

February 21, 2022 – 6:00 PM REGULAR BOARD MEETING

Lehigh Acres Municipal Services Improvement District
Barrett Room
601 East County Lane
Lehigh Acres, FL 33936

This meeting is open to the general public.

REGULAR MEETING AGENDA

- 1) **Preliminaries**
 - A. Call to Order
 - B. Roll Call
 - C. Invocation & Pledge of Allegiance
 - D. Move, Remove and Add Agenda Items
 - E. Approval of Agenda
 - F. Public Comment for Agenda Items and Non-agenda Items
 - G. Action on Removed Consent Items
 - H. Approval of Consent Agenda
- 2) **Consent Agenda**
 - A. Invoices and Change Orders
 - B. January, 24, 2022 Regular Meeting
 - C. Rescind Lewis, Longman and Walker's Rate Increase Vote from January 24, 2022
 - D. PER 2021-10, Riverhall Secondary Entrance
 - E. PER 2022-03, Dollar General Store – 3107 23rd St. SW
 - F. 2022-2023 Budget Calendar
- 3) **Action Agenda**
 - A. Good Cause
 - B. Request to move p-card service to Synovis Bank – Dana March
- 4) **Discussion Agenda**
 - A. Old Business
 1. Walkway Bridges
 2. Streetlighting Plan
 3. Review of Policy, Section 4 – Permitting
 4. HB 4435 - Lehigh Acres Municipal Improvement District Caloosahatchee River & Estuaries Storage & Treatment Phase III
 - B. New Business
 - C. Commissioner's Request
 - D. Engineer's Report
 - E. Attorney's Report
 - F. Staff and Financial Report
 - G. Treasurer's Report
 - H. Secretary's Report
- 5) **Adjournment**

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Invoices and Change Orders

Meeting Date: February 22, 2022

Agenda Item # 2A

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: Move to approve all invoices as stated on the Summary Sheet.

2 What the action accomplishes: Approves all invoices that are outside the approval limits of the Treasurer and Manager.

3 Fiscal Impact: As listed on the Summary Sheet.

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR

ATTORNEY FIELD DIRECTOR

ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

Lehigh Acres Municipal Services Improvement District
 INVOICES REQUIRING BOARD APPROVAL FOR PAYMENT
 Tuesday February 22nd, 2022

*Paid with Procurement Card

Vendor	Description	Invoice Number	Amount	General	Other
Vendor AIM Engineering	Description General Engineering through 02/04/22	Invoice Number 211384-3	Amount \$ 4,806.25	4806.25	
Vendor AIM Engineering	Description Engineering Estimate for Section 10 Concept Plan through 02/04/22 - P.O. #1190	Invoice Number 211364-4	Amount \$ 19,935.00	19935.00	
Vendor AIM Engineering	Description Weir S-VL-1 Control Structure Replacement Project - Post Design Services through 02/04/21 - P.O. #1195	Invoice Number 201093-16	Amount \$ 1,942.50	1942.50	
Vendor AIM Engineering	Description Caloosahatchee River & Estuary Storage & Treatment (CREST) Project - P.O. #1184 through 02/04/22	Invoice Number 191026-24	Amount \$ 7,513.75	7513.75	
		Total AIM Engineering:	\$ 34,197.50		
Vendor Hultman Sensenig & Joshi, P.A.	Description Matter: General through 01/31/21	Invoice Number 18663	Amount \$ 6,775.00	6775.00	
		Total Hultman Sensenig & Joshi, P.A.:	\$ 6,775.00		
Vendor Lewis Longman Walker	Description 2022 Legislative Representation	Invoice Number MCL-145375	Amount \$ 3,600.00	3600.00	
Vendor Lewis Longman Walker	Description General Counsel through 01/31/22	Invoice Number WGC-145549	Amount \$ 5,136.50	5136.50	
Vendor Lewis Longman Walker	Description General Counsel through 12/14/21	Invoice Number WGC-145152	Amount \$ 4,316.00	4316.00	
		Total Lewis Longman Walker:	\$ 13,052.50		
Vendor Purvis Gray & Company	Description Independent Auditor's Report Progress Billing for YE 09/30/21	Invoice Number 50042	Amount \$ 19,500.00	19500.00	
		Total Purvis Gray & Company:	\$ 19,500.00		
TOTAL DISBURSEMENTS:			\$ 73,525.00		
General Fund Total			\$ 73,525.00		
Other Funding Total			-		
General and Other Total			\$ 73,525.00		



AIM Engineering & Surveying, Inc.

Corporate Office
2161 Fowler Street
Suite 100
Fort Myers, FL 33901

239-332-4569
800-226-4569
Fax: 855-731-7971
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Lehigh Acres Municipal Services Improvement District
601 East County Lane
Lehigh Acres, FL 33936

Invoice number 211384-3
Date 2/9/2022

Professional Services through February 4, 2022

Project 211384 - General Engineering FY 2021/2022
Employee Type / Activity

Employee Type / Activity	Date	Hours	Rate	Amount	
General Engineering					
Engineering Manager, P.E.					
S. Neff	LAMSID Annual Engineers Report	01/12/22	0.50	185.00	92.50
	Annual Engineers Report	01/13/22	1.50	185.00	277.50
Engineering Manager Subtotal			2.00		370.00
Engineering Manager, P.E.					
D. Schroeder	Yearly & Monthly Engineering Reports	01/14/22	3.00	185.00	555.00
	Hendry Canal Widening WQ analysis coordination	01/18/22	0.50	185.00	92.50
	LAMSID Board Meeting	01/24/22	2.50	185.00	462.50
	Hendry Canal Widening WQ analysis	01/27/22	1.00	185.00	185.00
	Hendry Canal Widening WQ analysis	02/02/22	0.50	185.00	92.50
Engineering Manager Subtotal			7.50		1,387.50
Designer / Engineer Intern					
J. Wagenhoffer	Annual report assistance	01/13/22	0.75	85.00	63.75
	Hendry Extension Canal coordination & research	01/25/22	6.50	85.00	552.50
	Hendry Extension Canal coordination & research	01/26/22	1.50	85.00	127.50
	Hendry Canal Widening Nutrient Analysis	01/28/22	2.00	85.00	170.00
	Hendry Extension Widening Analysis	01/31/22	1.50	85.00	127.50
	Hendry Extension Widening Analysis	02/02/22	1.00	85.00	85.00
Designer/Engineer Intern Subtotal			13.25		1,126.25
Task Total					\$2,883.75

DEPT 1 DB 2/9/22
 CODE 01-3130
 DEPT 2 _____
 CODE _____
 MANAGER MSP 2/9/22

ENTERED

Review Permits

Engineering Manager

D. Schroeder 185.00 0.00

Sr Project Engineer

R. Kerfoot	Permit review for permits #22-01 & #2202	01/11/22	1.00	145.00	145.00
	Permit review for LA-FD Sunshine N STA Dewatering	01/11/22	0.50	145.00	72.50
	Permit review for #22-03	01/24/22	1.50	145.00	217.50

Engineer Intern

J. Wagenhoffer	Permit No. 22-01 & 22-02	01/10/22	0.50	85.00	42.50
	Permit No. 22-01 & 22-02	01/11/22	4.25	85.00	361.25
	Permit No. 22-01 & 22-02	01/12/22	2.25	85.00	191.25
	Permit No. 22-03 drainage review	01/21/22	2.00	85.00	170.00
	Permit No. 22-03 general permit & dry hydrant	01/24/22	7.75	85.00	658.75
	Permit No. 22-03 & 22-04 recommendations submittal	02/04/22	0.75	85.00	63.75

Task Total **\$1,922.50**

2021/2022 General Engineering Billing Totals:	
Contracted Amour	\$60,000.00
Total to Date	\$16,315.00
Previous Billing	\$11,508.75
Total this Period	\$4,806.25

Invoice Total **\$4,806.25**

Please remit payment to:
 2161 Fowler Street, Suite 100
 Fort Myers, FL 33901



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2161 Fowler Street
Suite 100
Fort Myers, FL 33901

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Lehigh Acres Municipal Services Improvements District
601 East County Lane
Lehigh Acres, FL 33936

Invoice Number: 211364-4

Date: 2/9/2022

Professional services rendered thru February 4, 2022

Purchase Order # 1190

Engineering Estimate for Section 10 Concept Plan

	Task Title	Amount of Compensation	Basis of Compensation	Percent Complete	Fee Earned To Date	Less Previous Billing	Amount Due This Billing
1	Design	\$385,000.00	Lump Sum	12.70%	\$48,876.25	\$28,941.25	\$19,935.00
		\$385,000.00		12.70%	\$48,876.25	\$28,941.25	\$19,935.00

Fee Earned To Date \$48,876.25

Less Previous Payments \$28,941.25

Amount Due This Billing \$19,935.00

Please remit payment to:
2161 Fowler Street, Suite 100, Fort Myers, FL 33901

Thank you

DEPT 1 DB 2/9/22
 CODE P.O. #1190 Task 5
 DEPT 2 _____
 CODE _____
 MANAGER MS 2/9/22

ENTERED



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Lehigh Acres Municipal Services Improvements District
601 East County Lane
Lehigh Acres, FL 33936

Invoice Number: 201093-16

Date: 2/9/2022

Professional services rendered thru February 4, 2022

Purchase Order # 1195

Weir S-VL-1 Water Control Structure Replacement Project - POST DESIGN SERVICES

	Task Title	Amount of Compensation	Basis of Compensation	Percent Complete	Fee Earned To Date	Less Previous Billing	Amount Due This Billing
1	Post Design Services	\$27,500.00	Lump Sum	42.82%	\$11,776.75	\$9,834.25	\$1,942.50
		\$27,500.00		42.82%	\$11,776.75	\$9,834.25	\$1,942.50

Fee Earned To Date	\$11,776.75
Less Previous Payments	<u>\$9,834.25</u>
Amount Due This Billing	<u>\$1,942.50</u>

Please remit payment to:
2161 Fowler Street, Suite 100, Fort Myers, FL 33901

Thank you

DEPT 1 MSL 2/9/22
 CODE P.O. #1195
 DEPT 2 _____
 CODE _____
 MANAGER MSL 2/9/22

ENTERED
[Signature]



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Lehigh Acres Municipal Services Improvements District
601 East County Lane
Lehigh Acres, FL 33936

Invoice Number: 191026-24

Date: 2/9/2022

Professional services rendered thru February 4, 2022

Purchase Order # 1184

Caloosahatchee River & Estuary Storage & Treatment (C.R.E.S.T) Project

	Task Title	Amount of Compensation	Basis of Compensation	Percent Complete	Fee Earned To Date	Less Previous Billing	Amount Due This Billing
1	Project Phasing Plans	\$39,064.00	Lump Sum	99.32%	\$38,799.25	\$36,792.75	\$2,006.50
2	Additional Environmental Services	\$14,875.00	Lump Sum	21.65%	\$3,220.00	\$2,070.00	\$1,150.00
3	Phase 1 Post Design	\$10,992.00	Lump Sum	39.64%	\$4,357.25	\$0.00	\$4,357.25
4	Phase 1 Construction Services	\$14,392.00	Lump Sum	0.00%	\$0.00	\$0.00	\$0.00
		\$79,323.00		58.47%	\$46,376.50	\$38,862.75	\$7,513.75

Fee Earned To Date \$46,376.50

Less Previous Payments \$38,862.75

Amount Due This Billing \$7,513.75

Please remit payment to:
2161 Fowler Street, Suite 100, Fort Myers, FL 33901

Thank you

DEPT 1 DB 2/9/22 Line 1 2,006.50
 CODE P.O. # 1184 Line 2 1,150.00
 DEPT 2 _____ Line 3 4,357.25
 CODE _____
 MANAGER MSC 2/9/22

ENTERED

Hultman + Joshi, P.A.

2055 Wood St, Ste 208

Sarasota, FL 34237

Phone: 941-218-2800 | Fax: 941-218-2801

INVOICE

LAMSID-Lehigh Muni Services Improvement Distr
dmarch@la-msid.com cvaldez@la-msid.com
601 East County Lane
Lehigh, FL 33936

Invoice Date: February 04, 2022
Invoice Number: 18663
Invoice Amount: \$6,775.00

Matter: General

Attorney's Fees

1/2/2022	Confer with and correspond on multiple occasions with Dave and Carla regarding employee to be placed on leave pending investigation.	N.J.	1.00	\$250.00
1/3/2022	Correspond with Carla about today's handling of matter, and Wednesday's interviews, and then review interview list, and confer with Dave Lindsay.	N.J.	.50	\$125.00
1/4/2022	Prepare for tomorrow's investigatory interviews relating to complaint filed by current employee involving another employee, and make notes accordingly for areas to be reviewed/addressed.	N.J.	2.30	\$575.00
1/4/2022	Prepare response to audit letter request from District.	N.J.	.30	\$75.00
1/5/2022	Travel to and from Lehigh Acres (Half-Charge - 4.0 reduced to 2.0)	N.J.	2.00	\$500.00
1/5/2022	Attend to investigatory interviews of several employees at District. Following interviews, make notes to address with subject of complaint during his interview to be set.	N.J.	9.50	\$2,375.00
1/6/2022	Attend call with Dave Lindsay to update matter.	N.J.	.40	\$100.00
1/10/2022	Review letter from attorney Noonan regarding employee at issue. Confer with District officials to review/analyze with District officials and need to incorporate into ongoing investigation.	N.J.	1.30	\$325.00
1/11/2022	Attend interview of another witness in investigation involving employee subject to a complaint.	N.J.	.60	\$150.00
1/11/2022	Evaluate additional information/documents provided by HR relating to employee under investigation.	N.J.	1.30	\$325.00
1/11/2022	Correspond with attorney GERALYN Noonan about	N.J.	.20	\$50.00

	January 7 letter.			
1/12/2022	Receive confirming correspondence from Noonan office regarding delivery of employee's allegations.	N.J.	.20	\$50.00
1/12/2022	Review separate correspondence from Noonan regarding process etc. and respond accordingly.	N.J.	.50	\$125.00
1/20/2022	Prepare for and attend interview by zoom of Mike Cook.	N.J.	1.60	\$400.00
1/25/2022	Attend call with management to discuss various items. Correspond with Noonan, counsel for Cooley about scheduling.	N.J.	1.10	\$275.00
1/27/2022	Correspond with Noonan on scheduling.	N.J.	.20	\$50.00
1/31/2022	Attend call with management to discuss recent developments and address accordingly.	N.J.	.50	\$125.00
1/31/2022	Research Florida public whistleblower statute and Florida administrative procedures to determine/evaluate the demands made by attorney Noonan regarding Cooley process.	N.J.	3.60	\$900.00
SUBTOTAL:			27.10	\$6,775.00

Costs

SUBTOTAL: \$0.00

TOTAL \$6,775.00
PREVIOUS BALANCE DUE \$0.00

CURRENT BALANCE DUE AND OWING \$6,775.00

	INIT	DATE
DEPT 1	<u>DB</u>	<u>2/8/22</u>
CODE	<u>01-3100</u>	
DEPT 2	_____	
CODE	_____	
MANAGER	<u>Prof</u>	<u>2/8/22</u>

ENTERED

Hultman + Joshi, P.A.

2055 Wood St, Ste 208

Sarasota, FL 34237

Phone: 941-218-2800 | Fax: 941-218-2801

Account Statement

Prepared for LAMSID-Lehigh Muni Services Improvement Distr

Re: General

Previous Balance	\$0.00
Current Charges	\$6,775.00
New Balance	\$6,775.00
Payments	(\$1,150.00)
Adjustments	\$0.00
 Now Due	 \$6,775.00



LLW

**LEWIS
LONGMAN
WALKER**

360 South Rosemary Avenue
Suite 1100
West Palm Beach, FL 33401
Tel 561-640-0820
Fax 561-640-8202
Tax ID No. 65-0500793

Lehigh Acres Municipal Services Improvement District
c/o Mr. David E. Lindsay
601 East County Lane
Lehigh Acres, FL 33936

January 21, 2022
Invoice No. MCL-145375

CLIENT: 1208 - Lehigh Acres Municipal Services Improvement District
Re: 006 Legislative Representation 2021
VIA ELECTRONIC MAIL

Total for Services **\$3,600.00**

Total for Services and Expenses **\$3,600.00**

	INIT	DATE
DEPT 1	<u>DB</u>	<u>1/25/22</u>
CODE	<u>PO # 1196</u>	
DEPT 2		
CODE		
MANAGER	<u>Dej</u>	<u>1-31-22</u>

ENTERED

Invoice No. MCL-145375
Invoice Date: January 21, 2022
Client Code: 1208
Client Name: Lehigh Acres Municipal Services Improvement District
Matter Code: 006
Matter Name: Legislative Representation 2021

Total for Services and Expenses

\$3,600.00

Amount enclosed: _____

Please remit checks to:

Lewis, Longman & Walker, P.A.
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West Palm Beach, FL 33401
Tel 561-640-0820
Fax 561-640-8202
Tax ID No. 65-0500793

Lehigh Acres Municipal Services Improvement District
c/o Mr. David E. Lindsay
601 East County Lane
Lehigh Acres, FL 33936

February 9, 2022
Invoice No. WGC-145549

CLIENT: 1208 - Lehigh Acres Municipal Services Improvement District
Re: 007 General Counsel
VIA ELECTRONIC MAIL

Date		Services	Hours
01/03/22	WGC	Review request from auditors; initiate response inquiries.	0.60
01/05/22	TEL	Prepare audit response letter.	1.10
01/06/22	TEL	Conference with S. Behn regarding Nickel sign; review S. Behn memorandum.	0.60
01/07/22	SCB	Review County's revisions for the Nickel sign and forward to D. Lindsay with comments; email exchange with D. Lindsay regarding meeting requirements.	1.10
01/12/22	SCB	Follow up review and email exchange with County staff regarding the Nickel sign.	0.40
01/13/22	TEL	Review Board meeting agenda.	0.70
01/18/22	TEL	Work on Lee County agreement.	0.80
01/20/22	SCB	Email exchange with County Real Estate regarding "Nickel" sign agreement; review and forward final agreement with exhibits to D. Lindsay for execution.	0.50
01/21/22	SCB	Review agenda; telephone conference with D. Lindsay regarding agenda and Tallahassee; telephone conference with C. Lyon regarding bill status.	1.20

DEPT 1 NB 2/10/22
 CODE 01-3100
 DEPT 2 _____
 CODE _____
 MANAGER _____

ENTERED
[Signature]

[Handwritten signature]

Client Ref: 1208 - 007
Invoice No. WGC-145549

February 9, 2022
Page 2

Date		Services	Hours
01/24/22	SCB	Draft Interlocal Agreement with County for assumption of streetlighting powers; forward to T. Lewis and W. Capko for review; review final agenda and attend Board of Supervisors' meeting; work session with T. Lewis.	5.50
01/24/22	WGC	Review summary of action taken at Board meeting; begin review of documents regarding streetlighting interlocal.	0.40
01/24/22	TEL	Conference and work session with S. Behn regarding Board meeting.	0.70
01/26/22	TEL	Work session regarding Lee County agreement.	0.70
01/26/22	SCB	Email exchange with L. Taylor regarding disposition of final Nickel sign agreement documents; work session with T. Lewis.	0.70
01/31/22	TEL	Review and revise draft Lee County agreement; conference and work session with S. Behn.	1.30
01/31/22	SCB	Review Interlocal Agreement for streetlighting with T. Lewis; amend as directed and forward to T. Lewis.	1.20

Summary of Services

		Rate	Hours	Amount
SCB	Behn, Seth C.	260.00	10.60	2,756.00
WGC	Capko, William G.	345.00	1.00	345.00
TEL	Lewis, Terry E.	345.00	5.90	2,035.50
Total for Services			17.50	\$5,136.50

Client Ref: 1208 - 007
Invoice No. WGC-145549

February 9, 2022
Page 3

Total for Services and Expenses	<u><u>\$5,136.50</u></u> *
Previous Balance	28,830.65
Payments Since Last Invoice	-24,514.65
Amount Due	<u><u>\$9,452.50</u></u>

Open Invoices for this Matter

Date	Invoice No.	Amount Billed	Amount Paid	Amount Due
01/13/22	145152	4,316.00	0.00	<u>4,316.00</u>
Outstanding Amount Due:				4,316.00

Current and Outstanding Amount Due: \$9,452.50

Invoice No. WGC-145549
Invoice Date: February 9, 2022
Client Code: 1208
Client Name: Lehigh Acres Municipal Services Improvement District
Matter Code: 007
Matter Name: General Counsel

Total for Services and Expenses	<u><u>\$5,136.50</u></u>
Previous Balance	28,830.65
Payments Since Last Invoice	-24,514.65
Amount Due	<u><u>\$9,452.50</u></u>

Amount enclosed: _____

Please remit checks to:

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PO Box 628742
Orlando, FL 32862-8742

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**LEWIS
LONGMAN
WALKER**

DEPT 1
CODE
DEPT 2
CODE
MANAGER

INIT DATE
DB 11/3/22
01-3100 4,316
Def 1-18-22

360 South Rosemary Avenue
Suite 1100
West Palm Beach, FL 33401
Tel 561-640-0820
Fax 561-640-8202
Tax ID No. 65-0500793

ENTERED

Lehigh Acres Municipal Services Improvement District
c/o Mr. David E. Lindsay
601 East County Lane
Lehigh Acres, FL 33936

January 13, 2022
Invoice No. WGC-145152

CLIENT: 1208 - Lehigh Acres Municipal Services Improvement District
Re: 007 General Counsel
VIA ELECTRONIC MAIL

Date		Services	Hours
12/01/21	TEL	Work session regarding Lighting District Agreement.	0.50
12/01/21	SCB	Email correspondence with D. Lindsay and T. Lewis regarding streetlighting issue; email County staff regarding proposal and request for meeting; follow up emails with D. Lindsay.	1.80
12/02/21	SCB	Correspondence with Lee County staff regarding streetlighting issue; work session with T. Lewis regarding street lighting; follow up with D. Lindsay.	1.50
12/06/21	TEL	Work session regarding lighting district agreement; prepare and send memorandum to P. Winton, et al.	0.60
12/06/21	SCB	Review proposed agreement for assumption of "Nickel" sign and provide initial comments to D. Lindsay.	1.30
12/07/21	TEL	Prepare and send memorandum to D. Lindsay regarding Hobe-St. Lucie case law; telephone conference with D. Lindsay regarding Commissioner Mann letter.	1.70
12/07/21	SCB	Email exchange with D. Lindsay regarding additional comments on agreement with Lee County for the "Nickel" sign; incorporate changes to agreement and forward to Lee County staff.	1.50
12/08/21	TEL	Prepare and send memorandum to Commissioner Mann regarding lighting district strategy.	0.90

Client Ref: 1208 - 007
Invoice No. WGC-145152

January 13, 2022
Page 2

Date		Services	Hours
12/13/21	TEL	Review Board meeting agenda.	0.80
12/14/21	SCB	Telephone conference with D. Lindsay regarding all agenda items; work session with T. Lewis regarding streetlighting issues; review public records response and provide comments to staff; email exchange with Lee County staff regarding additional comments on Nickel sign agreement; attend District Board of Supervisors' meeting via Zoom.	3.60
12/14/21	TEL	Work session regarding Lee County agreements.	0.70

Summary of Services

		Rate	Hours	Amount
SCB	Behn, Seth C.	260.00	9.70	2,522.00
TEL	Lewis, Terry E.	345.00	5.20	1,794.00
Total for Services			14.90	\$4,316.00

Total for Services and Expenses

\$4,316.00

Previous Balance

14,191.00

Payments Since Last Invoice

-0.00

Amount Due

\$18,507.00

Open Invoices for this Matter

Date	Invoice No.	Amount Billed	Amount Paid	Amount Due
12/09/21	144714	8,051.50	0.00	8,051.50
12/09/21	144715	6,139.50	0.00	6,139.50

Outstanding Amount Due:

14,191.00

Current and Outstanding Amount Due:

\$18,507.00

Invoice No. WGC-145152
Invoice Date: January 13, 2022
Client Code: 1208
Client Name: Lehigh Acres Municipal Services Improvement District
Matter Code: 007
Matter Name: General Counsel

Total for Services and Expenses	<u><u>\$4,316.00</u></u> *
Previous Balance	14,191.00
Payments Since Last Invoice	-0.00
Amount Due	<u><u>\$18,507.00</u></u>

Amount enclosed: _____

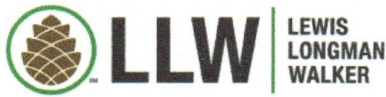
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Reply to: West Palm Beach

MEMORANDUM

TO: Lehigh Acres Municipal Services Improvement District
FROM: William G. Capko, Esquire *wgc*
DATE: January 13, 2022
SUBJECT: 2022 Hourly Billing Rates and Update on Payments and Costs

Happy New Year! In accordance with our Engagement Agreement with you, please find enclosed our Firm’s 2022 Hourly Billing Rates. In adjusting these rates, we considered current market conditions, the services we provide and the costs that are included in the rate. In addition, in our effort to continue to reduce costs to clients, our firm will no longer charge you for postage. We are confident that our 2022 rates are fair and highly competitive within our areas of practice and for our range of experience. We have also decided that we will no longer accept American Express for payment of client invoices. However, we will continue to accept Visa, Mastercard, Discover and direct bank payments (e-checks) on our secure payment portal.

We remain committed to providing you with the best possible legal services. To this end we have assembled one of the best legal teams in Florida. We also continue to make significant investments in our technology that are needed in order to provide the standard of service that you expect. We value your trust, and we are committed to validating that trust.

Next month’s invoice will reflect the 2022 rates and reduction in costs. Please do not hesitate to call me if you have any questions, or if you would like to discuss any of these changes.

01593781-1

JACKSONVILLE
245 Riverside Ave.,
Suite 510
Jacksonville, Florida 32202
T: 904.353.6410
F: 904.353.7619

ST. PETERSBURG
100 Second Ave., South
Suite 501-S
St. Petersburg, Florida 33701
T: 727.245.0820
F: 727.290.4057

TALLAHASSEE
315 South Calhoun St.,
Suite 830
Tallahassee, Florida 32301
T: 850.222.5702
F: 850.224.9242

TAMPA
301 West Platt St.
Suite 364
Tampa, Florida 33606
T: 813.775.2331

WEST PALM BEACH
360 South Rosemary Ave.,
Suite 1100
West Palm Beach, FL 33401
T: 561.640.0820
F: 561.640.8202

ATTACHMENT 1

2022 Hourly Rates

	<u>Rates</u>	
Shareholders & Senior Attorneys	\$285.00 -	\$355.00
Attorneys	\$245.00 -	\$275.00
Paralegals	\$215.00	
Law Clerks	\$195.00	

PURVIS GRAY

P.O. Box 141270 Gainesville, Florida 32614
(352) 378-2461

LEHIGH ACRES MUNICIPAL SVC. IMPROVEMENT DIST.
ATTN: DANA MARCH
601 EAST COUNTY LANE
LEHIGH ACRES, FL 33936

Invoice No. 50042
Client No. 05014.0
Date: Friday, January 28, 2022

Second Progress Billing

Independent Auditor's Report on Financial Statements, Reports on Internal Control and Compliance with Laws and Regulations, State Single Audit Reports, Investment Attestation Report, and Auditor General's Management Letter for the Year Ended September 30, 2021

Completion of Lehigh Acres Municipal Services Improvement District Audit
Fieldwork

RECEIVED

JAN 31 2022

LEHIGH ACRES
MUNICIPAL SERVICES
IMPROVEMENT DISTRICT

Audit Fee Per Engagement Letter	\$ 25,500.00
Financial Statement Write-Up Fee	<u>3,000.00</u>
	28,500.00
Single Audit Fee Per Engagement Letter	<u>3,000.00</u>
Total Fee	31,500.00
Percent Complete	<u>80%</u>
	25,200.00
(Amount Paid To-Date)	<u>(5,700.00)</u>
Current Amount Due	\$ <u>19,500.00</u>

Due upon receipt. A finance charge of 1.5% per month will be added to the balance over 30 days past due, which is an annual percentage rate of 18%.

Checks should be made payable and mailed to:

Purvis, Gray & Company, LLP
P.O. Box 141270
Gainesville, FL 32614

*** To Ensure Proper Posting to your account, please return this portion with your payment***

LEHIGH ACRES MUNICIPAL SVC. IMPROVEMENT DIST.

Client No.05014
Invoice No. 50042

Amount Paid \$ _____

ENTERED
EW

	INIT	DATE
DEPT 1	MB	2/2/22
CODE	01-3200	
DEPT 2		
CODE		
MANAGER	Phf	2-3-22

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Approval of Minutes- January 24, 2022 Regular Meeting

Meeting Date: February 22, 2022

Agenda Item # 2B

CONSENT ACTION OLD BUSINESS] NEW BUSINESS

Request Initiated By: COMMISSIONER _____] ATTORNEY

BOARD MANAGER ENGINEER] AUDITOR

1 **Recommended Motion:** Move to approve the minutes of the _____ January 24, 2022 Regular Meeting.

2 **What the action accomplishes:** Memorializes the Board Meetings as per Florida Statute.

3 **Fiscal Impact:** 4 hours staff time

4 **Staff comments:**

5 **Staff review and recommended approval:**

MANAGER ASSISTANT DISTRICT MGR

ATTORNEY FIELD DIRECTOR

ENGINEER FINANCE DIRECTOR

6 **Board Action:**

APPROVED DENIED DEFERRED

LET IT BE KNOWN that the “Lehigh Acres Municipal Services Improvement District” held its regularly scheduled annual Board meeting at 6:00 P.M. in the Barrett Room, 601 East County Lane, Lehigh Acres, FL 33936, with various members of the public and the following Commissioners and staff present:

Attendance

CHAIR: Julie Camp
VICE CHAIR: Michael Bonacolta
SECRETARY: Katy Hoover
TREASURER: Julie Hollingsworth
COMMISSIONER: Kenneth K. Thompson

STAFF: David E. Lindsay, District Manager
Mike Cook, Assistant District Manager (Virtual)
Tim Browning, IT
Carla Brantley, Resource & Relations Director (Virtual)
London Taylor, Administrative Support Specialist I
Derek Bell, Senior Accountant

ATTORNEY: Seth Behn, Lewis, Longman & Walker (Virtual)

ENGINEER: Daniel Schroeder, AIM Engineering

ANNUAL MEETING AGENDA

1. **Preliminaries**
 - A. Call to Order
 - B. Roll Call
 - C. Invocation & Pledge of Allegiance
 - D. Presentation of Awards
 - E. Election of Officers
 - F. Move, Remove and Add Agenda Items
 - G. Approval of Agenda
 - H. Public Comment for Agenda Items and Non-agenda Items
 - I. Action on Removed Consent Items
 - J. Approval of Consent Agenda
2. **Consent Agenda**
 - A. Invoices and Change Orders
 - B. December 14, 2021 Regular Meeting
 - C. Permit #21-11 Panda Express – 2523 Lee Blvd.
 - D. Permit #22-01 LCMC Park Road Driveway
 - E. Permit #22-02 LCMC Sunset Road Driveway Culvert
 - F. Permit #22-05 Dewatering for Fire Station #106
 - G. FDEP Contract LPA-0064 – Time Extension
- 3) **Action Agenda**
 - A. Good Cause
 - B. 2020/2021 Goal Attainment
 - C. 2020/2021 Engineer’s Annual Report
 - D. Lee County Nickel Sign
 - E. Caracara Migration Observation Contract – AIM Engineering
 - F. Lewis, Longman & Walker Rate Increase
- 4) **Discussion Agenda**
 - A. Old Business
 1. Walkway Bridges
 2. Streetlight Plan
 3. Review of Policy, Section 4 – Permitting
 4. HB 4435 – Lehigh Acres Municipal Services Improvement District Caloosahatchee River & Estuaries Storage & Treatment Phase III
 - B. New Business

- C. Commissioner's Request
 - D. Engineer's Report
 - E. Attorney's Report
 - F. Staff and Financial Report
 - G. Treasurer's Report
 - H. Secretary's Report
- 5) **Adjournment**

1. PRELIMINARIES

A. CALL TO ORDER

Chair Thompson called the meeting to order at 6:00 p.m.

B. ROLL CALL

Deputy Secretary took roll. There is a quorum present in the room.

C. INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Camp led the invocation. Commissioner Hollingsworth led the pledge.

D. PRESENTATION OF AWARDS

Commissioner Camp thanked Chair Thompson for his service as Chair and presented him with a plaque.

E. ELECTION OF OFFICERS

Chair Thompson stated that it is the District's existing policy; the Vice-Chair automatically becomes the Chair. He added that January is formally when the Municipal conducts its annual meeting. Typically the Board uses a hierarchical rotational method to achieve this goal. At this annual meeting, the commissioners will select the Chair, Vice-Chair, Treasurer, Secretary and the Commissioner for the next 12 months.

*2022 Slate of Officers:
Chair Camp
Vice-Chair Bonacolta
Treasurer Hollingsworth
Secretary Hoover
Commissioner Thompson*

- *Move to approve the slate of 2022 Officers for approval.*
 - *Commissioner Bonacolta moved*
 - *Commissioner Hoover seconded*
- *Motion was unanimously approved.*

(District staff takes a few moments to move the Commissioners' plaques.)

Chair Thompson said a few words and passed the gavel to Commissioner Camp. Commissioner Camp is now installed as Chair.

- *Move to appoint Carla Brantley as the Board's Deputy Secretary or London Taylor as the Board's Deputy Secretary Designee.*
 - *Commissioner Bonacolta moved*
 - *Commissioner Hoover seconded*
- *Motion was unanimously approved.*

F. MOVE, REMOVE AND ADD AGENDA ITEMS

Manager Lindsay asked to remove the following Agenda Items:

3A – Good Cause

- *Move to remove Agenda Item: 3A from the agenda.*
 - *Commissioner Bonacolta moved*
 - *Commissioner Hollingsworth seconded*
- *Motion was unanimously approved.*

G. APPROVAL OF AGENDA

- *Move to approve the Agenda with the recommendations made by the Manager.*
 - *Commissioner Hoover moved*
 - *Commissioner Hollingsworth seconded*
- *Motion was unanimously approved.*

H. PUBLIC COMMENT FOR AGENDA ITEMS

The Chair called for public comment. There was none.

I. ACTION ON REMOVED CONSENT ITEMS

None.

J. APPROVAL OF CONSENT AGENDA

- *Move to approve the Consent Agenda as presented.*
 - *Commissioner Bonacolta moved*
 - *Commissioner Hoover seconded*
- *Motion was unanimously approved*

2. CONSENT AGENDA

A. Invoices and Change Orders

Move to approve all invoices as stated on the Summary Sheet.

B. Approval of Minutes – December 14, 2021 Regular Meeting

Move to approve the minutes from the December 14, 2021 Regular Meeting.

- C. Permit #21-11 Panda Express – 2523 Lee Blvd.**
Move to approve Permit 2021-11 Panda Express, with any listed stipulations.
- D. Permit #22-01 LCMC – Park Road Driveway**
Move to approve Permit #2022-01 LCMC Park Road Driveway, with any listed stipulations.
- E. Permit #22-02 LCMC – Sunset Road Driveway Culvert**
Move to approve Permit #2022-02 LCMC Sunset Road Driveway Culvert, with any listed stipulations.
- F. Permit #22-05 Dewatering for Fire Station #106**
Move to approve Permit #22-05 Dewatering for Fire Station #106, with any listed stipulations.
- G. FDEP Contract LPA-0064 – Time Extension**
Move to approve the FDEP Contract LPA-0064 – Time Extension for the CREST Design.

3. ACTION AGENDA

- A. Good Cause**
None.
- B. 2020/2021 Goal Attainment Report**
 - *Move to accept the 2020/2021 Goal Attainment Report.*
 - *Commissioner Hollingsworth moved*
 - *Commissioner Thompson seconded*
 - *Motion was unanimously approved.*

Manager Lindsay provided an overview. District staff met 40 out of 44 goals, with 2 goals still in motion. Discussion ensued.

- C. 2021/2021 Engineer’s Annual Report**

District Engineer Schroeder provided an overview.

- *Move to accept the 2020/2021 Engineer’s Annual Report.*
 - *Commissioner Bonacolta moved*
 - *Commissioner Hollingsworth seconded*
- *Motion was unanimously approved.*

No discussion.

- D. Lee County Nickel Sign**

Manager Lindsay provided and overview.

- *Move to approve the Lehigh Acres Welcome Sign License Agreement with all of its attachments.*
 - *Commissioner Hoover moved*
 - *Commissioner Bonacolta seconded*

- *Motion was unanimously approved.*

No discussion.

E. Caracara Migration Observation Contract – AIM Engineering

District Engineer Schroeder provided an overview.

- *Move to approve the “Formal Caracara Survey” services Contract for AIM Engineering at \$12,250.00.*
 - *Commissioner Thompson moved*
 - *Commissioner Hollingsworth seconded*
- *Motion was unanimously approved.*

No discussion.

F. Lewis, Longman & Walker Rate Increase

District Attorney Behn provided an overview. Discussion ensued.

- *Move to approve the Lewis, Longman & Walker’s rate increase and schedule a review for any rate increases in the future for the October meeting.*
 - *Commissioner Thompson moved*
 - *Commissioner Hollingsworth seconded*
- *Motion was approved 4 to 1, with Commissioner Bonacolta voting nay.*

4. DISCUSSION AGENDA

A. Old Business

1. Walkway Bridges

Assistant Manager Cook provided an update of the progress. Discussion ensued.

2. Streetlighting Plan

District Attorney Behn provided an overview. Discussion ensued. District Attorney Behn is working on a draft of the plan by February 2, 2022.

3. Review of Policy, Section 4 – Permitting

Manager Lindsay said staff is still working on the policy.

4. HB 4435 – Lehigh Acres Municipal Improvement District Caloosahatchee River & Estuaries Storage & Treatment Phase III

District Attorney Behn provided an overview.

B. New Business

C.

None.

D. Commissioner's Request

Discussion ensued.

E. Engineer's Report

Report is in the packet.

F. Attorney's Report

Report is in the packet.

G. Staff and Financial Report

Report is in the packet.

H. Treasurer's Report

Report is in the packet.

I. Secretary's Report

None.

5. ADJOURNMENT

Motion to adjourn was made by Commissioner Hoover. Seconded by Commissioner Thompson. All in favor.
Meeting adjourned at 6:40 P.M.

Reviewed by: _____
Secretary, Katy Hoover

ADOPTED ON: February 22, 2022 _____
Chair, Julie Camp

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Rescind Lewis, Longman and Walker's Rate Increase Vote from January 24, 2022

Meeting Date: February 22, 2022

Agenda Item # 2C

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to rescind the vote Lewis, Longman and Walker's Rate Increase from January 24, 2022

What the action accomplishes: Provides a correction from a glitch that happened in LLW's administrative office.

Fiscal Impact: \$10.00 per hour.

Staff comments:

Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD SUPERINTENDENT
 ENGINEER CONTROLLER

Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: PER 2021-10, Riverhall Secondary Entrance

Meeting Date: February 22, 2022

Agenda Item # 2D

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Motion to approve the design, drainage and easements submitted to LA-MSID and permit 2021-10 with any stipulations.

What the action accomplishes: Allows River Hall (RH Venture II, LLC) to build a secondary road entrance over LA-MSID's Mackerel Canal (46-2-1) and gives them an easement to build it in.

Fiscal Impact: \$5,000

Staff comments: Developer's agreement and Landowner's agreement were both executed and all fees associated with them have been paid.

Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD SUPERINTENDENT
 ENGINEER CONTROLLER

Board Action:

APPROVED DENIED DEFERRED

**LEHIGH ACRES - MUNICIPAL SERVICES IMPROVEMENT DISTRICT
PERMIT**

THIS PERMIT is granted this 22nd day of February, 2022, by Lehigh Acres Municipal Services Improvement District (hereinafter referred to as “DISTRICT”), 601 East County Lane, Lehigh Acres, Florida 33936, to RH Venture II, LLC, 7807 Baymeadows Road E., Suite 205, Jacksonville, FL 32256, hereinafter referred to as the “Permittee”) as a non-exclusive permit for a secondary roadway crossing over Mackerel Canal (46-2-1) and provides a perpetual canal crossing easement over the canal right of way where the crossing will be built.

W I T N E S S E T H:

1. In the event the DISTRICT is not the fee title owner of the real property (the “Property”) to which this Permit is applicable, the Permittee agrees, prior to commencement, to obtain all necessary consents from the fee title owners of the Property.
2. This Permit does not constitute a waiver of the necessity by the Permittee to obtain such other necessary and appropriate permits required by other governmental bodies or agencies; therefore the Permittee, prior to commencement, is required to obtain any and all other applicable federal, state, and local permits required in connection with Permittee’s use of the Property and agrees that at all times it will comply with the requirements of all federal, state and local laws, ordinances, rules and regulations applicable or pertaining to the use of the Property by the Permittee.
3. Permittee understands and agrees that the use of the Property pursuant to this Permit is subordinate to the rights and interests of the DISTRICT and to the extent applicable that of the fee title owner of the Property. Further, Permittee does hereby stipulate that the Permittee is not relying upon any representations whatsoever by the DISTRICT regarding the DISTRICT’S right, title, interest, or ownership as to the Property for which this Permit is applicable.
4. The Permittee, by accepting this permit, specifically agrees to allow authorized District Personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - a. Having access to and copying any records that must be kept under the conditions of the permit;
 - b. Reviewing the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or District rules.
5. The DISTRICT specifically reserves the right to maintain its facilities located over, under or upon the Property; to make improvements; add additional facilities; maintain, construct or alter its roads; maintain any facilities, devices, or improvements on the Property which aid in or are necessary to the DISTRICT’S operation; and the right to enter upon the Property at all times for such purposes. Permittee understands that in the exercise of such rights and interest, the DISTRICT may require Permittee, at no cost to DISTRICT, to relocate, alter, or remove the Permittee’s facilities and equipment or other improvements made by Permittee pursuant to this Permit which interfere with or prevent the DISTRICT, in the DISTRICT’S opinion, from properly and faithfully constructing, improving and maintaining its facilities. If the Permittee should fail to relocate, alter, or remove the Permittee's facilities, equipment or other improvements made by the Permittee pursuant to this Permit within a reasonable time period following receipt of notice from the DISTRICT requesting same, then in that event the DISTRICT shall have the right to enter upon the lands and make such relocation, alterations or removal of the Permittee’s facilities, equipment/or other improvements at no cost to DISTRICT.

6. Permittee agrees that it will not use the Property in any manner which interferes with the DISTRICT'S use of the Property or causes a hazardous condition to exist.
7. The DISTRICT assumes no responsibility for the ownership, operation and/or maintenance of the Permittee's facilities as permitted herein.
8. The Permittee agrees to backfill any excavation it makes within the Property and to repair or replace (i) any below-grade authorized facilities and features located therein, including but not limited to: water, sewer, stormwater or irrigation facilities, structures or appurtenances and (ii) as to at or above-grade facilities and features, this requirement shall only be applicable to grasses and sod, sidewalks, and roadway improvements (the term roadway improvements shall include but not be limited to curbing, roadway base, sub grade and asphaltic or concrete surfaces) which are removed or damaged as a direct result of said excavation. Such repair or replacement shall substantially restore these features to their condition as it existed immediately prior to the event precipitating the excavation.
9. All below-grade Permittee installations, including water and sewer lines, whether sub aqueous or not, together with appurtenant facilities, shall be located underground and have a minimum ground cover of thirty inches (30") below original design profile grade, including District waterways and roadways.
10. All Permittee activity related to sub aqueous utility, water and/or sewer lines, including appurtenant facilities, shall be conducted in such fashion that the primary functional purpose of the canal or lake body facility, specifically flood control, within which the activity is taking place is not adversely affected. More specifically, sub aqueous construction shall conform to the criteria given in the Lehigh Acres Municipal Services Improvement District (Lehigh Acres – MSID) Administrative Policy and Procedures.
11. Permittee shall, at no expense to DISTRICT and within a reasonable time following notice, adjust the positions and elevations of its facilities as may be required in connection with future improvements to, or construction of, works of the DISTRICT.
12. Permittee does hereby indemnify and hold harmless the DISTRICT, its Board of Commissioners, officers, personnel, and it's Engineers against any claims, losses, damages (including consequential), expenses, or legal fees that might arise out or result from the implementation of the proposed project by the Permittee or that may be caused by a failure of DISTRICT facilities or property.
13. The Permittee shall be obligated at the time of submission of its Permit application, to provide a detail of any other existing improvements located over, under, upon or through the Property and the Permittee's accompanying plans and specifications shall clearly indicate how the Permittee will comply with required clearances between the requested permitted activity and existing improvements located over, under and upon the Property, including compliance with other permitted users duly adopted and published standards.
14. Permittee shall reimburse the DISTRICT for its legal, engineering and other expenses incurred as a result of the implementation of the proposed project.
15. If Permittee should violate any of the terms or conditions of the Permit and shall not correct or remedy same within ten (10) days of receiving written notice of said violation from the DISTRICT, then in that event, the DISTRICT may, at its option, revoke, cancel and terminate this Permit.
16. This Permit may not be assigned by the Permittee without the prior written approval of the DISTRICT.
17. Unless otherwise adjusted, modified or terminated as set forth hereinabove, including the Conditions

Permit No. 21-10

attached hereto, this Permit shall continue in full force and effect so long as Permittee complies with the terms of this Permit.

18. In any litigation, including breach, enforcement or interpretation arising out of this Permit, the prevailing party to this Permit shall be entitled to recover reasonable attorney's fees, costs and expenses related to said action from the non-prevailing party.
19. That attached hereto are Supplemental Conditions to this Permit which are incorporated herein and made a part hereof.

LEHIGH ACRES – MUNICIPAL SERVICES IMPROVEMENT DISTRICT

BY: _____

NAME TYPED: David E. Lindsay

TITLE: District Manager

SUPPLEMENTAL CONDITIONS TO PERMIT NO. 21-10

A. GENERAL CONDITIONS

1. Notification shall be given by the Permittee to the District Engineer, AIM Engineering, at 239-332-4569 forty-eight (48) hours prior to commencement of the permitted activity. The District Engineer shall establish points of construction, if applicable, which will require inspection by the District Engineer prior to construction of the permitted activity. When the Permittee considers the permitted activity complete, the Permittee shall notify the District Engineer and schedule an on-site final inspection which shall be held in the presence of a representative of the Permittee and the District Engineer.

2. The permitted activity shall be implemented, constructed and/or installed in full accordance with the approved plans and specifications. Deviations from the approved plans or specifications shall be coordinated with and approved by the District Engineer prior to implementation of any such deviation.

3. When working in a District road right-of-way, not more than one-half (1/2) of the road or street shall be closed and traffic shall be controlled so as to provide for the safety and minimum hindrance to the public. All traffic control operations shall conform to the most current issue of the Florida Department of Transportation publication "Manual on Traffic Controls and safe Practices for Street and Highway Construction, Maintenance and Utility Operations."

4. The District Engineer shall be the final authority as to the quality and quantity of the material and works required to satisfy the terms and conditions of this Permit as they relate to District improvements and facilities.

5. Upon completion of the permitted activity and after its final review and acceptance by the District Engineer THE PERMITTEE SHALL DELIVER TO THE DISTRICT OFFICE ONE COMPLETE SET OF THE FINAL "RECORD DRAWINGS." FAILURE TO PROVIDE THE FINAL RECORD DRAWINGS MAY RESULT IN THE REVOCATION, CANCELLATION AND TERMINATION OF THIS PERMIT.

6. The above Conditions shall be continuing obligations of the Permittee and shall be complied with in the event of any subsequent maintenance, repair, replacement or modification of the permitted improvement.

Stipulations:

- 1). Permit #21-10 is approved according to the plans signed and sealed January 25th, 2022.
- 2). Maintenance of the entire crossing, including the pipes, headwalls, drainage ditches, rip-rap, pavement and guardrail are the responsibility of the Permittee. The crossing must be periodically inspected by qualified personnel and maintained in a safe operating condition.
- 3). Permittee will be responsible for all mowing, weed eating and trash removal around the entire canal crossing.
- 4). Through access for LA-MSID mowing crews must be maintained at all times along the Mackerel Canal right of way.
- 5). An “As-Built” survey showing the completed improvements (including all drainage pipe inverts and structure elevations) must be submitted to Lehigh Acres - MSID within 30 days following completion of the improvements.

Recommendations:

- 1). Consider extending the proposed 54” pipes from 58’ long to 64’ long to allow for more desirable slopes behind the guardrails. An increase in pipe length will allow for meeting the FDOT/Florida Green Book requirements for guardrail lateral offsets from the travel lanes, miscellaneous asphalt around the guardrail posts and level ground provisions on the backside of the guardrail.
- 2). Assure that the guardrail end treatments (crash cushion or flare) will not interfere with the roadside drainage swales.

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: PER 2022-03, Dollar General Store – 3107 23rd St. SW

Meeting Date: February 22, 2022

Agenda Item # 2E

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve Permit 2022-03 Dollar General Store – 3107 23rd St. SW, with any listed stipulations.

What the action accomplishes: Allows Dollar General Store, to develop an commercial site at 3107 23rd St. SW, while certifying on their plans that their stormwater facilities are adequate and able to discharge less than 30 CSM.

Fiscal Impact: Permit Fees: \$1,250.00

Staff comments: Approved according to the plans signed and sealed December 29, 2021.

Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD SUPERINTENDENT
 ENGINEER CONTROLLER

Board Action:

APPROVED DENIED DEFERRED

**LEHIGH ACRES - MUNICIPAL SERVICES IMPROVEMENT DISTRICT
PERMIT**

THIS PERMIT is granted this 22nd day of February, 2022, by Lehigh Acres Municipal Services Improvement District (hereinafter referred to as "DISTRICT"), 601 East County Lane, Lehigh Acres, Florida 33936, to HSC Lehigh Acres, LLC, 805 Trione Road, Daphne, AL 36526, hereinafter referred to as the "Permittee") as a non-exclusive permit for a commercial development (10,640 +/- SF Retail Store) on a 1.74 acre parcel located at 3107 23rd St. SW, in Lehigh Acres, FL.

W I T N E S S E T H:

1. In the event the DISTRICT is not the fee title owner of the real property (the "Property") to which this Permit is applicable, the Permittee agrees, prior to commencement, to obtain all necessary consents from the fee title owners of the Property.
2. This Permit does not constitute a waiver of the necessity by the Permittee to obtain such other necessary and appropriate permits required by other governmental bodies or agencies; therefore the Permittee, prior to commencement, is required to obtain any and all other applicable federal, state, and local permits required in connection with Permittee's use of the Property and agrees that at all times it will comply with the requirements of all federal, state and local laws, ordinances, rules and regulations applicable or pertaining to the use of the Property by the Permittee.
3. Permittee understands and agrees that the use of the Property pursuant to this Permit is subordinate to the rights and interests of the DISTRICT and to the extent applicable that of the fee title owner of the Property. Further, Permittee does hereby stipulate that the Permittee is not relying upon any representations whatsoever by the DISTRICT regarding the DISTRICT'S right, title, interest, or ownership as to the Property for which this Permit is applicable.
4. The Permittee, by accepting this permit, specifically agrees to allow authorized District Personnel, upon presentation of credentials or other documents as may be required by law, access to the premises, at reasonable times, where the permitted activity is located or conducted for the purpose of:
 - a. Having access to and copying any records that must be kept under the conditions of the permit;
 - b. Reviewing the facility, equipment, practices, or operations regulated or required under this permit; and
 - c. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with this permit or District rules.
5. The DISTRICT specifically reserves the right to maintain its facilities located over, under or upon the Property; to make improvements; add additional facilities; maintain, construct or alter its roads; maintain any facilities, devices, or improvements on the Property which aid in or are necessary to the DISTRICT'S operation; and the right to enter upon the Property at all times for such purposes. Permittee understands that in the exercise of such rights and interest, the DISTRICT may require Permittee, at no cost to DISTRICT, to relocate, alter, or remove the Permittee's facilities and equipment or other improvements made by Permittee pursuant to this Permit which interfere with or prevent the DISTRICT, in the DISTRICT'S opinion, from properly and faithfully constructing, improving and maintaining its facilities. If the Permittee should fail to relocate, alter, or remove the Permittee's facilities, equipment or other improvements made by the Permittee pursuant to this Permit within a reasonable time period following receipt of notice from the DISTRICT requesting same, then in that event the DISTRICT shall have the right to enter upon the lands and make such relocation, alterations or removal of the Permittee's facilities, equipment/or other improvements at no cost to DISTRICT.
6. Permittee agrees that it will not use the Property in any manner which interferes with the DISTRICT'S

use of the Property or causes a hazardous condition to exist.

7. The DISTRICT assumes no responsibility for the ownership, operation and/or maintenance of the Permittee's facilities as permitted herein.
8. The Permittee agrees to backfill any excavation it makes within the Property and to repair or replace (i) any below-grade authorized facilities and features located therein, including but not limited to: water, sewer, stormwater or irrigation facilities, structures or appurtenances and (ii) as to at or above-grade facilities and features, this requirement shall only be applicable to grasses and sod, sidewalks, and roadway improvements (the term roadway improvements shall include but not be limited to curbing, roadway base, sub grade and asphaltic or concrete surfaces) which are removed or damaged as a direct result of said excavation. Such repair or replacement shall substantially restore these features to their condition as it existed immediately prior to the event precipitating the excavation.
9. All below-grade Permittee installations, including water and sewer lines, whether sub aqueous or not, together with appurtenant facilities, shall be located underground and have a minimum ground cover of thirty inches (30") below original design profile grade, including District waterways and roadways.
10. All Permittee activity related to sub aqueous utility, water and/or sewer lines, including appurtenant facilities, shall be conducted in such fashion that the primary functional purpose of the canal or lake body facility, specifically flood control, within which the activity is taking place is not adversely affected. More specifically, sub aqueous construction shall conform to the criteria given in the Lehigh Acres Municipal Services Improvement District (Lehigh Acres – MSID) Administrative Policy and Procedures.
11. Permittee shall, at no expense to DISTRICT and within a reasonable time following notice, adjust the positions and elevations of its facilities as may be required in connection with future improvements to, or construction of, works of the DISTRICT.
12. Permittee does hereby indemnify and hold harmless the DISTRICT, its Board of Commissioners, officers, personnel, and it's Engineers against any claims, losses, damages (including consequential), expenses, or legal fees that might arise out or result from the implementation of the proposed project by the Permittee or that may be caused by a failure of DISTRICT facilities or property.
13. The Permittee shall be obligated at the time of submission of its Permit application, to provide a detail of any other existing improvements located over, under, upon or through the Property and the Permittee's accompanying plans and specifications shall clearly indicate how the Permittee will comply with required clearances between the requested permitted activity and existing improvements located over, under and upon the Property, including compliance with other permitted users duly adopted and published standards.
14. Permittee shall reimburse the DISTRICT for its legal, engineering and other expenses incurred as a result of the implementation of the proposed project.
15. If Permittee should violate any of the terms or conditions of the Permit and shall not correct or remedy same within ten (10) days of receiving written notice of said violation from the DISTRICT, then in that event, the DISTRICT may, at its option, revoke, cancel and terminate this Permit.
16. This Permit may not be assigned by the Permittee without the prior written approval of the DISTRICT.
17. Unless otherwise adjusted, modified or terminated as set forth hereinabove, including the Conditions attached hereto, this Permit shall continue in full force and effect so long as Permittee complies with the

terms of this Permit.

18. In any litigation, including breach, enforcement or interpretation arising out of this Permit, the prevailing party to this Permit shall be entitled to recover reasonable attorney's fees, costs and expenses related to said action from the non-prevailing party.
19. That attached hereto are Supplemental Conditions to this Permit which are incorporated herein and made a part hereof.

LEHIGH ACRES – MUNICIPAL SERVICES IMPROVEMENT DISTRICT

BY: _____

NAME TYPED: David E. Lindsay

TITLE: District Manager

SUPPLEMENTAL CONDITIONS TO PERMIT NO. 22-03

A. GENERAL CONDITIONS

1. Notification shall be given by the Permittee to the District Engineer, AIM Engineering, at 239-332-4569 forty-eight (48) hours prior to commencement of the permitted activity. The District Engineer shall establish points of construction, if applicable, which will require inspection by the District Engineer prior to construction of the permitted activity. When the Permittee considers the permitted activity complete, the Permittee shall notify the District Engineer and schedule an on-site final inspection which shall be held in the presence of a representative of the Permittee and the District Engineer.

2. The permitted activity shall be implemented, constructed and/or installed in full accordance with the approved plans and specifications. Deviations from the approved plans or specifications shall be coordinated with and approved by the District Engineer prior to implementation of any such deviation.

3. When working in a District road right-of-way, not more than one-half (1/2) of the road or street shall be closed and traffic shall be controlled so as to provide for the safety and minimum hindrance to the public. All traffic control operations shall conform to the most current issue of the Florida Department of Transportation publication "Manual on Traffic Controls and safe Practices for Street and Highway Construction, Maintenance and Utility Operations."

4. The District Engineer shall be the final authority as to the quality and quantity of the material and works required to satisfy the terms and conditions of this Permit as they relate to District improvements and facilities.

5. Upon completion of the permitted activity and after its final review and acceptance by the District Engineer THE PERMITTEE SHALL DELIVER TO THE DISTRICT OFFICE ONE COMPLETE SET OF THE FINAL "RECORD DRAWINGS." FAILURE TO PROVIDE THE FINAL RECORD DRAWINGS MAY RESULT IN THE REVOCATION, CANCELLATION AND TERMINATION OF THIS PERMIT.

6. The above Conditions shall be continuing obligations of the Permittee and shall be complied with in the event of any subsequent maintenance, repair, replacement or modification of the permitted improvement.

Stipulations:

- 1). Permit #22-03 is approved according to the plans signed and sealed December 29th, 2021 with the following changes:
 - Provide a positive drainage overflow connection (3” bleeder and small diameter pipe) at invert elevation 28.1’ from the curb inlet in the parking area to the roadside swale.
 - Install a ditch-bottom inlet in lieu of the proposed junction box in the NE corner of the site with a grate elevation of 28.0’.
 - Grade both of the roadside swales toward the proposed ditch-bottom inlet in the NE corner.
 - Provide a driveway culvert pipe under the entrance to allow the roadside drainage swale to drain.
- 2). Maintenance of the entire on-site storm water management system, including the outfall pipe into the roadside swale are the responsibility of the Permittee.
- 3). Prior to starting construction of the stormwater management system, please submit a revised set of plans with the required changes, to Lehigh Acres – MSID.
- 4). An “As-Built” survey showing the completed improvements (including all drainage pipe inverts, all structure elevations and perimeter berm elevations) must be submitted to Lehigh Acres - MSID within 30 days following completion of the improvements.

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: 2022-2023 Budget Calendar

Meeting Date: February 22, 2022

Agenda Item # 2F

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

Recommended motion: Move to approve the 2022-2023 Budget Calendar.

What the action accomplishes: Sets in motion the many steps that will culminate with a finished budget.

Fiscal Impact: 80 hours of staff time

Staff comments:

Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD SUPERINTENDENT
 ENGINEER CONTROLLER

Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Open P-Card Program with Synovus Bank

Meeting Date: February 22, 2022

Agenda Item # 3B

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: To approve that the District opens a P-Card program with Synovus Bank, requests a credit limit not to exceed \$1,000,000 and allows for Dana March and/or Dave Lindsay to be the administrators on the account.

2 What the action accomplishes: This will streamline our banking relationship with Synovus Bank, allow for easier maintenance of p-cards and payments for the Finance department, and will increase the amount of rebate we are currently receiving from the 5th 3rd Bank P-card Program we currently use.

3 Fiscal Impact: The fiscal impact will depend on the amount of purchases made via P-card throughout each contract year; however, it is ***estimated*** to provide the District with an additional rebate of \$3,500 - \$4,500 per year

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Walkway Bridges

Meeting Date: February 22, 2022

Agenda Item # 4A1

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 **Recommended motion:** N/A

2 **What the action accomplishes:** Provides forum to further discuss the six walk bridges that cross our canal system.

3 **Fiscal Impact:**

4 **Staff comments:**

5 **Staff review and recommended approval:**

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 **Board Action:**

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Streetlighting Plan

Meeting Date: February 22, 2022

Agenda Item

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: N/A

2 What the action accomplishes: Provides a forum to discuss Streetlighting,

3 Fiscal Impact:

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD DIRECTOR
 ENGINEER FINANCE DIRECTOR

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: Review of Policy, Section 4 – Permitting

Meeting Date: February 22, 2022

Agenda Item # 4A3

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: COMMISSIONER _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: N/A

2 What the action accomplishes: Provides a forum to discuss changers to these policies.

3 Fiscal Impact: TBA

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR
 ATTORNEY FIELD SUPERINTENDENT
 ENGINEER CONTROLLER

6 Board Action:

APPROVED DENIED DEFERRED

LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT

AGENDA ITEM SUMMARY

Subject: HB 4435 - Lehigh Acres Municipal Improvement District Caloosahatchee River & Estuaries Storage & Treatment Phase III

Meeting Date: February 22, 2022

Agenda Item # 4A4

CONSENT ACTION OLD BUSINESS NEW BUSINESS

Request Initiated By: SUPERVISOR _____ ATTORNEY

BOARD MANAGER ENGINEER AUDITOR

1 Recommended motion: N/A

2 What the action accomplishes: Provides a forum to discuss the progress of our appropriations Bill.

3 Fiscal Impact:

4 Staff comments:

5 Staff review and recommended approval:

MANAGER ASSISTANT DISTRICT MGR

ATTORNEY COMPTROLLER

ENGINEER WATER RESOURCE MGR.

6 Board Action:

APPROVED DENIED DEFERRED

AIM Engineering & Surveying, Inc.

February 14, 2022

Board of Commissioners
Lehigh Acres Municipal Services Improvement District
601 East County Lane
Lehigh Acres, FL 33936

Re: Engineer's Report for February 2022 Board Meeting

Dear Board Members:

The status of current projects involving the District Engineer is outlined in the following.

General Consulting

- Review of Board agenda and preparation of monthly & yearly Engineer's report
- Review and recommendations for Permits No. 22-01, 22-02, 22-03, and 22-04
- Water quality analysis for the Hendry Canal widening project

Recently Completed Projects

- Southwest Lehigh Groundwater Recharge and Aquifer Restoration (February 2018)
- Hendry Canal Extension Widening (February 2021)
- Halfway Pond – SR 82 Segment 3 (April 2019)
- JUSWMSA Agreement – FDOT (March 2021)
- West Marsh Design (May 2021)

Current Projects Progress

GS-10: The property for this project was purchased by Lee County Conservation 20/20. A March 2019 Memorandum of Understanding (MOU) between Lee County and LA-MSID details each part's responsibilities related to this property. LA-MSID issued a Purchase Order to AIM in March 2020 to prepare a Land Management Plan as one of the first step requirements of the MOU. Following a presentation to Lee County's Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) made in December 2020, the committee recommended approval. The LA-MSID Board approved the Land Management Plan in January 2021 for submittal to the Lee County Board of County Commissioners. The Lee County Board approved the plan of County Commissioners on their March 2021 agenda. The LA-MSID Board approved a purchase order to AIM for an initial design scope at their August 2021 Board meeting. Lee County has cleared a small park access area but still needs to fence in this area, as well as a fence along the eastern boundary from the park access entrance to the southern boundary. LA-MSID is currently conducting maintenance exotic removal activities on site. LA-MSID and AIM presented a drone video of progress in the October Board Meeting. AIM is continuing to work on the 60% design approach/plans and survey crews are collecting survey data of the site.

S-VL-1: The existing S-VL-1 structure has reached the end of its useful lifespan. AIM is finalizing design plans for the replacement of the weir including water control inlets, automated gates, and a catwalk to access controls. Design is complete and SFWMD permit issued. AIM submitted a post design and construction phase services scope and fee to LA-MSID which was approved by the Board on 9-20-2021. Bid were received on November 4, 2021 and LA-MSID

has executed the contractor agreement. The notice to proceed was in December 2021. The contractor is working to complete the construction within the contract milestone timeframes, which include the pipes and structure being completed by June 15, gates and platform being completed by August 15, and the actuators being completed by September 15, 2022.

Caloosahatchee River and Estuary Storage and Treatment (CREST): LA-MSID purchased approximately 105 acres for the CREST preserve and stormwater treatment area. The design elements include an interconnecting channel between Dog Canal and Hendry Canal to balance flows between the Bedman Creek and Carlos Waterway Drainage Basins. A retention reservoir is also proposed to provide year-round treatment of suspended solids through increased flow way resident time and storage to attenuate peak stages during storm events. Additionally, wetland plantings provide water quality treatment through nutrient uptake within the circuitous wetland flow-way path.

The LA-MSID Board authorized the design of this project in November 2019. A field survey of the site was completed in April 2020. AIM staff had a virtual meeting with LA-MSID senior staff in April 2020 to review concepts for developing final plans. A pre-application meeting with SFWMD was held in May 2020. LA-MSID was notified in March 2021 that FDEP had approved \$1,000,000 for funding of this project.

A Caracara nesting site is currently established within the CREST project and is protected as such unless determined as an abandoned nest. This determination can only be revisited/changed within the nesting season period. Note that Caracara tend to maintain an established nesting site or relocate near a previous nesting site. While designated as a nesting site, a 300-meter (984-ft) primary zone and a 1,500-meter (4,920-ft) secondary zone are established. For impact reference, the primary zone encompasses more than half of the project area, while the secondary zone encompasses the entire project.

A portion of the funds required to construct the entire CREST project will be addressed via a grant from FDEP. AIM and LA-MSID are coordinating with FDEP on this issue. Based on the grant amount, the design plans and construction activities require a phased approach. AIM developed the scope of work for design phasing, post design, and construction phase services and provided to LA-MSID staff for review. This scope also addresses required Caracara monitoring. The LA-MSID Board approved a contract with AIM for this effort on 6/21/2021. Phase 1 of the CREST project include maintenance dredging of the Dog to Hendry canal and replacement of weir S-H-2. LA-MSID and AIM received notification from FDEP on final grant award to complete a \$2 million project to be completed in Phase 2. AIM aggressively worked to complete the design for permit submission in December 2021. A change order with FDEP extends the benchmark to have design plans and permits ready for construction bidding by March 2022. SFWMD issued RAI No. 1 and AIM is working to respond to review comments.

If you have any questions or inquiries, please call my cell at (239) 823-8171.

Sincerely,

AIM Engineering & Surveying, Inc.

Daniel Schroeder, PE