Mann: I Know. I'm Sorry. You've Already Explained That Twice. I Thought His Question, Please Help Me Here --

Cecil Pendergrass: He Answered Many I Question.

Frank Mann: You Were Trying To Get Out Of This By Saying It's Not Legal For Us To Hear The Discussion. Was That Not Your Question?

Cecil Pendergrass: Jurisdiction. I'm Trying To Think Of The Private Property Rights Under The Deed Restriction. He Gave Me --

Frank Mann: If That Were Shown To Be A Fact, Which He Will Specifically Not Give His Opinion On, Then, Yes, I Would Agree Exactly, But He Started Out Saying He Doesn't Want To Give A Legal Opinion On A Private Deed.

Larry Kiker: He Is Prohibited By Statute, Correct.

We Practice On Behalf Of The Board Of County Commissioners. We Do Not Engage In The Private Practice Of Law.

Frank Mann: I'm Not Arguing With Your Right Not To Give That Opinion.

I Was Just Responding To Your Colleague.

Frank Mann: As To Whether Or Not We Could Hear The Issue. The Point He Was Trying To Make. You Did Not Say We Cannot Hear The Issue. I'm Just Trying To Make Government Available To The Citizens Of This County.

Larry Kiker: I Suggest You Put A Motion On The Table And Let The Chips Fall With They May.

Frank Mann: That Shouldn't Be Required.

Larry Kiker: You Want Consent, You Should Get It On The Record. Yes Or No.

Frank Mann: The Alternative -- Assume The Chair Would You Recognize Me For A Motion?

Cecil Pendergrass: Go Ahead.

Frank Mann: I Would Move The Motion That I Made Before, Which I Will Try To State As Close As It Was Before That We Blue Sheet An Item Which Would Have To Do With A Possible Adoption Of A County Ordinance Which Would Allow For The Raising Of Hen Chickens Only In The Backyards Of People Living In Unincorporated Areas Of Lee County, Period.

John Manning: There's A Motion On The Floor. Is There A Second? Motion Dies For Lack Of Second.

Frank Mann: Can I Have The Chair Back?

John Manning: You Got It.

Frank Mann: Well, Then Let Me Take This Opportunity To Invite All The Citizens Of The County Who Would Like To Mike Speak To This Issue To Come At The End Of Our Next Regular Agenda And Speak To It.

Cecil Pendergrass: Or Speak Against It.

Frank Mann: Any Way You Want To Speak On It.

Larry Kiker: I Really Do Agree With That.

Frank Mann: Whether We Agree To It Or Not -- I Think They Have That Right.

Larry Kiker: I Think That's The Proper Process. I Think It's Pointed Out By Commissioner Pendergrass That In Order -- The Way We Use Blue Sheets Is Something That We're Ready To Move Forward With That In My Opinion Is Legally Been Sustainable. We're Not There Yet. We Have North Fort Myers That May Want To -- It's Not Just A Lehigh Issue. I Think We've Got A Lot Of Work To Do Yet, And Part Of That Needs To Be Public Participation. I Got That. There's A Lot Of Homework That Needs To Be Done On This Subject. A Lot Before We -- Before I'm Ready To Vote On Something.

Frank Mann: We Know What Direction We're Going. Thank You For Letting Me Take This Time To Share The Thoughts Of The Folks That I've Been Hearing From. Now, We're Not Done Yet, Folks. We Have One More Happy Issue. It's One That Has To Do With The Improvements Of It And Potential Improvements, And I'm Not Trying In Any Way To Circumvent The Possible Action Or Recommendations By The District Commissioner, But I Must Say -- I Touched On This A Couple Of Weeks Ago, That The Item Has Been Before Us And Discussed Amongst All Of Us Privately With Representatives Of Both Sides Of This Issue For Quite Some Time. My Thoughts A Year Ago Reflected What I Heard Mr. Kiker Say In A Matter That Some Have Seen As Mostly Aesthetics And Beatification As An Item That We Just As Soon Not Spend Our Time On. It Just Seemed Like Something That Should Be Resolved At The Local Level. For The Most Of The Year Now That Was Seemed To Be The Consensus Of The Board. We Dumped It Back In Their Lap. I Would Get Rumors Of Things We Were Progressing And Making Progress On It. The Last Times I Have Asked For Specific Input, It Seems Like We Have Not Reached Any Consensus By The Participants Who Reside Or Own Property On The Island. It Seems To Be Still Pending And Possibly Waiting Only Us As The Solution For What Direction They're Going To Take. The Status Quo, Any Way Of Thinking, Is Unacceptable. You Have One Of The Nicest, Most Beautiful Islands Of The State Of Florida With The Most Historic Corridor In It. It Looks Like Something Out Of World War II Pacific Islands After The Bombardments. The Palm Trees Either Blow Completely Down Or Hanging Loose. Nobody Can Make A Decision. Anything We Do Or They Do Would Be An Improvement Over The Status Quo. The People That Live There Shouldn't Be Forced To Just Continue Under This. I Know That The Staff Has Worked Tirelessly On This. I Know There Are Three Or Four Possible Solutions Available To Us To Look At And Devise It's Come To That. I'm Sorry It Has, Mr. Kiker, But Here They Are. Commissioner Manning, The Poor Thing Gets Dumped In Your Lap. We Certainly Want To Hear Your Thoughts On This.

John Manning: My Job, Mr. Chairman.

Frank Mann: My Job. My Job To Bring The Chickens On The Roost, And So Here We Are. I Want To Hear From You, But I Don't Want Us To Leave From Here Today Without Some Direction. This Cannot Linger And Linger.

John Manning: Well, First Of All, There Is No Direction. The Staff Had A Meeting, Myself Included, With One Of The Participants. I Think The Final Participant In This Saga, So To Speak, Which Has Been Going On Now For About Two And A Half Years, And The Information Is In The Staff's Hands. I've Asked The Staff To Bring That Back To Me. When I Get It, A Direction, I Will Distribute It To You, Hopefully Within A Couple Of Three Weeks. We'll Have That Direction.

Frank Mann: Let Me Understand This Clearly Because I Thought When We Yielded The 40-Year Request To Give You Time, Which Is A Fair Request To Make Certain You Have Covered -- You Contacted And Listened To Both Sides Fully That At That Point You Would Be Able To Come Back With Us With Some Kind Of Recommendation.

John Manning: Just Had A Meeting With The Final Participant A Week Ago, So To Speak. It's In Staff's Hands. They're Going To Bring It Back To Me. I Will Distribute It To You, And We'll Blue Sheet It, And We'll Go From There. Very Simple.

Frank Mann: Commissioner Manning, I Think That's All We Were Hoping To Hear From You. You Ready To Move Forward With A Selection Of Options To Us? Hopefully You Can Make That Happen In A Couple Of Weeks In The Next --

Frank Mann: I Would Suggest Because Of The Agenda On The 20th It Would Be The First Meeting In October.

Frank Mann: I'm Sorry. I Mean, This Has Been Put Off So Many Times, John. That's Where I'm Coming From. You Really Think It's Going To Take Another Two Weeks For An Issue That Everybody Understands Already?

John Manning: First Week In October. First Meeting.

Frank Mann: Well, Always Wanting To Yield To The Wishes Of The --

John Manning: First Meeting In October Okay, Mr. Chair?

Where We're At Right Now Is That We Both -- There Are Several Stake Holders, But It's Kind Of Fallen Into Two Groups Regarding The Amount Of Parking, Where The Parking Will Be, What The Significance Of The Landscape Enhancement Will Be. We Both Stake Holders Groups Have Hired Engineers. They've Submitted Plans. We Think We're Getting Close To A Plan That Might Be Agreeable With A Few Sacrifices From Both The Major Stake Holders. Our Promise Was We Are Reviewing Those. We're Going To Look At A Recommendation That We Think Combines The Best Of Both Proposals, But We Promise We Would Then Sit Down And Meet With All The Stake Holders Collectively So That We Could Have A Discussion And Then Bring Back To The Board What We Think Is Probably The Best Compromise To Move Forward. I Can't Commit To A Date To That. It Just Depends On When We Can Get The Stake Holders Together. We Will Move As Quickly As Possible. A Date Certain Is A Concern To Me Because I'm Not Sure We Would Allow Full Input From The Stake Holders.

Frank Mann: Commissioner Manning, I'm Taking You At Your Good Word That You Will Be Moving --

John Manning: Expeditiously.

Frank Mann: I Love That Word. Expeditiously. Let The Record Show That.

Larry Kiker: I Have One Question. This Started A Year Ago. Is That We Made A Commitment To Redo The Parking Lot That We Have, And I Know That There Was -- The Coast Construction Line Was An Issue, But That's Only A Piece Of It. Where Are We On That? I Thought That Was One Of

The Things We Were Going To Do Is Get That Done Sooner Than Later So We Can See How Big A Parking Issue That Might Be.

Correct. We're Moving Forward On That. It Will Add 50 Additional Parking Spaces. What We Want To Do Is We Want To Enhance The Costal Access Or The Coast Access There From The Parking Lot, And We Will Be Bringing It Back To The Board With A Request For A Tdc Funding For That Particular Project. I Think It's -- I Think That's Ready To Go Fairly Quickly, But I Would Refer To Randy To See The Timeline. I Think We're Ready To Come Forward With That.

Larry Kiker: How Long Would It Be To Complete That Construction?

If The Parking Lot Itself Is Not Much Because That's Simply Clearing And Marking. It's Really The Construction Of The Access, Which I Think The Two Are Independent. I Think We Could Implement The Parking Fairly Quickly.

Larry Kiker: Thank You.

Frank Mann: I Hope That's Part Of It. No Further Comments On It, John. Thank You. Thank You Very Much. Before We Go To County Manager Items, Let Me -- Let Me Insert One Little -- Of The Chair Here. I Got A Letter From A Mrs. Sherry Morris Just This Last Week. You May Not Recognize Her Name, But She Is George Wheaton's Daughter. It Was A Thank You Letter For All The Kindnesses That She Has Heard From All Of Us At One Time Or Another About Her Father And How Much That Meant To Her. She Went On To Point Out That She Was Driving Her Father's Pickup Truck, And She Punched In His Gps, And It Took Her Directly To The Last 2020 Parcel That He Had Gone To Review. That Man Was -- He Was Fighting For Lee County And Working For Lee County To His Last Days. That Was Very Touching To Me. I Wanted To Share That With You Guys. Thank You, Again, For All Your Kindness To Her On His Behalf. County Manager Items.

Thank You, Mr. Chairman. Just A Reminder That Tonight At 5:05 We'll -- You'll Be Holding The First Public Hearing In The Process To Adopt A Fiscal Year 16-17 County Budget.

Frank Mann: Be Good For Us To Be There.

Please. 5:05.

Frank Mann: County Attorney, We Have Worked You Hard Today. You Have Earned Your Money. Any More Comments?

Yes, Sir. We Have One Additional Item, And This Is With Regard To The Ward In Johnson Versus Lee County Litigation. I Previously Distributed To You An E-Mail That Contained Both An Offer Of Settlement And Our Labor Counsel's Response Thereto. That Offer Was In The Amount Of \$419,000. It Is Outside Labor Counsel As Well As My Recommendation That We Do Not Accept That Offer Of Settlement But Continue To Proceed To Litigate, But Because The Board Is The Client, We're Obligated To Present That Offer To You, And We Respectfully Request A Motion If You Are So Inclined To Not Accept The Offer So That I Can Notify Opposing Counsel.

Frank Mann: Questions Of The Council Or A Motion?

Cecil Pendergrass:

John Manning: So Moved.

Frank Mann: Seconded By Commissioner Pendergrass. Discussion, Objection? Show It Adopted.

One Additional Point Just Because I Might Have Missed It, Did The Board Adopt The Balance Of The Agenda?

Frank Mann: Yes.

Thank You.

Frank Mann: That's A Fair Question.

Cecil Pendergrass: I Just Want To Congratulate My Colleagues Here For The Primary. I Look Forward To Working With You Guys. Commissioner Mann, Looking Forward To Working With You The Next Couple Of Years. It's Been An Honor To Work With You. I Look Forward To Doing What The People Of Lee County Deserve. You Guys, Good Luck In November.

Frank Mann: Well Said. You Can't Take Anything For Granted.

John Manning: I Think I Learned That Lesson.

Cecil Pendergrass: Are You Going To Buy Chicken Anymore?

Frank Mann: We Are Now At Public -- Members Of The Public That Would Like To Speak On Any Item Dear To Their Heart. Senator Pat, While You're Standing Up, Do You Want To Talk, Or Have You Heard All You Want To Hear?

I Still Want To Talk, Unbelievably.

Frank Mann: Well, You Have 30 Seconds. I'm Just Kidding. Take The Full Three Minutes.

First, It Makes Me Feel Bad To Take All The Time Of The Lee County Commission And All That You Have To Say And Do On This Matter. My Wife Has Been Involved In This Parking For 17 Months. We Think In Good Faith. We Think We're Very Close To A Set Of Recommendations Which Mr. Muir And Others Have Established. Our Problem Is The Other Side Really Just Doesn't Want To Talk To Us At All. They Sent Me Three Times Down To Johnson Engineering To Discuss Plans. The Consultant They Sent Me To Have No Authority To Discuss Anything. My Goal For Today Is To Try To Bring This To An End For The Benefit Of The People Of Lee County. As To Us, We Think We're Close, And We Think We're Much Closer To Most Any Option That Lee County Will Raise. The Exchange Of That Started Off On September 20th, And There Seemed To Be A Representation By Commissioner Manning To Go The First Week In October, Which Would Be Perfect. Then I Heard Mr. Muir Say Something Completely Different. My Request, Mr. Chairman, Is To Try To Pin

Down A Date Or A Time Or An Ending To This If You And Your Wisdom Choose To Do That. We'll Make Ourselves Available. We'll Be Here When Mr. Muir Asks Us. I'll Close By Saying Your Staff Has Been Very Professional, Very Forthcoming. They've Worked Hard To Mediate A Goofy Dispute, And I Think It's In The Interest Of All Of Us To Bring It To An End. My Request --

Frank Mann: Thank You.

Is To See If You Can Close On A Date. If Not On The --

Frank Mann: We're Honored By Your Presence Here Enjoying Good Government At Its Finest All Morning Long.

Thank You Very Much.

Frank Mann: Thank You. I Have David Rose. David, You May Approach Us And Enjoy That Same Three Minutes.

Thank You, Mr. Chair. If I Could Approach You, I Just Have -- [Inaudible]

A Couple Of Quick Notes, Mr. Chair. First Of All, I Know Because I've Been Told That The City Of Bonita Springs Actually Controls In This Matter. I Really Find It Difficult To Believe That The County Would Not Have Some Influence If They Wish To Exercise It. I Also Suspect In Terms Of Funding That There's A Good Chance That Lee County Would Probably Be Involved In One Way Or Another. In Short, I'm Here Because I Live In The Community Of San Remo At Palmera. Presently In Collier County, JI Homes Is Building A Couple Of Communities -- Stone Creek River, Marabella Isles Where, There Are Several Communities Up There. Part Of Their Permitting Of The Obvious Agreement When They Approached Collier County For Their Permits Was To The County Basically Said When You Get Done Building X Number Of Homes, Which I Suspect Sounds Like It's Probably About One-Third Of What They Actually Will Be Being Because I Continue They're Building Well Over 1,000 Units There. When They Get To 389, They Are Then Obligated To Extend The Logan Boulevard, Which Ends Up In Collier County. They're Building Right Basically Where That Logan Boulevard Terminates. When They're Done, Hit That Number Of 389, They Are Then Required To Build Or Extend Logan Boulevard All The Way Down To Bonita Beach Road, Which I'm Sure A Number Of Good Reasons For Doing That. However -- I Don't Know Why Planners Would Make Such A Determination. That Extension Is Going To Run Right Between The East Side Of San Remo And The West Side Of Village Walk, Which I'm Sure Most Of You Are Familiar Is Probably About 1,200 Homes. The Bottom Line Is In This Very Narrow Space Of Land, They're Going To Build This Extension Down To Bonita Beach Road. I Have Approached The City. I Have Approached The County. Mr. Kiker Is Aware Of My Concern. I Recognize That That Road Is Going To Get Built. Certainly Even If I Could Bring Everybody From San Remo And Village Walk In Here Who Is Going To Be Impacted By All That Traffic, That Road Is Probably Still Going To Get Built. My Greatest Concern Is Just About A Mile And A Half Down The Road Off Of Bonita Beach Road At The End Of What's Called Bonita Grand Boulevard, Which Basically Terminates The Minute You Turn Left To Go On Terry Streets. That's Where The Gravel Exists. All Day Long,

Gentlemen, All Day Coming In Both Directions Leaving The Gravel Pit And Coming Back To Gravel Pit, Nothing But Dump Trucks Constantly.

Frank Mann: You've Made Your Point. It's A Dump Truck Issue I'm Sure, Right?

Basically.

Frank Mann: You've Exhausted Your Time. Commissioner Kiker, You Want To --

Larry Kiker: We Presented This To Staff. I Don't Know If You Had Time To Look At That Yet.

We Had A Chance To Review? Randy Says He Is Aware Of It. We Haven't Discussed It.

Frank Mann: Mr. Burroughs, We'll Continue To Have Our Staff Available To You To Share Your Concerns. As You Pointed Out Originally, You're Going To Really Need Bonita's Help In This Too. I Know You Already Tried, But Thank You. Thank You For Being Here With Us And Your Patience.

Could You Give Me 30 Seconds, One Last Quick Point?

Frank Mann: You Make It 15. I'm Just --

15 Seconds. Back In The Spring They Opened Up The Gates To Access A Service Road, Which Is Where The Boulevard Will Come Out On Bonita Beach Roads. Within Days A Dump Truck Drivers Realized That And Taking The Shortcut Started Running Up And Down, And I'm 300 Feet From There. All I Heard All Day Long Was Dump Trucks Flying Through Their Gears And Spewing Black Fumes. Something Ought To Be Able To Be Done.

Frank Mann: Yes, Sir, Your Point. Thank You For Your Patience With Us All Morning. Thank You. Mr. Andy Rosman. Don't You Guys All Go Trying The Patience Of The Chair Here. See If You Can Do Within Your Three Minutes.

I Remember. Yes. I Just Want To -- The Fort Myers Association, And I'm A Homeowners Board In Lake Arrowhead.

Frank Mann: Pull That Mike In Front Of You.

It's Considerable Amount Of Burning Going On Almost Daily In North Fort Myers. We Have Tried To Determine The Source Of This Burning, But It's Even In The Evening. The Smell Of It Is Very Pungent. Especially Over Our Area Of Lake Arrowhead In North Fort Myers. We Have Contacted Different Agencies To Try To Determine Where This Is Coming From Or Who Can Approach On It, And We've Had No Avail Now For Almost A Year. It's A Real Concern To Those Who Suffer From Asthma, Allergies, Or Other Respiratory Ailments. Sometimes At Night You Actually Have To Stay Indoors. My Only Purpose Is Here Today To Try To Bring Some More Public Awareness To This Problem And If There's Anybody That Can Direct Us To The Proper Authorities Or The Source, We Would Be Happy To Explore That. That's All I Have To Say.

Frank Mann: Let Me Give You A Quick Legal Response Here. I Think He Probably Is Going To Say That There Are Ordinance Against Public Burning, And Most Parts Of The County. Have You Gone To The Sheriff?

Sheriff, Dec.

Frank Mann: The Sheriff Has The --

Nobody Seems To -- Fire. Nobody Seems To Know Who Or Where The Source Is, And It's Daily. It's Almost Daily.

Frank Mann: Any Members Of Our Staff -- Mr. Rosman --

Cecil Pendergrass: Cecil Webb In Northern -- Controlled Burns This Year. I Know Up In It The Hunting Area.

This Is Habitual. It's Been Going On For Years.

Contact Fire Chief In The North Fort Myers And See If We Can Make That Determination.

Frank Mann: Have You Been In Touch With The Fire --

Members Of The Homeowners Association Said He Was, And They Had No Idea. We've Called The Fire Department Several Times When The Smoke Was Most Pungent, And Nobody Seems To Know Anything About It Or The Source.

Frank Mann: We'll Scratch Our Heads And See What We Can Come Up With, Andy.

Appreciate It.

Frank Mann: Thank You For All Of Your Volunteer Time In North Fort Myers. Other Members Of The Public That Would Like To Approach Us On Any Subject Near And Dear To Your Heart? Well, We've Been Briefed By You On Our Workshop That Convenes At 1:30.

Yes, Sir. There's No Workshop Today.

Frank Mann: Why Did I --

Public Hearing Tonight.

Frank Mann: That's What You Alerted Us To. Work Session Update. Public Comment On Work Session, Which We Are -- You Earned Your Keep Today. Thank You, Folks.