

SEPTEMBER 7, 2021

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

Kevin Ruane, Chairman  
 Cecil Pendergrass, Vice-Chairman  
 Ray Sandelli  
 Brian Hamman  
 Franklin B. Mann

The Chairman called the meeting to order at 9:31 a.m. Commissioner Ruane asked for a moment of silence for the four county workers that recently lost their lives to Covid. The Invocation was given by Pastor Phyllis Lefort, First Assembly of God, followed by the Pledge of Allegiance.

## CEREMONIAL PRESENTATIONS

1. **Pet of the Month - Commissioner Pendergrass**  
 Animal Services Public Information Specialist Karen Fordiani and Domestic Animal Services Director Pablo Adorno introduced Chico a male Chihuahua mix who is the pet of the day. Each day there is a new pet of the day with the adoption fees being waived with each approved application. Ms. Fordiani suggested everyone keep an eye out for their facebook page to see the new pet each day. September 18, 2021 is "Clear the Shelters Day" by appointment only. Each approved application will have the adoption fee waived that day.
2. **Recognizing Edward L. Kimball - Commissioner Mann**  
 Commissioner Mann presented a [Ceremonial Resolution](#) stating the Board of County Commissioners of Lee County, Florida, does hereby recognize Edward L. Kimball for his inspirational legacy and for his love of our community. Ms. Barbara Rumph came forward and accepted the Ceremonial Resolution and thanked the Board for the recognition of her brother. Fire Chief Chris Dowaliby also said a few words.
3. **Lee County Employee Appreciation Day - Commissioner Hamman**  
 Commissioner Hamman read a [Ceremonial Resolution](#) and stated the Board of County Commissioners of Lee County, Florida proclaims September 7<sup>th</sup> as LEE COUNTY EMPLOYEE APPRECIATION DAY in Lee County and the impact they have on our community each and every day.

## RECAP/ANNOUNCEMENTS

Referring to the [Recap](#) Agenda of September 7, 2021, the Chairman announced that:

### PUBLIC COMMENT ON AGENDA ITEMS

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

The following are the Consent Agenda items that each Board member wished to have discussed:

Commissioner Ruane – None  
 Commissioner Pendergrass – None  
 Commissioner Sandelli – None  
 Commissioner Hamman – None  
 Commissioner Mann – C-7, C-9, C-25

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

## CONSENT AGENDA

### CLERK OF COURTS

#### 1. Approve and Record County [Disbursements](#) per Florida Law

**Item Summary:** Chapter 136.06(1), Florida Statute requires that all County disbursements be recorded in the Minutes of the Board. This is for the check and wire registers viewable on the Clerk's website.

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

**COMMUNITY DEVELOPMENT****2. Renew Services Contract for Code Enforcement Lot Mowing**

**Item Summary:** Renews agreements with Armata Lawn Care, Tropic Lawns, and Bryson Lawn Services for mowing services as required by Lee County Code Enforcement. This first contract renewal will run through September 16, 2022, and includes a Consumer Price Index Increase of two percent (2%) for Armata Lawn Care, Inc. Total expenditures during Fiscal Year 2020-21 were approximately \$100,000.

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

**COUNTY ATTORNEY****3. Approve Mediated Settlement in the Personal Injury Case of Roger Kern**

**Item Summary:** Approval of the proposed settlement resolves the case in its entirety against Lee County and avoids the uncertainty of a jury trial.

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

**COUNTY LANDS****4. Accept Donation of Right-of-Way Property on Burnt Store Road**

**Item Summary:** Acquires +/-31,350 square feet of right-of-way along [Burnt Store Road](#). The acquisition will provide the remaining rights in a platted 30-foot road and drainage easement for the benefit of the Burnt Store Road widening project, No. 4088. The final segment of the Burnt Store Road widening is currently under construction and scheduled to be completed in the Fall of 2022.

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

**5. Declare Escheated County-Owned Property as Surplus & Approve Donation to Non-Profit**

**Item Summary:** Conveys a [County surplus vacant lot](#) to a qualified not-for-profit affordable housing agency, Lee County Housing Development Corporation, for construction of affordable housing. This lot escheated to Lee County due to non-payment of real estate taxes. The lot is located at 222 Palmacea Road, Fort Myers.

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

[RESOLUTION No. 21-09-01](#)

**COUNTY MANAGER****6. Approve Agreement with Lee County School District for Fall Driver's Education Program**

**Item Summary:** Approves a contract with the School District of Lee County and releases funds in the amount of [\\$61,792.62](#), that will be used for direct educational expenses for the driver's education Fall program running from August 21, 2021, through November 6, 2021, at 15 high schools. The programs are anticipated to serve an estimated 336 students over the ten-week period. Approves agreement with the School District of Lee County and releases funds in the amount of [\\$28,254.61](#), for the purchase of one van.

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

**7. Submit CDBG-MIT General Infrastructure Program Cycle II Grant Applications**

**Item Summary:** Authorizes submission of applications to the Florida Department of Economic Opportunity for Community Development Block Grant-Mitigation-General Infrastructure Program Cycle II funds for projects that would enhance resiliency in the wake of natural disasters. These grants could potentially fund 100% of design and construction costs associated with proposed GS-10 flood control and water quality projects (\$11,025,000) and proposed improvements to the Iona McGregor Drainage District (\$3,200,000) if awarded.

**PULLED FOR DISCUSSION**

**Board Discussion:** Commissioner Mann asked this item be pulled for clarification as to why the county is asking for the money and not Lehigh Acres Municipal Services Improvement District (LAMSID) who normally does all the flooding and water type issues. Assistant County Manager Glen Salyer stated these are "Rebuild Florida Grants" and the county has to be the applicant and the grant recipient which then makes the county ultimately responsible for the funds. This also makes the county the overall Project Manager.

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

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

**8. Make Year-End Budget Adjustments to 18 Funds**

**Item Summary:** Provide budget in 18 funds for transfers between Major Maintenance projects, debt service, fund closings, account number corrections and other fund transfers. These are accounting clean-

up items and do not add any projects or affect any reserves in the county's major property tax funds (General Fund, Unincorporated MSTU, Library and All Hazards.)

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

[RESOLUTION No. 21-09-02](#)

## **INNOVATION AND TECHNOLOGY**

### **9. Approve Piggyback [Lease Purchase](#) of Dell Computers for Enterprise Refresh**

**Item Summary:** Approves the piggyback lease purchase of 554 Dell Computers for an enterprise refresh using the Florida NASPO ValuePoint Dell contract with Dell Financial Services, L.L.C. The annual amount is \$174,932.01, and total expenditure for the five (5) year lease purchase is \$874,660.05. The PC refresh will remove older computers that no longer are supported by current software and security systems. A market analysis was completed and use of the identified piggyback sources provides the County with a savings of 8%-17% over contract or separate vendor contracts and will be paid using budgeted operating funds.

#### **PULLED FOR DISCUSSION**

**Board Discussion:** Commissioner Mann asked to have this item pulled for further clarification. Innovation & Technology Director Ashley Mason stated that every year the department looks across the entire fleet of computers and works to find which ones are the oldest that need to come out of that fleet and be refreshed. Commissioner Mann still needed additional clarification and Assistant County Manager Christine Brady explained to the Commissioner that the technology within the computers are replaced every 18 months and as the computers continues to age, the technology in it continues to age as well and are no longer compatible with the software and infrastructure. Because of this it requires a refresh of computers and technology. Commissioner Hamman made the point that with this contact there is a trade-in value that comes with some of the computers.

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

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

## **LIBRARY**

### **10. Approve Sole Source Purchase of Support & Service for Automated Material Handling**

**Item Summary:** Approves the sole source of support, service and routine maintenance including warranty parts and labor for the Lyngsoe Systems Automated Material Handling Systems (AMH) currently used by [Lee County Library System](#) from Lyngsoe Systems, Inc., for a period of three years, in the total amount of \$300,000. Lyngsoe Systems Inc., will perform the hardware and software support in order to maintain manufacturer warranties and ensure the equipment is kept in like-new working order. The AMH systems use material induction machines, sorting controllers, conveyors, and RFID scanners to automate the process of checking-in, sorting, and routing borrowed materials in order to save patrons time and reduce turnaround time of library materials for other patrons.

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

### **11. Approve Submittal of Required Documents for FY21-22 State Aid to Libraries [Grant](#)**

**Item Summary:** Part one of the State Aid to Libraries Grant [application](https://www.dosgrants.com/) (https://www.dosgrants.com/) includes three items which require approval by the Library's governing body: the Grant Agreement, Certification of Hours, Free Library Service and Access to Materials, and the library system's Long Range Plan for 2021-2024. Once approved, these items must be submitted by Oct. 1, 2021 to the Florida Department of State, Division of Library Information Services.

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

## **NATURAL RESOURCES**

### **12. Award Contract for Installation, Maintenance, Relocation, and Repair of Navigation Aids**

**Item Summary:** Award contract to [DeHays Marine Inc.](#) for the installation, removal, relocation, and maintenance of Lee County's private aids to navigation (buoys, channel markers, etc.) on an as-needed basis. Lee County is the owner of and has the responsibility to maintain more than 1,700 Private Aids to Navigation in a functional condition. These aids are critically important for safe boating and natural resource protection. Prior year spending \$61,850. Funding for this is budgeted in the current fiscal year. This is an ongoing expense with offsetting revenues budgeted with West Coast Island Navigation District (WCIND) grant funding.

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

## **PARKS AND RECREATION**

### **13. Approve Lease Renewal for Matanzas Pass Submerged Lands**

**Item Summary:** This agenda item will renew a [Submerged Lands Lease](#) for Matanzas Harbor Land Base between Lee County and the State of Florida to reflect current ownership, including Lee County's long term leasee, Trico Shrimp Company, Inc. for state owned submerged lands located adjacent to

upland property owned by Lee County. Renewal was delayed due to the pandemic and extends the lease for an additional five years, through October 26, 2025. Included in budget.

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

### **PROCUREMENT MANAGEMENT**

#### **14. Award Contract for Miscellaneous Traffic Engineering Services - Countywide**

**Item Summary:** Awards competitively solicited contracts to provide professional traffic engineering consulting services. There were twenty-seven proposals submitted and contracts were negotiated with the following nine vendors: [Cardno, Inc.](#), [David Plummer & Associates, Inc.](#), [Florida Transportation Engineering, Inc.](#), [Gannett Fleming, Inc.](#), [Kissinger Campo & Associates Corp.](#), [McCormick Taylor, Inc.](#), [Stantec Consulting Services, Inc.](#), [TR Transportation Consultants, Inc.](#), and [Tindale Oliver & Associates, Inc.](#) The initial contracts will be for a term of three years with the option to renew for up to three additional years. Individual projects in excess of \$100,000.00 will be presented to the Board for approval.

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

#### **15. Approve [Piggyback](#) for Uniform Rental and Other Related Products**

**Item Summary:** Approves use of a competitively solicited contract through Sourcewell to provide uniform rentals and other related products from UniFirst Corporation, on an as needed basis, through the contract expiration date of May 22, 2024, and any renewals or extensions approved by Sourcewell. Expenditures will be on an as needed basis, as approved in the departments' annual adopted budgets. Expenditures during Fiscal Year 19-20 were \$94,110.95.

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

#### **16. Award Contract for Flooring Products and Installation Services - Countywide**

**Item Summary:** Awards competitively solicited contracts to [Mannington Mills, Inc.](#), [Milliken Services, LLC](#), [Mohawk Carpet Distribution, Inc.](#), [Tampa Contract Floors, Inc.](#), [Tarkett USA Inc.](#), and [Wayne Wiles Floorcoverings, Inc.](#) for the purchase and installation of flooring and associated materials on an as-needed basis for an initial term of three years. Procurement Management received seven bids with six vendors receiving award for contracts to be used as needed by the requesting departments. Individual purchases in excess of \$100,000.00 will be presented to the Board for approval. Total expenditures for these services for Fiscal Year 19-20 were \$115,410.74.

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

#### **17. Approve Piggyback for Purchases of Vehicle Parts and Supplies**

**Item Summary:** Approves use of a competitively solicited contract through Sourcewell to purchase aftermarket vehicle parts and supplies from NAPA Auto Parts on an as needed basis, through the contract expiration date of May 19, 2025, and any renewals or extensions approved by Sourcewell. Expenditures will be on an as needed basis as approved in the departments' annual adopted budgets. Individual purchases in excess of \$100,000.00 will be brought to the Board for approval. Expenditures during Fiscal Year 19-20 were \$295,600.53.

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

### **PUBLIC SAFETY**

#### **18. Accept Emergency Management Performance [Grant](#) Funds (EMPG-ARPA) from FDEM**

**Item Summary:** This item requests approval of \$13,926 in grant funding from the Florida Division of Emergency Management (FDEM) for Lee County's Emergency Management program to support preparedness efforts and operations. The Department of Homeland Security/Federal Emergency Management Agency has allocated funds from the Emergency Management Performance Grant-American Rescue Plan Act (EMPG- ARPA) to supplement and augment emergency management and preparedness activities.

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

[RESOLUTION No. 21-09-03](#)

#### **19. Accept Emergency Management Performance [Grant](#) Funds (EMPG) from FDEM**

**Item Summary:** This item requests approval of \$163,922 in grant funding from the Florida Division of Emergency Management (FDEM) for Lee County's Emergency Management program to support preparedness efforts and operations. The Department of Homeland Security/Federal Emergency Management Agency has allocated the funds from the Emergency Management Performance Grant (EMPG) to supplement and augment emergency management and preparedness activities.

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

[RESOLUTION No. 21-09-04](#)



**20. Accept Emergency Preparedness & Assistance [Grant](#) Funds from FDEM**

**Item Summary:** This item requests approval of \$105,806 in grant funding from the State of Florida Division of Emergency Management (FDEM) for Lee County's Emergency Management program to support preparedness efforts and operations. Approval and execution of the Emergency Preparedness and Assistance Grant (EMPA) will continue to provide funding to two positions which improve the County's Emergency Management program in a manner consistent with the State Emergency Management Plan and supporting programs.

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

[RESOLUTION No. 21-09-05](#)

**TRANSPORTATION****21. Approve Contract Change Order for Hancock Bridge Parkway CEI Services**

**Item Summary:** Approves a change order to the Supplemental Task Authorization (STA) with AIM Engineering & Surveying, Inc. for CEI on the Hancock Bridge Parkway Sidewalk 16th-24th project. This Change Order increases the contract time by 60 days, for a total of 310 days, and provides for additional Construction Engineering & Inspection (CEI) services through the final acceptance of the project, increasing compensation in the amount of \$44,286.00. The revised total of the Supplemental Task Authorization is now \$144,254.50.

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

**22. Approve Expenses for FGUA Utility Relocation on Littleton Road**

**Item Summary:** Approves payment to Florida Governmental Utility Authority (FGUA) for the relocation of their utilities that are in conflict with the widening of Littleton Road from Corbett Road to US 41. Johnson Engineering has prepared an opinion of cost outlining the responsibility Lee County has for relocation of FGUA utility conflicts within a FGUA owned easement; the cost is estimated to be \$483,438.20. Staff is requesting approval of \$500,000.00 to cover any additional items that may be found during the design. Littleton Road is expected to start construction in mid-2022 with a total project cost of \$14,850,000.00.

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

**23. Approve Six-Month Contract Extension for Alternative Paving Methods**

**Item Summary:** Approves a six-month contract extension to the annual contract for alternative paving methods to continue services through March 4, 2022 in the amount of \$1,000,000.00. The following companies were awarded the bid to provide these services - Community Asphalt Corp., Preferred Materials, Inc., Ajax Paving Industries of Florida, LLC, ManCo Paving and Grading, LLC, Asphalt Paving Systems, Inc., and McShea Contracting, LLC. The average per year spend to provide these services is \$2,300,000. Funding is available in the current budget for this extension.

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

**UTILITIES****24. Approve Piggyback Purchase of Stationary Generators for Lift Stations**

**Item Summary:** Authorizes the purchase under competitively solicited piggyback approved by the Board on May 5, 2020, for the purchase of three stationary generators for lift stations from Cummins, Inc., in the amount of \$315,971.61. A market analysis was completed by Procurement Management, and generator purchases under this contract represent a potential savings of approximately 55% of the average costs of similar projects. These generators will ensure the proper operation of three sewage pump stations when power failures occur to ensure public health and safety. Construction and installation of the equipment are expected to be completed in 2022.

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

**VISITOR AND CONVENTION BUREAU****25. Award Contract for [VCB Tourism](#) Advertising, Program Planning, Creation, Implementation**

**Item Summary:** Approves the ranking of firms and authorizes the execution of a contract with the top ranked firm, MMGY Global, LLC, for VCB Tourism Advertising, Program Planning, Creation and Implementation, in an amount not to exceed \$12,559,715 for Fiscal Year 2021-2022. Provides the Visitor and Convention Bureau (VCB) with comprehensive advertising services to promote Lee County as a leading tourism destination. The initial contract term is three years and the fees will be negotiated annually.

**PULLED FOR DISCUSSION**

**Board Discussion:** Commissioner Mann asked to have this item pulled for further clarification Visitor & Convention Bureau Director Tamara Pigott explained what the \$12 million is spent on every year. Commissioner Mann asked how long the county has been spending \$12 million on advertising and Ms. Pigott stated it has been about 5 years.

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

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

## 26. Award Contract for United Kingdom, Ireland, and Scandinavia Representation

**Item Summary:** Approves a three-year [contract](#) for professional tourism representation for Lee County with the incumbent vendor, Four Communications Ltd., in the total amount of up to \$900,000 (\$300,000/year). Actual yearly expenditures will be included and approved in the department's annual adopted budget.

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

## ADMINISTRATIVE AGENDA

### COUNTY LANDS

#### 1. Approve [Agreement to Purchase](#) Land for Conservation 20/20 in Cape Coral

**Item Summary:** Acquires +/- 22 acres for the Conservation 20/20 Land Acquisition Program, located on the south side of Pine Island Road, approximately ¼ mile west of US-41, in Cape Coral. The property is in close proximity to County-owned Judd Community Park. The purchase price is [\\$1,485,000](#), plus costs to close. The property scored 44 out of 100 using the Conservation 20/20 Acquisition Review Criteria. The acquisition of Nomination 609 is contingent upon the release of all obligations pertaining to the Declaration of Covenants for Judd Creek Preserve, Assignment of Developer Rights for Judd Creek Preserve, South Florida Water Management District's Environmental Resource Permit, and a Deed of Conservation Easement, all at Seller's expense. The Conservation 20/20 Land Acquisition and Stewardship Advisory Committee (CLASAC) voted 7 to 1 on July 21, 2021 to forward this purchase agreement for Board consideration.

**Board Discussion:** Director of County Lands Robert Clemens presented the item to the Board. An [Affidavit of Publication](#) was provided for this item.

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

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

### HEARING EXAMINER

#### 2. Authorize Chief Hearing Examiner's Annual Merit Increase

**Item Summary:** Approves the Hearing Examiner merit increase for her performance and contributions to the organization since being appointed on September 3, 2013.

**Board Discussion:** County Attorney Richard Wm Wesch presented the item and stated this item is consistent with the Hearing Examiner's employment agreement. She is entitled to no less than 4% and no more than 6% at the discretion of the Board based on last year's performance.

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

**Vote:** Commissioner Pendergrass moved approval of a 6% merit increase, seconded by Commissioner Hamman, called and carried.

### TRANSPORTATION

#### 3. Modify Daniels Parkway Controlled Access Resolution for West of Chamberlin Parkway

**Item Summary:** On January 23, 2001, the Daniels Parkway Controlled Access Resolution was modified in an action where the Board of County Commissioners designated one right in and one right out access point to be located between Treeline Avenue and Chamberlin Parkway at DOT's discretion. Based on the analysis provided, DOT supports the location of the access at Station 2435+55 approximately 1,145 feet to the west of Chamberlin Parkway and 2,705 feet to the east of Treeline Avenue. The additional access will provide improved connectivity to all of the land located to the south of Daniels Parkway between Treeline Avenue and Chamberlin Parkway without significant impacts to the traffic flow and safety of Daniels Parkway.

**Board Discussion:** Director of Transportation Randy Cerchie presented the item to the Board and stated DOT recommends approval.

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

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

[RESOLUTION No. 21-09-06](#)

### UTILITIES

#### 4. Award [Construction Contract](#) for North Lee County Wellfield Expansion

**Item Summary:** Awards a competitively bid construction contract to R.P. Utility & Excavation Corp., the lowest bidder for the North Lee County Wellfield Expansion in the amount of \$16,888,834.72. The County received a total of six bid submittals for this solicitation. The project includes the construction of six above ground well site facilities inclusive of instrumentation, electrical and controls, and approximately 34,000 feet of 10"-30" diameter transmission main to convey raw water to the North Lee

County Water Treatment Plant. On March 16, 2021 the Board of County Commissioners (BOCC) awarded the construction contract for drilling services of these wells. The BOCC approved the project funding as part of the FY21 Utilities Capital Improvement Program. The total project estimated cost is \$23,531,310. Construction is anticipated to begin in November of 2021.

**Board Discussion:** Director of Utilities Pam Keys presented the item to the Board. Commissioner Mann asked when the project was going to start and end. Ms. Keys stated the construction will begin in November 2021 and it is anticipated to take 12 months. Commissioner Mann asked if there would be any transportation issues because of the construction and Ms. Keys stated all the work is in the right-of-way outside of the road.

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

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

## PUBLIC HEARING - 9:30 AM

### 1. Conduct a Public Hearing to Adopt Solid Waste Assessment Roll for FY22

**Item Summary:** This resolution certifies and adopts for the Lee County Tax Collector the Solid Waste assessment roll for tax year 2021 (FY22). Complies with Lee County Ordinances 11-27 and 96-09 for approval of rates, followed by this separate certification of the tax roll. The Florida Administrative Code and Florida Statutes provide for the uniform method of collection for the Solid Waste non-ad valorem special assessments and MSTU millage by the Tax Collector.

**County Attorney:** Assistant County Attorney Amanda Swindel approved and submitted the [Affidavit of Publication](#) for entry into the record and summarized the request.

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

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

[RESOLUTION No. 21-09-07](#)

### 2. Conduct Public Hearing: Approve Final Assessment for Telegraph Creek Bridge CIP MSBU

**Item Summary:** Provides the Final Assessment for the Telegraph Creek Bridge Capital Improvement Project Municipal Service Benefit Unit. Telegraph Creek Bridge is a non-County-maintained bridge, located north of North River Road, on Telegraph Creek Lane, Spanning Telegraph Creek. The MSBU was created by Resolution 18-11-04, on November 6th, 2018, and construction was completed in June 30, 2020.

**County Attorney:** Assistant County Attorney David Halverson approved and submitted the [Affidavit of Publication](#) for entry into the record and summarized the request.

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

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

[RESOLUTION No. 21-09-08](#)

### 3. Approve Petition to Vacate at 920 Ossie Avenue South, Lehigh Acres Florida

**Item Summary:** Extinguishes the public interest in the unimproved public utility and drainage easement centered along the common lot line between Lots 15 and 16 of the platted lots at 920 Ossie Avenue South in Lehigh Acres. This action will remove encumbrances in order to create a unified building site for a residence. There were no objections from the public utility providers and there are no other affected property owners.

**County Attorney:** Assistant County Attorney David Halverson approved and submitted the [Affidavit of Publication](#) for entry into the record and summarized the request.

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

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

[RESOLUTION No. 21-09-09](#)

### 4. Approve Petition to Vacate at 915 Desoto Avenue, Lehigh Acres Florida

**Item Summary:** Extinguishes the public interest in the unimproved public utility easement centered along the common lot line between Lots 20 and 21 of the platted lots at 915 Desoto Avenue in Lehigh Acres. This action will remove encumbrances in order to create a unified building site for a residence. There were no objections from the public utility providers and there are no other affected property owners.

**County Attorney:** Assistant County Attorney David Halverson approved and submitted the [Affidavit of Publication](#) for entry into the record and summarized the request.

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

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

[RESOLUTION No. 21-09-10](#)

## COMMISSIONERS APPOINTMENTS

### **Commissioner Mann:**

Moved approval to:

- Reappoint Jim Ink Executive Regulatory Oversight Committee
- Reappoint Al Quattrone to the Land Development Code Committee
- Appoint John Bodner to the Parks & Recreation Services

**Vote:** Commissioner Hamman seconded and the motion was called and carried.

### **Commissioner Ruane:**

Chairman Ruane requested a motion of approval for:

- Appointment Dana L. Sheppard to the Cherry Estates Operation & Maintenance MSBU Committee

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

### **Commissioner Pendergrass:**

Moved approval to:

- Reappoint Doug Gyure to the Industrial Development Authority (IDA) Committee
- Reappoint Doug Gyure to the Educational Facilities Authority

**Vote:** Commissioner Hamman seconded and the motion was called and carried.

### **Commissioner Sandelli:**

Moved approval to:

- Reappoint Tracy Hayden to the Executive Regulatory Oversight Committee
- Reappoint Patrick Vanasse to the Land Development Code Committee
- Appoint Jessica Marcolini to the Bicycle/Pedestrian Committee

**Vote:** Commissioner Hamman seconded and the motion was called and carried.

## **COUNTY MANAGER ITEMS**

### **Redistricting Update – Census Data and Schedule**

Assistant County Manager Glen Salyer presented a [PowerPoint Presentation](#) regarding the redistricting schedule. Mr. Salyer reviewed the 4 upcoming meeting dates. Commissioner Pendergrass asked if the School Board has to follow the county's districting maps and Mr. Salyer said while they often do, they are not required to do so. Commissioner Pendergrass also talked about the difference between the School District and their districting and the Lee County districting and how it is handled differently. Commissioner Pendergrass went on to discuss the differences between the School Board districting and the BoCC districting stating the Lee County School Board elections are single member districts and county wide seats, where Lee County commission seats are county wide. Assistant County Manager Glen Salyer stated that the commissioner was correct in the fact that there are very distinct differences between the School Board single member districts versus the Boards at large districts. He went on to say the county absolutely considers alternatives based on equalization of population distribution; compact boundaries; alignment consensus geography; boundaries that follow prominent physical features; limited splitting of the established neighborhoods; similar boundaries to existing districts which is to avoid any packing or diluting of the minority population. Mr. Salyer conveyed that the Community Development team and the previous Board did a good job at anticipating future growth. However, Staff does need to recommend some map changes in order to be completely compliant. Commissioner Pendergrass asked if the count shows throughout the community based upon minority groups like Hispanic or whatever group the population numbers are. Mr. Salyer stated there is a web page on the county web site for redistricting, the site was just updated with demographic information and a redistricting map this morning. Mr. Salyer stated there would be a public schedule via social media and other channels.

Commissioner Pendergrass asked what limitations and involvement the Board can have or not have in this process. County Attorney Richard Wm. Wesch stated the individual Board members can participate to the extent they would participate in any matter. However, that participation has to be driven by the requisites of the statute. Individual Board members cannot direct or command that Staff prepare a map which would not comply with Florida law. All participation needs to be fact based. Each individual Board member may represent the interests of their constituents should they present specific questions and facilitate responses as the basis for the Staff position. Attorney Wesch then stated every authorized voter in Lee County gets to vote for all five commissioner positions. That is opposed to a single member district scenario which only members of that district would vote for a specific commissioner, which is how the School Board is set up not the BoCC and that is not the process of what is underway now. This process is redistricting which is the consensus based reallocation of population to make the district as equal as possible.



**COUNTY ATTORNEY ITEMS**

County Attorney Richard Wm. Wesch had no additional items for discussion.

**COMMISSIONERS' WORKSHOP UPDATE**

County Manager Roger Desjarlais informed that the presentation for today's 1:30 p.m. Commissioners' Workshop will be to discuss the American Rescue Plan Act (ARPA) Proposed Projects Draft and at 5:05 tonight is the 1<sup>st</sup> Draft of the FY2021-2022 Continuation Budget.

**PUBLIC PRESENTATION OF MATTERS BY CITIZENS**

The Chairman called for presentation of matters by citizens and [seven \(7\) citizens](#) came forward and there were [three \(3\) eComments](#).

The Chairman adjourned the meeting at 10:53 a.m.

ATTEST:  
LINDA DOGGETT, CLERK

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chairman, Lee County Commission