

AUGUST 21, 2018

The [Regular Meeting](#) of the Lee County [Board of County Commissioners](#) was held on this date with the following Commissioners present:

Cecil Pendergrass, Chairman
 Larry Kiker, Vice-Chairman
 Brian Hamman
 Franklin B. Mann
 John Manning

The Chairman called the meeting to order at 9:30 a.m. Rabbi Bruce Diamond, Community Free Synagogue, gave the Invocation, followed by the Pledge of Allegiance.

CEREMONIAL PRESENTATIONS

Presentation of the 2nd Quarter 2018 Length of Service Awards (Human Resources)

Human Resources Manager Dylan Drake, joined by H.R. Generalist Lee Elkins and County Manager Roger Desjarlais, presented the FY2018 2nd Quarter Employee Length of Services Awards. *(Please refer to the agenda listing of all recognized employees.)*

RECAP

Referring to the [Recap Agenda](#) dated August 21, 2018 the Chairman announced that Agenda Item C-14 would be deferred; there were no revisions or corrections, no items to be pulled for discussion, one Walk-on item and one Carry-over item to be heard at the appropriate times in the agenda; one Commissioner's item and two County Attorney items.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.

PUBLIC COMMENT ON AGENDA ITEMS

The Chairman called for public comment on Consent Agenda items and there were no speakers.

There were no items pulled for discussion by the individual Commissioners

The Chairman requested a motion to approve the balance of the Consent Agenda and Commissioner Manning so moved, seconded by Commissioner Hamman, called and carried.

CONSENT AGENDA

CLERK OF COURTS

1. Approve and Record County Disbursements pursuant to Florida Law

Item Summary: Chapter 136.06(1) Florida Statutes requires that all [County Disbursements](#) be recorded in the Minutes of the Board. This is for the checks and wire registers viewable on the Clerk's website.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

COUNTY ATTORNEY

2. Accept Donation from the Estate of Elaine Smiljanich Coghlan for Lee County Animal Services:

Item Summary: Accept a budget amendment resolution to accept a donation of \$91,800 from the Estate of Elaine Smiljanich Coghlan for the Animal Care Trust Fund.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 18-08-17](#)

3. Authorize Public Hearing to Adopt Ordinance Creating Esplanade Lake Club Development District

Item Summary: Authorize advertisement for and conducting of a Public Hearing on September 18, 2018 at 9:30 a.m. to adopt an Ordinance creating the Esplanade Lake Club Development District, pursuant to Chapter 190, Florida Statutes. If approved, the ordinance will create an independent Special District capable of financing and servicing the basic services within the District boundary.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

4. Direct Procurement Ordinance to Public Hearing:

Item Summary: Authorize advertisement for and conducting of a Public Hearing on September 18, 2018 at 9:30 a.m. in Chambers to consider adopting the Lee County Procurement Ordinance. The proposed Ordinance updates and modifies the County's current purchasing policies to ensure that Procurement laws, rules and regulations are enforced and carried out under the highest ethical standards, to encourage full and open competition, and to achieve the best value for the County.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

5. Amendments to Administrative Code AC-2-18 (Guidelines for Lee County Board of Adjustment and Appeals)

Item Summary: The Resolution will amend the requirement for separate, independent legal counsel to represent or assist the Board of Adjustments and Appeals, as provided under Section V of Administrative Codes AD-2-18.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 18-08-18](#)

COUNTY LANDS

6. Accept Donation of [Perpetual Drainage Easement](#) for Drainage Improvements in North Fort Myers:

Item Summary: Acquire a perpetual drainage easement located at 67 Wolcott Drive in North Fort Myers to allow Lee County's Department of Transportation (DOT) to construct drainage improvements adjacent to the existing stormwater system.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

7. Accept Donation of Perpetual Drainage Easement for Drainage Improvements in North Fort Myers:

Item Summary: Acquire a [perpetual drainage easement](#) located at 70 Wolcott Drive in North Fort Myers to allow Lee County's Department of Transportation (DOT) to construct drainage improvements adjacent to the existing stormwater system.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

8. Accept Donation of Perpetual Drainage Easement for Drainage Improvements in North Fort Myers:

Item Summary: Acquire [perpetual drainage easement](#) to allow Lee County's Department of Transportation (DOT) to maintain the drainage infrastructure in perpetuity, located within the subdivision known as Waterway Estates in North Fort Myers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

9. Accept Donation of [Utility Easements for New Post Road Waterline Project](#):

Item Summary: Acquire utility easements for the New Post Road Waterline Project. The easements are located within the Foxmoor Lakes subdivisions in North Fort Myers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

10. Approve [Purchase Agreement](#) for an 80-acre parcel for the South County Transfer Station Funding:

Item Summary: Acquire an 80-acre parcel of land for a shared location of a South County Waste Water Treatment Plant (WWTP) and Solid Waste Transfer Station, Project Nos. [7467](#) and [0658](#), at an estimated cost of \$1,925,000, inclusive of closing costs and fees. This parcel is located at 18940 Green Meadow Road in South Fort Myers, adjacent to a 23-acre parcel owned by Lee County Utilities.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

ECONOMIC DEVELOPMENT

11. Appoint Board Members for the Lee County Educational Facilities Authority:

Item Summary: Reactivate the Lee County Educational Facilities Authority (EFA) and appoint eight (8) board members. The EFA assists higher learning institutions in Lee County in constructing, financing and refinancing projects.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 18-08-19](#)

12. Award Contract for Employee Benefits Basic and Voluntary Life Insurance:

Item Summary: Award a contract to [Standard Insurance Company](#) for employee basic and voluntary life insurance coverage for an initial term of one year, beginning January 1, 2019, with the option to renew for three (3) additional one-year periods, as approved in the department's annual adopted budget. Total expenditures for these services for Fiscal Year 20162017 were approximately \$511,424.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

13. Award Contract for Vision Coverage:

Item Summary: Award a contract to [Vision Services Plan Insurance Company](#) for employee benefits vision coverage for an initial term of one year, beginning January 1, 2019, with the option to renew for three (3) additional one-year periods.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

14. Award Contract for Employee Insurance Benefits Consultant and Actuarial Auditor:

Item Summary: Award a contract to Aon Benefits & Insurance Services, Inc., d/b/a Aon Consulting, Inc. for benefits, consulting and actuarial auditor services for an initial period of three years, beginning October 1, 2018, with the option to renew for one additional three (3) year period, as approved in the

department's annual adopted budget. Total expenditures for these services for Fiscal Year 2016-2017 were approximately \$175,000.

DURING THE ANNOUNCEMENTS PORTION OF THE AGENDA THE CHAIRMAN ANNOUNCED THAT ITEM C-14 WOULD BE DEFERRED. Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.

15. Adopt Resolution Supporting Applications for State FY19/20 Beach Funding:

Item Summary: Supports County applications for State Funding for inlet and beach erosion control projects in accordance with 62B-36 of the Florida Administrative Code. This competitive grant process may provide FY19/20 funding to offset County costs of beach erosion control projects. The resolution also reaffirms authority for an Assistant County Manager to execute certain change orders for grants under this program.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 18-08-20](#)

NATURAL RESOURCES

16. Approve [Grant Agreement](#) for Gasparilla Island Beach Nourishment and Permitting:

Item Summary: Approve grant agreement from the Florida Department of Environmental Protection (FDEP) providing for reimbursement of 44.79% of costs, up to \$291,786.91, for professional design and permitting work to allow for future beach nourishment along 3 miles of Gasparilla Island. The \$359,668.57 local match requirement will come from the Beach Renourishment Trust Fund and will be transferred to the project if item is approved.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION Nos. 18-08-21](#) and [18-08-22](#)

17. Approve [Grant Agreement](#) for Lovers Key Beach Nourishment Sand Search:

Item Summary: Approve grant agreement from the Florida Department of Environmental Protection providing reimbursement of 50% of costs, up to \$260,000 for professional design work to locate and verify viable sand sources for use in future beach nourishment of Lovers Key. The \$260,000 local match requirement will come from the Beach Renourishment Fund and will be transferred to the project if approved.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 18-08-23](#)

18. Approve [Consent to Easement](#) for Fichter's Creek Restoration Project:

Item Summary: Approve U.S. Army Corps of Engineers (ACOE) permit required consent to easement which will allow completion of the Fichter's Creek Restoration Project. In order to complete the project, the existing outfall ditch needs to be widened and the direction altered. The final 100 feet of the outfall is in the Army Corps; right of way for the Okeechobee Waterway (Caloosahatchee River). Per the ACOE permit for the project, Lee County must obtain Consent to Easement from them for this area. Approval will allow execution of the document and completion of the project. Construction of the Fichter's Creek project is in progress and is budgeted in the current fiscal year.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

PROCUREMENT MANAGEMENT

19. Approve Piggyback for Purchase of Off the Shelf Software – Countywide:

Item Summary: Approve piggyback of State of Florida Contract for the purchase of off-the-shelf software, software maintenances and support, basic installation/de-installation, training, value-added services and mainframe-related services from the following vendors: ■CDW Government LLC, ■En Pointe Technologies Sales, LLC, ■Insight Public Sector, Inc., and ■SHI International Corporation, on an as-needed basis, through expiration of the contract April 7, 2019 and any renewals/extensions approved by the State of Arizona, as approved in the department's annual adopted budgets.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

20. Award Contracts for Custodial Services for Lee County North Zone:

Item Summary: Awards contracts to ■[American Facility Services, Inc.](#), ■[Florida Cleaning Systems, Inc.](#) and ■[United States Services Industries, Inc.](#), for custodial services in the Lee County north zone for a period of one year with the option to renew for three additional one-year periods. Total expenditures for these services during fiscal year 2016-2017 were approximately \$491,314.54.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

PUBLIC SAFETY

21. Renew Annual Contract for Purchase of Boots and Belts:

Item Summary: Approve renewal of the annual contract with Galls, LLC for an additional one-year period through October 1, 2019, for use on an as-needed basis for the purchase of boots and belts for

Public Safety, as approved in the department's annual adopted budget. Total expenditures for these services during Fiscal Year 2016-17 were approximately \$23,520.40. Board approval is requested because the renewal of the contract for an additional one-year period may increase the total expenditures for the contract in excess of \$100,000.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

22. Accept \$154,578 in Grant Funds from the Florida Division of Emergency Management:

Item Summary: Approval will provide \$154,578 in grant funding to Lee County's Emergency Management Program to support preparedness efforts to include training, exercise, planning, equipment and operations. The Department of Homeland Security Federal Emergency Management Agency has allocated the additional funds to supplement and augment the tasks being accomplished under the Emergency Management Performance Grant (EMPG).

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No.18-08-24](#)

SOLID WASTE

23. Award Contracts for Repair of Aluminum and Metal Buildings—Iona Drainage:

Item Summary: Award contracts to [DEC Construction Group, Inc.](#) and [Made in Rio, Inc.](#) to complete repair and replacement of aluminum and metal buildings at various Solid Waste Division facilities that were damaged as a result of Hurricane Irma, for a combined total of \$429,634.42.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

SPORTS DEVELOPMENT

24. Approve 2018-2021 Sponsorship Agreement to Host Fort Myers Tip-Off:

Item Summary: Authorize staff to sponsor and host the Fort Myers Tip-Off college basketball tournament each year for four (4) years starting in November 2018. The 2018 dates would be November 19-21. Tourist Development Tax revenue would fund the annual sponsorship fee of \$200,000. This program is funded and included in the budget.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

TAX COLLECTOR

25. Authorize Tax Collector to mail 2018 Tax Notices prior to Value Adjustment Board

Hearings:

Item Summary: Allow the Tax Collector to mail 2018 notices on or before November 1, 2018 to collect and distribute tax revenue to taxing authorities before completion of the Value Adjustment Board hearings.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

TRANSIT

26. Adopt Lee County Transit Substance Abuse Policy Update:

Item Summary: Adopt the required Lee County Transit Substance Abuse Management Policy update. Lee County Transit is a recipient of Federal Transit Administration (FTA) funding assistance and, therefore, must have a board-adopted anti-drug and alcohol misuse policy as defined by the U.S. Department of Transportation (USDOT) Rule 49, Code of Federal Regulations (CFR) 655.15.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

27. Approve Grant Application Submission to Florida Department of Transportation (FDOT):

Item Summary: Approve the submission of the FY2019 State of Florida Department of Transportation Transit Service Development Grant in the amount of \$1,212,725 for operating assistance for the seasonal trolley services in Downtown Fort Myers. Annually FDOT awards funding under the State Transit Service Development Grant Program Projects which improve transit system efficiency, expand ridership and increase revenue. The period of services is from October 2019 to September 2022. The grant program requires a local match of the equip amount of 4998,573 which will be budgeted in FY19/20 Transit Operating Budget.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 18-08-25](#)

28. Approve Grant Application Submission to Florida Department of Transportation (FDOT):

Item Summary: Approve the submission of the FY 2019 State of Florida Department of Transportation Transit Service Development Grant in the amount of \$998,573 for operating assistances for the seasonal Fort Myers Beast Tram Service. Annually, FDOT awards funding under the State Transit Service Development Grant Program to projects which improve transit system efficiency, expand ridership and increase revenue. The period of service is from October 2019 to September 2022.

The grant program requires a local match of the equal amount of \$998,573 which will be budgeted on the FY19/20 Transit Operating Budget.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 18-08-26](#)

29. Approve Emergency Relief Grant Application to the Federal Transit Administration:

Item Summary: The estimated grant request is \$492,233 of Hurricane Irma emergency response expenses incurred by Transit. Of this amount \$445,760 is operating expenses and \$46,473 is for the hurricane-related damage repairs. Federal Transit Administration (FTA) electronically approves the grant funding.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION Nos. 18-08-27](#) and [18-08-28](#)

TRANSPORTATION

30. Approve STA for Analysis and Design of Improvements at Sunshine Boulevard and 8th Street SW:

Item Summary: Approve Supplemental Task Authorization No. 7 with David Douglas, Inc. for the analysis and design of a new intersection concept at the intersection of Sunshine Boulevard and 8th Street SW, in the amount of \$192,780.00.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

UTILITIES

31. Award Contract for Sodium Bisulfite 40% Aqueous Solution:

Item Summary: Award contract to [Thatcher Chemical of Florida, Inc.](#) to furnish and deliver sodium bisulfite 40% aqueous solution to Lee County Utilities for use at their facilities for an initial period of one year with the option to renew for three additional one-year periods. Total expenditures for these products and services during Fiscal Year 2016-2017 were approximately \$41,790.15. This product is used as a dechlorination agent at the Fiesta Village Wastewater Treatment Plant.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

32. Award Contract for Sodium Hypochlorite:

Item Summary: Award contract to [Allied Universal Corp.](#) to furnish and deliver sodium hypochlorite to Lee County Utilities for use at their facilities for an initial period of one year with the option to renew for three additional one-year periods. Total expenditures for these products and services during Fiscal Year 2016-2017 were approximately \$632,159.23. Sodium Hypochlorite is used as disinfectant at all water and wastewater treatment facilities.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

33. Approve Contract for Fiesta Village Wastewater Treatment Plant Filter Controls Upgrade:

Item Summary:

Award contract to [Cardinal Contractors, Inc.](#) to provide services to complete the upgrading of the Programmable Logic Controller (PLC), replaces valves and actuators and install access platforms for the Fiesta Village Wastewater Treatment Plant (WWTP) Filter Area in the amount of \$1,728,000.00. Total estimated project cost including contingency is \$1,980,000.00. ([Budget Transfer](#))

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

34. Approve Contract for Orange Grove Boulevard Water Main Improvements:

Item Summary: Award contract to [Stevens and Layton, Inc.](#) to construct and install new potable water main at Orange Grove Boulevard from Pondella Road to Hancock Bridge Parkway. The total estimated project cost is \$1,707,635 including contingency.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

35. Approve Supplemental Task Authorization for Carriage Village Water Main Replacement:

Item Summary: Approve a Supplemental Task Authorization with Hole Montes, Inc. to provide survey, geotechnical design, permitting, bidding services, and construction inspection for Carriage Village Water Main Replacement project in the total amount not to exceed \$111,000. The total estimated project is \$1,307,826.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

VISITOR AND CONVENTION BUREAU

36. Extend Annual Contract for Visitor & Convention Bureau Market Research:

Item Summary: Approve an extension of the annual contract with Davidson-Peterson Associates for an additional six-month period through April 1, 2019 for use on an as-needed basis for tourism sales and promotion representation, as approved in the department's annual approved, adopted budget. Board approval will allow the purchasing of these services to continue uninterrupted until the formal

solicitation process is completed. Total expenditures for these services during Fiscal Year 1028-2017 were \$218,282.73.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

ADMINISTRATIVE AGENDA

1. Commence [Acquisition Activities](#) for Conservation 20/20 Nomination 167-2:

Item Summary: Authorizes staff to commence activities for Conservation 20/20 Nomination 167-2, a ± 14.5 acre infill parcel adjacent to Conservation 20/20 Preserves – Caloosahatchee Creeks in North Fort Myers. The Chairman called for public comment and there were three [\(3\) speakers](#):

Marisa Carrozzo representing the Conservancy of Southwest Florida
Meredith Barnard representing the Florida Wild Life Federation
Brad Cornell, representing Audubon Society of the Western Everglades-(Waived in support)

Vote: Commissioner Kiker moved approval, seconded by Commissioner Pendergrass, called and carried.

2. Approve Conservation 20/20 Evaluation and Acquisition Process:

Item Summary: Creates a formal process for considering purchases of owner-nominated parcels that allows all such properties to be ranked in order of environmental conservation priority. Nominations will be processed during an annual cycle in which the Conservation Lands Acquisition and Stewardship Advisory Committee (“CLASAC”) will evaluate properties and recommend a ranked list for further consideration by the Board of County Commissioners. On June 7, 2018 CLASAC voted to recommend these changes to the BoCC.

Board Discussion: In his review of the request, Assistant County Manager Glen Salyer pointed out that the request did not propose any ordinance changes and was for a simple resolution adopting a formal process for the intake, evaluation and ultimate approval of applications, with no impact whatsoever on Conservation 20/20 funding and no diversion of any monies from the acquisition fund for any other purpose, including the construction of water quality improvements. Extensive Board discussion consisted of comments by each of the individual Commissioners and enlisted input by Mr. Salyer, County Manager Roger Desjarlais and County Attorney Richard Wm. Wesch.

Public Comment: The Chairman called for public comment and there were [\(21\) speakers](#):

Carl Veaux-Audubon of SWFL/Cape Coral Friends of Wildlife
Toni Sutton-Fort Myers resident
Marisa Carrozzo-Conservancy of Southwest Florida
Sue Carlton-Fort Myers resident
Dave Urich-Responsible Growth Management Coalition member
Denny Sharma-Fort Myers Realtor/Resident
Garald Robbins-Climate Action Team-All Faiths Unitarian Congregation
Meredith Barnard -Florida Wildlife Federation
Donna Sutton-Eyes on 20/20
Peter Cangialosi-Environmental Director Estero Council of Community Leaders
Susan Prock-Eyes on 20/20
Dick Anderson-Fort Myers resident
Linda Bigelow-Climate Action Team-All Faiths Unitarian Congregation [\(Handout\)](#)
Dr. William F. Hammond-Fort Myers resident
Karen Sarulis Andress-Bokeelia resident [\(Handout\)](#)
Clara Anne Graham-League of Woman Voters
Brad Cornell-Audubon of the Western Everglades
Don Eslick-Estero Council of Community Leaders
Holley Rauen-Fort Myers resident
Bill Taylor-Fort Myers resident (no speaker card)

Vote: Commissioner Hamman moved to approve the **Evaluation** portion of the request at this time and for a deferral to reconsider the **Acquisition** portion, with direction for Staff to review recommendations by the Board and offerings made during public comment in favor of multiple cycles rather than once a year, brought back in a to-be-determined Workshop, seconded by Commissioner Kiker. Following brief Board discussion, the motion was called and carried with Commissioner Pendergrass voting nay.

[RESOLUTION No. 18-08-29](#)

9:30 A.M. PUBLIC HEARINGS

1. Approve Utility Easement Exchange with Shell Point Retirement Community:

Item Summary: [Exchange locations](#) of the County’s interest in an existing [public utility easement](#) to accommodate the operation of the ‘Springs at Waters Watch’ residential development within a portion of the Shell Point Retirement Community.

County Attorney: Senior Assistant County Attorney John Fredyma approved and entered the [Affidavit of Publication](#) into the record

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.
[RESOLUTION No. 18-08-30](#)

2. Conduct Public Hearing to Repeal Mid-Metro Industrial Park Special Improvement Unit Ordinance:

Item Summary: Repeals Ordinance 05-05 creating the Mid-Metro Industrial Park Operations and Maintenance Special Improvement Unit MSTU and any committee associated with the unit. Approval will allow for the reimbursement of the remaining funds in the account to about 29 property owners, based on the last collected assessment at a percentage rate.

County Attorney: Senior Assistant County Attorney John Fredyma approved the [Affidavit of Publication](#) for entry into the record and briefly reviewed the proposed ordinance.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried. The Ordinance adopted by the Board and filed was [LEE COUNTY ORDINANCE No. 18-19](#), entitled:

AN ORDINANCE ABOLISHING LEE COUNTY ORDINANCE NO. 05-05 RELATING TO THE MID-METRO INDUSTRIAL PARK OPERATION AND MAINTENANCE SPECIAL IMPROVEMENT UNIT; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADOPTED ORDINANCE.

3. Adopt and Certify a Resolution Placing MSBU Assessments on Tax Bills:

Item Summary: Adoption will allow for and collection of [Non Ad Valorem Special Assessment rolls](#) for 31 Municipal Service Benefit Units (MSBU), §197.36322, Florida Statutes.

County Attorney: Senior Assistant County Attorney John Fredyma approved the Affidavit of Publication for entry into the record and briefly summarized the request.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION No. 18-08-31](#)

4. Approve Petition to Vacate at 2903 42nd Street West, Lehigh Acres, FL:

Item Summary: Extinguish the public interest in the unimproved public utility easement between platted lots at 2903 42nd Street West in Lehigh Acres to allow creation of a unified building site to legitimize an after-the-fact shed. There were no objections from the public utility providers and no other affected property owners.

County Attorney: Senior Assistant County Attorney John Fredyma approved the [Affidavit Publication](#) for entry into the record and briefly reviewed the request.

Public Comment: The Chairman called for public comment and there were no speakers.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION No. 18-08-32](#)

5. Approve Petition to Vacate at 2910 3rd Street West, Lehigh Acres, FL:

Item Summary: Extinguish the public interest in the unimproved public utility drainage easement between platted lots at 2910 3rd Street West in Lehigh Acres to allow creation of a unified building site for construction of a residence. There were no objections from the public utility providers and no other affected property owners.

County Attorney: Senior Assistant County Attorney John Fredyma approved the [Affidavit of Publication](#) for entry into the record and briefly reviewed the request.

Public Comment: The Chairman called for public comment and there were no participants.

Vote: Commissioner Mann moved approval, seconded by Commissioner Manning, called and carried.
[RESOLUTION No. 18-08-33](#)

6. Conduct Public Hearing to Adopt an Ordinance Creating the Blue Lake Community Development District:

Item Summary: Conduct Public Hearing to adopt an Ordinance creating the Blue Lake Community Development District pursuant to Chapter 190, Florida Statutes. If approved, the ordinance will create an independent Special District capable of financing and servicing the basic services with the District Boundary.

County Attorney: Assistant County Attorney Joseph Adams approved the [Affidavit of Publication](#) and [Petition to Establish](#) for entry into the record and briefly reviewed the request.

Public Comment: The Chairman called for public comment and there were no participants.

Vote: Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried. The Ordinance adopted by the Board and filed was [Lee County Ordinance No. 18-20](#) entitled:

AN ORDINANCE ESTABLISHING BLUE LAKE COMMUNITY DEVELOPMENT DISTRICT; PROVIDING A DISTRICT NAME; SETTING

FORTH THE AUTHORITY FOR ADOPTING THE ORDINANCE; ESTABLISHING THE EXTERNAL BOUNDARIES OF THE DISTRICT; DESIGNATING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS; ESTABLISHING THE GOVERNING DISTRICT CHARTER AS FLORIDA STATUTES CHAPTER 190; PROVIDING FOR NOTICE TO SUBSEQUENT PURCHASERS; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.

WALK-ON AGENDA

1. Approve Tourist Development Tax Expenditures for Algal Bloom Management:

Item Summary: At its August 9th meeting the Tourist Development Council made a series of recommendations to mitigate the effects of the recent red tide and blue green algae outbreaks. They included additional spending for beach cleanup equipment (suf rakes), reimbursements of fish kill cleanup costs and additional funding for marketing.

Vote: County Manager Roger Desjarlais reviewed the item and responded to a question by Commissioner Mann. Commissioner Mann moved approval, seconded by Commissioner Hamman. Under discussion, Assistant County Manager Glen Salyer updated on a \$1.3 million FDEP grant and stated that the request also includes authorization for reimbursement of eligible beach cleanup expenditures made by the County through 09/30/18 and making available up to \$1 million for additional targeted marketing campaigns that respond directly to the current water -related events, for which the motion maker and seconder amended the motion and second to include. The motion as amended was called and carried. Commissioner Kiker then moved approval for direction to Staff to maintain an aggressive posture in the red tide and blue-green algae cleanup efforts and keep the Board apprised of funding needs, seconded by Commissioner Manning, called and carried.

CARRY-OVER AGENDA

1. Approve [Purchase Agreement](#) for a Branch Library Building:

Item Summary: Acquire the existing Riverdale Branch Library building to continue library services at 2421 Buckingham Road, Fort Myers. Lee County is currently leasing the building. The [purchase price](#) is \$1,062,682.50 for the 7,250 square foot building

Vote: The Chairman called for public comment and there were no participants. Commissioner Manning moved approval, seconded by Commissioner Mann, called and carried.

COMMISSIONERS APPOINTMENTS

Commissioner Mann moved to appoint William Waichulis to the **TOURIST DEVELOPMENT COUNCIL (TDC)**, seconded by Commissioner Manning, called and carried. ([RESOLUTION No. 18-08-34](#)) Commissioner Mann expressed the Board's profound gratitude for the many years of service to Lee County by former Tourist Development Council member Rene Affourtit.

COMMISSIONERS ITEMS

Commissioner Manning requested Board direction to bring back a [proposed Resolution/Declaration](#) at the September 3, 2018 Regular meeting on behalf of the Cape Coral Caring Center.

Vote: Commissioner Kiker moved approval, seconded by Commissioner Hamman, called and carried.

COUNTY MANAGER ITEMS

County Manager Roger Desjarlais provided an update on the Blue/Green Algae issues and stated that the cleanup is a pilot project and not a fix, as the algae continues grow. Funding has been via a State grant, and the cleanup will not become an annual event unless it is the will of the Board. For relief going forward, he indicated that Staff continues to discuss additional Pilot Projects with the Florida Department of Environmental Protection (FDEP) in hopes that some of the projects could be tested in Lee County, and added they would need to be about clean water projects with technology that can be used to clean the water rather than just the collection of existing blooms.

COUNTY ATTORNEY ITEMS

County Attorney Richard Wm. Wesch requested Board approval of the 3rd extension of the State of Local Emergency (S.O.L.E.) for Blue/Green Algae and the 2nd Extension of the State of Local Emergency (S.O.L.E.) for Red Tide/Dead Fish.

Vote: Commissioner Manning moved approval, seconded by Commissioner Hamman, called and carried.

[RESOLUTION No. 18-08-15](#) and [RESOLUTION No. 18-08-16](#)

PUBLIC PRESENTATION OF MATTERS BY CITIZENS

The Chairman called for Public Comment on Matters by Citizens and there were three (4) participants:

Attorney Andrew Banyai, Executive Director of the Lee County Legal Aid Society

Hon. R. Thomas Corbin Retired 20th Judicial Circuit Judge, who now works with the Lee County Legal Aid Society providing assistance on family cases

Danny Ballard, Vice President of the North Fort Myers Civic Association – issuing an invitation to the Board to participate in the North Fort Myers Community Coalition’s presentation of ‘A Community Christmas’, to be held at the North Fort Myers Recreation Center on Saturday, December 15, 2018. – ([Handout-Brochure](#))

Irene Kepler, Lee County League of Women Voter – Human Services – Advocate for Children’s’ Services Council

COMISSIONERS WORKSHOP UPDATE

The Chairman called for public comment on today’s Commissioners Work Session, scheduled for 1:30 p.m. to discuss the FY2018-2019 Budget – Final Draft, and there was [one speaker](#):

Brad Cornell, representing Audubon of the Western Everglades – Spoke on his recommendation of the use of a Stormwater Utility Fee to address runoff effectively for water quality and treatment

The Chairman adjourned the meeting at 12:19 p.m.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

Chairman, Lee County Commission