

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

JANUARY 27, 2004

A regular meeting of the Board of County Commissioners was held at the Murdock Administration Complex in Port Charlotte, Florida. The following members were present: Chairman Matthew D. DeBoer and Commissioners Thomas C. D'Aprile, Sara Devos and Mac V. Horton. Also in attendance were County Administrator Bruce D. Loucks, County Attorney Reneé Francis Lee, Finance Director, William A. Knoble, Executive Assistant to the Board of County Commissioners Jenine Thornley and Supervisor of Minutes Caroline W. Lounsbury. The meeting was called to order at **9:00 A.M.** (Commissioner Cummings was not present for this portion of the meeting.)

The **invocation** was given by Reverend Bob Carlson, Fawcett Memorial Hospital, Port Charlotte, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

Additions:

**Additions to
the Agenda**

**COUNTY
ATTORNEY**

Agenda Item M-1, Select and appoint seven (7) members to the Murdock Village Advisory Committee.

Agenda Item M-2, Select a list of at least fifteen (15) volunteers to recommend to the Governor for appointment to serve as representatives on the Children's Services Council.

Deletions:

PROCLAMATION Charlotte Warriors Day

BUDGET

OFFICE Agenda Item E-2 (b), approve Interlocal Agreement between Charlotte County and the School Board for Gymnasium Renovations.

COMMISSIONER D'APRILE MOVED FOR APPROVAL OF THE ADDITION AND DELETIONS TO THE AGENDA, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. (4:0)

I. SPECIAL RECOGNITION

(Commissioner Cummings was present for the remainder of the meeting.)

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING FEBRUARY 4, 2004 THROUGH FEBRUARY 6, 2004 AS "FORGET-ME-NOT DAYS" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Betty Albertson, Commander of the Auxiliary accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH OF FEBRUARY 2004 AS "LIBRARY APPRECIATION MONTH" ON MOTION BY COMMISSIONER D'APRILE, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Mary Ellen Fuller, Library Director accepted the proclamation.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

Paul Bilch, the Northwest Port Charlotte Community League President addressed Agenda Item K-2, Approve the permitting process necessary for the restoration dredging of the three waterways necessary to provide safe, marked, navigation to citizens of the County, requested Board approval, reported the word "Venue Waterway" should be "Venus Waterway and requested this correction be made.

George Mindling a member of the Northwest Port Charlotte Community League addressed **Agenda Item K-2, Approve the permitting process necessary for the restoration dredging of the three waterways necessary to provide safe, marked, navigation to citizens of the County** and requested Board approval.

Paul Hensley addressed **Agenda Item K-2, Approve the permitting process necessary for the restoration dredging of the three waterways necessary to provide safe, marked, navigation to citizens of the County** and requested Board approval.

Barbara LeBlanc addressed **Agenda Item S-1, 10:00 A.M. Public Hearing - Parking at County Beaches and Boat Ramps, Ordinance amending Chapter 2-4, Article V of the Charlotte County Code regulating parking at County beaches and boat ramps. (Budgeted Action: Fee increase will result in an anticipated additional collection of \$220,000.00)** and questioned if these charges will apply to the square dancers that utilize the Port Charlotte Beach Complex during the hours of 6:30 P.M. till 9:45 P.M.

III. COMMITTEE VACANCIES

Charlotte County is seeking volunteers to serve on the following committees:

Beaches & Shores Advisory Committee

- ❖ One (1) resident of Charlotte County District #4

Children's Services Council

- ❖ Volunteers must be a resident of Charlotte County and maintained residency for 24 months

CILB

- ❖ One (1) "Consumer Advocate" who resides in Charlotte County for the past two (2) years to fulfill an unexpired term ending February 2007

Parks & Recreation Advisory Board

- ❖ One (1) volunteer for an appointment must reside in District #5

IV. REPORT'S RECEIVED AND FILED

Charlotte Harbor CRA.

V. CONSENT AGENDA

**COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE FOLLOWING ITEMS
SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.
CLERK OF THE CIRCUIT COURT**

A. Finance Division

Agenda Item A-1, Adoption of Clerk's Finance Memoranda

Memorandum #1 Status of Contingency Reserves - FY 02/03

Memorandum #1A Status of Contingency Reserves - FY 03/04

Memorandum #2 Total Disbursements for the period January 7,
2004 through January 20, 2004 in the amount of
\$8,957,505.85

B. Minutes Division

Agenda Item B-1, Approval of Minutes

12/15/03	5:00 P.M.	Murdock Village CRA
01/06/04	10:00 A.M.	Scrubjay Habitat Conservation Plan
01/12/04	10:00 A.M.	Utilities Workshop Englewood Water District

BOARD OF COUNTY COMMISSIONERS

C. Commission Office

Agenda Item C-1

Appointment of Suzy Hackett as the Member-at-Large representative to the Code Enforcement Board to fill the unexpired term of Philip Pitruzello.

Agenda Item C-2

Appoint Michael Graveson to the Charlotte Harbor Community Redevelopment Agency and replace David Goldberg who resigned.

D. County Attorney

Agenda Item D-1

Motion to find all bonds in compliance and full effect at this time and approve Sheriff Cameron's Public Official Bond.

Agenda Item D-2

Executive Session in the matter of Charlotte County vs. IMC for Tuesday, January 27, 2004 at 4:00 P.M. in the County Attorney's Conference Room.

Agenda Item D-3

Set a Workshop on Murdock Village for 2:00 P.M. on January 29, 2004.

E. Budget Office

Agenda Item E-1

Set a Public Hearing on February 24, 2004 at 10:00 A.M. or as soon as may be heard, to consider the adoption of a resolution of intent to use the uniform method of collection of non-ad valorem assessment for the Farabee Road Street and Drainage Municipal Service Benefit Unit.

E. Budget Office

Agenda Item E-2, (a)

Agreement #2004-004 between Charlotte County and the Airport Authority for Water Retention Mitigation Project.

Agenda Item E-2, (c)

Agreement #2004-005 between Charlotte County and the Fair Association for construction of a multi-purpose facility.

Agenda Item E-3

Budget Amendment #04-A22 in the amount of \$8,909.00 for FEMA reimbursement of repairs of the seawall at the Charlotte County Memorial Auditorium and Civic Center.

F. Community Development

Agenda Item F-1

Demolition of a burned out, abandoned structure. On January 7, 2004, the Charlotte County Code Enforcement Board found the structure located at 6016 Quince Street, Punta Gorda, FL, in violation of various housing and safety codes and referred the violations to the Board for abatement and imposition of costs pursuant to Section 162.09, Florida Statutes.

Agenda Item F-2

Official naming, by the U.S. Board of Geographic Names, seven bodies of water at various locations in Charlotte County.

G. Environmental Services

Agenda Item G-1

Amendment to Agreement #94-076 for Solid Waste Collection and Disposal from Lee County's portion of Gasparilla Island, amending the expiration date to September 30, 2009.

Agenda Item G-2

Set a Public Hearing on February 10, 2004 at 10:00 A.M., or as soon thereafter as may be heard to consider an Ordinance amending Chapter 4-4, County Code, combining the West Charlotte Sanitation Unit and the Charlotte Sanitation Unit into one unit called the County Charlotte County Sanitation Unit.

H. General Services

Agenda Item H-1, (a)

Bid #04-006, Grounds Maintenance Annual Contract to the lowest responsive, responsible bidder for each location, Gulf Coast Lawn Care of Port Charlotte, Florida; Florida Mowing & Landscape Service, Inc. of Punta Gorda, Florida; Veteran's Lawn Service of Port Charlotte, Florida and JS Lawn Care, Inc. of Venice, Florida at the unit prices indicated.

Agenda Item H-1, (b)

Authorize the County Administrator to approve renewal options up to two (2) additional one-year terms, at the same prices, terms and conditions, by mutual consent. The contract period will be effective immediately through and including December 31, 2004.

Agenda Item H-1, (c)

Budget Transfer #04-019 in the amount of \$115,854.00.

Agenda Item H-2

Change Order #2, to Contract #03-484, North County Paving Program with Ajax, Inc. of Nokomis, Florida, in the amount of \$1,264,300.60 and an additional 140 days with a revised total contract amount of \$3,404,852.40.

Agenda Item H-3, (a)

Renewal of Contract #R03014/EMP-TEMPORARY 0203, Temporary Personnel Services to Patrick Personnel, Inc. of Murdock, Florida, in accordance with the joint cooperative purchasing agreement (File #03-172) for the period of January 16, 2004 through and including January 15, 2005.

Agenda Item H-3, (b)

Authorize the County Administrator to approve the renewal options up to two additional one-year (1) terms, at the same prices, terms and conditions, by mutual consent.

J. General Services - Real Property Services

Agenda Item J-1

Resolution #2004-013 authorizing the Board of Charlotte County Commissioners to execute a County Deed releasing portions of two (2) drainage and maintenance easements located within the vacated rights-of-way of New York Avenue and Fourth Street, in a certain portion of Grove City Subdivision, granted to Charlotte County per Official Record Book 449, ages 152 and 153, of the Public Records of Charlotte County, Florida. (Owner: Paul Collom.)

Agenda Item J-2

Resolution #2004-014 authorizing the Board of Charlotte County Commissioners to execute a County Deed releasing portions of two six (6) foot wide utility and drainage easements located in Lots 3 and 4, Block 1794, Port Charlotte Subdivision, Section Fifty-Three, in Charlotte County, Florida. (Owners: Robert Mitchell and Diane Mitchell.)

Agenda Item J-3

Resolution #2004-015 authorizing the Board of Charlotte County Commissioners to execute a County Deed releasing a portion of a twenty (2) foot wide canal maintenance easement located in Lot 40, Block 3120, Port Charlotte Subdivision, Section Fifty, in Charlotte County, Florida. (Owners: John H. Vestal and Frances J. Vestal.)

K. Public Works

Agenda Item K-1

Agreement #2004-006 authorizing the Chairman to execute an Interlocal Agreement with the City of Punta Gorda to act as the City's agent, in association with the Airport and Taylor Road Intersection Improvement Project.

Agenda Item K-2

Resolution #2004-016 finding that restoration dredging of certain portions of the Apollo, Venue and Cheshire Waterways located in the Myakka River constitutes a valid public purpose and is in the public interest, and further requesting that the State of Florida grant Charlotte County a submerged land easement in order to perform said dredging.

L. Utilities

Agenda Item L-1

Budget Amendment #04-A14, amending the FY 2004 CIP Budget by adjustments to the carryover balances for East Port Upgrades, Wastewater Lift Stations, Automatic Meter Reading System, Water & Sewer Waterway, West Port WW Treatment Plant, Utility Office/Maintenance Building, Utility System Growth Plan and Utilities Information System.

VI. REGULAR AGENDA

M. Regular Business

Agenda Item M-1, Select and appoint seven (7) members to the Murdock Village Advisory Committee

Chairman DeBoer requested the Board Members past their ballots down to the County Administrator for tabulation. **Chairman DeBoer** announced the seven appointed members to the Murdock Village Advisory Committee as follows: Craig J. Benton, Property Owner, James Cooper, Member-at-Large, Suzanne T. Graham, Property Owner, Clive William Holin, Real Estate Broker, Dr. Dave Klein, Member-at-Large, Larry J. Sandles, Contractor and Matthew D. DeBoer, Board of Charlotte County Commissioners Member. **COMMISSIONER HORTON MOVED FOR APPROVAL OF THE SEVEN MEMBERS AS READ INTO THE RECORD BY CHAIRMAN DeBOER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

Agenda Item M-2, Select a list of at least fifteen (15) volunteers to recommend to the Governor for appointment to serve as representatives on the Children's Services Council

Chairman DeBoer requested the Board Members past their ballots down to the County Administrator for tabulation. **Chairman DeBoer** announced the appointment of fifteen volunteers to serve as representatives on the Children's Services Council as follows: Sgt. Donna D. Ogden, D. Gerald N. Ross, Jesus M. Hevia, Mary Baer, Tish Thomas, Anna Brookbank, L. Robert Combs, Maj. John Davenport, Paula M. Wilman, Margie Blackwell, Gail Fuller, Kurt A. Hoffman, Esq., Amity Chandler, Joseph R. Goggin, MD, MS and Marilyn Smith. **COMMISSIONER HORTON MOVED FOR APPROVAL OF THE FIFTEEN MEMBERS AS READ INTO THE RECORD BY CHAIRMAN DeBOER, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

VII. CITIZEN INPUT - ANY SUBJECT

There was none.

P. County Administrator

Bruce D. Loucks, County Administrator reminded the Board there is a joint workshop meeting of Charlotte, Lee and Collier Counties Commissioners on Tuesday, February 17, 2004 from 1:00 P.M. to 4:00 P.M. to be held at Lee County Port Authority Training & Conference Center at Southwest International Airport to discuss various issues. Mr. Loucks stated he met with the County Administrator from Sarasota County and the City Manager from North Port to discuss the Englewood Connector issue. Mr. Loucks stated that we're going to have our respective staffs put together within the next five or six months, a finance and construction tentative plan scheduled for respective Boards and Councils to review. Mr. Loucks stated there have been some concerns regarding the Stump Pass issue, and we have a follow up meeting in approximately four weeks with FDEP to get their approval for the geotextile II to be put in place with our process. Mr. Loucks commented on the scrub jay issue, informed the Board that the scrub jay map was updated on January 16th to illustrate the red, green and yellow areas referenced at our January 13th meeting. Mr. Loucks stated that we still haven't received final written guidance from the DEP for the individual

lots in the Deep Creek; we will still be pursuing this issue. Mr. Loucks stated that staff is continuing to work with Fish & Wildlife to redefine the scrub jay map and to streamline the interim permitting process. Mr. Loucks stated that as of January 13th there are 17 permits, six from Gulf Cove, ten from Deep Creek, two in Harbour Heights and one parcel in Prairie Creek Park which is an acreage issue.

Q. County Attorney

Attorney Lee reminded the Board an Executive Session has been set for today at 4:00 P.M. (IMC vs. Charlotte County). Attorney Lee stated that she is in receipt of a letter from the President of Harbour Heights Advisory Committee requesting the Board to appoint an advisory committee and requested Board direction as to whether or not to bring back a resolution to the Board on this matter.

R. Commissioners' Comments

Commissioner D'Aprile stated there is a particular outline that has been submitted by residents of the Harbour Heights area regarding the type of people they would prefer having on this committee has been issued, given to the Board Members as well as the staff to evaluate. **Commissioner D'Aprile** stated there is going to be a meeting this Thursday evening to evaluate the needs and concerns of the Harbour Heights residents. **Commissioner D'Aprile** stated that he would like to see no more than seven people serving on this committee in order to get things accomplished. **Commissioner D'Aprile** spoke about the possibility of having a Veteran's Cemetery in Charlotte County. **Commissioner D'Aprile** stated he opposed the motion at the last Board meeting for hiring a project manager for Murdock Village. **Commissioner D'Aprile** stated he didn't know what this individual's job description would be, the availability to come on board with the County and what costs would be involved. **Commissioner D'Aprile** stated he needs to know all these particulars and then would be willing to reconsider this item. **Chairman DeBoer** recommended that **Commissioner D'Aprile** bring up this discussion on Thursday, January 29th at the workshop.

IX. PUBLIC HEARING AGENDA

Agenda Item S-1, 10:00 A.M., Public Hearing - Parking at County Beaches and Boat Ramps - Ordinance amending Chapter 2-4, Article V of the Charlotte County Code regulating parking at County beaches and boat ramps. (Proof of publication was in order)

Chairman DeBoer commented on changes that are needed in the ordinance can be found on Page 4, Section 7, starting on line 12, paragraph B, we're going to strike out paragraph B in its entirety and will be substituting the words: "fines shall be imposed as provided in Section 2-4-79, sub-paragraph D." **Chairman DeBoer** stated he spoke with Mrs. Kleiss-Hoeft and recommended we tag on to the motion for approval of this ordinance that the administrative policy people should be that whenever people rent a facility that they are issued passes for parking. Laura Kleiss-Hoeft, Parks, Recreation & Cultural Resources Director, stated that at the September 9, 2003 meeting, the Board of County Commissioners adopted a resolution changing fees throughout the parks and recreation system. Mrs. Hoeft stated that one of the fees that was changed to add a boat ramp-parking fee; in addition to that we changed the amount from \$.25 an hour to \$.50 an hour for beaches. Mrs. Hoeft commented on the enforcement of this new ordinance, if passed and introduced Captain Caro to explain how the law enforcement deals with the parking ordinance. Captain Caro stated that Mr. Myers is the coordinator for our parking enforcement volunteer program. Captain Caro stated there are 14 volunteers and we're in the process of training an additional seven volunteers for a total of twenty-one. Captain Caro reported that in the year of 2003 they issued 1860 disabled parking fines, 187 citations (parking in a fire lane) and 1,011 citations for a category labeled "all other" which approximately 95% of these violations were for parking at beaches and parks. Mrs. Hoeft stated the funds generated from this ordinance would help with the maintenance, operations and future improvements for the County's boat ramps. Unidentified citizen stated that when she chooses to go to the beach she drives to Venice where the parking is free and she can relax without watching the meters. Robin Stuben stated it really bothers him that residents have to pay for the use of the beaches. Mr. Stuben suggested issuing decals to boats registered in Charlotte County, to be placed on the trailers so you wouldn't be charging residents for parking, only

visitors. Bill Drybaugh, Chairman of Charlotte County's Parks & Recreation Board, stated there is a need for people to be charged for the use of our beaches and boat ramps. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.** Chairman DeBoer stated it was the Board's preference to make out of county people pay but was told it would be impossible. Chairman DeBoer stated that any revenues gained through these fees would help the County financially. **Commissioner Devos** stated that she still is philosophically opposed to parking fees at the beaches. **Commissioner Devos** stated she will oppose this motion, but would hope whether this ordinance passes or not, the Board seeks out to find a solution for addressing the problem of out of County users using our facilities. **Commissioner Cummings** stated these fees will make for a better product and can be a positive thing. **Chairman DeBoer** requested a motion be made to strike lines 12 through 17 and insert the words, "fines shall be imposed as provided in Sections 2-4-79, paragraph d of the Codes of Charlotte County." **COMMISSIONER HORTON MOVED FOR APPROVAL TO AMEND THE ORDINANCE THE STRIKE OUT LINES 12 THROUGH 17 AND ADD THE WORDS, FINES SHALL BE IMPOSED AS PROVIDED IN SECTIONS 2-4-79, PARAGRAPH D OF THE CODES OF CHARLOTTE COUNTY, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.** **Commissioner Cummings** stated that most of the people using the facilities would probably be purchasing passes. **Commissioner Cummings** thanked staff for their work. **Commissioner D'Aprile** questioned what do boaters pay for registration fees and where does these revenues go. Mrs. Hoeft stated a portion goes to the State and Charlotte County received a larger portion back, which is used on various park projects. **Chairman DeBoer** stated that registration fees for boats are based on the size of the boats. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL AND ENACTMENT OF ORDINANCE #2004-004 AS AMENDED, AND TO DIRECT STAFF TO ISSUE PARKING PASSES WHEN FACILITIES ARE RENTED.** **Commissioner Devos** reiterated she would oppose the motion, and thanked staff and the Marine Advisory Committee for their work. **CALL ON THE MOTION: CHAIRMAN DeBOER, COMMISSIONERS CUMMINGS, HORTON AND D'APRILE VOTED "YES" AND COMMISSIONER DEVOS VOTED "NO." MOTION CARRIED: (4:1).**

Agenda Item S-2, 10:00 A.M. Public Hearing - Tern Bay Community Development District - review a petition to establish the Tern Bay Community Development District pursuant to Section 190.005, Florida Statutes (Proof of publication was in order.)

Tom Cookingham, Community Development Director stated that the Tern Bay Development Company has submitted to the Florida Land and Water Adjudicatory Commission, a petition for the establishment of a Community Development District. Mr. Cookingham stated that this proposed district consists of over 1000 acres and staff recommends approval of the resolution based on the six criteria's. Geri L. Waksler, Attorney with the law firm of Moore & Waksler, P.L., representing Tern Bay Development, LLC. Attorney Waksler stated the petition was submitted to the Commission pursuant to the "Uniform Community Development District Act of 1980" and Chapter 42-1, Florida Administrative Code. Attorney Waksler stated the Community Development District (CDD) boundary would be the approved Tern Bay DRI. Attorney Waksler stated the CDD is being established to finance the construction of the community infrastructure, as well as maintenance of the infrastructure, additionally will finance landscaping, the recreational facilities, security and will also finance on-going monitoring and maintenance of the extensive preservation areas located within the community boundary. Attorney Waksler stated that the CDD community would be governed by a five-member board of supervisors, initially appointed by Tern Bay Development, but thereafter, as required by State Statute elected by a majority of the property owners within Tern Bay. Attorney Waksler stated that staff has reviewed the CDD petition relative to the six factors prescribed by Florida Statutes and as recommended that the Board support the petition. Attorney Waksler stated that Tern Bay Development joins in with staff's analysis and respectfully requests that the Board of County Commissioners adopt a resolution in support of Tern Bay's petition for a community development district. Robert Berntsson, Attorney with the law firm of McKinley, Ittersagen, Gunderson & Berntsson representing "Don D'Jacomo," trustee, who is the owner of property within the Tern Bay Development and we have been working cooperatively with the developer of the major part of the project, his client has signed the consent to the creation of the community development district and we support this resolution. **COMMISSIONER HORTON MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER**

D'APRILE AND DECLARED UNANIMOUS. Commissioner Horton questioned the height of the proposed buildings in the community district. Attorney Waksler stated that on the salt marsh the height of the condominiums will be seven stories, and reminded the Board this development is for mixed use, i.e. single-family, multi-family, golf courses and hotel. Commissioner Horton questioned if Charlotte County will be partly financially responsible for the infrastructure. Attorney Waksler stated there would be no liability on Charlotte County for financing and all construction will be done to County standards. Commissioner Horton questioned if the \$30 million for infrastructure is the cost in today's dollars. Attorney Waksler responded affirmatively. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE ADOPTION OF RESOLUTION #2004-017, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.** Commissioner Cummings stated this development will have a huge impact on traffic and environmental issues, but will need to be dealt with in another process. Commissioner Horton stated he might be mellowing out a bit with the seven stories height for condominiums because it will keep more green space available. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item S-3, 10:00 A.M. Public Hearing - Ordinance amending the territory of the Harbour Heights Street and Drainage MSBU to include certain property on Solomon Drive and to determine that the property owners along this public right-of-way be assessed for the design, permitting, construction, and other activities associated with the construction of a standard County roadway to serve these properties at an estimated total cost of approximately \$350,000.00, depending on the final permitting costs. (Proof of publication was in order.)

Thomas F. O'Kane, Jr., P.E., Public Works Director stated that in late October 2003, seven property owners from the unimproved portion of Solomon Drive met with staff from Public Works to discuss the possibility of having Solomon Drive constructed to County standards through a non-ad valorem assessment, and for the road to be included into the Harbour Heights MSBU. Mr. O'Kane stated that these seven persons own approximately 50% of the first 32 lots beyond the paved portion of the road. Mr. O'Kane stated that while these lot owners have come forward as an organized group, County staff in Community Development and Public Works, have received a number of calls from other owners

beyond the first 32 lots, asking that building permits be issued. Mr. O'Kane stated there are approximately 124 lots along the entire length of the unimproved road. Mr. O'Kane stated that while no formal petition has been received from these other owners, it is recommended that the public hearing address assessment for the construction of the entire length of road because of the interest from these lot owners to proceed with their building permit applications. Mr. O'Kane stated that staff has sent notice of hearing letters to all of the property owners along the right-of-way. Mr. O'Kane stated that if the Board decides not to assess for the construction of the entire roadway, it is recommended that the assessments be approved for the first 32 lots as covered in the petition. Mr. O'Kane stated that the contract cost for the first segment is estimated to be approximately \$100,000 for design, permitting and construction. Mr. O'Kane stated that upon a decision by the Board, staff would secure the services of an engineering firm and begin immediately with the design and permitting of the project. Mr. O'Kane stated that in order for the County to institute a non-ad valorem assessment for the road construction, the properties along the right-of-way must be included in the MSBU. Joe Fleming, Vice Chairman of Harbour Heights Street and Drainage Advisory Committee stated he doesn't have all the information necessary as to where the road is exactly going to be extended and voiced concern regarding storm water drainage. Suzanne Graham stated she owns property in the unpaved and paved sections of this area and recommended the entire project go forward. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.** Mr. O'Kane stated the stormwater design issue will also be addressed and it doesn't look like the County will need to purchase any additional lands. Mr. O'Kane stated this canal hasn't be dredged in many years. **Commissioner D'Aprile** stated he believes the entire project should move forward, but Mr. Fleming's concerns need to be addressed. Mr. O'Kane stated he would meet with Mr. Fleming to address his concerns. **Commissioner Cummings** questioned if drainage improvements were made would it increase the cost of the project. Mr. O'Kane responded affirmatively, but it would be better to do it all at the beginning and not in piecemeal. **COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE ENACTMENT OF ORDINANCE #2004-005, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS.**

RECESS: 10:55 A.M. - 11:05 A.M.

R. Commissioners' Comments (Continued)

Commissioner Horton stated that he is really going to miss serving as a Commissioner for the Board of Charlotte County Commissioners. **Commissioner Horton** requested these following issues be addressed:

- Beautification of US 41
- Update on the CRA project
- Seven different community plans
- SR 776 corridor update
- MSBU/MSTU
- Stump Pass Update
- Englewood Water District and Englewood East
- Myakka Pier
- Scrub jay
- Manatee - speed zones
- Burnt Store Road project
- Veteran's Road project
- Aqui Esta Road project
- Midway Road project
- Winchester Road project
- Edgewater
- Coral Creek Bridge project
- Edgewater Condominiums - need to see what they're going to do with them or knock them down
- Airport Commerce Park

Commissioner DeBoer questioned if the Board would like him to write a letter regarding speed zones for manatees to Fish & Wildlife. Kelly Shoemaker, Assistant County Administrator stated she has had numerous conversations with Fish & Wildlife and requested if she could work on the letter with **Commissioner DeBoer**. **Commissioner Horton** stated the Burnt Store Road project is the most critical for safety reasons. **Commissioner Cummings** stated he doesn't believe that at this point of time four-laning Burnt Store is necessary. **Commissioner Cummings** stated the immediate safety issues are the width of the lanes, speed and drop off the shoulder. **Commissioner Cummings** stated the four-laning of Burnt Store is a major undertaking and unless we start

bumping other projects, this will not take effect for at least another ten years. **Commissioner Horton** stated that one of the best jobs we've done is the Winchester project, which was done in six years using local dollars. **Commissioner Horton** stated that the traffic on Burnt Store will warrant four-laning within six years and would like to see the Burnt Store Road project be included in our next Capital Improvements Program. **Commissioner Horton** stated he would hold off on his comments regarding Murdock Village. **Commissioner Horton** stated that he's looking at the County Administrator to tell him what need (as a Board) to implement the Murdock Village Plan. **Commissioner Horton** stated that it's not up to him to tell the County Administrator to hire a project manager for Murdock Village. **Commissioner Horton** stated development is being proposed for the Airport Commerce Park which would get the Airport Commerce Park off the ground and he would like to try and facilitate this, but will not as a Commissioner manage this project. **Commissioner Horton** stated he has asked the developer to contact each one of the Board members to discuss this proposed development. **Commissioner Devos** stated the safety issues on Burnt Store Road are very dangerous. **Commissioner Devos** stated that the Board could no longer afford to pay as you go on projects because we're just too far behind. **Commissioner Devos** commented on the Edgewater Corridor project and stated it will probably take 15 years for completion. **Commissioner Devos** stated the Board needs to take a look at road projects throughout the County and see what needs to be done now. **Commissioner Devos** stated she would like staff to bring back all the road projects and costs. **Commissioner Devos** stated the Board needs to establish goal settings and we need to discuss the hiring of an Economic Development Director. **Commissioner Devos** stated she would like to see more people employed hired by the County for specific projects. **Commissioner Devos** stated the beautification program for US 41 is very dear to her, but the biggest problem facing Charlotte County is the lack of sewers on US 41. **Commissioner Devos** stated we need to establish funding procedures for beautification on US 41, sewers, incentive packages and improving business facades. **Commissioner Devos** stated the Board needs to discuss the industrial/commercial issues facing the County. **Commissioner Devos** stated that she would like a report from the County Administrator as to where we are in staffing for the County. **Commissioner Devos** stated that we cannot keep on adding all these different projects and continuing with the same

amount of staff. **Commissioner Cummings** stated the Board needs to address the Babcock ranch acquisition. **Chairman DeBoer** commented on the meeting he attend with members of the Alliance Safe and Drug Fee Community, the need to start working on a program for donations and requested **Commissioner Devos** to participate with the Alliance and report back to the Board. **Chairman DeBoer** commented on the following issues:

- ❖ Received a request to address parking of licensed vehicles in the County right-of-way. We discussed parking restrictions along the access road some time ago. I would think we would want to address this sooner rather than later.
- ❖ Circulated the debriefing report from the Justice Center closing. In a nutshell, all public safety departments performed well. Elected and appointed officials needs to have more information on the procedures already in place and a central information officer appointed.
- ❖ The U.S. Air Force Reserve Band gave a fabulous performance to an overflow crowd at the Auditorium. With the Board's help, this wonderful evening was free admission.
- ❖ Impending Article V decisions are causing great concern for employees, in departments such as Family Services; they feel that their department is likely not to be funded. They need to make career choices to protect their families. I have been trying to convince them to stay so we can continue to provide services but I believe they need a commitment from us to continue their employment.
- ❖ When we passed the Airport Overlay, we had issues outstanding such as residential development and grand fathering that need to be brought back. Industrial development is occurring now so we need to make any corrections as soon as possible.
- ❖ Edison College nursing program information - I suggest we incorporate this into the budget process so we can look at this request for a five-year commitment and when the Florida Gulf Coast University commitment ends.

- ❖ Babcock Ranch is coming back to the Board as it was originally proposed. If we intend to have Telegraph Cypress Swamp and the environmental corridor preserved in perpetuity we need to stop looking for a single entity to resolve this.
- ❖ Murdock Village - Our last Board of Charlotte County Commissioners meeting sparked a flurry of activity. Consultants and staff are applying extraordinary effort to bring this together. We have some difficult decisions to make this week.

Commissioner Horton commented on the possibility of the Board Members to reconsider holding BCC meetings weekly, as there are many issues that need to be addressed. **Commissioner Devos** suggested the possibility of setting up a meeting to discuss the numerous projects the County is involved in and not necessarily have a weekly meeting. **Commissioner Horton** stated that Sarasota County conducts a two-day meeting, twice a month and maybe this could be considered for our Board. **Commissioner Horton** stated that the Board Members need to meet more often to discuss various issues and that their isn't enough time to do this at a regular Board Meeting. **Commissioner Devos** concurred with **Commissioner Horton's** comments and stated there is a definite need for more dialogue among the Board Members. **Commissioner Cummings** stated he remembers when the Board conducted weekly meetings; less was accomplished, because much smaller items were discussed. **Commissioner Cummings** stated that he likes the idea of trying out what Sarasota County is doing, only on a trial basis.

RECESS: 12:00 P.M. - 2:00 P.M.

(Executive Assistant Jenine Thornley was not present for the remainder of the meeting and Deputy Clerk Diane J. Nice replaced Supervisor of Minutes Caroline W. Lounsbury for the remainder of the meeting.)

VII. PRESENTATION AGENDA

N. 2:00 P.M. Presentation

Chairman DeBoer announced Agenda Item N-2 would be presented prior to Agenda Item N-1, stated the Board approved scheduling a workshop earlier today on Murdock Village for Thursday, and explained staff will present a brief summation in preparation for the workshop.

Agenda Item N-2, Murdock Village Update - Consultants from Bryant, Miller and Olive Real Estate Research Consultants will present to the Board updates on the Request for Proposal (RFP) process and the Development Agreement

Bruce D. Loucks, County Administrator, explained correspondence and memoranda, provided to Board Members yesterday, outline items for discussion at the workshop; the RFP, the Critical Events Schedule, a list of questions from developers and staff responses, and the Murdock Village Update on Policy Issues; distributed the Executive Summary on the RFP; and advised staff will be looking for direction on the 10 policy issues during the workshop. Reneé Francis Lee, County Attorney, added the due date for the RFP is May 12, 2004 and reported the 318 lots in litigation have been reduced to 154 as a result of pre-suit negotiations. **Chairman DeBoer** requested the RFP pre-submittal meeting date. Mr. Loucks advised all day Friday, February 13, 2004. **Chairman DeBoer** suggested the RFP go out as drafted, a memorandum of clarification be issued after the workshop, and changes be addressed during the pre-submittal meeting. **Commissioner Devos** stated time is of the essence and the process should not be delayed. Mr. Loucks stated developers have been invited to attend the workshop to be aware of the presentation and Board concerns and discussion. **Commissioner Devos** requested the structure of the workshop. Mr. Loucks advised consultants would make a presentation; each of the 10 policy issues would be presented and discussed as well as staff direction; and suggested addressing Board concerns regarding the RFP. Attorney Lee stated a very interactive discussion with the Board is anticipated in order to fine-tune the RFP. **Commissioner Devos** requested a clarification regarding the number of lawsuits in relation to the number of willing sellers. Attorney Lee stated a great deal of voluntary acquisition has taken place and a

large number of lawsuits have been settled through negotiations with property owners. **Commissioner Devos** pointed out some of the lawsuits were filed to clear title through eminent domain proceedings. **Chairman DeBoer** requested Board Members bring to the workshop the expenditures spreadsheet developed by Real Property Services Manager Paul Payette. **Commissioner Cummings** requested staff be prepared to answer questions on potential implications on the RFP process of shifting emphasis on the acquisition program from the west side to the east side of the area and expressed the belief that the east side is most appropriate for commercial development.

Agenda Item N-1, Bitner & Associates Lobbyist Team - A Presentation Highlighting the Upcoming Legislative Session and Issues

Kelly Shoemaker, Assistant County Administrator, explained the presentation would serve as a foundation for discussion of legislative topics. David J. Bitner, President of D.B. Marketing, Inc. d/b/a Bitner & Associates, summarized his background experience and introduced Lobbying Team Members Cari Lynn Roth, of Bryant, Miller and Olive, P.A., and former Department of Community Affairs Secretary Steven M. Seibert, of The Seibert Law Firm; explained financial issues and a tight budget will be primary issues before the Legislature. Attorney Roth stated she has been reviewing priority issues with County staff; issues of interest coming before the Legislature include the Governor's proposal to shift Article V Funding costs to counties for pre-trial detention and juveniles, the process for making Constitutional revisions will be monitored for impacts on the County, annexation issues, regional initiatives on the indexing of gas tax and platted lands, an effort will be made to adopt a Statutory limitation or system for imposing impact fees, issues relating to the Library grant, and expediting Stump Pass initiatives prior to the start of turtle nesting. Attorney Seibert commented on his background experience and the Team's experience; stated all of the Team Members are bridge builders who intend to promote working relationships to achieve County goals and interests; the general belief is that there will not be significant water legislation passed this year; opined changes have occurred regarding water issues during the last five to seven years moving towards more collaborative efforts because of costs for alternative water supplies; and opined

water issues will be of primary importance in the next legislative session. Attorney Seibert requested questions for approximately 15 minutes since Team Members need to board a 5:30 p.m. flight out of Tampa. **Commissioner Cummings** recalled he first met Attorney Seibert as Chairman of the Florida Association of Counties Select Committee on Water Policy, commented on significant efforts of the Committee, expressed confidence in Attorney Seibert's abilities to be a real asset, agreed on the need to be ready on water issues for next year, and stated his individual priorities are accomplishing the acquisition of Babcock Ranch and establishing legislation to make a settlement on phosphate issues possible. **Commissioner D'Aprile** stated he has known Mr. Bitner for 24 years, he has great respect for all of the Team Members, and he does not anticipate any big budget solutions. **Commissioner Horton** suggested seeking a resolution with senior level Florida Department of Environmental Protection staff on the difference between the 1981 Stump Pass alignment approved by the Board and the FDEP permit issued for a cut 300' south of the actual alignment. **Commissioner Devos** stated she is looking forward to a very long and successful working relationship, offered to discuss Metropolitan Planning Organization and transportation issues with Team Members in the future, and she is expecting big things. **Chairman DeBoer** stated he expects great things from the Team; referenced the difference Attorney Seibert made regarding the outcome of the Sheriff's appeal and mentioned the South Gulf Cove land swap; as part of the selection process he considered past accomplishments, current connections in Tallahassee, and effectiveness; opined Charlotte County does not need to spend a lot of effort on issues that the Florida Association of Counties will be addressing; and his primary concerns deal with Article V Funding since he has received numerous calls from employees who are worried about their jobs in light of possible funding cuts; stated these people need to know if they have to look for other jobs or if their positions will be incorporated into the County organization; phosphate issues; and the acquisition of Babcock Ranch. Attorney Lee expressed appreciation, opined the Team represents a depth of knowledge of Tallahassee and local government issues, and offered the assistance of her staff. **Chairman DeBoer** stated, as a result of the goal setting retreat to be held on February 26, 2004 and the Executive Session today at 4:00 P.M., more definitive information will be provided to the Team. Mr. Bitner acknowledged the friendship and good

working relationship he has had with the County and expressed appreciation for the opportunity to serve the County to the Team's best efforts in Tallahassee. **Chairman DeBoer** commented on his desire to see Southwest Florida come together as a coalition instead of working through the Florida Association of Counties and various organizations and related his intent to encourage Lee and Collier Counties to hire the Team to lobby as a region. **Commissioner Cummings** pointed out the Regional Planning Council does a certain amount of lobbying on a regional basis. **Chairman DeBoer** announced, for latecomers, that the Murdock Village Update has been held; the Board set a workshop for 2:00 P.M. on Thursday on Murdock Village, in Room 119; an outline was provided today on which the Board needs to discuss and make decisions at the workshop; and pointed out information is available for the public in the back of the room. Mr. Loucks advised a meeting schedule would be distributed to Board Members for January, February, and March.

MEETING ADJOURNED: 2:45 P.M.

Signature on file in Commission Minutes
Matthew D. DeBoer
Chairman

ATTEST:

**BARBARA T. SCOTT, CLERK
OF THE CIRCUIT COURT AND
EX-OFFICIO TO THE BOARD
OF COUNTY COMMISSIONERS**

By: Signature on file in Commission Minutes
Deputy Clerk

cwl/djn