

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 - <i>Absent</i>	Liza King
Andrew Sund - Vice-Chairman	Doug J. Congress - <i>Absent</i>	Randy Krise
Richard Akin	Keith Dean	Randal Mercer
Noel Address - <i>Absent</i>	Eric Feichthaler	Maryanne Preston
Carl Barraco Jr. - <i>Absent</i>	Ronald Inge	Maribel Sanchez

LEE COUNTY ATTORNEY:

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

CALL TO ORDER:

Chairman Shaw called the meeting to order at 5:01 p.m., followed by the Pledge of Allegiance.

PUBLIC COMMENT:

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

- Cecil Pendergrass – Lee County Board of County Commissioners
 - Commissioner Cecil Pendergrass discussed the continued need for editing and input on the proposed language that would be presented to the Commission for consideration. Commissioner Pendergrass stated that he sees issues with the current proposed draft and brought attention to previous annexation issues in the Treeline Avenue and Daniels Parkway corridor.

Commission Vice-Chairman Andrew Sund joined the meeting at 5:11 pm.

- Bill Deile – Greater Pine Island Water Association, Vice President
 - Mr. Deile expressed his opinion that there is a need for additional discussion regarding Voluntary Annexation.
- Mikes Maillakakis – Greater Pine Island Water Association, General Manager
 - Mr. Maillakakis discussed the issue of property rights for those adjacent to annexed land, and the need for Lee County to obtain the same protections afforded to local municipalities regarding voluntary annexation.
- Norman Cannon – Lee County Resident
 - Mr. Cannon stated his opinion that discussions regarding voluntary annexation should cease immediately. Mr. Cannon questioned how the Charter Review Commission benefits the residents of Lee County when they refuse to listen to residents’ concerns and feedback, and questioned why a new member had been appointed to the commission at this time.
- John Agnew – City of Sanibel Island, City Attorney
 - Mr. Agnew presented the Commission with City of Sanibel Resolution 23-073 opposing any amendment to the Lee County Charter which would change requirements for voluntary annexation of privately owned property into the corporate limits of a Lee County municipality, and urged the Lee County Charter Review Commission to reject any such proposals.
- Patty Duncan – Lee County Resident
 - Ms. Duncan expressed her disapproval of the Charter Review Commission and stated that the Board of County Commissioners has done more to hurt the County than benefit it.

COMMISSION DISCUSSION ON VOLUNTARY ANNEXATION:

Commission Member, Richard Akin submitted to the Commission a proposed amendment for review. Mr. Akin stated that the purpose of this amendment was so that before commencing annexation procedures under S.171.044, Florida Statutes, the owner(s) of a property seeking voluntary annexation would be required to prepare a feasibility study as described in S. 171.042 Florida Statutes, setting forth the plans to provide urban services to any area to be annexed.

Mr. Akin stated that in the proposed amendment, upon filing of the feasibility study with the Lee County Board of County Commissioners, County Staff could be the responsible party to review the feasibility study and prepare an analysis and Staff report thereof, and offered options of how the Lee County Board of County

Commissioners could approve or deny the annexation. Alternatively, the feasibility study could be filed with a City instead, and the City would approve or deny the annexation based on whether the factors were met. In that situation, the County would have a cause of action to challenge a City's decision.

Commission Member Randy Krise requested clarification as to why the Commission found there to be an issue with the current process in place for voluntary annexation, and stated his opinion that this was an issue that could not be solved by the Commission. Commission Members Richard Akin, and Keith Dean raised concerns over municipalities taking over County utilities by annexing land and then not reimbursing the County for improvements or infrastructure cost.

Commission Members Keith Dean, Richard Akin, and Ronald Inge, discussed the possibility of utilizing an Interlocal Agreements (ILA) to secure reimbursement funding for utilities, while Commission Vice Chairman Andrew Sund expressed concerns over the possibility of Interlocal Agreements removing the decision making responsibilities of the Lee County Board of County Commissioners. Mr. Akin questioned if an ILA could legally mandate municipalities to reimburse the County for utility and road infrastructure and operational cost. Commission Member, Randal Mercer expressed concern over municipalities refusing to enter into an Interlocal Agreement, and what options the County and property owners would have if that were to happen.

Deputy County Attorney, Andrea Fraser informed the Commission that it is their responsibility to provide the Lee County Attorney's Office with clear direction when requesting draft amendment language. Attorney Fraser stated this meeting was the first time the Commission had mentioned roadways, and questioned if the Commission wished to include roadways when drafting proposed language. Additional questions were raised regarding feasibility study responsibility, financial responsibility, and timeframes.

Commission Members, Randal Mercer and Richard Akin stated that the responsibility for all studies, and administrative cost should lay with the property owner when pursuing voluntary annexation. Commission Member Ronald Inge raised concern over the County using amendment language they legally cannot enforce, and forcing property owners to be financially responsible for feasibility studies, and reports could make the annexation process financially unachievable for numerous property owners.

LEE COUNTY CHARTER REVIEW COMMISSION PUBLIC MEETINGS:

Deputy County Attorney, Andrea Fraser informed the Commission of four public meetings to be held on Tuesday, February 13, 2024, Tuesday, February 27, 2024, Tuesday, March 12, 2024, and Tuesday, March 26, 2024.

ADJOURNMENT:

Commission Member Keith Dean moved to adjourn the meeting, seconded by Commission Member Richard Akin called and carried.

The Chairman adjourned the meeting at 6:38 p.m.