

The Charter Review Commission Meeting was held on this date in the First Floor Conference Room 118, Lee County Administration Building East, 2201 Second Street, Fort Myers, Florida with the following Charter Review Commission Members:

**CHARTER REVIEW COMMISSION MEMBERS:**

Nathan Shaw - Chairman	Kevin Besserer	Ronald Inge
Andrew Sund - Vice-Chairman	Doug J. Congress – <i>Absent</i>	Liza King
Richard Akin	Keith Dean	Randal Mercer
Noel Andress	Eric Feichthaler	Maryanne Preston
Carl Barraco Jr.	Maribel Sanchez – <i>Absent</i>	

**LEE COUNTY ATTORNEY:**

Deputy County Attorney, Andrea Fraser and  
Assistant County Attorney, Joe Adams

**CALL TO ORDER:**

Chairman Shaw called the meeting to order at 5:03 p.m., followed by the Pledge of Allegiance.

**PUBLIC COMMENT:**

Chairman Shaw called for Public Comment, and there were seven speakers:

- Robert Eschenfelder – Village of Estero Attorney
  - Discussed voluntary annexation and his opposition to the proposed amendment. He stated the way the voluntary annexation proposal is written, it takes away the ability of a private property owner to decide in what municipality he or she wishes to reside. Mr. Eschenfelder went on to read Florida Statute 171.203.
- John Gunter – Mayor of City of Cape Coral
  - Discussed voluntary annexation and his opposition to the proposed amendment. The Mayor stated the City of Cape Coral Counsel passed a resolution opposing any changes with regard to annexation. He stated that he is a very strong supporter of personal property rights and also the Home Rule. Mayor Gunter also discussed the City of Cape Coral recently signing an agreement with the Matlacha Fire District. He stated the City of Cape Coral is in the process of coming up with a similar agreement with the Greater Pine Island Water District.
- Jon McLain – Mayor of Village of Estero
  - Mayor McLain discussed a resolution the Village of Estero Council passed which opposes the amendment of the County Charter with regard to annexation. The amendment would impede the free right of property owners to voluntarily annex into a municipality.
- Kevin Anderson – Mayor of City of Fort Myers
  - The Mayor discussed the lack of affordable housing for essential workers. He stated if the proposed amendment passes, it will severely impact the ability to continue to increase the housing supply and provide much needed housing. The Mayor stated this is not a quality of life issue, it is an economic development issue. The Mayor stated the City of Fort Myers Council has also passed a resolution adamantly opposing the proposed voluntary annexation provision of the County Charter and urges the Board of County Commissioners of Lee County Florida to deny such proposal.
- Carolyn Moore
  - Ms. Moore spoke on voting rights, and requested the Commission researched boundaries that African American, Haitian, and Hispanic minorities in Lee County face in regards to voting. Ms. Moore suggested that the Commission review district boundaries for possible gerrymandering.
- Gene Rogers – Chief Southtrail Fire District
  - Chief Rogers discussed his support for the proposed voluntary annexation amendment suggested by Commissioner Cecil Pendergrass. Chief Rogers stated that the proposed amendments provide for a productive conversation regarding annexation. Chief Rogers spoke on behalf of the Southtrail Fire District, Pine Island Fire District, and the North Fort Myers Fire District, in showing their support for not only the voluntary annexation amendment, but the Interlocal Agreement language as well.
- Robert McDonnell – Southtrail Fire District
  - Mr. McDonnell discussed the financial impacts and burdens on Lee County and Fire Districts that service annexed lands.

## **COMMISSION DISCUSSION ON VOLUNTARY ANNEXATION:**

Commission Member Noel Address stated the Lee County voters deserve an opportunity to have their voice heard on whether they want to see responsible government annexation policies or if they wish to continue with the haphazard pattern of annexation policies that we see today. Mr. Address continued that the practice of service districts only receiving funding from the municipalities that have annexed land for a period of four years leaves service districts in poor financial standing, requiring that service districts continue funding services they are no longer reimbursed or funded for.

Vice-Chairman Andrew Sund requested that the Commission Chairman schedule a vote on the topic of Voluntary Annexation so that interested parties could ensure they are present and have the ability to provide input. Chairman Shaw suggested scheduling the vote for after January 1, 2024. Mr. Sund suggested setting the vote for a closer date as he feels drawing out the discussion with no action is not in the best interest of the Commission. Commission Member Ronald Inge stated that he has concerns with the proposed language and would like to see some changes, but also an earlier vote. Commission Member Kevin Besserer questioned the County Attorney's office about the number of meetings remaining before language on the issue must be finalized. Deputy County Attorney, Andrea Fraser stated the Commission has three public hearings that is required by the Charter and those hearings should begin no later than February 2024.

Commission Members Eric Feichthaler, and Richard Akin raised concerns on obtaining a complete understanding of the proposed language, and the requirements for voting for or against that proposed language. Deputy County Attorney, Andrea Fraser stated that the Commission must provide direction in regards to proposed language. The Commission cannot simply direct the County Attorney's office to draft language without providing guidance. Commission Member Kevin Besserer suggested drafting language that creates a forum where representatives from Lee County and Municipalities can meet to discuss items such as services, and fees. Commission Member Andrew Sund recommended the Commission vote on an intent to move forward with the understanding that at the November 14, 2023, meeting, proposed language would need to be presented providing the Commission a number of months to finalize the language for public hearings. Commission Member Randal Mercer suggested scheduling out the next three meetings allowing for the Commission to select dates for a proposed amendment, alternatives from the County Attorney's office, and a final document to vote on.

**Vote:** Commission Member Kevin Besserer moved to assemble draft language regarding voluntary annexation at the November 14, 2023, meeting with the purpose of providing the Lee County Attorney's Office with guidance, so that the County Attorney's office may provide a draft amendment to be voted on at the December 12, 2023, Commission meeting, seconded by Commission Member Noel Address, called and carried with only Commission Member Andrew Sund voting nay.

## **COMMISSION DISCUSSION ON COMMISSION ON ETHICS:**

Commission Member Noel Address stated that with the large number of back-logged ethics complaints that the State of Florida is currently seeing, it would be beneficial for Lee County to have a place for local government officials, and residents to file ethic complaints. Mr. Address stated that he had hoped the Clerk Karnes and the Lee County Clerk of Court's office would have that responsibility but understands that without subpoena power an Ethics Commission would be powerless. Commission Member Kevin Besserer stated his satisfaction with the audit procedures currently performed by Clerk Karnes, and the Lee County Clerk of Courts therefor does not see a need to move forward with discussions regarding an Ethics Commission.

Commission Member Ronald Inge stated that he believes the issue lays within the procurement process, and that Clerk Karnes and the Lee County Clerk of Courts auditing procedures are sufficient. Lee County Clerk of the Circuit Court and Comptroller, Kevin C. Karnes stated that the County only has oversight when it comes to county funds and does not have oversight when it comes to municipalities. Clerk Karnes stated that the State ethics commission maintains oversight over all counties and municipalities within the State of Florida.

**Vote:** Commission Member Kevin Besserer moved to not continue discussions regarding an ethics commission, seconded by Commission Member Ronald Inge, called and carried with only Commission Member Noel Address voting nay.

## **OTHER COMMISSION MEMBER ITEMS FOR DISCUSSION:**

Public Hearing Locations:

Deputy County Attorney, Andrea Fraser requested the Commission provide feedback and recommendations on where to hold public Commission meetings. Commission Member Kevin Besserer questioned if the Commission could repeat what the previous Charter Review Commissions had done, and look into using local high schools. Attorney Fraser informed the Commission that she would attempt to secure local High Schools,

but stated that Rec Centers and County Library locations would be easier to secure. Commission consensus was reached that County Staff would be best equipped to handle securing the locations for public meetings.

**Additional Items for Commission Consideration:**

Deputy County Attorney, Andrea Fraser stated that she understood some people might be displeased with the deadlines previously set in regards to discussing items to be submitted to voters. Attorney Fraser asked the Commission if they wanted to suggest any new proposed charter amendments. Commission Member Andrew Sund stated that the Commission should look into disbanding if they are unable to come to agreement on any items to present to Lee County voters. Chairman Shaw stated that just because this Commission is unable to move forward on an item does not mean that future Commissions might not be able to do so. Commission Member Noel Andress stated that current rules require too many Commission members voting in the positive to move an item forward.

Commission Consensus was reached to not consider any additional items.

**ADJOURNMENT:**

Commission Member Nathan Shaw moved to adjourn the meeting, seconded by Ronald Inge called and carried.

The Chairman adjourned the meeting at 6:12 p.m.