

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

FEBRUARY 24, 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, Adam Cummings, Sara Devos and Mac V. Horton. Also in attendance were County Administrator Bruce D. Loucks, County Attorney René Francis Lee, Chief Deputy Board Services Tommy Q. White, Executive Assistant to the Board of County Commissioners Diane Gant and Supervisor of Minutes Caroline W. Lounsbury. The meeting was called to order at **9:02 A.M.**

The **invocation** was given by Reverend Bob McDuffie, El Jobean Baptist Church, Port Charlotte, Florida, followed by the Pledge of Allegiance to the Flag.

CHANGES TO THE AGENDA

Additions:

PROCLAMATION

Rebecca Neal Owens Day - March 4, 2004

REGULAR BUSINESS

Agenda Item M-3, Approve the DRC-PD-03-04 Final Detail Plan Resolution permitting Armandal, L.L.C. to develop the Harley Davidson Dealership

COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE ADDITIONS TO THE AGENDA, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.

Proclamations:

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE DAY OF MARCH 6, 2004 AS "GREAT AMERICAN CLEANUP DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. Glenda Anderson, Keep Charlotte Beautiful, Inc. Executive Director accepted the

proclamation and expressed appreciation for the Board's continued support.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE DAYS OF MARCH 5, 2004 THROUGH MARCH 7, 2004 AS "KNIGHTS OF COLUMBUS TOOTSIE ROLL DRIVE DAYS" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER D'APRILE AND DECLARED UNANIMOUS. Daniel J. Greenlick accepted the proclamation. Mr. Greenlick stated the donations collected for the tootsie rolls will be given for the physically and mentally challenged.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE DAY OF MARCH 6, 2004 AS "POPPY DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Evelyn "Seaman" accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH OF MARCH, 2004 AS "PURCHASING MONTH IN CHARLOTTE COUNTY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Kimberly Corbett, Purchasing Director accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE MONTH OF MARCH, 2004 AS "RED CROSS MONTH" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Kevin "Lingard" accepted the proclamation.

THE BOARD AGREED TO THE ISSUANCE OF A PROCLAMATION STIPULATING THE DAY OF MARCH 4, 2004 AS "REBECCA NEAL OWENS DAY" ON MOTION BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS. Rebecca Neal Owens accepted the proclamation.

II. CITIZEN INPUT - AGENDA ITEMS ONLY

None.

IV. REGULAR AGENDA

Commissioner DeBoer requested Agenda Item M-1 be taken out of order and discussed now. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL TO TAKE AGENDA ITEM M-1 OUT OF ORDER, SECONDED BY COMMISSIONER DEVOS AND DECLARED UNANIMOUS.**

M. REGULAR BUSINESS

Agenda Item M-1, Murdock Village RFP update

Mark G. Lawson, Esq., Bryant, Miller & Olive, P.A. briefly addressed (1) Expanding Participation by Qualified Proposers and recommended the following recommendation to the Board: "The Board of County Commissioners confirm that all proposals from qualified development teams are encourage and that equal consideration will be given to all proposals received." **Chairman DeBoer** stated the significance of this recommendation is that WCI will be back in the game, plus consultants have found two other developers interested in this project, along with other developers. **Chairman DeBoer** stated he believes this recommendation is very good. **Commissioner Devos** stated she believes competition is very good, but voiced concern that the Board has now three qualifying developers and now we're going to relax the rules. **Commissioner Cummings** stated the Board needs to move forward and the County does have the right to change course in this journey. **Commissioner Devos** questioned if the Board does select a developer that wasn't one of the original three qualified developers, would they have any recourse against the County. Reneé Francis Lee, County Attorney stated they wouldn't and that the County is only creating a threshold now and everyone will be on a separate page. Attorney Lee stated the County is waiving the technicality of pre-qualifying them at an earlier date. **Commissioner Devos** stated she is personally very uncomfortable with this language. Bruce D. Loucks, County Administrator stated that WCI's initial proposal didn't meet what we were looking at, but is sure that we'll get a much better and stronger proposal from them now, if they're still interested. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL STAFF'S RECOMMENDATIONS AS READ INTO THE RECORD AND AUTHORIZE STAFF TO EVALUATE AND PRE-QUALIFY BETWEEN NOW AND THE SUBMITTAL DATE AND QUALIFY AS PART OF THE SUBMITTAL, SECONDED BY COMMISSIONER DEVOS.** **Commissioner D'Aprile** stated he is a firm believer in

more competition, but expressed concern if some of the bidders can do commercial construction. Attorney Lawson stated all qualified bidders are capable of meeting development needs. **Commissioner Horton** expressed the same concerns as **Commissioner Devos**. Attorney Lee stated that two companies were rejected because certain standards weren't met in pre-qualification. **Commissioner Horton** stated that it isn't fair for someone who has gone through the entire process, done everything like it should've been done and now we're saying everyone can come back into the game. **Commissioner Horton** stated this isn't "Kosher." Attorney Lee stated the competitive process hasn't started yet and this recommendation is legally sound. **Commissioner D'Aprile** stated this issue is very critical to our County, we now have three developers, but if we can have more that would be just fine. **CALL ON THE MOTION: CHAIRMAN DeBOER, COMMISSIONERS D'APRILE, CUMMINGS AND DEVOS VOTED "YES" AND COMMISSIONER HORTON VOTED "NO." MOTION CARRIED: (4:1).** Attorney Lawson briefly addressed (2) Redevelopment Intensity and recommended the following recommendations to the Board that the RFP be clarified with the following statement: "The assumptions regarding 3,900 housing units and 1,000,000 square feet of non-residential development have been articulated by the County as preliminary redevelopment goals within the Murdock Village Redevelopment Area that would fully use expected entitlements... and "To the extent any development rights from the redevelopment area are or become transferable; it should be assumed the County will retain unused entitlements in the event a proposer does not use such entitlements within the redevelopment area. This aspect may be the subject of further negotiation as the redevelopment agreement is finalized with the selected proposer." **Chairman DeBoer** stated he likes the part dealing with entitlement rights. **COMMISSIONER HORTON MOVED FOR APPROVAL OF THE RECOMMENDATIONS AS READ INTO THE RECORD, SECONDED BY COMMISSIONER D'APRILE. Commissioner Cummings** stated if it was up to him there wouldn't be one single-family home in the whole development. **Commissioner Cummings** stated he would go along with the motion, but would've been more comfortable without the amount of 3,900 housing units. **CALL ON THE MOTION: DECLARED UNANIMOUS.** Attorney Lawson briefly addressed (3) Minimum Commitment of Future Tax Increment Revenue and recommended the following recommendations to the Board: "It is recommended that the County Commission make a policy determination to commit to the above-referenced minimum contribution of \$15,000,000 in tax

increment revenues to the redevelopment initiative." **Chairman DeBoer** recommended the following language be added to the recommendation: "That \$15,000,000 in tax increment revenues to the redevelopment initiative be for public infrastructure, public amenities and access to public amenities." **COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF THE RECOMMENDATIONS AS READ INTO THE RECORD WITH CHAIRMAN DeBOER'S ADDED LANGUAGE, SECONDED BY COMMISSIONER DEVOS.** **Commissioner Horton** stated in the present CIP there is approximately \$10 to \$11 million dollars worth of projects and questioned if these dollars represent gas tax or impact fees. **Chairman DeBoer** stated he wasn't sure and he would need to check his funding sources, but probably is some type of combination. **Commissioner Horton** questioned where in the CIP do these projects fall. **Chairman DeBoer** stated they are part of the five year Capital Improvement Program. **Commissioner Horton** questioned will this be for minimum service there, or what we're going to do will meet the needs when it's developed. Tom O'Kane, Public Works Director stated the projects that are programmed are mainly Flamingo and Toledo Blade to be urban roadways and to service development that was near by, but as we approach the area of Murdock Village, the category of these roadways will be significantly different than what was originally envisioned, i.e. Boulevard type roadways that enhance access to the project. **Commissioner Horton** questioned if the County would be looking at approximately \$30 million in total infrastructure costs and doesn't believe the amount of dollars that we have in the CIP will meet the needs of this area. **Commissioner Horton** questioned where are the monies going to come from and what are we willing to put into this to meet the needs of this project. Attorney Lawson stated \$15 million will be coming from Charlotte County. Attorney Lawson stated that the RFP is very specific that the developers in their proposals are to articulate and provide you with financial information on their proposal on how they would finance all the other additional infrastructure. Attorney Lawson stated the County will still have the ability to increase their minimum contribution down the road. **Commissioner Devos** stated that at this time she didn't want to commit to any additional dollars. **Chairman DeBoer** concurred. **CALL ON THE MOTION: DECLARED UNANIMOUS.** **Chairman DeBoer** commended the Board Members for an excellent discussion on this issue.

RECESS: 10:40 A.M. - 10:45 A.M.

VII. PUBLIC HEARING AGENDA

N. 10:00 A.M.

Agenda Item N-1, 10:00 A.M. Public Hearing - Farabee Road Street & Drainage MSBU - Consider the adoption of a Resolution of Intent to use the uniform method of collection of non-ad valorem assessments for the Farabee Road Street & Drainage Municipal Service Benefit Unit (Proof of publication was in order.)

Thomas E. O'Kane, Public Works Director stated under Section 197.3632, Florida Statutes, requires a public hearing and the adoption of a resolution of intent to use the uniform method of collection for non-ad valorem assessments for newly created MSBUs. Mr. O'Kane stated the Farabee Road Street and Drainage Municipal Service Benefit Unit mentioned is anticipated to be established provides a method of funding maintenance of Farabee Road, after other roads in the South Charlotte Marl Street and Drainage Unit are paved and incorporated into the Punta Gorda Street and Drainage MSBU. Mr. O'Kane stated this resolution does not obligate the County to impose these non-ad valorem assessments or to use the uniform method of collection, but merely preserves its ability to do so. Mr. O'Kane stated the actual creation of Farabee Road Street and Drainage MSBU would require the adoption of an ordinance following a public hearing. Mr. O'Kane stated that notice of the public hearing to consider this resolution has been published for four consecutive weeks preceding this hearing pursuant to Section 197.3632 (3)(a). **THERE BEING NO ONE WISHING TO SPEAK FOR OR AGAINST COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC HEARING, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.** Commissioner Horton questioned how does Farabee Road Street and Drainage MSBU fits into the County-wide District. Mr. O'Kane stated it's still included. **Commissioner Horton** questioned if this unit would be assessed twice. Mr. O'Kane responded affirmatively. **Commissioner Cummings** questioned if this unit is in the South Charlotte Marl District. Mr. O'Kane responded affirmatively. **Commissioner Cummings** stated once the road is paved and the assessment is made, the overwhelming majority of the roads would be then transferred out of the very expensive South Charlotte Marl District into the less expensive - Punta Gorda Non-Urban. Mr. O'Kane responded affirmatively. **COMMISSIONER D'APRILE MOVED**

FOR APPROVAL OF THE ADOPTION OF RESOLUTION #2004-029, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.

III. COMMITTEE VACANCIES

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

Affordable Housing Advisory Committee

- ❖ One (1) volunteer member-at-large representative for a three-year term

Beaches & Shores Advisory Committee

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

Construction Board of Adjustments & Appeals

- ❖ One (1) volunteer for an alternate representative appointment for a three-year term

Charlotte Harbor Redevelopment Agency

- ❖ One (1) volunteer who resides in the Community Redevelopment area

Parks & Recreation Advisory Board

- ❖ One (1) volunteer who resides in District #5

Tourist Development Council

- ❖ One (1) volunteer who can represent the Tourist Industry for a four-year term

IV. REPORTS RECEIVED AND FILED

Article V Budget/Funding Committee Meeting.

ITEM OF DISCUSSION

G. GENERAL SERVICES

Agenda Item G-1, Change Order #4 to Contract #03-214, Sidewalks as part of the US 41 Beautification Project at Peachland Boulevard, Atwater Street and Sommerset Street, to Frederick Derr & Co., Inc., of Sarasota, Florida, in the amount of \$124,469.73, with a revised total contract of \$600,628.37, and a 101 calendar day contract extension with a revised completion date of May 6, 2004

Chairman DeBoer requested this item be pulled and discussed with Agenda Item T-2, 3:00 P.M. - U.S. Beautification Project - Review the details of the proposed improvements for the US 41 corridor; specifically, along the west side of the roadway from West Tarpon Boulevard to Port Charlotte Boulevard. **COMMISSIONER HORTON MOVED FOR APPROVAL TO PULL THIS AGENDA ITEM AND DISCUSS IT WITH AGENDA ITEM T-2 THIS AFTERNOON, SECONDED BY CHAIRMAN DeBOER AND DECLARED UNANIMOUS.**

V. CONSENT AGENDA

COMMISSIONER CUMMINGS 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 21, 2004 through February 3, 2004 in the amount of \$10,189,132.86

B. Minutes Division

Agenda Item B-1, Approval of Minutes

9:00 A.M. January 27, 2004 BCC Regular Meeting
2:05 P.M. January 29, 2004 Murdock Village Workshop

C. BUDGET OFFICE

Agenda Item C-1, (a)

Budget Transfer #04-18 to adjust carryover balances for various account lines for the FY2003/2004 budget.

Agenda Item C-1, (b)

Budget Amendment #04-A17, Budget Amendment #04-A18, Budget Amendment #04-A19, Budget Amendment #04-A20 and Budget Amendment #04-A21 to adjust carryover balances for various account lines for the FY2003/2004 budget.

D. COMMUNITY DEVELOPMENT

Agenda Item D-1

Resolution #2004-030 for Partial Final Detail Plan for Deer Run Apartments (DRC-PD-80-4YY).

Agenda Item D-2

Budget Transfer #04-028 in the amount of \$50,000.00 to retain professional services to revise the plan for Don Pedro/Knight Island Area.

Agenda Item D-3

Set two Public Hearings for rezoning: Z-03-12-52 (Charlotte County Community Development.) The first to be held on March 9, 2004 at 2:00 P.M. and the second for March 23, 2004 at 10:00 A.M., or as soon thereafter as may be heard, thereby electing the second hearing to be held at a time other than after 5:00 P.M. in accordance with Section 125.66 F.S.

Agenda Item D-4

Set two Public Hearings for rezoning: Z-03-12-53 (Charlotte County Community Development.) The first to be held on March 9, 2004 at 2:00 P.M. and the second for March 23, 2004 at 10:00 A.M. or as soon thereafter as may be heard, thereby electing the second hearing to be held at a time other than after 5:00 P.M. in accordance with Section 125.66 F.S.

E. ECONOMIC DEVELOPMENT

Agenda Item E-1

Agreement #2004-012 Program Agreement with Seabreeze Electric, Inc., a Florida Corporation for the Economic Incentive Development Program.

Agenda Item E-2

Set a Public Hearing for March 9, 2004 at 10:00 A.M. or as soon thereafter as may be heard, to consider an Ordinance that amends the Economic Incentive Development Code to implement recommendations developed by Enterprise Charlotte as a result of Enterprise Charlotte's annual review of the Code.

F. FACILITIES CONSTRUCTION AND MAINTENANCE

Agenda Item F-1

Resolution #2004-031 authorizing the Chairman to sign the Utility Easement with Florida Power and Light Company for electrical service to Fire/EMS Station #13 in West County.

G. GENERAL SERVICES

Agenda Item G-2

Change Order #4 to Contract #03-484, North County Paving Program to AJAX, Inc. of Nokomis, Florida, in the amount of \$196,886.40 with a revised total contract amount of \$3,601,738.80.

Agenda Item G-3

Amendment #1 for Contract #98-207, Bayshore Linear Park Master Site Plan with Dufresne-Henry Engineering, Inc. of Port Charlotte, Florida, for an amount of \$377,800.00 for a revised total contract amount of \$410,064.80.

Agenda Item G-4

Amendment #3 to Contract #01-187, Charlotte County Central Library Facility - Planning and Design with Spillis Candela & Partners, Inc. in the amount of \$10,233.00 for a total revised contract amount of \$443,293.00.

Agenda Item G-5, (a)

Start of negotiations with the first ranked firm, SCS Engineers, Inc., Tampa, Florida for **RFP 04-060 Solid Waste Engineer of Record.**

Agenda Item G-5, (b)

Authorize the Chairman to sign the contract after negotiations have been completed.

Agenda Item G-6, (a)

Negotiations for Request for Proposal #04-109 Design - Peachland Boulevard Sidewalks with the first ranked firm, Giffels Webster of Port Charlotte, Florida.

Agenda Item G-6 (b)

Authorize the Chairman to sign the contract upon successful negotiations by the Committee, provided the total amount does not exceed \$150,000.00.

H. GENERAL SERVICES - REAL PROPERTY SERVICES

Agenda Item H-1

Resolution #2004-032 authorizing the Chairman of the Charlotte County Board of County Commissioners to execute a County Deed

releasing a portion of a twenty (20) foot wide canal maintenance easement located in Lot 8, Block 3006, Port Charlotte Subdivision, Section Fifty-Five, in Charlotte County, Florida. (Owner: Veronica M. Byrne.)

Agenda Item H-2

Resolution #2004-033 authorizing the Chairman of the Charlotte County Board of County Commissioners to execute a County Deed releasing a portion of a ten (10) foot wide utility an drainage easement, and a portion of a twenty (20) foot wide canal maintenance easement, both located in Lot 77, Block 619, Port Charlotte Subdivision, Section Forty-One, in Charlotte County, Florida. (Owner: Rosario Caradonna.)

Agenda Item H-3

Resolution #2004-034 authorizing the Chairman of the Charlotte County Board of County Commissioners to execute a County Deed releasing a portion of a recorded twenty (20) foot wide canal maintenance easement per Official Record Book 1591, Pages 1746-1752 of the Public Records of Charlotte County, Florida and a portion of a platted twenty-five (25) foot wide canal maintenance easement, both located in Lot 6, Block 3302, Port Charlotte Subdivision, Section Forty-Four, in Charlotte County, Florida. (Owner: Mary M. Gregory.)

Agenda Item H-4

Resolution #2004-035 authorizing the Chairman of the Charlotte County Board of County Commissioners to execute a County Deed releasing portions of two ten (10) foot wide utility and drainage easements located in Lots 14 and 17, and the two ten (10) foot wide utility and drainage easements located in Lots 15 and 16, all located in Block 4424, Port Charlotte Subdivision, Section Eighty-Two, in Charlotte County, Florida. (Owners: Jay Lund and Diana Lund.)

Agenda Item H-5

Resolution #2004-036 approving and ratifying the Agreement for the purchase and sale of Real Property, Lot 7, Block 1439, Port Charlotte Subdivision, Section 27, as recorded in Plat Book 5, Page 20C of the Public Records of Charlotte County, Florida,

according to the Official Record Book 1793, Page 1559 of the Public Records of Charlotte County, Florida.

Agenda Item H-6

Resolution #2004-037 approving and ratifying the Agreement for the purchase and sale of Real Property, to purchase Lot 24, Block 866, Port Charlotte Subdivision, Section 34, as recorded in Plat Book 5, Page 38 of the Public Records of Charlotte County, Florida, according to Official Record Book 1526, Page 565 of the Public Records of Charlotte County, Florida.

Agenda Item H-7

Resolution #2004-038 accepting a permanent fifteen (15) foot wide drainage and utility easement from Gary R. Beaumont and Sallie A. Beaumont for drainage and utility purposes in a certain portion of Section 28, Township 41 south, range 23 east, in Charlotte County, Florida.

J. HUMAN RESOURCES - RISK MANAGEMENT

Agenda Item J-1

Workers' Compensation Settlement Agreement of \$125,000.00 for Frank Reis vs. Charlotte County.

K. INFORMATION TECHNOLOGY

Agenda Item K-1

Agreement #2004-013 Memorandum of Understanding between the Florida Department of Revenue, Charlotte County Property Appraiser and Charlotte County Board of County Commissioners to share funding for Digital Map Conversion. (IE: COGO platted property in West and South County.

L. PUBLIC WORKS

Agenda Item L-1, (a)

Resolution #2004-039 for Local Agency Program (LAP) Agreements #405114-2 and #412642-1 with the State of Florida Department of

Transportation (FDOT) for the construction of additional lanes on Aqui Esta Drive from US 41 to Magdalena Drive; and preliminary Engineering services from Magdalena Drive to Bal Harbor Boulevard.

Agenda Item L-1, (b)

Agreement #2004-014 (Interlocal) with the City of Punta Gorda requiring matching funds for this project.

Agenda Item L-1, (c)

Authorize the Chairman to execute the Agreement and other documents relative to these projects.

VI. REGULAR AGENDA

M. REGULAR BUSINESS

Agenda Item M-2, Approve the recommendation of the Selection Committee and the Affordable Housing Committee to award SHIP Funds to two developers of multi-family rental housing for a total amount of \$300,000.00

COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE RECOMMENDATION OF THE SELECTION COMMITTEE AND THE AFFORDABLE HOUSING COMMITTEE TO AWARD SHIP FUNDS TO TWO DEVELOPERS OF MULTI-FAMILY RENTAL HOUSING FOR A TOTAL AMOUNT OF \$300,000.00, SECONDED BY COMMISSIONER HORTON. Commissioner Horton questioned why didn't the last developer receive any favorable recommendation. Jim Sweeney, Housing Coordinator stated the third developer had no units dedicated to households earning less than 50% of their median income. Chairman DeBoer questioned if we were able to recalculate the fees for Charlotte Crossings based on the 81 gallons per unit and the new amount of units. Michael L. Saunders, Utility Engineer stated that based on 200 units and 85 gallons per day, per unit, the connection fees would be approximately \$360,000.00. Commissioner Devos stated she is in support of this project, but the highest priority is to see a project come before this Board for the elderly. Commissioner D'Aprile stated the Board needs to look at low income housing, but questioned where would you locate this type of housing. Commissioner Horton stated he heard a rumor that Mr. Sweeney was

leaving for greener pastures. Mr. Sweeney responded affirmatively. **Commissioner Cummings** stated Mr. Sweeney has done a great job for Charlotte County and has changed the level of service. **Commissioner Horton** stated Mr. Sweeney is the "Champion for the Cause." Mr. Sweeney thanked the Board Members for their kind words. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item M-3, Approve the DRC-PD-03-04 Final Detail Plan Resolution permitting Armandal, L.L.C. to develop the Harley Davidson Dealership

COMMISSIONER DEVOS MOVED FOR APPROVAL OF THE ADOPTION OF RESOLUTION #2004-040, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.

VII. CITIZENS' INPUT - ANY SUBJECT

Jane Taylor a resident of Ohio voiced concern regarding a \$40.00 parking ticket she received at the Port Charlotte Beach Complex. Ms. Taylor stated there isn't enough adequate signage or meters to inform out-of-state visitors of the parking fees. Ms. Taylor stated if you wish to protest the ticket the cost to the individual could reach \$500.00 in court fees.

P. COUNTY ADMINISTRATOR

Bruce D. Loucks, County Administrator stated the Legislative Session is now heating up, we're now getting notifications of pending legislation that we would like to oppose that is for not allowing not-for-profit agencies to not have to pay disposal fees when it comes to dumping in the landfill. **Commissioner Devos** questioned if a letter was sent to Representative Harrington's office after the last meeting. **Chairman DeBoer** stated he would have to check on it. Mr. Loucks informed the Board that Ms. Olsen will give them an update on the scrub jay concerns. Mr. Loucks stated the fifty colleges from nineteen states will be playing baseball at the Charlotte Stadium and tickets will be \$3.00 for adults and \$2.00 for children. Cathy Olsen, Environmental Specialist stated that land has been historically cleared of trees and shrubs can not be freed for development, even if it was in the "red zone" protection area for scrub-jays. **(Board members discussed the wording and intent of an environmental lands, acquisition, ballot initiative that**

could help clear up some of the problems with the county's problems with scrub jays.) **Chairman DeBoer** stated the permitting delays which has been imposed by the Florida Fish and Wildlife Conservation Commission and U.S. Fish and Wildlife Service is about to be challenged in court and he has recently met with a group of people who have hired attorneys who are going to test this theory.

R. County Attorney

Attorney Lee stated there are several options when it comes to putting the environmental lands acquisition on the ballot. Attorney Lee stated the Board could circumvent the vote and just increase the tax and agree to put the money toward environmental land purchase. Attorney Lee stated if the Board decides to go this route, then financing purchase of lands would not be allowed. Attorney Lee stated the most flexible choice would be to seek the voters' approval and use the guaranteed funding as a way to get a General Obligation (GO) Bond. Ms. Olsen stated the bond could cover the costs of all scrub-jay lands and can cover many other sensitive lands, clearing the way for state and federal approval of the Habitat Conservation. Attorney Lee commented on the possibility of using the language in the Resolution from Collier County. **Commissioner Cummings** stated he isn't prepared today to give an answer because Environmental Lands Acquisition Advisory Committee (ELAAC) needs to be part of this decision. **Commissioner Cummings** stated he would be prepared to vote to put the monies into the budget for the acquisition and will support ELAAC. **Commissioner Devos** stated she is of the opinion that a GO is the right way to handle the acquisition of lands. **Commissioner Horton** concurred in doing a GO with various monies for the Murdock Village, land acquisition and scrub jays. **Commissioner Devos** stated she is concern with establishing a millage without a criteria. **Chairman DeBoer** concurred with doing a GO, will inform ELAAC, have ELAAC review Collier County's resolution and have them get back to the Board in a few weeks. Grace Amodeo, member of ELAAC stated the Committee is having a meeting in a couple of days and requested a copy of the resolution. Attorney Lee commented on the advertisement placed in the Wall Street Journal to sell or lease the Charlotte Sports Park. Attorney Lee stated one of the Commissioners had asked her to make sure discussion took place at this meeting regarding the use of the Stadium. Attorney Lee

stated negotiations have started with PPI and we also have a proposal from Stonebridge to use the Stadium and now we need some direction from the Board on how to pursue these issues. **Chairman DeBoer** stated he found it interesting that conversation was held this morning about the importance of process and yet here we have the Stadium and there is no process. **Chairman DeBoer** stated he has no idea who is Stonebridge or what they're proposing and hasn't a clue as to what has been negotiated with PPI. **Chairman DeBoer** stated that everything is taking place outside of a formalized process which means that even the people that are giving us these proposals don't know what the playing field actually is. **Commissioner Devos** stated after the Board created for the park a "re-use" plan to add new facilities including a swimming and diving area and nothing has happened. **Commissioner Devos** stated though the plan fell through because of a lack of funds, the plan still exists and need to be incorporated. **Commissioner Devos** stated that promises were made to the people that these programs would be available. Mr. Loucks stated when we were going through the process with the Cleveland Indians we identified the potential opportunity of PPI, but at that point of time, staff came before the Board and was asked to negotiate and bring something back. Mr. Loucks stated we're looking at those negotiations now and are looking at March 2004 for the tenants to come out and basically use the fields for activities, putting up a 60,000 square foot development, and have identified a potential need possibly for the Stadium. Mr. Loucks stated the Board did say let's move forward. **Commissioner Devos** stated that it is true there are no monies for the reuse plan, but there wasn't a lack of commitment from this Board. **Commissioner Devos** stated that staff needs to present us with a plan for alternate site. **Commissioner D'Aprile** questioned as to what is our plan for the Stadium. **Commissioner D'Aprile** stated he has done some research himself and reported a permanent amphitheater could be right in the middle of the existing stadium with approximately \$1.35 million in revenue within three years for Charlotte County. **Commissioner D'Aprile** stated there would be no maintenance or repair costs for the County. **Commissioner D'Aprile** stated the Board needs to make a decision. **Commissioner Horton** stated he remembers looking at the re-use plan for the Stadium which would provide good things for the community. **Commissioner Horton** stated that with an amphitheater we would lose the ball field. **Commissioner Horton** stated he's not anxious to do anything with

the Stadium other than the re-use plan. **Commissioner Cummings** questioned if staff has received any responses to the Wall Street Journal Ad. Mr. Loucks stated he had received responses offering to build a hotel or condos. **Commissioner Cummings** stated there is a viable market for people from all of Florida to come here for leisure and sports activities. **Chairman DeBoer** questioned what would Stonebridge do with the Stadium. Attorney Lee stated this company or group owns Sun Coast Amphitheater. **Chairman DeBoer** stated once a baseball team leaves, a stadium becomes a "White Elephant." **Chairman DeBoer** stated that PPI has a partial fit for the reuse plan at the Stadium. **Chairman DeBoer** requested PPI is notified of 30 days to finalize negotiations with the County, and voiced support to create year round uses for the Stadium. **Commissioner Devos** stated that the Parks & Recreation Director needs to be part of the discussion for the use of the Stadium; Master Plan was developed without having a baseball team, monies are generated from having a ladies soccer team, the Parks & Recreation Director wanted more activities to be held at the Stadium to raise monies and if we have any extra monies in the upcoming budget, we need to let the Parks & Recreation Director know. **Commissioner Cummings** stated we need to look at the Master Plan, PPI and whatever proposals we receive for the use of the Stadium. **Commissioner Cummings** stated his personal viewpoint is that the proposals come back in a matrix rating. **Commissioner D'Aprile** stated that an amphitheater could also be used for graduations and other community events. **Commissioner Devos** stated she has heard a rumor that Edison College is contemplating building an amphitheater on their campus and would like to communicate with them. Mr. Loucks stated the rumor is true, but Mr. Tetone is still interested in the Stadium. **Chairman DeBoer** questioned if everyone is in agreement that we're directing staff to formalize and finalize negotiations with PPI, consider any other proposals, knowing of course that they must come back with a justification on what plan they propose to us, based on cost benefit analysis at our second BCC meeting in March. **(BOARD CONSENSUS.)** **Chairman DeBoer** stated a proposed bill to redraw the boundaries of the 2nd District Court of Appeals could result in a rare opportunity to establish a branch of the higher court in the now-vacant historic county courthouse in Punta Gorda. **Chairman DeBoer** stated the reasoning for this is that Punta Gorda would be close to the center of the new district that would be created by the bill. **Chairman DeBoer** stated the next

step for the Board of Charlotte County Commissioners is to place this on the agenda for a formal discussion.

RECESS: 12:20 P.M. - 2:00 P.M.

(Executive Assistant Diane Gant 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.)

IX. WORKSHOP AGENDA

Agenda Item T-1, 2:00 P.M. Public Workshop - South County Stormwater and County-Wide Dredging (Proof of Publication was in order.)

Dan Quick, Stormwater Manager, stated the intent of the slide presentations, comprised of the County-Wide Maintenance Dredging Program (the Program) and the proposed South County Stormwater Utility Unit (the Unit), is to provide status updates and Board input and direction. Mr. Quick advised the purpose of the Program is to maintain Gulf access waterways in the County for safe boat navigation and to bring all Gulf access waterways to a uniform level of service within a five-year work plan. Mr. Quick pointed out on a map of the Dredging Status those waterways under the jurisdiction of the County and the Florida Department of Environmental Protection (FDEP) via a blanket permit issued approximately one year ago giving the County the ability to maintain the waterways; summarized the Estimated Construction Cost under the five-year maintenance plan; and advised the Current Waterway Unit Assessments slide may be used as a benchmark. Mr. Quick outlined the proposed County-Wide Maintenance Dredge Funding Options:

1. County-Wide MSTU whereby all properties within the County would be assessed by the MSTU methodology i.e. Years 1 - 3 at \$.32 per \$1,000 or approximately \$40 for a Single Family Residence (SFR) and Years 4 and after at \$.61 per \$1,000 or approximately \$20 for a SFR based on a \$150,000 value with a homestead exemption.
- 2A. An MSBU comprised of canal front property to be dredged would be assessed for Years 1 - 3 at \$540 per acre or

- \$135 per 1/4-acre lot and Years 4 and after at \$340 per acre or \$85 per 1/4-acre lot.
- 2B. All canal front properties adjacent to waterways to be dredged would be assessed by the Equivalent Residential Unit (ERU) method for Years 1 - 3 at \$205 per ERU and Years 4 and after at \$125 per ERU.
- 3A. A combined County-Wide MSTU and MSBU for canal front properties to be dredged with the MSTU assessments on all properties within the County for Years 1 - 3 at \$.10 per \$1,000 or \$12.50 per SFR based upon a \$150,000 valuation with homestead exemption and Years 4 and after at \$.05 per \$1,000 or \$6.25 per SFR residence and the MSBU assessments for Years 1 - 3 at \$370 per acre or \$92.50 per 1/4-acre and Years 4 and after at \$150 per acre or \$62.50 per 1/4 acre.
- 3B. A combined County-Wide MSTU and MSBU for canal front properties to be dredged per ERU with the MSTU assessments for Years 1 - 3 at \$.10 per \$1,000 or \$12.50 per SFR based on \$150,000 valuation with a homestead exemption and Years 4 and after at \$.05 per \$1,000 or \$6.25 per SFR and the MSBU assessments for Years 1 - 3 at \$140 per ERU and Years 4 and after at \$91 per ERU.

Chairman DeBoer announced, based upon Board consensus, public input would be allowed separately on the Program and the Unit. Keith Waltz, a Sunrise Trail resident, stated he has actively pursued this matter for a year and this is the first time he has seen the homestead exemption in the cost calculations; he does not have a homestead exemption; and questioned if his assessment would be different. **Chairman DeBoer** stated Florida Statutes govern the homestead exemption relative to ad valorem taxes and explained not all of the proposed options deal with ad valorem assessments. Mr. Waltz requested the excluded options. Mr. Quick stated Options 2A and 2B are non ad-valorem related assessments. Mr. Waltz stated they are unfair. George McNeil, Vice Chairman for the Alligator Creek Waterway Advisory Committee, stated a meeting was held with Assistant County Attorney Anne E. Bast who cautioned them regarding Sunshine regulations; stated the Alligator Creek Waterway Unit has collected assessments and those revenues should be utilized for work within that Unit; the 5' depth at low tide is not sufficient; and he agreed with Richard Benson, based upon a prior conversation, that an 8' depth is adequate. Howard Baxla,

a Sunrise Waterway resident, referred to a newspaper article in last Friday's newspaper by Brian Shepard about homeowners not paying if they do not reside on a waterway; stated several thousand residents to the east of U.S. 41 have boats and they only have water access by putting their boats in at various ramps in the County; and questioned if canal front properties would be considered private property if dredging assessments are levied only on canal front property owners. Mr. Baxla referenced a July 27, 1999 letter from the Southwest Florida Water Management District (SWFWMD) indicating that no maintenance has been performed on some canals for approximately 30 years, SWFWMD provided \$250,000 for stormwater runoff canal improvements, and questioned what happened to the money. Mr. Baxla reported, pursuant to the contract for removal of brush and trees at the end of Sunrise Waterway, the contractor was to clean up debris and cut down stumps to 3" but there are stumps that are 3' tall and questioned if the contractor has been paid for work that has not been done according to the contract. Mr. Baxla stated an article in Friday's newspaper only listed three rates and another tax for the Stormwater Utility Unit; pointed out stormwater runoff goes into canals; and questioned why he should have to pay separate assessments. Clarence Brownsner, a resident of South Gulf Cove, Chairman of the Waterway MSBU Advisory Committee, and a member of the Homeowners Association, recalled the Homeowners Association sent a letter to Board Members dated December 3, 2002 in opposition to the Waterway Unit being included in the County-Wide Dredging; the Association's position has not changed; dredging in South Gulf Cove canals and excess channel are almost complete; and additional dredging work will not be necessary for some time since the lock system keeps the amount of silt from Charlotte Harbor at a minimal amount. Mr. Brownsner stated he appeared before the Board on October 28, 2003 to request addition of the Village of Holiday Lakes, South Gulf Cove Section 94, and the dry lots to the South Gulf Cove Waterway MSBU; action has been taken on the Village of Holiday Lakes and Section 94; the dry lots issue still has not been resolved; South Gulf Cove is a waterfront community in the Vision Statement and Plan; the Plan was accepted by the Board on August 27, 2002; dry lot owners are not included in the MSBU because they do not benefit from the waterways; the South Gulf Cove boat ramp is scheduled for completion on March 10, 2004; and requested staff take action to include dry lot owners in the Waterway MSBU since they will have

water access via the boat ramp in time for the Fiscal Year 04/05 work program. Donna Elliott, a member of the Buena Vista, Grassy Point, Edgewater, Lister, and Free Court (ELF) Waterway MSTU, questioned the inclusion of Stump Pass in the County-Wide Dredging Program. Mr. Quick responded no. Ms. Elliott requested verification that the Program will only cover canals that have been previously dredged. Mr. Quick stated yes. Ms. Elliott stated the MSTU collects \$100 in assessments from lot owners and it should remain the same. Ray Warner, a South Gulf Cove resident, expressed opposition to the MSBU becoming a part of the County-Wide Dredging Program because growth statistics show that within 8 to 10 years a second lock will be needed; the cost is estimated at \$1 million to \$1.5 million; and if their assessments are put into a County-Wide MSTU, the money will not be available to build the lock. Robert Leonard encouraged the Board to move forward with the County-Wide Dredging MSTU, stated the entire County should be taxed as a percentage based upon property valuation in order to equably distribute the cost amongst residents and business owners of the County, some people oppose the County-Wide Dredging fund since they do not live on waterfront lots but residents are paying School Taxes when they do not have children in school, stated it is time for the Board to accept the responsibility to adequately provide for the good of all citizens through the budgetary process i.e. total it up and divide by the valuation; and opined the tax rate is what the tax rate is. Dr. David Phelen, Chairman of the Alligator Creek Waterway Advisory Committee, reported the Committee's position is to remain separate from the County-Wide MSTU since numerous changes are desired i.e. deeper dredging and modification of the channel. Joe Fleming, Chairman of the Harbor Heights Street and Drainage Advisory Committee and President of the Harbor Heights Waterway Maintenance District, stated the original dredge was to a 5' depth and a deeper dredge would require a FDEP permit; the 5' depth is not deep enough for many boats and it is a waste of the tax monies; canals are part of the County's infrastructure for navigation and drainage purposes; stated the County-Wide Dredging Program is needed; recalled his canal was dredged in 1997 at a cost of \$22.78 per front foot; even though canal front owners derive more benefits than dry lot owners, the dry lot owners still use the canals for boating and fishing and property values are enhanced based upon their proximity to canals; the entire County benefits from the canals; dry lot owners contribute silt 100 times over canal front owners; expressed

opposition to the proposed ad valorem tax to support dredging; the fairest proposal for all concerned would be to charge a flat fee for maintenance of the canal system based on ERUs with the fee to be tripled for canal front owners i.e. \$60 for canal front versus \$20 for dry lot owners; and a credit should be given to MSBUs that have been paying assessments into reserves. Pierrette Brady, a South Waterway Drive resident, questioned who dug the canals. **Chairman DeBoer** stated it would depend upon what area of the County the canal is located in. Ms. Brady questioned if homeowners had the canals dug and if the Corps of Engineers was involved. **Chairman DeBoer** indicated developers dug the original canals. Ms. Brady reported a survey of her lot ends at the seawall, requested an explanation of why she would be assessed for something she does not own, agreed with the comments about sharing the costs including those people who do not own or reside on water front properties. Robert Friedman, a Manchester Waterway resident, stated he is inclined to support a County-Wide Dredging Program but there are very few details; he cannot make an informed decision until more information is provided; and suggested including language that this Program not include any seawall maintenance. Lucas Anthony, a Sunrise Trail resident, informed the Board that he could get his boat in and out easily until the County dumped dirt in the canal about four years ago; at this time he can only get his boat in and out at high water tide; commented in support of the Dredging Program; and the costs should be shared on a County-Wide basis. Michael P. Haymans, of Farr, Farr, Emerich, Sifrit, Hackett, and Carr, P.A. on behalf of Babcock Florida Company, cautioned the Board in the selection of the Options in order not to charge agricultural land owners for canal maintenance and stated cows do not need canals. Eric Frohn, a Harbor Heights resident, commented in support of the County-Wide Dredging Program because it is beneficial to everyone. Dave Dayton requested information on the inclusion of Grove City canals in the Dredging Program. Mr. Quick reported those canals are a part of the Program. Grace Omodeo related as a result of a conversation with Dan Quick, she learned that many canals in the County have never been dredged and questioned if landowners in areas of canals that have never been dredged would pay more than property owners in areas where canals have been dredged. Frank Wippel, an East Spring Waterway resident, requested confirmation that East Spring Lake and West Spring Lake Waterways to the Beach area will not be dredged. Mr. Quick concurred and advised according

to the State those Waterways are to remain in their natural condition. Mr. Wippel questioned why so much money was spent for a park at the Beach that no one uses when the money should have been spent on more boat ramps and dredging. Andrew Neuhofer, of the Farm Bureau, agreed with Attorney Haymans that agricultural land owners should not be assessed for canal maintenance and stated Option 2A would place an undue burden on them. Paul Hawkins, a resident off of the Manchester Waterway, stated it was just dredged and the property owners are still paying; the County did not perform the dredge; property owners should not have to pay the same as other canal front land owners in dredge areas; indicated everyone utilizes the canals; silt and runoff from all lots go into canals; and pointed out he pays school taxes and he does not have any children in school. Victoria Meek, an East Englewood resident, questioned if the Oyster Creek canals are a part of the Dredging Program. Mr. Quick responded negatively because Oyster Creek is not under the auspicious of the County, stated it may be West Coast Inland Navigation District (WCIND), and added that some canals that intersect Oyster Creek i.e. Godfrey and Oyster Creek will be subject to the Dredging Program but not Oyster Creek. Bill Clark, a San Marino Canal resident in Harbor Heights, commented in support of the County-Wide Dredging and stated everyone should pay a proportionate share. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC PORTION OF THE WORKSHOP REGARDING THE COUNTY-WIDE DREDGING PROGRAM, SECONDED BY COMMISSIONER HORTON AND DECLARED UNANIMOUS.** Mr. Quick stated there are three scenarios for existing waterway units: property owners of a waterway unit that has an outstanding loan would pay the existing assessment and a new assessment; property owners of a waterway unit who have paid for and the funds have been depleted would pay the new assessment and the existing assessment would be eliminated; and property owners on waterways not in existing waterway units would pay the new assessment only. Mr. Quick explained the blanket permit for maintenance dredging only allows dredging to the original depth. **Commissioner Horton** requested verification that a SFR would pay \$40 per year under Option 1. Mr. Quick concurred and explained that a property owner of vacant land would be assessed at \$.32 per \$1,000 based upon the valuation. **Commissioner Horton** stated a property owner with a home on a 1/4-acre lot would pay \$135. Mr. Quick agreed and stated an owner of a vacant 1/4-acre lot would also pay \$135. **Commissioner Horton** requested clarification of an ERU and stated

under Option 2B property owners would pay \$205 per ERU. Mr. Quick reported the ERU represents an account for each property whether it is improved or vacant. **Commissioner Horton** stated, according to Option 3A, the homeowner would pay \$12.50 for the MSTU rate plus \$92.50 for the MSBU rate or a total of \$105 and requested the assessment for vacant land. Mr. Quick explained the MSTU rate for the vacant lot would be less because it is based on the ad valorem property valuation but the same MSBU rate would be paid since it is located on a canal. **Commissioner Horton** requested information as to why Option 1 seems more attractive. Mr. Quick indicated costs are distributed County-Wide based on property values and Options 3A and 3B are a combination of both the County-Wide MSTU rate and the MSBU rate for canal front properties. **Commissioner Horton** stated canals in the County should be considered as infrastructure since they are as important in some areas as roads, something should be done to maintain them, and questioned if costs associated with canal work would be maintenance and/or capital. Mr. Quick stated that the costs would all be maintenance. **Commissioner Devos** expressed a preference for Option 3A since it is consistent with prior actions regarding West County residents for dredging of Stump Pass and requested an explanation on the collection of assessments for the work performed on the Manchester Waterway and Gulf Cove canals. Mr. Quick stated the monies are collected via an assessment, the funds are utilized to finance a specific maintenance project, and added if an existing waterway unit has reserve funds, those monies would be allocated to that unit for dredging. **Commissioner Devos** questioned if loans were made to finance upfront dredging costs for the Gulf Cove and Manchester Waterways. Mr. Quick responded negatively. **Commissioner Devos** asked if Gulf Cove residents would pay an assessment next year for dredging. Mr. Quick stated yes in order to accumulate funds. **Commissioner Devos** questioned if dredging would be performed every five years. Mr. Quick advised work would be done as needed and as funds are available and pointed out the South Gulf Cove access channel would need work done more often than interior waterways. **Commissioner Devos** recalled Manchester Waterway MSBU collected funds into its MSBU Reserves for upcoming maintenance work whereas assessments collected under the County-Wide Program would be allocated on projects in the entire County. Mr. Quick agreed. **Commissioner Devos** stated her preference is still Option 3A as long as Manchester Waterway and Gulf Cove residents

will not be penalized. Mr. Quick stated those residents would not be penalized. **Commissioner Cummings** questioned if MSTUs are included in the \$10 million cap. Bruce D. Loucks, County Administrator, explained there is a County-Wide \$10 million cap and a MSTU \$10 million cap. **Commissioner Cummings** stated a County-Wide Program hinges on a successful phase-in; he has not heard of an equitable phase-in option; MSBUs were established to provide funding for work over and above the County's level of service i.e. Alligator Creek; there is a lot to be gained by everyone under a County-Wide Program; mobilization costs need to be considered to increase savings; property owners paying off an existing maintenance assessment should not pay the proposed assessment until the existing loan is paid off; land owners in areas where dredging has never been done should pay more than owners in areas where dredging has been performed; there is a balance between waterfront and non-waterfront i.e. non-waterfront owners still enjoy the amenities of a waterfront community by using the boat ramps for fishing and water recreation; WCIND is a County-Wide ad valorem assessment paid by everyone and those funds have been utilized for waterway signage, etc.; expressed a preference for Option 3B; questioned if the non-waterfront assessment should be increased in an MSTU or through the budget; consideration needs to be given to waterfront properties that do not have navigable access such as mangrove areas; and reiterated a successful phase-in process and a method for MSBUs to pay for work over and above the County's level of service need to be developed. **Chairman DeBoer** agreed with **Commissioner Cummings** on the phase-in process; stated there would not be an equitable distribution since some MSBUs have levied assessments for work specific and the land owners are still paying for that work; opined MSBUs should be allowed to be excluded from the County-Wide Program if they desire; expressed support for a combination of ad valorem tax and MSBU assessments as under Options 3A and 3B; he still needs additional information on the phase-in process and equity issue; pointed out Alligator Creek, South Gulf Cove, and the Buena Vista, Grassy Point, ELF MSBUs have expressed a desire to remain outside of the County-Wide Program; and recalled the initial theory was to have three ad valorem districts representing the three geographic areas of the County, then MSBUs were established to fund street and drainage work programs, and the number of MSBUs and MSTUs have increased over the years. **Commissioner Devos** expressed concern about the phase-in and

equitability under the County-Wide Program and requested verification that there would still be an assessment for future maintenance for Gulf Cove and Manchester Waterway Units. Mr. Quick explained under the County-Wide Program the existing assessment would be terminated and the new assessment would take over. **Commissioner Devos** stated she resides within the Buena Vista, Grassy Point, ELF MSBU; requested the MSBU carry-over balance of the \$100 year assessments paid by property owners; expressed support for Options 3A and 3B; and indicated she will make a decision after staff brings back more information. **Chairman DeBoer** explained staff would be able to narrow down the options based upon today's input and bring back answers; requested staff bring back information on the stormwater districts and how they work for ad valorem input into the dredging units especially related to the agricultural lands. **Commissioner Cummings** expressed reluctance to allow existing MSBUs to opt out of the County-Wide Program and stated there must be a commitment for contributions from those MSBUs in coordination with the blanket permits to avoid the possibility of losing benefits from a County-Wide Program. **Commissioner Horton** acknowledged non-waterfront property owners do not get the same benefits as waterfront property owners but the most economically feasible assessment method would be on a County-Wide basis. **Commissioner Devos** agreed it would be more cost effective to levy assessments on a County-Wide basis and indicated a reluctance to allow MSBUs/MSTUs to withdraw from the Program. **Commissioner D'Aprile** expressed concern with the equitability for MSBU units that are being maintained as a result of the levy and collection of assessments and requested an explanation of what would be done with reserve balances. Mr. Quick stated the funds would be utilized for maintenance specific to that Waterway Unit and added the existing assessment would be terminated and property owners would pay the new assessment. **Chairman DeBoer** noted that he and **Commissioners Devos, Cummings, and D'Aprile** have concerns with the phase-in process.

RECESS: 3:20 P.M. - 3:28 P.M.

(Deputy County Attorney Brendan Bradley replaced County Attorney René Francis Lee for the remainder of the meeting.)

Chairman DeBoer announced Mr. Quick would make a presentation on the South County Stormwater Unit at this time. **(Chairman DeBoer relinquished the gavel to Vice Chairman D'Aprile for this portion of the meeting.)**

Mr. Quick gave a slide presentation and explained the purpose is to establish a stormwater utility unit to levy assessments necessary to comply with Federal and State mandates and pay for maintenance of existing stormwater facilities and existing debt service. Mr. Quick reported the yellow segment on the map reflects the Peace River Watershed and the salmon section shows the Charlotte Harbor Watershed that are subject to the assessment minus properties that are specifically exempted from this type of an assessment, the green area denotes the City of Punta Gorda that is excluded, the remaining area in white is totally excluded since it is located within the Caloosahatchee Watershed, the red area located in the Charlotte Ranchettes reflects ditch maintenance that would be done in Year 1 and summarized the Program Definition and Costs include \$127,300 for the NPDES Permit and Water Quality Monitoring under Federal and State requirements, \$539,200 for Stormwater Maintenance and Administration (primary ditch maintenance), and \$88,900 for payment of the existing debit service. Mr. Quick proffered the following Assessment Options:

South County

1. Agricultural properties would be assessed \$0 and all other properties (residential and commercial) would be assessed \$26.75 per acre.
 2. Agricultural properties would be assessed \$.10 per acre and all other land uses would be assessed \$26.50 per acre.
 3. Agricultural properties would be assessed \$.25 per acre and all other land uses would be assessed \$26.10 per acre.
- (Rates for occupied lots would be 10% higher than vacant lots.)

West Charlotte Stormwater Utility Unit Assessments

1. Vacant property is assessed at \$5.68 per 1/4-acre or \$22.73 per acre.
2. Occupied property is assessed at \$6.25 per 1/4-acre or \$25.00 per acre.

Mid-Charlotte Stormwater Utility Unit Assessments

Greater Port Charlotte Sub-Unit

1. Vacant property is assessed at \$65.07 per acre or \$16.27 per 1/4-acre.
2. Occupied property is assessed at \$71.58 per acre or \$17.90 per 1/4-acre.

Mid-Charlotte Basin

1. Vacant property is assessed at \$7.80 per acre or \$1.95 per 1/4-acre.
2. Occupied property is assessed at \$8.59 per acre or \$2.15 per 1/4-acre.

Commissioner Horton requested location of the Charlotte Ranchette areas involved in the ditch maintenance. Mr. Quick pointed out the area between C.R. 74 and Bermont Road and the red lined areas surrounding the Ranchettes. **Vice Chairman D'Aprile** opened the floor for citizen's input and announced the three-minute time limit. Robert (Bucky) McQueen, Vice Chairman of the Central Charlotte Drainage District and a District Supervisor, advised the Board is comprised of three elected officials who levy annual assessments, \$15.00 per acre this year, and perform maintenance projects that also encompass some of the ditches shown on the map; advised the future of the District depends upon County action on the Stormwater Utility Unit; and the District is doing more work than that proposed by the County. Mr. McQueen, as a property owner within the District, pointed out the Board's philosophy in the prior meeting was that everyone should pay for certain things (WCIND and canal maintenance); if that is applicable in this instance, the entire budget for this District should be paid out of ad valorem taxes; the agricultural assessment needs to be defined because of the differences in agriculture exemptions, land uses, and zoning designations since most of the Ranchettes and parcels close to town do not have agricultural exemptions; \$26 per acre for a five-acre parcel would amount to \$130 which is basically a home site; pointed out approximately 40% of the land mass in the County is under governmental ownership and if that is added to Babcock Ranch, the Webb Management Area, and Charlotte Flatwoods then the percentage would increase to 60% to 65% of the County's

area that is not on the tax roll and no special assessments or ad valorem taxes are paid; advised special assessments in some cases are greater than ad valorem taxes; stated water quality and monitoring are performed in the eastern part of the County; and suggested, instead of basing assessments on an acreage basis, the Board consider the entire budget since necessary funding would be generated by an increase of less than 1/10 of a mill. Ron Hamel, on behalf Charlotte County Members of the Citrus Growers in the Five County Region, commented in support of the recommendation submitted by the Agricultural and Natural Resources Advisory Committee (ANRAC) for exemption of agricultural lands within the Unit as set out in Option 1. Andrew Neuhofer, of the DeSoto and Charlotte County Farm Bureaus, concurred with Mr. McQueen about the agricultural exemption for a home site primarily on five acres; the levying of higher taxes and assessments become burdensome on agricultural producers and make it more difficult to achieve a profit; lands that are not profitable are subject to pressures of development and the continuing decline of open space; the agricultural community of Charlotte County is working with the Department of Agriculture, Consumer Services, SWFWMD, in cooperation with the Peace River Valley Citrus Growers Association to implement best management practices (BMPs) for citrus in an effort to improve water quality, develop an assurance plan, and a natural resources conservation service on Shell Creek and Prairie Creek Watersheds; and reported the Farm Bureaus concur with the ANRAC recommendation. Arnold Sarlo, representing Babcock Florida Company, pointed out a correction that water flows from the 640 acres, owned by the Company at S.R. 31 and S.R. 74, goes into the Peace River; offered to provide justification at a later date; and commented in support of Option 1 for a \$0 assessment on agricultural lands. Al Cheatham, Chairman of ANRAC and as a County property owner, reiterated ANRAC's support of Option 1 for agricultural lands; stated he would typically support equalization of payment of costs for services but not in this case; agreed with Mr. Neuhofer that levying higher taxes and assessments on agricultural producers will run them out of business; and consideration needs to be given to the pressures of development moving eastward into agricultural areas in order to retain a quality of life and growth management. **COMMISSIONER DEVOS MOVED TO CLOSE THE PUBLIC PORTION OF THE WORKSHOP ON THE SOUTH COUNTY STORMWATER UTILITY UNIT, SECONDED BY COMMISSIONER CUMMINGS AND**

DECLARED UNANIMOUS (4:0). **Commissioner Cummings** stated the Total Program Cost is \$843,200 of which \$127,300 is allocated to Federal and State mandates for the NPDES permit and water quality monitoring and this is the only part that agricultural lands would be involved in; the agricultural community in cooperation with SWFWMD is correcting the increase of salinity in the City of Punta Gorda's reservoir; that portion of the \$843,200 cost, based upon 68,564 acres of agricultural lands, would amount to \$53,017; the County-Wide assessment for agricultural lands, if calculated at \$.10 per acre for the 68,564 acres would equal \$6,854.70 and if calculated at \$.25 per acre, the assessment would be \$17,136.75, both of these amounts are a small portion of the NPDES costs; the \$6,854.70 would not break the agricultural community or the County budget; and his inclination is to approve Option 1 since he has been advised that agricultural lands pay more in taxes than they get back in services. **Commissioner Cummings** suggested the Central Charlotte Drainage District assist the County in permitting and water quality monitoring in order to reduce the \$127,300 cost. (**Vice Chairman D'Aprile relinquished the gavel to Chairman DeBoer.**) **Commissioner Horton** agreed the \$6,854.70 is not a big deal in relation to the total budget; the \$539,200 for primary ditch maintenance involves lands around and adjacent to the Airport not agricultural lands; and questioned the purpose for levying assessments County-Wide to cover the \$539,200. Mr. Quick advised ditches have been identified in both areas, some of which have been prioritized for Year 1 maintenance. **Commissioner Horton** stated his dream has been to have a County-Wide Maintenance Program divided into South, Mid, and West County; recalled a tiered assessment process was implemented for Stump Pass; suggested a similar assessment program to meet the special needs for agricultural lands; everyone should pay something; and reiterated the \$6,854.70 is not a big issue. **Commissioner D'Aprile** stated he learned from staff that the County is responsible for ditch clean out and maintenance costs. Mr. Quick stated that is correct under the current process. **Commissioner D'Aprile** requested the County's expenses. Mr. Quick explained the size of the primary ditches vary i.e. three to four miles of primary ditch, up to 50' to 70' wide, and up to 5' deep; the first step would be to clear and remove vegetation that is clogging the ditches and then place the ditches on a herbicide cycle to reduce maintenance costs; and added there have been many ditches identified in South County for this

Program. **Commissioner D'Aprile** stated although he supports the \$0 assessment for agricultural land owners, he is concerned with setting a precedent and requested additional data to justify it. **Commissioner Devos** expressed concern about the amount of property that truly meets agricultural designation standards for the \$0 assessment not just a five-acre parcel with a SFR and opposed the herbicide maintenance because of the potential impact on the water supply. Mr. Quick reported herbicides utilized by the County comply with all required standards. **COMMISSIONER CUMMINGS MOVED FOR APPROVAL OF OPTION 1, SECONDED BY COMMISSIONER HORTON.** **Commissioner Horton** questioned the necessity of approving an option today or if there is sufficient time for staff to bring back answers to Board Members' questions and concerns. Brendan Bradley, Deputy County Attorney, advised the assessment resolutions would be brought to the Board at the July 2004 evening public hearings. Mr. Quick stated the presentation today was for information purposes. **COMMISSIONER HORTON WITHDREW THE SECOND TO THE MOTION. CHAIRMAN DeBOER SECONDED THE MOTION.** **Chairman DeBoer** stated he has no objection to the \$0 assessment for agricultural property and commented in support of assuring that agricultural properties comply with all requirements for the designation. **COMMISSIONER CUMMINGS RESTATED THE MOTION TO DIRECT STAFF TO FOCUS FOR THE JULY 2004 PUBLIC HEARINGS ON DEVELOPMENT OF THE ASSESSMENT METHODOLOGY TO PROVIDE FOR A \$0 ASSESSMENT FOR AGRICULTURAL DESIGNATED PROPERTIES AND FOR STAFF TO WORK ON THE AGRICULTURAL LAND DESIGNATIONS BETWEEN NOW AND JULY, SECONDED BY CHAIRMAN DeBOER.** **Commissioner D'Aprile** stated he supports the \$0 assessment but he wants staff to bring back information on the cost of the maintenance program in agricultural areas and how much land is involved. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Agenda Item T-2, 3:00 P.M. Workshop - U.S. 41 Beautification Project

Thomas F. O'Kane, Public Works Director, gave a slide presentation based upon the agenda that was distributed and reviewed the conceptual plan developed to create a more beautiful, acceptable travel and business corridor, a more pedestrian-friendly corridor with bike connections to adjacent residential areas, reduce impervious areas, increase landscaping, enhance parking, and provide water and sewer services to adjacent properties. Mr. O'Kane recalled the Board

had concerns on expending public funds on private property for sidewalks adjacent to businesses; stated it would be necessary to obtain easements from all business owners to install the sidewalks; and a suggestion has been made to move the sidewalks into the public right-of-way to provide adjacent parking and an area for business expansion. Mr. O'Kane introduced Utility Engineer Michael Saunders who will summarize water, sewer, and reuse line costs, location, and timing and Community Development Director Michael Konefal who will comment on zoning and land use issues. Mr. Saunders explained existing utilities in the beautification area include two lift stations located behind Appliance Depot and Inter-Medic Health Center which are readily available to provide gravity sewer, stated gravity sewer could be installed in coordination with road work, if it is done; if road work is not done, sewer lines could be installed at the rear of the buildings with more properties to share in assessments. Mr. Saunders outlined financing options: costs would be paid out of the Utilities Fund with reimbursement through connection fees and estimated \$200,000 to \$270,000 for the sewer elements and connection fees of about \$84,000; use sales tax revenues with payback through connection fees; and the most equitable method would be to levy assessments based on front footage or ERCs for each property i.e. \$6,000 to \$7,000 per ERC with financing up to 20 years at about \$500 per year. **Commissioner Cummings** verified the \$270,000 is the cost for gravity sewer and requested an estimate for low-pressure sewer installed down the front. Mr. Saunders advised the cost would be approximately 25% to 30% of the total for gravity sewer at about \$60,000 to \$70,000; the hook-up fees would be the same; and the on-site installation cost would be higher for each commercial unit; low-pressure sewer would not be the best option for commercial users such as restaurants; and grinder-type systems are not normally used because of the very high maintenance costs. Mr. O'Kane reported he met with some of the property owners in the beautification area who expressed an interest in sewers at the rear of the buildings and he has requested that the design element in the contract include rear lot sewers with a service road or alley. **Commissioner Devos** recalled the Board agreed that selection of Scheme 3 would stimulate interest throughout the U.S. 41 corridor, suggested the same type of sewer installation be considered for the entire corridor, stated rear sewer service may be best, and requested staff bring back an implementation plan with detailed costs and

incentives. Mr. Saunders pointed out a workshop will be held in March to bring back additional information. Mr. Saunders advised connection fees per ERC would be about \$2,300 in addition to the assessment; the impact to each commercial ERC would be \$8,000 to \$9,000; and the connection fee may be financed for up to seven years at 8% or \$44 per month. **Commissioner D'Aprile** questioned if hook-ups would be at the front or rear of the building. Mr. Saunders explained the Utility would provide a sewer lateral to the property line for front hook-ups and the property owner would be responsible for plumbing around the building; and connections would be a lot easier with rear lot sewer line installation. **Commissioner D'Aprile** commented on the improbability of the commercial buildings expanding to the rear adjacent to residential areas. Mr. Saunders stated front sewers might be installed concurrently if major road construction occurs and, if not, sewers might be installed at the rear. **Commissioner Cummings** commented on the need for heavy duty buffering at the rear adjacent to residential areas and service road. Mr. Saunders indicated staff considered installation of gravity sewer down Spring Lake Road in order to allow for more commercial expansion at the rear but it would be necessary to acquire residential side lot easements to the commercial area. Mr. Konefal gave a slide presentation on the zoning changes required for the businesses that front U.S. 41 and zoning changes on residential lots to the rear; 50 businesses are located on the 20 properties on U.S. 41 in the beautification area, 9 properties of 7,500 square feet with an average building size of 2,738 square feet, 6 properties of 15,000 square feet with an average building size of 4,987 square feet, LaPlaya Plaza of 52,500 square feet with a building size of 19,338 square feet, and Inter-Medic Health Center of 170,696 square feet with a building size of 72,109 square feet; explained zoning requirements that prohibit development as proposed include the front yard setback at 25 feet, minimum lot width requirements of 100 feet, minimum lot area requirements of 12,000 square feet, lack of parking i.e. there are currently 181 parking spaces with a deficiency of 255 spaces and Inter-Medic has a parking deficiency of 200 to 300 spaces, zoning changes will be required to reduce the parking standards, and under the proposed plan additional parking spaces would be moved from private property onto a frontage road to provide about 80% of the parking in a public right-of-way. **Commissioner Devos** opined commercial expansion on U.S. 41 would require more parking. Mr.

Konefal explained small businesses would be allowed to expand within the 25 feet setback under Scheme 3 and it is unlikely that Inter-Medic would expand in the same manner as the small businesses and suggested establishing a special zoning district for the U.S. 41 Corridor to reduce front setbacks to 0 feet, the minimum width to 50 feet, minimum lot size to 7,500 square feet, and parking requirements by 100% to allow for limited expansion in the front. Mr. Loucks pointed out alternative parking would be allowed at the rear of the buildings as a possible solution. Mr. O'Kane reported even though zoning standards require increased parking spaces, there has not been an actual shortage of available spaces i.e. it is a zoning shortage not a demand shortage. Mr. Konefal estimated proposed zoning changes may occur within four to six months which will tie in with the development process if design is started soon and pointed out more zoning revisions may be required based on factors in other commercial areas on U.S. 41. Mr. Konefal presented an aerial of the area between U.S. 41, West Tarpon Boulevard, Spring Lake Boulevard, and Orange Drive to show the commercial properties adjacent to the residential area comprised of approximately 8 improved lots and 12 vacant lots and explained the benefits of changing the zoning to Commercial General and land use to Commercial Corridor at the rear to allow expansion of the businesses with rear access and additional parking areas as well as prevent future incompatibility with the vacant lots, the 12 vacant lots would increase in value, and the residential density would be reduced. Mr. Konefal outlined concerns on rezoning single family parcels i.e. intrusion of commercial into an established residential subdivision and incompatibility issues including 31 permitted commercial uses, 11 special exceptions, 8 residential lots of the 20 lots would become non-conforming uses that would cause the land values to decrease and create title problems for the home owners; stated there is no certainty of commercial development due to the location, Southwest Florida Water Management District standards, and other zoning requirements on small sized lots; and requested the Board consider the positive and negative aspects. Mr. Konefal presented staff's recommendation not to rezone the vacant parcels to commercial in this area, even though it may be appropriate to rezone to commercial in other locations along U.S. 41, and pointed out the existing Zoning Code allows for expansion of parking to the rear on vacant lots behind commercial areas through processes of the Zoning Board and Board

of Zoning Appeals. **Commissioner Devos** requested an explanation of why other U.S. 41 areas would be more conducive to rezoning than this area. Mr. Konefal reiterated the 8 improved lots are located in a well-established residential subdivision whereas other areas adjacent to U.S. 41 would not cause the same intrusion into residential areas. Mr. O'Kane referenced St. Armonds Circle as a successful blend of commercial and residential to create a downtown area. Mr. Loucks explained rezoning of the vacant lots would allow additional commercial development not expansion of existing businesses on U.S. 41. **Commissioner Devos** stated the U.S. 41 commercial properties, like those on S.R. 776, are too shallow; indicated more discussion is needed in the future; and questioned if the current design standards provide for sufficient buffers. Mr. O'Kane advised a Class C buffer would be required between commercial and residential. Mr. Konefal advised these types of details would be addressed as part of an overlay district. **Commissioner Devos** suggested staff incorporate the Board's vision into a workable plan for the entire U.S. 41 Corridor. **Commissioner Horton** stated his vision has not changed, acknowledged values of existing homes on Spring Lake Boulevard would decrease if the vacant lots are rezoned, and agreed staff needs to be creative to provide sufficient commercial depth and parking. **Commissioner Cummings** commented in support of the plan with setbacks changed to 0 feet, parking in the public right-of-way, and providing a rear alley access; it will cost less to do Scheme 3 than originally calculated if done around the existing roadway; and stated the sidewalks should be kept on the grass side. Mr. O'Kane advised staff would bring back alternatives on rezoning and land use and requested direction to move forward with the contract by giving the consultant the Notice to Proceed to develop a plan based upon today's discussion, up to 30%, and for staff to bring it back for Board approval. **COMMISSIONER DEVOS MOVED FOR APPROVAL FOR STAFF TO PROCEED AS STATED BY MR. O'KANE, SECONDED BY COMMISSIONER CUMMINGS.** Chairman DeBoer questioned if sidewalks would be constructed at storefronts. Mr. O'Kane responded affirmatively for the use of shoppers and the other sidewalk is located in the area between the mainline and the service road. **Commissioner Cummings** pointed out the different elevations for landscaping would provide a window for the signage. **CALL ON THE MOTION: DECLARED UNANIMOUS.**

Chairman DeBoer requested a motion to approve Agenda Item G-1. **COMMISSIONER DEVOS MOVED FOR APPROVAL OF CHANGE ORDER #4 TO CONTRACT #03-214, SIDEWALKS AS PART OF THE U.S. 41 BEAUTIFICATION PROJECT, AT PEACHLAND BOULEVARD, ATWATER STREET, AND SOMMERSET STREET, TO FREDERICK DERR & COMPANY, INC. OF SARASOTA, FLORIDA, IN THE AMOUNT OF \$124,469,73, WITH A REVISED TOTAL CONTRACT OF \$600,628.37 AND A 101 CALENDAR DAY CONTRACT EXTENSION WITH A REVISED COMPLETION DATE OF MAY 6, 2004, SECONDED BY COMMISSIONER CUMMINGS AND DECLARED UNANIMOUS.**

Mr. O'Kane reported Purchasing Director Kimberly Corbett has a contract for less than \$25,000 for development of a landscape concept plan in the Charlotte Harbor CRA area (from the Peace River Bridge to Edgewater Drive). **Chairman DeBoer** questioned if the Advisory Committee agrees. Dick Loftus indicated the Committee concurs. **(Board consensus to support the Purchasing Director signing the contract.)**

S. Commissioner Comments

Chairman DeBoer stated he would forego lengthy comments if other Board Members would do so. **Commissioner Horton** requested consideration on nominating Frank Weikel to serve on the SWFWMD Board of Governors since the appointment is coming up next month; suggested the Chairman send a letter to the Governor on the nomination; and if the Board agrees, he would provide the address for the letter. **Commissioner Horton** indicated he would e-mail remaining comments. **Commissioner Devos** stated she wants to place on the agenda an item regarding the Annexation Process with the City of Punta Gorda and requested the procedures. **Chairman DeBoer** advised he would be meeting with Attorney Lee and Mr. Loucks tomorrow to schedule workshops and stated he would provide copies of pending legislation on annexation. **Chairman DeBoer** suggested Mr. Loucks bring back general categories for workshops.

MEETING ADJOURNED: 5:15 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